

**Agenda – Standing Policy Committee on Protection, Community Services and Parks –
January 14, 2022**

REPORTS

Item No. 6 Proposed Responsible Pet Ownership By-law Amendments

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the proposed Responsible Pet Ownership By-law changes outlined in Appendix B be approved.
2. That the proposed pre-set fines and early payment fines outlined in Appendix C be approved.
3. That the Public Service review the topic of urban chicken keeping and report back within 120 days, when further changes to the Responsible Pet Ownership By-law relative to breed-neutral legislation and exotics are brought forward.
4. That subject to the approval of Recommendations 1 and 2, that the City Solicitor and Director of Legal Services be instructed to prepare a by-law to amend the Responsible Pet Ownership By-law No. 92/2013 and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016, in accordance with this report and bring same directly to Council for enactment by July 1, 2022.
5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

ADMINISTRATIVE REPORT

Title: Proposed Responsible Pet Ownership By-law Amendments

Critical Path: Standing Policy Committee on Protection, Community Services and Parks -
Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Gordon	C. Fernandes	N/A	M. Jack

EXECUTIVE SUMMARY

Since the Responsible Pet Ownership By-law came into effect in 2013, opportunities have been identified to strengthen it to improve the safety of both pets and the community. Best practices in animal control and welfare have also evolved since the last review.

On May 10, 2021, the Standing Policy Committee on Protection, Community Services and Parks directed the Winnipeg Public Service to review and report back to the appropriate Committee of Council with recommendations on amending the Responsible Pet Ownership By-law, specifically with respect to the following five areas of focus: animal traps, wildlife proofing, Dangerous Dog Designation, spay/neuter and breeding, and exotic animals. This report is proposing amendments to address three of the five areas of focus.

With the assistance and guidance of the Office of Public Engagement, stakeholders representing animal rescues, animal welfare, pet businesses, breeders, dog daycares, and exotic animal groups were consulted to gather input on the areas of focus to update the Responsible Pet Ownership By-law. A project webpage was created for the general public to learn more about the By-law review and proposed ideas. The general public was invited to share input through a dedicated project email address. The Public Engagement Summary (Appendix A) provides detailed information, including a summary of public engagement activities, what we heard at the stakeholder meetings and through the written submissions to the project email address, campaign submissions and petitions, and a list of stakeholder organizations.

The proposed Responsible Pet Ownership By-law amendments are intended to provide a more contemporary approach to animal/pet ownership in Winnipeg with a focus on both public safety and animal welfare. The proposed amendments are provided in Appendix B. Proposed pre-set fines and early payment fines for offences are listed in Appendix C. For reference, existing fines (Schedule "B" to the Responsible Pet Ownership By-law) are provided in Appendix D. Approval of the proposed fines will require an amendment to the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016.

RECOMMENDATIONS

1. That the proposed Responsible Pet Ownership By-law changes outlined in Appendix B be approved.
2. That the proposed pre-set fines and early payment fines outlined in Appendix C be approved.
3. That the Public Service review the topic of urban chicken keeping and report back within 120 days, when further changes to the Responsible Pet Ownership By-law relative to breed-neutral legislation and exotics are brought forward.
4. That subject to the approval of Recommendations 1 and 2, that the City Solicitor and Director of Legal Services be instructed to prepare a by-law to amend the Responsible Pet Ownership By-law No. 92/2013 and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016, in accordance with this report and bring same directly to Council for enactment by July 1, 2022.
5. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Council approval is required for amendments to the Responsible Pet Ownership By-law.

