

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Civic Affairs  
**Date:** September 1, 2021  
**Subject:** Draft Animal Care and Control By-law – Results of Public Consultation

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### Recommendation

Direct Administration to include provisions in the Animal Care and Control By-law for minimum primary enclosure space requirements that exceed the level of the *Provincial Animal Welfare Act*, and include additional resources for education and enforcement in the 2022 Budget, as presented at the September 14, 2021 Council meeting.

### Background

At the June 22, 2021 Council meeting, Administration presented a report and draft Animal Care & Control By-law for consideration (Appendix A). Following the presentation, Council passed the following resolutions:

#### Resolution #217-06-2021

Direct Administration to public the draft Animal Care and Control By-law as presented June 22, 2021 for public consultation until July 31; and

Present a report at the September 14, 2021 Council meeting summarizing the public commentary and present recommendations for Council consideration.

#### Resolution #218-06-2021

Allow delegations to address Council regarding the Animal Control By-law to be presented at the September 14, 2021 Council meeting.

### Comments

As directed, Administration undertook a public consultation process for the draft Animal Care and Control By-law. This included a survey for Lakeshore residents through the municipal website (linked to the Municipality's Placespeak platform) as well as

encouraging additional comments to be submitted through the Placespeak software or directly to the Civic Affairs division.

Eighty-three surveys were received through Placespeak and twelve additional comments were received.

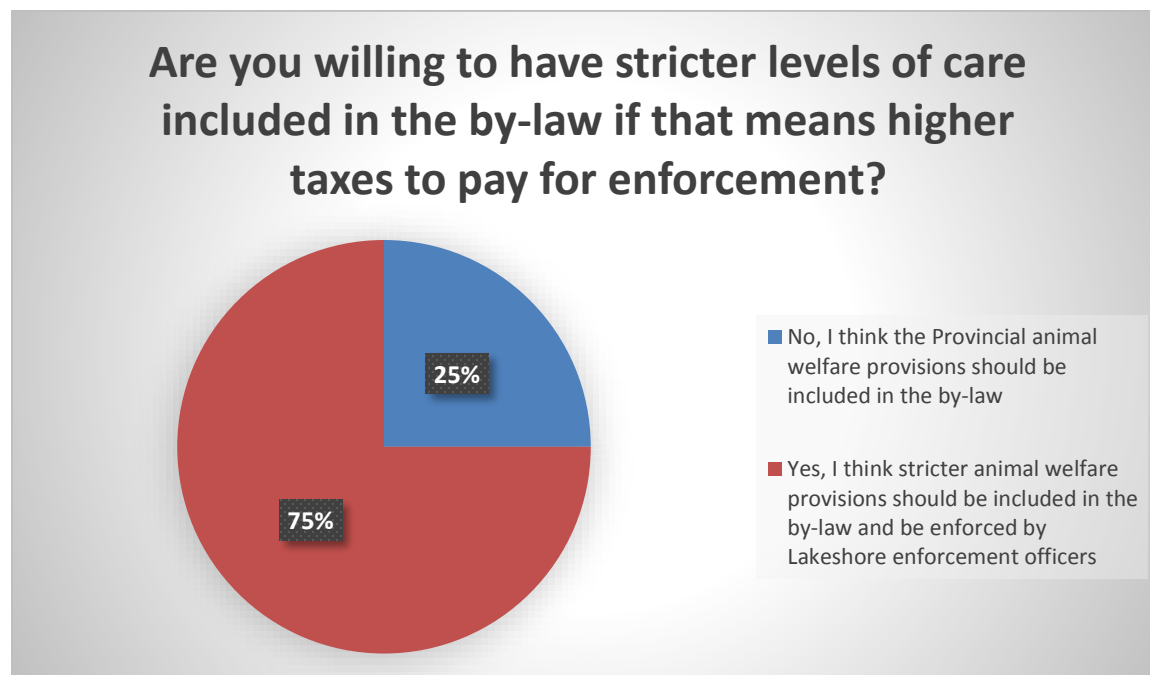
Responses have been summarized and are separated by topic below.

## Animal Welfare

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).

As part of the survey, residents were asked to provide comments regarding going above provincial standards for care (requiring municipal enforcement).



