Agenda - Council - January 23, 2008

Report - Standing Policy Committee on Protection and Community Services – January 11, 2008

Item No. 2 Voluntary Payment of Fines for Unlicenced Dogs
File EL-4

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That The Pound By-law No. 2443/79 be amended to allow dog owners who have been charged with failing to obtain a dog license (other than for a dangerous dog) and who wish to plead guilty to the charge, to voluntarily pay a discounted fine of $125.00 within 15 days (either by mail or by attending at the Provincial Court office) without the necessity of attending By-law Court, as outlined in Attachment A to the report from the City Solicitor/Manager of Legal Services and the Director of Community Services dated December 11, 2007.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Protection and Community Services - January 11, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 11, 2008, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE:	**Voluntary Payment of Fines for Unlicenced Dogs**
FOR SUBMISSION TO:	**Standing Policy Committee on Protection and Community Services**
ORIGINAL REPORT SIGNED BY:	**Ursula Goeres, City Solicitor/Manager of Legal Services** **Clive Wightman, Director of Community Services**
REPORT DATE:	**December 11, 2007**

RECOMMENDATION:

1. That Council enact the amendment to the Pound By-law set out in Attachment A in order to allow dog owners who have been charged with failing to obtain a dog license (other than for a dangerous dog), and who wish to plead guilty to the charge, to voluntarily pay a discounted fine of $125 within 15 days (either by mail or by attending at the Provincial Court office) without the necessity of attending By-law Court.

2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

Key Issues:

- Currently, dog owners who have been charged with failing to obtain a licence must attend court to deal with the charge, even if they want to plead guilty. This takes up a considerable amount of court time and adds “red tape” for dog owners who want to plead guilty.

- It is expected that the early voluntary payment option will result in significant numbers of people voluntarily paying the $125 fine.

- The by-law amendment will allow persons who have been charged with this offence to exercise the early payment option within 15 days following the date that the offence notice was issued. As a transition measure, the by-law will allow any person who has an outstanding charge to exercise the voluntary payment option until February 7, 2008, which is 15 days after the January Council meeting.

Implications of the Recommendation(s):

General Implications

( ) None

(X) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The recommendations are expected to streamline the process for individuals charged with failing to obtain a dog licence who do not want to dispute the charge, make more efficient use of court time, and result in more offenders paying their fines.

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): The recommendations will reduce “red tape” by providing a simple way for persons charged with failing to obtain a dog licence to deal with the charge.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): The reduction in the amount of the fine is expected to be offset by a higher percentage of offenders making payment. However, this cannot be accurately quantified at this point.

Report

REASON FOR THE REPORT:

The Report recommends amendments to a By-law. Only Council can amend a By-law.

HISTORY:

The Pound By-law was enacted in 1979 and has been amended on numerous occasions since. In 2003, it was amended to include minimum fines, including a fine of $250 for having an unlicensed dog.

DISCUSSION:

In recent months, the City's Animal Services Special Operating Agency has begun more vigorous enforcement of the dog licence requirements of the Pound By-law. As a result, numerous dog owners who have failed to obtain or renew a licence have been charged under the By-law.

Currently, a person charged with failing to obtain a dog licence has no way of dealing with the charge other than by attending court and either pleading guilty or setting a trial date. There is no way to plead guilty and pay a fine without attending court. This situation produces two negative consequences:

- The person charged with the offence is required to travel to court, often having to take time off work, in order to deal with the charge.

- A great deal of court time is spent dealing with guilty pleas and sentencing rather than with trials. The result is that trial dates are now being set more than 9 months into the future.

Many individuals who have been charged with failing to obtain a dog licence have inquired with the City's by-law prosecutor about the possibility of paying a standard fine by mail rather than having to attend court. It is reasonable to assume that many would pay a fine by mail, thereby freeing up court time for dealing with other offences.

The City's Alarm By-law currently permits people who are charged with an offence to voluntarily pay a fine by mail. This has proven to be effective in reducing the number of charges that are dealt with in Court under that By-law.

The current minimum fine set out in the Pound By-law for failing to obtain a dog license is $250. However, *The Summary Convictions Act* allows judges and magistrates to impose a lower fine where the judge or magistrate concludes that the offence "occurred through accident or under circumstances not wholly attributable to the fault of the accused." This provision is often used by the by-law court magistrate to impose fines that are lower than the minimum of $250.

The proposed amendments to the Pound By-law (Attachment A) would provide for a discounted fine of $125 for early voluntary payment. As with the Alarm By-law, a voluntary payment of the fine for failing to obtain a dog licence would be paid to the Provincial Court. The Court has indicated that it has systems in place to accept these payments. The mandatory court costs would be payable to the Provincial Court and the fine amount would be remitted to the City.

Offering a discounted fine of $125 for early payment is also likely to result in a higher percentage of persons voluntarily paying the fine, thereby reducing the amount of time and money spent trying to recover fines that are owed.

The by-law provides that the discounted fine may be paid within 15 days following the date that the offence notice was issued. As a transition measure, the by-law will allow any person who has an outstanding charge to exercise the voluntary payment option on or prior to February 7, 2008, which is 15 days after the January Council meeting. (This will extend the voluntary payment option to apply to persons who have been charged under an offence notice dated more than 15 days prior to the enactment of the by-law amendment by Council but whose charge has not yet appeared on a by-law court docket.)

Financial Impact Statement

Date: October 22, 2007

Project Name:
Standard Fine for Unlicenced Dog

First Year of Program **2007**

	2007	2008	2009	2010	2011
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

The reduction in the amount of the minimum fine is expected to be offset by a higher percentage of offenders paying the discounted fine. However, this cannot be accurately quantified at this point.

(Original signed by R. Abeysekera)
Radhika Abeysekera
Manager of Finance & Administration
Corporate Services Department

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Animal Services Agency

External Consultation With:
Provincial Court

THIS REPORT SUBMITTED BY:

Department	Internal Services
Division	Legal Services
Prepared by:	Harold Dick
File No.	

ATTACHMENT "A"

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Pound By-law No. 2443/79

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The Pound By-law No. 2443/79 is amended by this By-law.

2. The following is added immediately after subsection 31(3):

"31(4) Notwithstanding subsections (1), (2) and (3), a person who contravenes subsection 17(a) by failing to obtain a licence for a dog, other than a dangerous dog, may pay a discounted fine of $125.00 plus mandatory court costs as provided by *The Summary Convictions Act* within 15 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention.

(5) Notwithstanding subsections (1), (2) (3) and (4), if a person has been issued an offence notice alleging a contravention of subsection 17(a) for the failure to obtain a licence for a dog, other than a dangerous dog, but the person has not been convicted of the offence, the person may, on or prior to February 7, 2008, pay a discounted fine of $125.00 plus mandatory court costs as provided by *The Summary Convictions Act*, and thereafter will not be prosecuted for the contravention.

DONE AND PASSED, in Council assembled, this day of , 2007.

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Mayor

_____
City Clerk

Approved as to content:

_____
Chief Operating Officer
Animal Services Agency

Approved as to form:

_____
City Solicitor/Manager of
Legal Services