

Subject: Animal Control By-law

Department: Corporate Services

Division: By-law/Property Standards

Report #: CPS-2024-012

Meeting Date: 2024-04-08

Recommendations

That report CPS-2024-012, Animal Control By-law, be received;

And that Council pass a by-law to regulate the keeping, licensing, registration and control of certain classes of animals and repeal By-laws 68-2000, 48-2003, 2020-061, 2021-034, and 2023-094.

Background and Analysis

Council, at its meeting held on January 22, 2024, received Report CPS-2023-055 which highlighted the proposed amendments to the Animal Control By-law.

A public meeting was held on March 4, 2024, to review the proposed Animal Control By-law, which resulted in the following feedback and comments being received:

Comments / Feedback	Staff Response / Recommendation
Service Animals: <ul style="list-style-type: none">Important that the By-law establish a working standard regarding visual indicators for service dogs. The law does not say a service dog has to have a vest and a vest/harness is not the only way to identify a service dog. Some vests are organizational issued and some are purchased from Amazon. There are also ID cards issued to dogs after receiving various	<ul style="list-style-type: none">The <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> has paramountcy over a municipal by-law. The proposed By-law does not conflict with this legislation. Staff will continue to monitor and support the AODA requirements. O. Reg. 191/11 80.45 (4) provides the legislation for the visual indicators and says “such as” a vest or harness. This would not be all inclusive

<p>accreditation. Would an ID card be considered a visual indicator.</p> <ul style="list-style-type: none">• Service providers should not use their own assumptions or judgement to second guess the verification/medical documentation provided by the person with a service animal.• Concerns as to when a service dog is considered a service dog or a regular dog under the By-law. Is the dog always considered a service dog as long as he fulfills the requirement.• Concerns with interpretation of Section 6.3 of the By-law as it states Sections 6.1 and 6.2 which refer to Dogs – Leashes and At Large, does not apply to a service animal while under control of its handler and engaged in its duties.• Concerns that if a service dog is separated from its owner, it may be mistaken to be “at large.”• If a service dog is properly trained it shouldn’t need a leash and shouldn’t wander away from the person it is servicing. Can this be taken into consideration as an exception to be off leash.• Concerns of ownership of service animal. The microchip may be in the organization’s name or the independent trainer’s name prior to the service animal being placed with a client. When the client obtains a dog licence in their name, the ownership is	<p>and other visual indicators may be assessed at the time of response.</p> <ul style="list-style-type: none">• It is not the Town’s intention to question the integrity of visually identifiable service animals or documents provided.• The By-law exempts the requirement for a leash if the service animal is under the care and control of its handler and/or engaged in its duties. This is why visual identification is important.• The By-law includes various meanings for an owner and includes a person who owns, harbours, or has custody of the animal or the person who is the temporary keeper of the animal. The dog licence information should reflect the name and address of where the service animal resides.
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<p>not the same across the board. Does one take precedence over the other.</p> <ul style="list-style-type: none"> • Service dogs “in training” are not able to experience any of the rights as a service dog and they are at the behest of any organization or store that will allow them in to do training in their business. Would like to see service dogs “in training” allowed to enter Town facilities as it is important for them to get that experience in the community. • Is there an opportunity for cohesion or alignment between the service dogs on transit policy and this by-law on service dogs. 	<ul style="list-style-type: none"> • Staff have amended the definition of service animals to include service animals “in training” through reputable organizations. • Staff will continue to monitor the various types of service animals and policies within the town at various junctures and may adjust as required in the future.
<p>Dog Licence Fee:</p> <ul style="list-style-type: none"> • The dog licensing fee proposed is a 75% increase and is not fair. May want to reconsider as the cost of food and care has gone up for dog owners. • When was the last time the fee schedule was updated. If it was 1985 then the proposed amount seems reasonable but if it was a few years ago then the increase may be a bit much. • Could consideration be given to a year to year tagging system instead of an expiry of April 30 or a one-time licence fee for the life of the dog (i.e. suggested set fee of \$50 or \$100). • Could consideration be given to having a clinic where dogs can be tagged or chipped, a one-time effort and then no need to purchase a tag each year. 	<ul style="list-style-type: none"> • Staff are recommending that the proposed dog licence fee be set at \$35, given that a fee increase has not occurred since 2003. This proposed fee is less than that of some of our municipal comparators, who are currently charging, on an annual basis, the following: Brampton - \$15 - \$60 Centre Wellington - \$45 Halton Hills - \$34 Newmarket - \$37.10 <p>Of the municipal comparators used, Barrie is the only municipality with a lifetime fee for dogs.</p> <p>Staff have amended the By-law to incorporate a lifetime licence option with a fee of \$100.</p> <p>The Town relies on the OSPCA to administer the dog licensing program.</p>