This result shows a clear preference for stricter enforcement at the local level over and above the requirements of the Act.

The majority of comments relating to animal care were in relation to kennels, with most received from local animal rescue organizations.

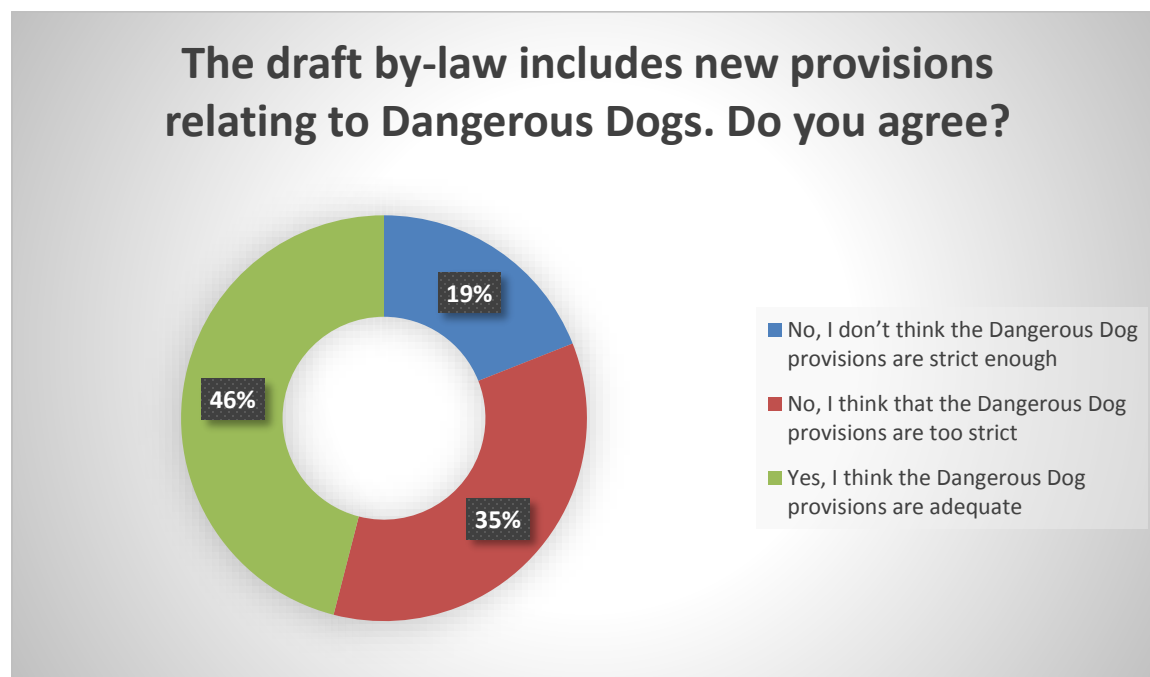
Some comments were received requesting that any outdoor dog shelters be prohibited, while some comments encouraged adequate outdoor sheltering. There were also comments received relating to prohibiting all tethering unless an owner is home or increasing tethering to eight hours to allow for a full work day.

Administration consulted with Windsor/Essex County Humane Society regarding the Draft By-law. The organization is in support of the 4 hour tethering limit included in the Draft By-law.

## Dog Licencing

The Draft By-law includes licensing requirements for all dogs, with a fee exemption for service animals, Police dogs and dogs temporarily fostered by rescue groups. In addition, the By-law included provisions relating to Dangerous Dogs.

As part of the survey, residents were asked to provide comments relating to the proposed Dangerous Dog regulations.



Comments received relating to the Dangerous Dog provisions include a preference to prosecute animal abusers rather than restricting dogs, as well as concern relating to breed-specific targeting. It is noted that the Draft By-law does not include breed bans, however the Municipality must continue to abide by the pit bull restrictions in the *Dog Owners Liability Act*.

Administration recommends that the Dangerous Dog provisions remain in the final draft of the Animal Care and Control By-law.

