

Animal Control By-law

Public Meeting Presentation

March 4, 2024

Timeline

Council adopted a regulatory by-law review work plan on January 23, 2023 identifying the Animal Control By-law and Hen Pilot Program for review in 2023

March 4, 2024, a public meeting is held to receive feedback on the proposed By-law

January 22, 2024, staff presented Report CPS-2023-055 to Council

April 8, 2024, staff will report back to Council on feedback received for Council's decision on the proposed By-law

Background – Animal Control By-law

- The Animal Control By-law was adopted in 2000, and establishes rules and regulations for responsible pet ownership, dog licensing, and prohibited animals
- In 2020, an amendment was made to the By-law to permit the keeping of hens
- During the development of the proposed By-law staff have:
 - created an administrative framework that includes regulations to ensure the safety of animals and the public
 - taken a consistent approach with the regulations and general licensing provisions set out in the Town's regulatory and general licensing by-laws
 - completed a comprehensive review of best practices of surrounding municipalities' animal control by-laws

Background (cont'd)

- incorporated relevant legislation from *the Municipal Act*, *Dog Owner's Liability Act* and *Provincial Animal Welfare Services Act* (PAWS)
- consulted with staff from the Orangeville Branch of the Ontario Society for the Prevention and Cruelty to Animals (OSPCA) and Community Services staff

Background - Hen Permit By-law

- The Hen Permit By-law was adopted in 2020, establishing regulations for the registration and keeping of hens
- The pilot program was implemented for a three (3) year trial period which ended December 31, 2023
- Prior to the expiry of the program, the By-law was amended such that any permit issued with an expiry date of December 31, 2023, would be extended to May 31, 2024
- This extension would allow for the review of the pilot program to be completed in conjunction with the Animal Control By-law

Background (cont'd)

- The Hen Permit Registration pilot program provided residents with the ability to obtain a permit to keep up to a maximum of three (3) hens on a residential lot, containing a single detached dwelling or a semi-detached dwelling, provided that all By-law requirements were met and a yearly fee of \$110 was paid
- The number of permits issued during the three (3) year pilot program period were:

Hen Permit Registration	2021	2022	2023
Permits Issued	3	5	2

Background (cont'd)

- The number of complaints received during the pilot program period were:

Hen Permit Registration	2021	2022	2023
Complaints (non-registered hen coop)	0	1	0
Complaints (registered hen coop)	1	0	0

Hen Permit Registration Pilot Program Summary

- The three (3) year pilot program period revealed that:
 - there was initial interest by residents, however, there was a minimal number of permits issued
 - the two (2) complaints submitted were minor in nature
- As a result, staff are recommending that:
 - due to the costs associated with the program's administration, that the licensing framework be discontinued
 - that the regulations set out in the Hen Permit By-law be incorporated into the Animal Control By-law, with the exception of the registration process and fee component

Summary of Proposed Regulations

Proposed Regulations

General Regulations

The proposed By-law:

- includes definitions that have been added and/or modified to provide clarity and consistency with other Town by-laws
- prohibits the disposal or burying of an animal on Town property/land
- requires that unless otherwise permitted by Town policy, other by-laws or legislation, no person keeping an animal, other than a service animal, shall allow the animal to be in Town facilities
- amends the expiry of a dog license from December 31 in each year to April 30 in each year

Proposed Regulations

Cats

- Limits the number of cats being kept on a property or per dwelling unit to a maximum of four (4)
- Owners shall ensure that a cat has a microchip, identification tag or similar means of identification always affixed to it with the current contact information of the owner

Proposed Regulations

Hen and Hen Coop

- The regulations set out in Hen Permit By-law 2020-061, as amended, have been incorporated into the Animal Control By-law, with the exception of:
 - permit requirements
 - fee component

Proposed Regulations

Leash Free Parks

- Regulations for leash free parks include:
 - permitting dogs only
 - maximum number of three (3) dogs per visit with an owner
 - prohibiting dogs from using the park if they are not vaccinated, not older than four (4) months, are a female dog in heat, or pose a danger to other persons or dogs
 - requiring an owner to immediately remove a dog if it shows aggressive behaviour, or if an Officer, Town designate, Town staff or authorized agent requests the removal of the dog for any reason
 - ensuring the dog is on a leash when entering and exiting and under control at all times
 - ensuring children within the leash free park are accompanied by their parent or legal guardian and supervised at all times
 - owners assume all risks by entering the leash free park

Proposed Regulations

Prohibited Animals – Schedule A

- A review of municipal comparators resulted in additional animals being added to Schedule A. A summary of these animals include:

Class	Type	Common Names	Permitted Exceptions
Aves	Accipitriformes	Hawks and eagles	n/a
	Apterygiformes	Kiwis	n/a
	Casuariformes	Emus and cassowaries	n/a
	Columbiformes	Pigeons and doves	n/a
	Gruiformes	Cranes	n/a
	Phoenicopteriformes	Flamingoes	n/a
	Rehiformes	Rheas	n/a
	Sphenisciformes	Penguins	n/a

Proposed Regulations

Prohibited Animals – Schedule A (cont'd)

Class	Type	Common Names	Permitted Exceptions
Mammalia	Eulipotyphla	Shrews	African pygmy hedgehogs
	Lagomorpha	Hares and pikas	Domesticated rabbits
	Rodentia	Porcupines, prairie dogs and nutria	Rodents such as: hamsters, gerbils, chinchillas and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population
	Scadentia	Treeshrews	n/a

Proposed Regulations

Prohibited Animals – Schedule A (cont'd)