<ul style="list-style-type: none"> • OSPCA suggests that a lifetime licence with a fee of \$100 for microchipped animals is a preferred option. • Could service dogs being raised and fostered and “in training” with a recognized organization be exempt from licensing fees with confirmation that they are with a registered organization. • Could similar consideration be given to breeders selected by those organizations for service dogs be exempt from licensing fees when they are in a foster situation until these are ultimately spayed/neutered and adopted out. • Technical reading of the By-law would require that each time I have a dog in training for a weekend that I should licence them. Would like to see an exemption for the keeping of a dog temporarily. 	<p>We will continue to work with the OSPCA to find efficiencies and make improvements as funding for staff and technology permits.</p> <ul style="list-style-type: none"> • The licensing fee for service animals has been waived. <p>Staff have amended the definition of service animal to include service animals “in training” through reputable organizations.</p> <ul style="list-style-type: none"> • Staff will continue to seek direction from the AODA and the OSPCA and will utilize our discretion in enforcing the By-law under these circumstances, however it should be noted that no license is required for animals under 12 weeks. At the age of 12 weeks, a license would be required, however if the animal is a service dog “in training” through a reputable organization, the fees are exempt. • For service dogs “in training”, staff will continue to look at each individual circumstance in its entirety and will rely on the direction of the AODA, OSPCA and discretion, in dealing with these circumstances.
<p>Cats:</p> <ul style="list-style-type: none"> • Cats should not be allowed to roam. Dogs are not allowed to roam. We have a responsibility to keep cats safe and healthy from being exposed to a variety of threats including disease and harm from other wildlife. As well, roaming cats cause approximately 200 million bird deaths a year and we have a responsibility to also protect our birds. 	<ul style="list-style-type: none"> • Upon review of the regulations for cats of comparator municipalities, staff incorporated requirements into the proposed By-law for cats such that: <ul style="list-style-type: none"> - a microchip, identification nametag or similar means of identification be always affixed to a cat, which contains the owner’s contact details; and - a maximum of four (4) cats per property/dwelling unit.

- Unfair that cat owners do not have to pick up after their cat. The By-law suggests owner's chip their cats. They should have to licence it also.
- Was there any discussion during the By-law review process of looking at a licencing framework for cats. Comments being received are not the first time. Council has previously received correspondence with similar concerns and wondered if any municipalities have a cat licensing program, how it works and is this framework something we can consider.

These proposed requirements resemble the regulations of the six (6) comparator municipalities that were reviewed. For example:

- Barrie:
 - is the only municipality offering an optional lifetime licensing fee for cats of \$59.79, however, it is not a mandatory requirement
 - maximum of 6 cats permitted
 - cats are prohibited to be at large
- Brampton:
 - requires cats to be licensed and a fee is collected on an annual basis
 - maximum cumulative total of 6 cats and dogs
 - animals are prohibited to be at large
- Caledon:
 - requires that pets have always affixed an ID tag and/or are microchipped - there is no licensing requirement
 - maximum of 5 cats permitted
 - animals are prohibited to be at large
- Centre Wellington:
 - has no requirement for cat licensing
 - maximum of 3 cats permitted
 - only dogs are prohibited to be at large
- Halton Hills:
 - has no requirement for cat licensing
 - maximum of 3 cats permitted
 - animals are prohibited to be at large
- Newmarket:
 - requires cats to be licensed and a fee is collected on an annual basis

	<ul style="list-style-type: none">- maximum of 4 cats permitted- cats are prohibited to be at large <p>Staff have incorporated regulations into the proposed By-law to promote responsible cat ownership.</p> <p>Staff is not recommending the implementation of a licensing framework for cats at this time due to additional staff resources that may be required.</p>
<p>Hens:</p> <ul style="list-style-type: none">• Letter of support for inclusion of Hen Pilot Program in the Animal Control By-law. This program provided numerous benefits to my family (an educational experience for my children as they engaged in collecting eggs and lessons in husbandry and animal care), in addition to promoting sustainability and environmental responsibility. It has also fostered a sense of community among our neighbours.• Public Health Ontario has a handout online that explains how to reduce associated risks with backyard chickens.• Municipalities such as Mississauga are suspending permits due to avian flu.	<ul style="list-style-type: none">• Staff recommend that the regulations for the keeping of hens remain incorporated within the proposed Animal Control By-law. Due to the limited participation in the program, staff have not included the licensing framework or fee into the proposed By-law.• Mississauga ended their two-year pilot program in November 2023, as their staff reported that there was limited demand in their program, with only six households participating out of the eleven slots available. Also, there was apprehension among residents about urban hen keeping practices and the potential health issues arising from inadequate access to veterinary care and the risk of avian influenza.