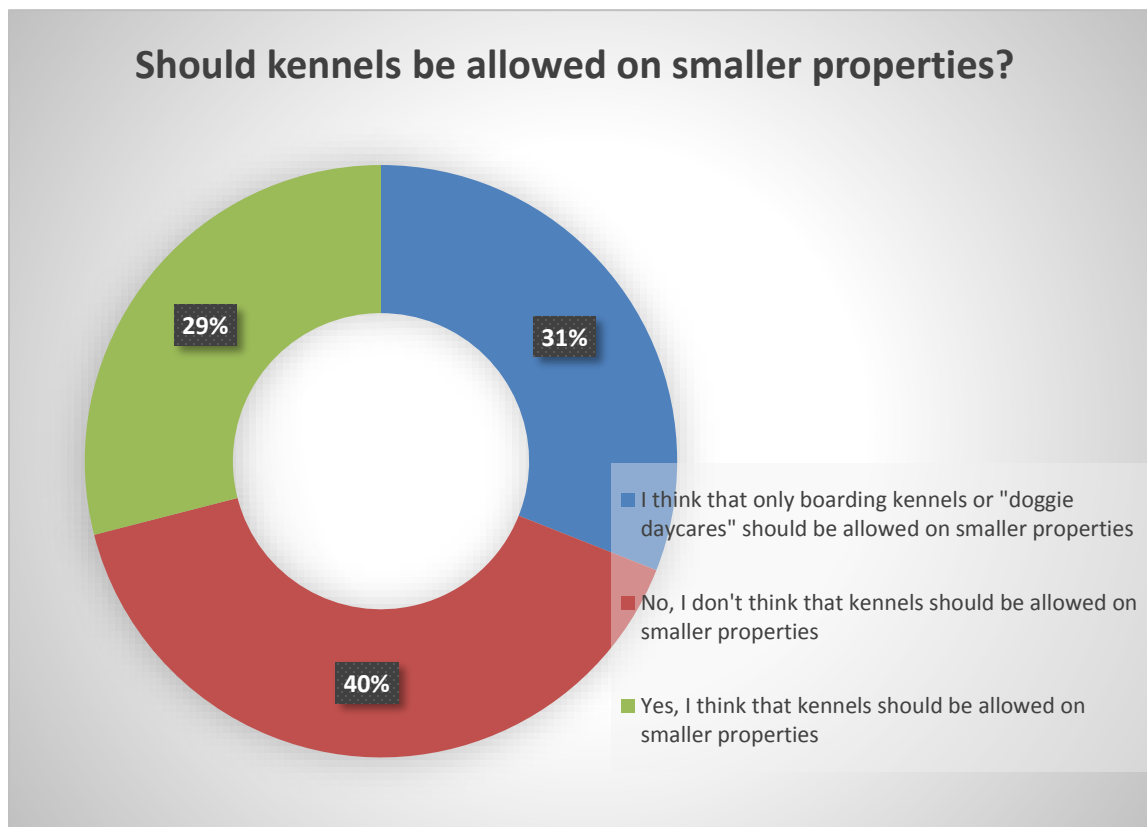
## Kennel Licencing

The Draft By-law includes several provisions for kennel licensing, including minimum welfare standards for kennel structures, proof of membership with the Canadian Kennel Club and a requirement for inspections.

As part of the survey, residents were asked to provide comments relating to the proposed kennel regulations, specifically relating to property size.

Respondents were asked the following question:

The draft by-law allows for kennel licensing, with inspection requirements and care conditions. Kennels are only allowed on agricultural properties and cannot be closer than 600m to a neighbouring residence in order to mitigate noise (consistent with the Zoning By-law). Should kennels be allowed on smaller properties?



The majority of comments received for the Draft By-law relate to kennel licensing. As noted in the Animal Care section, many comments were received from animal care

groups requesting increased provisions for the care and control of dogs in kennels. In particular, most commenters requested that the Municipality require all kennel owners or operators to adhere to the recommendations of the Code of Practice from the [Canadian Veterinary Medical Association](#).

While the General Standards of Care (Schedule B of the Draft By-law) allow an enforcement officer discretion in determining what is “adequate and appropriate”, Administration could support specific space requirements that exceed the provincial standards outlined in the PAWS Act. Administration recommends including the following minimum primary enclosure space requirements, as presented in the Code of Practice for Canadian Kennel Operations:

| Height of the dog measured at the shoulder (cm) | Area (m <sup>2</sup> ) | Width (m) | Height (m) |
|---|------------------------|-----------|------------|
| 70 or greater                                   | 15                     | 2.40      | 1.80       |
| 40 to 70  | 10                     | 1.80      | 1.80       |
| 20 to 40  | 6                      | 1.40      | 1.20       |
| 5 to 20   | 4                      | 1         | 1.20       |

Note: minimum primary enclosure space requirements apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age are provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified are increased by 1.5 m<sup>2</sup> for each dog kept in the enclosure.