Class	Type	Common Names	Permitted Exceptions
Reptilia	Squamata	Iguanas, savannah monitors, pythons and boas (including anacondas)	Non-venomous or non-poisonous lizards with maximum length / not expected to exceed length of less than 70 cm Non-venomous or non-poisonous snakes with maximum length / not expected to exceed length of less than 3 m
	Testudines	Terrapins, tortoises and turtles	Turtles derived from a self-sustaining captive population
Other	All venomous or poisonous animals		
	Exotic animals – not indigenous to Canada		

Proposed Regulations

Prohibited Grandparented Animals

- No person shall keep a prohibited grandparented animal unless it is registered
- A person registering an animal:
 - shall provide an application to the Clerk
 - shall provide proof that the prohibited animal was lawfully owned prior to the prohibition and within 90 days of the passing of this By-law
 - provide the Clerk with notification within forty-eight (48) hours of the new location should the prohibited grandparented animal move
 - may keep the prohibited grandparented animal until it dies or has otherwise been disposed of and notifies the Clerk within forty-eight (48) hours of the death
- The Clerk may impose terms or conditions on the keeping of any prohibited grandparented animal and the grandparented status of an animal may be revoked by the Clerk at any time if the provisions of the By-law are not met

Proposed Regulations

Protective Care and Impoundment

- Officer may take possession of an animal to provide protective care and are authorized to:
 - receive animals due to an eviction, incarceration, fire or medical emergency or any other situation the Officer deems appropriate
 - keep animals temporarily for a maximum of five (5) days
 - charge the owner the current per diem sheltering fee and all costs for medical care when the animal is redeemed
 - at the end of the five (5) day period, unless other arrangements are agreed upon between the owner and the Town, day one of the impound process begins
- Owners of animals seized or impounded, whether the animal is claimed from the pound or not, are liable for the payment of all fees applicable for services and shall pay all fees on demand by the pound keeper
- The pound keeper may refuse the surrender or adoption of an animal for any reason

Proposed Regulations

Wildlife

- No person shall feed wildlife on their property, except a person feeding songbirds as follows:
 - the food is placed in a bird feeding device sufficiently above grade
 - the bird feeding device is on private property
 - any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife
 - the bird feeding device is kept in a sanitary condition and in good working order
- No person shall permit a feeding device or any attractants to be left outside on any property, including but not limited to Town property or lands
- A person may feed songbirds on their property provided it does not create a nuisance by reason of odour, sight or otherwise

Proposed Regulations

Barking Dogs - Removed

- The prohibition for an owner to allow a dog to howl or bark excessively has been removed from the Animal Control By-law and included in Schedule A of the proposed Noise By-law.
- Schedule A of the proposed Noise By-law lists prohibitions, which include activities that emit, make or create noise, and includes:
 - persistent barking, calling, or whining or other similar persistent noise made by any domestic dog or any other animal kept or used for any purpose

Proposed Regulations

Dangerous Dogs - Removed

- The *Dog Owner's Liability Act* (DOLA) contains rules for dog owners in Ontario
- DOLA states that the owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal
- DOLA contains provisions to commence proceedings in the Ontario Court of Justice against an owner of a dangerous dog and make an interim order requiring the owner to take specified measures for more effective control of a dog
- Regulations for vicious dogs and muzzle orders have not been included in the proposed By-law, as staff can utilize DOLA for these types of matters which will eliminate:
 - any hearing through the Dog Designation Appeal Committee of Council, as matters would be heard in the Ontario Court of Justice

Proposed Regulations

Standards of Care for Animals - Removed

- Standards of care for animals, including tethering and shelter for dogs are captured within the *Provincial Animal Welfare Services Act* (PAWS), which came into effect January 1, 2020
- PAWS inspectors provide enforcement across Ontario by carrying out inspections, conducting investigations, responding to animal welfare concerns, as well as providing outreach and education on animal care best practices
- Concerns regarding animals (a pet, farm animal, or wild animal in captivity) that are in distress or are being neglected can be reported by the public to the animal protection call centre, which is open 24 hours a day, seven days a week
- At this time, standards of care for animals have not been included in the proposed By-law as these matters are regulated, investigated and enforced by the Province through the *Provincial Animal Welfare Services Act*

Proposed Regulations

Orders, Enforcement and Powers to Enter and Penalty Provisions

- Issuance of an Order to a person who is in violation of the by-law requiring them to:
 - discontinue the contravention; and/or
 - do work or take action to correct the contravention
- Officer may enter on land at any reasonable time to carry out an inspection to determine whether:
 - the By-law is complied with
 - the licence, or term or condition of a licence has been complied with
 - a direction or order has been complied with
- Officer may enter on any public or private property for the purpose of catching, confining, transporting an animal at large
- Enforcement and Penalty provisions have been updated for consistency with current legislation

Fees

Proposed Fees have been updated in Schedule B of the By-law:

Current	Proposed
Dog Licence- Spayed/Neutered: 1 st & 2 nd Dog \$20.00 3 rd Dog \$50.00 Dog Licence - Unspayed/Unneutered: 1 st & 2 nd Dog \$25.00 3 rd Dog \$50.00	Dog Licence \$35.00 Dog Licence – Service Animal Exempt
N/A	Replacement Licence \$10.00
N/A	Impound Fees: 1 st Impound \$30.00 2 nd Impound \$60.00 3 rd Impound \$100.00 4 th Impound \$150.00
N/A	Quarantine/Court Ordered: Dogs per day \$100.00 Cats per day \$100.00

Questions and Feedback

Thank you