On May 10, 2021, the Standing Policy Committee on Protection, Community Services and Parks (SPC-PCSP) directed the Winnipeg Public Service to report back with recommendations on amending the Responsible Pet Ownership By-law No. 92/2013, specifically:

1. Current use of animal traps within the city of Winnipeg, including any type of trap that could cause injury or death to ensnared animals and any required by-law amendments to prohibit the use of traps within the city of Winnipeg that could cause harm to ensnared animals;
2. Public Education on “wild-proofing” Urban Wildlife and co-existence techniques to minimize conflicts with urban wildlife, and any required by-law amendments;
3. Dangerous Dogs Designation: focusing on responsible pet ownership including training, more options in failure to compliance, a ban on guard dogs; and strengthening the Responsible Pet Ownership By-law with breed-neutral language;
4. Spay or Neuter, and Breeding: creating new guidelines and requirement of a pet license within the by-law for breeders to ensure a history of responsible pet ownership and requirement of a letter from veterinarian; and any required by-law amendments to strengthen adherence of spay and neutering;
5. Exotic Animals: strengthen the by-law with any required by-law amendments to mitigate impacts of pet hoarding, including a limitation, and prevent illegal disreputable trade of exotic animals.

On December 7, 2021, the SPC-PCSP granted an extension of time of up to 60 days for the Winnipeg Public Service to report back on Recommendations 1, 2, and 4 above, and that an

extension of time of 120 days be approved for the Winnipeg Public Service to report back on Recommendations 3 and 5.

IMPLICATIONS OF THE RECOMMENDATIONS

The issue of animal control and welfare is one that is important in order to protect the safety of the public, as well as to promote the health and well-being of animals in our community. The recommended Responsible Pet Ownership By-law amendments are intended to provide a more contemporary approach to animal/pet ownership in Winnipeg with a focus both on public safety and animal welfare.

Overall, the proposed amendments will improve animal and public safety, while having little to no impact on the average pet owner.

Although certain groups, such as breeders, dog daycares, and owners of intact pets, at-risk pets or dangerous dogs, will be impacted by new restrictions, these proposed amendments are necessary in order to ensure these groups are acting responsibly and to protect the safety of the public and the well-being of animals in their care.

No Animal Services staffing implications are expected in order to implement and enforce these recommended changes.

There are no significant financial implications. Potential revenue from the inclusion of a breeding permit for cats and dogs within the proposed By-law amendments and fines and early payment options as outlined in Appendix C cannot be estimated but is expected to be minimal as few residents breed dogs and cats.

HISTORY/DISCUSSION

Animal Services was designated by Council as a Special Operating Agency (SOA) effective January 1, 2000. The Agency enforces the Responsible Pet Ownership By-law, which has been in place since 2013.

Animal Services provides animal control measures under the Responsible Pet Ownership By-law. Animal Services Officers typically respond to more than 10,000 community incidents a year involving people and animals. The Agency operates innovative adoption, volunteer, and outreach programs. Additional services include housing and care for stray pets and reuniting them with their owners, as well as emergency response to help animals in house fires or car accidents. Spay/neuter programs are also in place to help residents living on low income. The primary source of funding for Animal Services is pet licensing.

Since the Responsible Pet Ownership By-law came into effect in 2013, opportunities have been identified to strengthen the by-law to improve the safety of both pets and the community. Best practices in animal control and welfare have also evolved since the last review.

With the assistance and guidance of the Office of Public Engagement, stakeholders representing animal rescues, animal welfare, pet businesses, breeders, dog daycares, and exotic animal groups were consulted to gather input on proposed ideas to update the Responsible Pet Ownership By-law. The proposed ideas were intended to start a conversation

about improving animal welfare, animal safety and community safety in Winnipeg. In the summer of 2021, four stakeholder meetings were held on the topics of animal control and welfare, dog daycares and breeding, urban wildlife, and exotic animals. Follow-up meetings occurred with stakeholders where additional information was required on alternative ideas and gaps in the By-law. A project webpage was also created for the general public to learn more about the By-law review and proposed ideas. The general public was invited to share input through a dedicated project email address. The Public Engagement Summary (Appendix A) provides detailed information, including a summary of public engagement activities, what we heard at the stakeholder meetings and through the written submissions to the project email address, campaign submissions and petitions, and a list of stakeholder organizations.