<ul style="list-style-type: none"> • Springwater Township repealed their By-law and are not charging anymore but will have a registry. 	<ul style="list-style-type: none"> • Following a three-year pilot program, Springwater Township Council approved the continuance of their backyard chicken licensing program in 2023, with a limit of no more than 25 licenses being issued across the Township annually. A licence and applicable fee are required.
<p>Wildlife – Songbirds:</p> <ul style="list-style-type: none"> • Proposed By-law states that the only wildlife that can be fed are songbirds. A songbird is in the scientific order called Passeriformes. A hummingbird is not in the Passeriformes order and is captured in the Apodiformes order. The By-law as written would not permit the feeding of hummingbirds anymore. • Songbirds as stated in the By-law needs more clarification as hummingbirds are technically not a songbird. • Is a water fountain/feature considered as feeding wildlife. • Need clarification as to what exactly is considered as wildlife. • Need clarification as to what is acceptable level of seed under a bird feeder. The By-law mentions that a certain level of cleanliness needs to be maintained, which is good birding practice anyway. 	<ul style="list-style-type: none"> • Staff have amended the proposed By-law to include in the definition of a Songbird the scientific order of Apodiformes which captures a hummingbird. • The By-law does not prohibit bird baths. • The By-law defines wildlife as being an animal that belongs to a species that is wild by nature but does not include domestic animals or a feral or stray cat. • The quantity of seed under a feeder is deemed to be unacceptable when, for instance, it attracts pests and/or creates a nuisance.
<p>Wildlife – Mini Pigs (Pot Belly Pigs):</p> <ul style="list-style-type: none"> • For clarification, are mini pigs (pot belly pigs/pygmy pigs) permitted under the proposed By-law. 	<ul style="list-style-type: none"> • Pigs (mini pigs/pot belly pigs/pygmy pigs), which are also referred to as a swine, are included in Schedule A –

	<p>Prohibited Animals of the proposed By-law.</p> <p>Swine is listed in Schedule A as an example of an animal that falls under the Class Mammalia, in the scientific order of Artiodactyla.</p> <p>The current Animal Control By-law also includes pigs in its Prohibited Animals Schedule.</p>
<p>Wildlife - Coyotes:</p> <ul style="list-style-type: none"> Concerns that people are threatened as coyotes are an increasing problem in Town. Concerns of sightings in parks which are close to rural areas / on perimeter of Town at dawn and dusk, in areas of green space, school areas and dog park. Can this By-law somehow address these concerns or is there something more aggressive or long term that would address this increasing problem. Section on Wildlife is a good addition as coyotes are becoming prevalent. It was reported that Dufferin County did some investigation on best ways to monitor and manage coyotes coming close to urban centres and how they were going to resolve. We should follow up on the outcome as it may be something the Town should consider. The Clerk updated the Chair that the County does have a Coyote Program. 	<ul style="list-style-type: none"> The Ontario Fish and Wildlife Conservation Act dictates how a municipality interacts with coyotes. Surrounding comparator municipalities such as Barrie, Brampton, Caledon, Halton Hills, and Newmarket have a dedicated page on their website that provides educational information on how to prevent and manage conflicts with coyotes as well as tips to prevent coyotes from entering onto your property. Some municipalities also offer the ability to report coyote sightings and provide a mapping of such. The County of Dufferin has a coyote predation program; however, it is only for livestock owners within the County.

General Comments: <ul style="list-style-type: none">• It is a great By-law and the sections on wildlife and inclusion of reptiles and snakes are good additions.• Pleased to see requirement to pay different dog licence fee for non-neutered and non-spayed dog is eliminated.	
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After taking into consideration the feedback received from the public, the proposed By-law has been updated to:

- include service animals “in training” in the definition of a service animal;
- include hummingbirds in the definition of Songbirds; and
- add a lifetime licence option and fee of \$100.

The proposed Animal Control By-law incorporates updated best practices to proactively meet the changing needs of the community and better protect both animals and the public.

Strategic Alignment

Strategic Plan

Strategic Goal: Future-Readiness

Objective: Due Diligence

Sustainable Neighbourhood Action Plan

Theme: Not applicable

Strategy: Not applicable

Notice Provisions

Notice was given for the public meeting held on March 4, 2024, in accordance with the Town’s Notice Policy which requires notice be placed on the Town’s website (posted February 16, 2024) and published in a newspaper once per week for two consecutive weeks (Orangeville Citizen - February 22, 2024 and February 29, 2024) prior to the meeting at which the matter is to be considered, or prior to the holding of a public meeting.

Financial Impact

The Orangeville and District Branch of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) is the Town's contracted service provider to enforce and administer the Animal Control By-law and collection of dog licensing fees.

The Council approved operating budget includes an allocation of \$80,000 for these third-party contracted Animal Control Services.

Respectfully submitted

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Attachment(s): None