



**Date:** December 10, 2019

**To:** Mayor Andy Mitchell and Council Members

**From:** Robert Lamarre, Manager of Building and Planning

**Subject:** Animal Control By-law Development

**Status:** For Direction

## Recommendation

That the report of the Manager of Building and Planning regarding Animal Control By-law Development be received for information; and

That By-law 2019-104 be forwarded to the By-law section of the agenda for consideration; and

That the Township's Tariff of Fees By-law be amended to include the following licencing fees that will be applicable to 2021 licences:

2021 Licencing Fees		
	Spayed/neutered (with proof)	Unaltered
Microchipped Dogs (with proof)	Lifetime Tag \$60.00	Lifetime Tag \$100.00
If renewed by March 31	\$15.00	\$20.00
If renewed after March 31	\$25.00	\$30.00
New dogs obtained after March 31st	\$15.00	\$15.00
Replacement of a lost tag	\$10.00	\$10.00
Kennel Fee	\$125.00	

## Information

Council passed the following resolution at their May 28, 2019 meeting:

**Resolution No. 2019 – 146 – Animal Control By-law Development**

*Councillor Gerry Herron – Councillor Anita Locke –*

*That the report of the Manager of Building and Planning regarding the proposed Animal Control By-law Development be received for information; and*

*That the Township of Selwyn endorses, in principle, the detailed regulations related to urban hens and cats as detailed in the body of the report for inclusion in the final draft By-law, specifically that:*

- **Cats**  
*That the draft proposed By-law not include provisions to licence or limit the number of cats per household at this time and that the draft By-law retain provisions for standards for the keeping of cats in a healthy and sanitary manner as well as ensuring that cats remain in the owner's care and control ie. that they are not roaming at large; and*
- **Urban Hens**  
*That staff consult with the Peterborough Humane Society, Peterborough Public Health and the City of Peterborough with regard to the proposed urban hen regulations, enforcement and impound provisions, public education and awareness plans and associated costs and report back to Council with this information seeking Council's feedback on urban hen regulations and that following direction from Council related to urban hens that a final draft By-law be brought forward at a future meeting*

Carried.

In accordance with Council's direction, staff brought forward a report on November 26, 2019 which recommended moving forward with permissive regulations related to backyard hens. Council debated the matter and resolved as follows:

***Resolution No. 2019 – 302 – Animal Control By-law – Urban Hen Regulations***

*Deputy Mayor Sherry Senis – Councillor Anita Locke –*

*That the report of the Manager of Building and Planning regarding Animal Control By-law Development – Urban Hen Regulations be received for information; and*

*That a draft Animal Control By-law regulating animals, including dogs and cats, be brought forward to a future Council meeting for consideration; and*

*That a standalone By-law to regulate urban hens in the Township of Selwyn for a one-year pilot be brought forward for consideration in Q1 of 2020; and that as part of the planned housekeeping amendment to the Township's Comprehensive Zoning By-law, that provisions be incorporated into the Zoning By-law to permit urban hens on residentially zoned lands; and*

*That following the one-year pilot, that staff bring back a report to Council providing an update on the impacts of regulating urban hens in the Township of Selwyn.*

*Councillor Donna Ballantyne - yes  
Councillor Gerry Herron - no  
Councillor Anita Locke - yes  
Mayor Andy Mitchell - yes  
Deputy Mayor Sherry Senis – yes Carried.*

This report is brought forward in response to Council's most recent resolution.

The most effective way to accomplish the objective of creating more comprehensive and modern animal control regulations together with a one-year pilot Backyard Hens regulations is, as noted in the resolution, to create separate by-laws. This will allow us to adopt the vast majority of the comprehensive regulations required to better manage animals in the Township in the short term and to consider the matter of backyard hens as a separate matter complete with language to address the limited "pilot" timeframe etc. over the longer term.

To that end, I have attached a copy of the proposed Animal Control By-law that was initially presented to Council on March 26, 2019. The By-law has been amended to reflect Council's input from the March meeting with the exception of regulating backyard hens, which as noted, will be brought back in 2020 as a separate By-law following the required Zoning By-law amendment.

### **By-law Highlights**

Our current regulatory regime related to the control of animals is limited to dogs and livestock. The proposed by-law would expand the scope of animal types that are regulated and would include the following:

- An expanded list of defined terms.
- A section on Prohibited Animals including a comprehensive list in the form of a Schedule ("A").
- Grandfathering provisions.
- Standards for the keeping of animals.
- Updated animals-at-large regulations.
- Updated animal impound provisions.
- Updated licencing provisions including a limit to the number of dogs per household of 3 (drop from the current limit of 4).
- Biting dogs regulations which provide animal control officers with the authority to issue orders requiring that a dog be muzzled, or kept securely in a humane

enclosure etc. This authority would require the establishment of a Committee to consider appeals to Orders issued by the animal control officer.