What follows is a discussion on each of the recommended areas of focus with any proposed amendments to the Responsible Pet Ownership By-law listed in Appendix B. Additional proposed amendments have also been included for consideration and are intended to provide a more contemporary approach to animal/pet ownership in Winnipeg with a focus on both public safety and animal welfare. Proposed fines and early payment fines for offences are listed in Appendix C.

Use of Traps

Body Hold and Live Traps

Body hold traps (Appendix E) can cause injury or death to ensnared animals. Similarly, these types of traps can kill and injure non-target animals and people. In 2021, a dog was slowly killed in a trap set 800 metres outside of Winnipeg. Again in 2021, a cat was injured by a trap set within Winnipeg's boundaries.

It is proposed that the outdoor use of body hold traps be prohibited. However, in unique cases, a licensed pest control company could apply to Animal Services for a use permit where other methods of capture have failed. Governmental agencies would be exempt from this proposal. Live traps (Appendix E) would also be exempt. However, it is proposed that live trap users be required to check traps at least once per day to help avoid unnecessary suffering of entrapped animals. Live trapped animals would need to be released from the trap or humanely euthanized by a licensed pest control company, governmental agency, or veterinarian.

The proposal to prohibit the outdoor use of body hold traps was supported by both stakeholders and the public, who identified concerns around the injury and death of non-target animals during the Public Engagement process (Appendix A).

Glue Traps

Pest control companies utilize mouse glue traps (Appendix E), mostly indoors. Users are encouraged to check glue traps often, as these traps can result in a slow death, especially if not checked daily.

In addition to prohibiting the outdoor use of body hold traps, it is proposed that the outdoor use of glue traps also be prohibited due to potential impacts on non-target animals, such as cats, birds, chipmunks, etc. Animal Services will continue discussions with stakeholders to explore ways to reduce the use of indoor glue traps.

Wildlife Proofing and Coexistence

Wildlife Proofing

Wildlife proofing a home or business is essential in preventing conflict with wildlife. By wildlife proofing a property, the need to utilize devices such as body hold traps, glue traps, or rodenticide is reduced or eliminated (Appendix E). Property owners are encouraged to consider implications regarding wildlife when developing a pest management plan. Builders and landscaping companies are also encouraged to incorporate wildlife proofing techniques during the design stage of development.

Key components of wildlife proofing a property include sealing access points, and removing food and shelter sources. For example, a gap below a deck can provide shelter. Sealing with lattice or fencing prevents access for wildlife. An open door at a business can also provide easy access for wildlife. Trees and bushes contacting a building or structure can also help provide access to animals.

Education is pivotal in helping to reduce conflict with wildlife. Animal Services Officers will continue to provide educational messaging when interacting with residents. There is also information regarding wildlife proofing and coexistence available on winnipeg.ca.

Feeding Wildlife

Feeding wildlife can lead to increased populations of urban wildlife and human/wildlife conflict. In 2020, 1,359 wild animals were found deceased on city streets and boulevards, including deer, rabbits, squirrels, fox, and others. It is proposed that the intentional feeding of wildlife for purposes other than trapping be prohibited with an exemption for bird feeders. An exemption is also proposed for animal welfare organizations that care for wildlife.

During the Public Engagement process (Appendix A), the public indicated support for prohibiting the intentional feeding of wildlife.

Spay/Neuter and Breeding

Spay/Neuter

Overpopulation of dogs and cats places a strain on animal shelters and rescues, and impacts the safety of the public at large. One of the most tragic results of pet overpopulation is euthanization. Pet overpopulation can also lead to disease issues with lack of veterinary care.

In addition to preventing unplanned litters, spaying and neutering also provides health benefits and reduces roaming and other behaviour problems.

Residents who spay/neuter their pets are provided a significant discount on their annual pet license fee. Spay/neuter assistance for residents living on low income is available through the Winnipeg Humane Society and is partially funded by The City of Winnipeg.

