

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs

### Civic Affairs



**To:** Mayor & Members of Council  
**From:** Brianna Coughlin, Division Leader – Civic Affairs  
**Date:** October 19, 2021  
**Subject:** Draft Animal Care and Control By-law

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### Recommendation

Direct the Clerk to read draft By-law 85-2021, known as the Animal Care and Control By-law, during the Consideration of By-laws, as further described in the report presented at the October 26, 2021 Council meeting.

### Background

At the September 16, 2021 Council meeting, Administration presented a report regarding the results of the Public Consultation process for the draft Animal Care and Control By-law. Following the presentation, Council passed the following resolutions:

#### Resolution #284-09-2021

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 16, 2021 Council meeting.

#### Resolution #285-09-2021

Direct Administration to review the minimum distance requirement for kennels to neighbouring properties and present the draft by-law for review.

Administration has included a further revised draft Animal Care and Control By-law (By-law 85-2021) in the “Consideration of By-laws” section of the agenda.

### Comments

The final draft of the Animal Care and Control By-law includes provisions relating to animal welfare, dog licensing, kennels, cats and backyard hens. The following is a brief

overview of the changes that have been included in the draft by-law at the direction of Council.

### ***Animal Welfare***

Council provided direction in relation to tethering of dogs at the December 11, 2018 meeting.

#### Resolution #975-12-2018

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.

As directed by Council, the draft Animal Care and Control By-law includes a tethering limit of 4 hours.

Subsequent to this meeting, Administration presented a report to Council on August 13, 2019 which recommended several updates to the current Animal Control By-law, including dangerous dog provisions, anti-abandonment provisions and consistent language with the Zoning By-law.

At the August 11, 2020 meeting, Council directed Administration to prepare a draft by-law to present to Council prior to further public consultation. The draft by-law was presented at the June 22, 2021 meeting and included the updates relating to animal welfare, including General Standards of Care consistent with the *Provincial Animal Welfare Services Act*.

Following the presentation, Council passed the following resolution:

Resolution #217-06-2021

Direct Administration to publish 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.

As noted in the background section of this report, the results of the public consultation were presented to Council at the September 16<sup>th</sup> Special Council meeting. Council directed Administration to include provisions in the draft Animal Care and Control By-law for minimum primary enclosure space requirements that exceed the level of the *Provincial Animal Welfare Act*.

### ***Dog Licencing***

The draft Animal Care and Control By-law includes licensing requirements for all dogs, with a fee exemption for service animals, Police dogs and dogs temporarily fostered by rescue groups (maximum 48 hours). In addition, the By-law included provisions relating to dangerous dogs. The dangerous dogs provisions include a process to declare a dog dangerous, provisions for muzzling orders, and provides a process for appeal a muzzling order as required by the *Municipal Act, 2001*.

### ***Kennel Licencing***

The draft Animal Care and Control 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 directed by Council at the September 16<sup>th</sup> meeting, Administration has included minimum primary enclosure space requirements, as presented in the Code of Practice for Canadian Kennel Operations.

As noted in the background section of this report, Council directed Administration to review the minimum distance requirement for kennels to neighbouring properties. While Administration has recommended keeping the 600m distance requirement, research was undertaken regarding similar provisions for local municipalities.

Municipality	Minimum Distance Requirement for Kennels
Town of Amherstburg	2,000ft (61m)
Town of Essex	60m (200ft)
Town of Kingsville	300m (984ft)
Town of LaSalle	120m
<b>Municipality of Lakeshore</b>	<b>600m</b>
Municipality of Leamington	60m (197 ft)
Town of Tecumseh	91.4m (300ft)
Municipality of Chatham-Kent	200m
City of Windsor	Do not licence kennels

The draft Animal Care and Control By-law includes the following provision relating to minimum distance requirements for kennels:

44(1) No person shall operate a Kennel on a property that is not designated in the Zoning By-law to permit a Kennel.

Should Council wish to reduce the minimum distance requirement, it is recommended that this direction be provided for the upcoming Zoning By-law Update.

### **Cats**

At the August 11, 2020 Council meeting, Administration provided several options for animal control. The following 3 options were presented relating to cat licensing:

Option 1 – Do not regulate or licence cats (recommendation of Administration)

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to require owners to licence cats on an annual basis, without prohibiting running at large.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to licence and regulate cats and dogs in the same manner, including all licensing and fines.

Administration also presented the following 4 options relating to limiting the number of cats per household:

Option 1 – Do not limit the number of cats per household (recommendation of Administration)

Option 2 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to three (3) per household in all areas of the municipality to be equal to the limit for dogs.

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in all areas of the municipality.

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to restrict the number of cats to \_\_\_\_\_ per household in rural areas and \_\_\_\_\_ per household in urban areas.

Following the presentation, Council passed the following resolution:

Resolution #279-08-2020

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.

As directed by Council, the draft Animal Care and Control By-law includes provisions prohibiting more than 3 cats per household.

### ***Backyard Hens***

At the August 11, 2020 Council meeting, Administration provided several options for animal control. The following 4 options were presented relating to urban chickens:

Option 1 – Do not allow chickens in any residential areas (recommendation of Administration)

Option 2 – Direct Administration to bring a report regarding a pilot program to allow the licensing of chickens in all residential areas

Option 3 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on residential properties more than 1 acre in size

Option 4 – Direct Administration to include provisions in the draft Animal Control By-law to allow up to 5 hens on all residential properties in the municipality.

Following the presentation, Council passed the following resolution:

Resolution #279-08-2020

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.

As per the above direction, the draft Animal Care and Control By-law includes provisions allowing a maximum of 5 hens per property only on residential properties larger than 1 acre in size, subject to conditions such as coop size and location on the property. This includes a requirement to be registered with the Chicken Farmers of Ontario Family Food Program as well as general care provisions.

### ***Other Modifications***

The following other modifications were made to increase clarity and enforceability based on feedback from the Windsor/Essex County Humane Society:

- A modified definition of “at large” to apply to hens in addition to dogs;
- Include the Windsor/Essex County Humane Society in the definition of rescue group to ensure that rescue premises serving the Humane Society are included in provisions to permit the keeping of more than 3 dogs;
- Other revisions suggested by the Humane Society include the following:
  - Additional provisions relating to authorizing first responders to rescue animals in hot vehicles: These powers already exist for police officers under the PAWS Act and the Lakeshore Fire Department’s procedure is to refer these types of situations to the OPP;
- Provisions for the impoundment of roosters apprehended under the by-law.

Other revisions to the draft were included to address formatting issues.

### **Financial Impacts**

There are no immediate financial impacts as a result of approving the draft Animal Care and Control By-law as recommended. Dog and kennel licensing will remain at current rates and the cost for Animal Control Services remain in effect until the conclusion of the current contract on October 14, 2022.

## Report Approval Details

Document Title:	Animal Care and Control By-law.docx
Attachments:	
Final Approval Date:	Oct 20, 2021

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

Kristen Newman

Jessica Gaspard

Truper McBride