The proposed change in the number dogs permitted from 4 to 3 is a result of our review of local and other animal control by-laws. This reduction will bring our policies in line with the vast majority of regulations currently in place in Ontario and all of those in place locally. A grandfathering provision has been incorporated into the by-law to phase in the provision for households where there are currently 4 dogs as evidenced by the purchase of 4 tags. This provision affects fewer than 12 residences in the Township. The regulation will allow them to keep 4 dogs until one of the dogs passes.

The By-law proposes a new schedule of fees which is intended to incentivize responsible pet ownership which is summarized in the figure below. The proposed changes include a Lifetime tag fee for dogs that are microchipped and reduced fees for dogs that are neutered or spayed. This fee schedule would be incorporated into the Consolidated Fees Bylaw and will take effect for licences in 2021. We will advertise the change in fees through the numerous means of communication at our disposal throughout 2020.

**General Annual License Fees – Dogs**

	Proposed		Existing
	Spayed/neutered (with proof)	Unaltered	All Dogs
Microchipped Dogs (with proof)	Lifetime Tag \$60.00	Lifetime Tag \$100.00	N/A
If renewed by March 31	\$15.00	\$20.00	\$15.00
If renewed after March 31	\$25.00	\$30.00	\$25.00
New dogs obtained after March 31st	\$15.00	\$15.00	\$15.00
Replacement of a lost tag	\$10.00	\$10.00	\$10.00

**Other Fees**

	Existing	Proposed
Kennel Fee	\$100.00	\$125.00

In accordance with Article 7.2, all service Animals must be licensed, but shall pay no licensing fee.

As it relates to biting dogs, Animal Control Officers will have the authority to issue Animal Control Orders (ACO) declaring a dog to be a biting dog if the officer believes it is warranted. The Order is to prescribe such measures as are required by the owner of the dog such as:

- Securing the dog on the owner's property sufficient to prevent its escape.
- Restricting the dog to the rear yard of the owner's property.
- Muzzling the dog when off property.
- Mandatory microchip implant.
- Submission of proof of immunization.

An Animal Control Order is subject to appeal for 15 calendar days. Such an appeal would be heard by an Appeal Committee consisting of a 3 members duly appointed by Council.

A terms of reference for the Committee will form part of the By-law as Schedule "B" (attached). The Township has constituted a Property Standards Committee whose mandate includes reviewing Orders made by By-law Enforcement Staff. The scope of work listed in the subject terms of reference aligns well with that Committee's current mandate and we propose to expand their mandate to include the review of ACO.

Immediately after passage of the By-law, the Township will pursue short form wording and set fine levels through the Regional Senior Justice for the following offences at the following rates.

Item	Short Form Wording	Provision Creating or defining the Offence	Set Fine
1	Keep, harbour, or possess a prohibited animal	Article 2.2	\$100.00
2	Fail to maintain property	Article 4.1	\$100.00
3	Keep a farm animal not in an agricultural Zone	Article 4.2	\$200.00
4	Improper length of tether	Article 4.3 (i)	\$200.00
5	Fail to provide unrestricted movement while tethered	Article 4.3 (ii)	\$200.00
6	Keep an animal tethered longer than 10 consecutive hours	Article 4.3 (iii)	\$200.00
7	Fail to provide access to shelter and water while tethered	Article 4.3 (iv)	\$200.00
8	Fail to protect animal from injury while tethered	Article 4.3 (v)	\$200.00
9	Permit animal to be at large	Article 5.1	\$100.00
10	Operate a kennel without a license	Article 7.4	\$200.00
11	Fail to attach tag to dog	Article 7.7	\$100.00
12	Place tag on dog other than the dog for which it was obtained	Article 7.8	\$100.00
13	Fail to obtain license for dog	Article 8.1	\$100.00
14	Keep more than 3 dogs	Article 8.2	\$200.00

15	Permit dog to be at large	Article 8.3	\$100.00
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The wording and fine amounts are consistent with what has been approved in the City of Peterborough. We have mirrored the City's language and fine values in order to facilitate the work of the Animal Control Officers at the Peterborough Humane Society as they are tasked with enforcing the regulations passed by both municipalities.

We have included language in this By-law that allows us to charge an escalating inspection fee for multiple occurrences. This is consistent with the provisions that we have included in several other Township nuisance By-laws.

### **Financial Impact**

We do not anticipate that the expanded scope of the animal control by-law will add significantly to the enforcement costs we are currently experiencing. We currently regulate dogs and respond to cat related complaints and these type of complaints will continue to be bulk of what we will be called on to enforce. The expanded Animal Control Order provisions will simplify the process of identifying biting dogs and will result in an improved level of service and safety.

The Township will also have the ability to charge property owners an inspection fee where there are repeated calls to a property. This fee has been implemented for other nuisance By-laws including Noise, Open Air Burning and Clean Property.

### **Strategic Plan Reference**

Achieve excellence in governance and service delivery.

### **Environmental Impact**

The recommendations proposed in this report will have no environmental impact.

### **Attachments**

- Draft Animal Control By-law 2019-104

### **Robert Lamarre**

Prepared By: Robert Lamarre, Manager of Building and Planning

*Janice Lavalley*

Reviewed By: Janice Lavalley C.A.O.