Under the Responsible Pet Ownership By-law, all dogs and cats over the age of six months must be spayed/neutered unless a valid intact pet license has been issued for the dog or cat. It is proposed that the following requirements be introduced for an intact pet license in order to minimize the negative impact and ensure that the owners of these pets are acting responsibly:

Active veterinarian care:

- Current rabies vaccination

History of responsible pet ownership under the Responsible Pet Ownership By-law:

- Compliance with By-law requirements and minimal impact on the community
- Running at large or pursue – no more than two incidents
- Biting animal or human – no more than one incident
- No more than one impound at an animal shelter
- No history of a person's animals being designated at risk, dangerous, exceptionally dangerous, or needing protection

If the above requirements are not met, but an owner feels their dog or cat should not be spayed or neutered due to medical issues or because they have not yet reached growth maturity, a letter from a veterinarian would be required in order to obtain an intact pet license.

In addition, it is proposed that animal shelters be authorized to spay/neuter impounded unlicensed stray dogs and cats prior to release to an owner, an idea that was shared by stakeholders at the animal control and welfare stakeholder meeting (Appendix A). Animal shelters would also be authorized to spay/neuter any dog or cat impounded twice in a lifetime, regardless of pet license status. These surgeries would be at the expense of the owner.

Breeding

Unregulated breeding contributes to pet overpopulation, animal welfare concerns, and public safety issues. It is proposed that a breeding permit be required for dogs and cats. Permit requirements would include:

Active veterinarian care

- Current rabies vaccination
- Letter from veterinarian supporting the breeding of a specific dog or cat or proof of purebred breed registration

History of responsible pet ownership under the Responsible Pet Ownership By-law

- Compliance with By-law requirements and minimal impact on the community
- Running at large or pursue – no more than two incidents
- Biting animal or human – no more than one incident
- No more than one impound at an animal shelter

Inspection of the breeding property required with initial permit application (additional inspections are complaint based)

- Clean and sanitary conditions
- Little or no animal-related odors
- Ample room for enrichment
- Wholesome food and water

Limit on number of litters for female dogs/cats

- Limit of one litter per year
- No more than four litters over the life of the animal

A breeding permit is proposed to be valid for the specific dog/cat for life, but could be revoked if an owner fails to maintain the permit requirements. It is also proposed that an owner be required to display a permit number where puppies or kittens are advertised for sale.

The new breeding permit fee would align with the existing excess animal permit application fee and would be established through the 2023 budget process.

During Public Engagement (Appendix A), stakeholders expressed support for adopting standards for dog breeders in Winnipeg, and the public was supportive of requiring a breeding permit for dogs and cats in order to strengthen efforts to eliminate unregulated breeding, also known as “backyard breeding”. The public was also supportive of requiring the permit number to be displayed everywhere puppies or kittens are advertised for sale and limiting the number of litters per female dog or cat, per year and over the life of the animal.

Other Recommended Changes to Improve Public Safety and Animal Welfare

Rodenticides

Rodenticides (Appendix E) are pest control products registered for controlling mice, rats, and other rodents. According to the Manitoba Pest Control Association, these products are commonly used in Winnipeg.

Anticoagulant Rodenticides work by disrupting the normal blood clotting or coagulation process so that dosed individuals or animals suffer from uncontrolled bleeding or haemorrhaging. There are two types of anticoagulants:

First-Generation Anticoagulants:

First generation anti-coagulants require rodents to consume the bait for several consecutive feedings for a lethal dose.

Second-Generation Anticoagulants:

Second-Generation Anticoagulants are substantially more lethal than first-generation and lethal doses can be ingested in a single feeding. They are far more prevalent in rodent control and have drawn scrutiny because of the higher risk of severe poisoning for children, pets, and non-target wildlife (Appendix E).

Several dogs in and around Winnipeg have allegedly been exposed to rodenticide in residential areas, often with fatal outcomes.

As of this writing, the Province of British Columbia has instituted an 18-month ban prohibiting all second-generation anticoagulant rodenticides for private and public use. The ban does not apply to industries deemed as “essential”. Essential industries include services related to preserving life, health, public safety, and critical societal functioning. Designated essential services with a certified pesticide applicator may purchase and use rodenticides. Several jurisdictions within British Columbia, including North Vancouver, West Vancouver, Saanich, and North Cowichan, have banned the use of anticoagulant rodenticides on municipally-owned properties.

