

Municipality of Lakeshore - Report to Council

Legislative & Legal Services

Legislative Services



To: Mayor & Members of Council

From: Brianna Coughlin, Manager of Legislative Services

Date: June 16, 2021

Subject: Draft Animal Care and Control By-law

Recommendation

Direct Administration to publish the draft Animal Care and Control By-law as presented June 22, 2021 for public consultation for 2 weeks; and

Present a report at the August 11, 2021 Council meeting summarizing the public commentary and present recommendations for Council consideration.

Background

The Province of Ontario has enacted several pieces of legislation that affect animal control, including the *Dog Owner's Liability Act*, the *Pounds Act* and the *Animals for Research Act*. Most recently, in 2019 the Province replaced the *Ontario Society for the Prevention of Cruelty to Animals Act* with the *Provincial Animal Welfare Services Act*.

Currently the Municipality of Lakeshore regulates animals through the Zoning By-law (2-2012), the Animal Control By-law (46-2002), the Keeping of Animals By-law (40-2004) and the Parks By-law (18-2016).

At the December 11, 2018 meeting, Council passed the following resolution:

Whereas the Town of Lakeshore considers dog tethering for long durations to be inhumane because it is a threat to the safety of the confined dog;

Whereas the Town of Lakeshore acknowledge that dogs are naturally social beings that thrive on interaction with human beings and other animals. A dog kept chained in one spot for hours, days, months, or even years suffers immense psychological damage. An otherwise friendly and docile dog, when kept continuously chained, becomes neurotic, unhappy, anxious, and often aggressive;

Whereas, placing a dog on a tether to get fresh air can be acceptable if it is done for short periods of time, keeping a dog tethered for long periods is never acceptable; and

Whereas, in an effort to increase the safety of citizens and their pets, the Town of Lakeshore is enacting an Anti-Tethering by law;

Therefore, be it resolved that a by-law is enacted limiting the use of tethering of dogs to a limit of 4 hours.

Administration presented a report to Council at the August 13, 2019 meeting which recommended several updates to the current Animal Control By-law, including:

- Developing a comprehensive animal control by-law with consistent language with the Zoning By-law;
- Dangerous Dog provisions;
- Anti-abandonment provision;
- Tethering provision.

It was also recommended that public consultation be undertaken to seek input relating to service level items such as cat control, wildlife pickup and urban chickens.

Following presentation of the report, Council passed the following resolution:

Council direct Administration to conduct a public consultation process in order to receive input relating to municipal animal control regulations.

Following a public consultation period in 2020 relating to animal control options, Council passed the following resolution at the August 11, 2020 meeting:

Direct Administration to prepare a draft by-law to present to Council, prior to further public consultation that includes Option 3 with respect to limiting cats and Option 3 with respect to chickens as described in the report of the Manager of Legislative Services at the August 11, 2020 Council meeting.

Comments

The draft by-law is attached as Appendix "A" to this report and is referred to in this report as the Draft By-law. The Draft By-law is intended to replace both the Animal Control By-law and the Keeping of Animals By-law, and to be consistent with the Zoning By-law.

Animal Welfare

The Province recently assumed jurisdiction for animal cruelty and welfare pursuant to the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13. The Act is enforced by Provincial inspectors. The standard of care for animals is contained in this legislation and the Province does not consider Lakeshore by-laws (or any other municipal by-laws) when enforcing the law.

The Draft By-law includes animal welfare provisions that are consistent with the *Provincial Animal Welfare Services Act*, including the General Standard of Care found in Schedule B of the by-law. In addition, the following has been included:

- Tethering
- Minimum sheltering requirements
- A maximum of 3 dogs per premises, with a temporary exception for dogs being fostered by rescue groups (eligible rescue groups will need to provide proof of charitable or non-profit status).

Dog Licencing

The Draft By-law requires that all dogs are licensed and have received an annual rabies vaccination. The rabies vaccination requirement is new and in alignment with Provincial law.

In addition, there are new and specific requirements that must be met if a dog has been identified by the Municipality as a Dangerous Dog. This includes, but is not limited to, obtaining a microchip for the dog, displaying a Dangerous Dog warning sign at the entrance to the premises and obtaining liability insurance.

Although all dogs must be licensed, the Draft By-law includes a fee exemption for service animals, Police dogs and dogs fostered by rescue groups.

Kennel Licencing

The Municipality has 2 licenced kennels. The current Animal Control By-law requires that kennel owners provide proof of membership with the Canadian Kennel Club and have proper zoning under the Zoning By-law. The current by-law does not contain a requirement for inspections for these kennels or address any minimum welfare standards for kennel structures. These provisions have been included in the Draft By-law.

Cats

The current Animal Control By-law does not address cats. In accordance with the August 11, 2020 Council resolution, the Draft By-law includes provisions prohibiting more than 3 cats per premises. The Draft By-law does not specifically address feral cats other than formalize the existing voucher-based Spay and Neuter program.

Although there is no licensing provision for cats included in the by-law, it is anticipated that there will be some complaints requiring investigation and/or orders and fines. This is an increase in service that has not been included in the current contract for Animal Control Services.

Backyard Hens

The current Animal Control By-law does not address chickens on residential properties. In accordance with the August 11, 2020 Council resolution, the Draft By-law includes provisions allowing a maximum of 5 hens per property and prohibits roosters. Chickens on lands designated as agricultural are considered livestock, are permitted under the by-law in alignment with the Zoning By-law.

The Draft By-law allows hens only on residential properties larger than 1 acre in size, subject to conditions. This includes a requirement to be registered with the Chicken Farmers of Ontario Family Food Program. This program registers flocks and promotes bird health and disease management.

Although there is no licensing provision for hens included in the by-law, it is anticipated that there will be some complaints requiring investigation and/or orders and fines. This is an increase in service that has not been included in the current contract for Animal Control Services. Should this provision remain in the final by-law, an increase in enforcement costs is anticipated.

Public Comment Period

Administration recommends that the Draft By-law be posted to the Municipality's website for a 2 weeks to solicit input on the draft by-law. Administration will present a report to Council summarizing the feedback and recommendations in order to present a final version of the by-law for Council approval.

Others Consulted

Essex County K-9 – Municipal By-law Compliance Service

Financial Impacts

The drafting of the by-law and public consultation are being executed internally.

Should the final Animal Care and Control By-law include the provisions as drafted for cats and dogs, additional Animal Control Services fees are anticipated and will be included in the 2022 budget. The estimate at this time, without experience upon which to base an estimate, is \$3,500.

Attachments: Animal Care and Control By-law (draft)

Report Approval Details

Document Title:	DraftAnimalCareandControlBy-law.docx
Attachments:	DraftAnimalCareandControlBy-law.pdf
Final Approval Date:	Jun 17, 2021

This report and all of its attachments were approved and signed as outlined below:

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Truper McBride