In addition, several comments requested a provision that the operator of a kennel must reside on the property. Administration recommends that should Council wish to include such a provision, an exclusion for veterinary kennels and pounds be included.

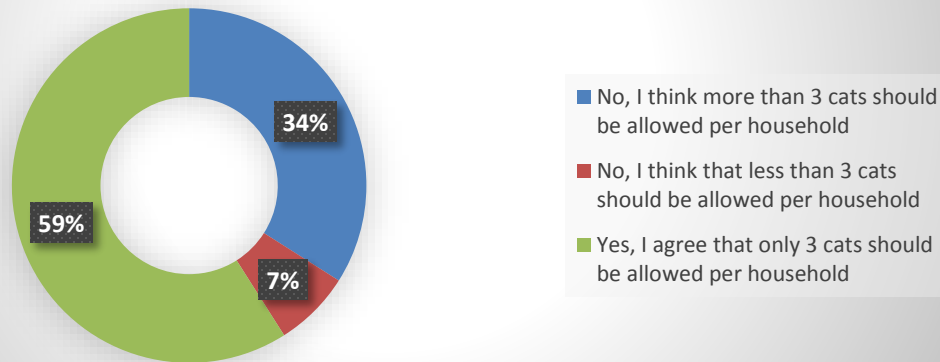
There were also several comments received in relation to the required size of a property and distance to neighbours. While most agreed that kennels should be restricted to agricultural properties, several requested that the 600m distance to neighbours be reduced.

Administration recommends keeping the 600m distance requirement to a neighbouring dwelling, in order to mitigate noise and odour complaints. However, it has been suggested that this distance requirement is difficult to achieve if a requirement for the operator to live on site is initiated.

## Cats

As directed by Council, the Draft By-law includes provisions prohibiting more than 3 cats per household. Residents were asked to provide comments relating to this new provision.

**The draft by-law permits a maximum of 3 cats per household. Do you agree? Should it be more or less?**



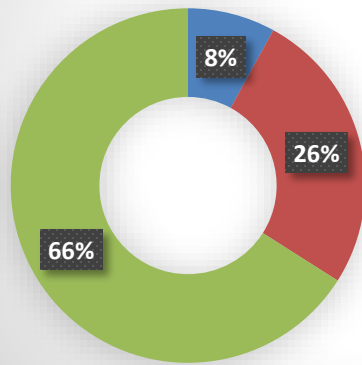
In light of the majority support, Administration recommends that provisions prohibiting more than 3 cats per household remain in the final draft of the Animal Care and Control By-law.

### **Backyard Hens**

The Draft By-law provisions allowing a maximum of 5 hens per property and prohibits roosters. 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.

As part of the survey, residents were asked to provide comments relating to the proposed backyard hen provisions.

**The draft by-law includes a new provision that allows hens on residential properties over 1 acre in size. Do you agree?**



- No, I don't think hens should be allowed on residential properties at all
- No, I think that hens should be allowed on all residential properties regardless of size
- Yes, I think hens should be allowed on these properties

Comments received relating to hens were overwhelmingly in favour of allowing hens on residential properties.

Administration recommends that the provisions remain in the final draft of the Animal Care and Control By-law.

### **Financial Impacts**

Should Council approve stricter levels of care beyond the *Provincial Animal Welfare Act*, it is recommended that additional resources be included in the 2022 Budget for both education and enforcement.

### **Attachments**

Appendix A – Draft Animal Care and Control By-law

## Report Approval Details

|                      |  |
|----------------------|--|
| Document Title:      | Draft Animal Care and Control By-law - Results of Public Consultation Process.docx |
| Attachments:         | - DraftAnimalCareandControlBylaw.pdf   |
| Final Approval Date: | Sep 9, 2021  |

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

Kristen Newman

Jessica Gaspard

Truper McBride