During the Public Engagement process (Appendix A), stakeholders and the public were both for and against an outright ban on the outdoor use of rodenticides. Stakeholders and the public noted that residents should be able to deal with rodent issues without having to hire a licensed pest control company and that wildlife proofing isn’t always effective. Other stakeholders and

the public were concerned with the potential unintended effects on non-target animals. Due to the risk of severe poisoning for children, pets and non-target wildlife, it is proposed that outdoor rodenticide operations only be conducted by licensed pest control companies or governmental agencies. This recommendation is consistent with comments provided by attendees at the wildlife stakeholder meeting. Animal Services will continue discussions with stakeholders to explore ways to reduce the use of rodenticides.

Chaining, Tethering, Dog Houses

Animal safety, public safety, and neighbourhood liveability issues exist as a result of 24/7 tethering/chaining and dog house use. Most residents and businesses utilize secure fencing, secure doors/locks, lighting, CCTV, or security personnel to protect a property. Keeping a dog outside 24/7 or for guarding poses quality of life issues for a dog, as well as safety issues for a community. Dogs kept outside for prolonged periods of time can become protective and dangerous. Dogs are also exposed to the heat, the cold, fly bites, and other inhumane conditions. Barking issues are common, which can have an effect on neighbourhood liveability. Residents who enter a property with a dog kept outdoors, whether intentional or not, risk being significantly injured.

It is proposed that the practice of allowing 24/7 outdoor dog tethering/chaining and housing be prohibited and that supervision be required for dogs placed outside temporarily.

During Public Engagement (Appendix A), the public was supportive of prohibiting 24/7 tethering/chaining and 24/7 outdoor dog housing.

Animal and Public Safety – Hot/Cold Temperatures

Placing pets at risk when it is too hot or too cold outside is dangerous for animals, but it can also negatively impact public safety by utilizing valuable public safety resources. From January 1 to November 1, 2021, the Winnipeg Fire Paramedic Service has responded to 88 emergency calls regarding pets left in vehicles.

It is proposed that residents be prohibited from leaving dogs, cats and other companion animals unattended in vehicles when the outside temperature is at or warmer than 22C, or at or colder than -10C. It is further proposed that an exemption be established for vehicles running with working air-conditioning and heating systems, though residents are encouraged to take steps to minimize idling.

Biking with a dog on a warm summer day can also be dangerous. Dogs can suffer heat exhaustion and burnt pads. To minimize risk, it is proposed that cycling with dogs tethered to a bicycle or similar device (skateboards, in-line skates, scooters, etc.) when the temperature is 22C or greater be prohibited. Residents are reminded to use caution at all temperatures when biking with dogs.

The proposed temperature limits were established in consultation with The Winnipeg Humane Society.

Dog Daycares

A dog daycare is a facility that typically provides short-term care and play opportunities for dogs in return for payment for the activity/booking. Dog daycares are generally unregulated. It is proposed that minimum standards be established to help keep both dogs and staff safe. All minimum standards must be adhered to, whether it is a facility-based or home-based dog

daycare. Enforcement of dog daycare issues would primarily be complaint based. Proposed standards for dog daycares include:

Onboarding dogs

- All dogs must be initially assessed before being admitted to a playgroup
- Client tracking system that includes records of up-to-date vaccines, emergency contacts, and basic information regarding each dog
- No known females in heat (estrus) allowed in any multiple dog playgroups
- Intact dogs not recommended
- No shock collars or harnesses in playgroups

Training

- Staff trained to understand dog behaviour and playgroup management
- Emergency plan for dog veterinary emergencies, fires, and power outages
- Emergency plan to break up a dog fight

Dog play groups

- Separate areas must be used to separate dogs by size
- Minimum play area sizes: 20 square feet/dog for small dog play areas and 35 square feet/dog for large dog play areas
- Multiple dog groups must have a staff member in the group with a ratio of one staff member for every 25 small dogs and one staff member for every 20 large dogs

Facility

- Safe indoor construction materials used throughout that allow for good sanitation
- Climate control systems to ensure fresh air at safe temperatures
- Formalized cleaning and sanitizing processes
- Dog rest areas

During Public Engagement (Appendix A), there was public and stakeholder support for minimum best practice standards for dog daycares. The Public Service then met further with dog daycares as part of the Public Engagement process to develop the standards outlined above.

Poultry on RR5 Properties

Aviaries are currently allowed as an Accessory Use in most of the residential zoning districts, but poultry is not allowed because the Responsible Pet Ownership By-law restricts poultry to properties zoned “Agricultural”:

29(2) Notwithstanding subsection (1), no person may keep or raise poultry except in districts zoned “agricultural” under the Winnipeg Zoning By-law.

Currently, residents are permitted to keep horses on RR5 zoned properties under the Zoning By-law. An RR5 property is five acres or larger. For consistency, it is proposed that poultry also be allowed to be kept on these larger properties.

Next Steps

Upon Council approval of the recommended changes and associated fines, Legal Services will draft a by-law to amend the Responsible Pet Ownership By-law No. 92/2013 and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016 to include approved new fines, and the Public Service will prepare a public education campaign to ensure that the public and stakeholders are informed and educated about the forthcoming changes to the By-law.

The amending by-law will be submitted directly to Council for approval by July 1, 2022.

FINANCIAL IMPACT

Financial Impact Statement **Date:** **December 13, 2021**

Project Name:

Proposed Responsible Pet Ownership By-law Amendments

COMMENTS:

There are no significant financial implications resulting from the recommendations of the report. Potential revenue from the inclusion of a breeding permit for cats and dogs within the proposed By-law amendments and pre-set fines and early payment options as outlined in Appendix C cannot be estimated but is expected to be minimal.

Original signed by K. Lemoine

Kelly Lemoine, CPA, CA
Manager, Finance and Administrative Services
Community Services Department

CONSULTATION

This Report has been prepared in consultation with:

Community Services Department – Community By-law Enforcement Services
Legal Services Department (as to legal issues)
Office of Public Engagement
Public Works Department – Parks and Open Space
Property, Planning and Development Department – Zoning

Various stakeholders listed in the Public Engagement Summary (Appendix A)

OURWINNIPEG POLICY ALIGNMENT

Direction 4: Maintain the health and safety of neighbourhoods by enforcing animal control by-laws and promoting responsible pet ownership.

Enabling Strategies:

- > Maintain licensing and spay/neuter efforts to identify the animal population and help control over-population.
- > Work with existing community animal welfare organizations to develop a shared vision and expand educational outreach efforts.
- > Engage residents and community organizations on an ongoing basis to ensure that City animal control services are responsive and effective in addressing locally identified neighbourhood needs.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

With respect to spay/neuter requirements of the Responsible Pet Ownership By-law, assistance for residents living on low income is partially funded by the City of Winnipeg and available through the Winnipeg Humane Society. This aligns with the following sections of the Winnipeg Poverty Reduction Strategy (2021 – 2031) and the Implementation Plan (Fall 2021 – Spring 2023):

Goal 6: All City Services are Equitable, Inclusive and Accessible

10-year Objectives:

- A. Residents have equitable access to City services, in particular demographic groups who experience marginalization.
- B. Community development models and collaborative approaches are enhanced or initiated for service planning & delivery in areas of higher poverty.
- C. Use of City's tools and resources are maximized to reduce systemic inequities

Implementation Plan (Fall 2021 – Spring 2023)

Action 6.19 – Pet Spay/Neuter Subsidy Program

Through Partnerships, increase opportunities for low-income residents to access pet spay/neuter services through subsidies and/or related programs.

SUBMITTED BY

Department: Community Services
Division: Animal Services
Prepared by: Leland Gordon
Date: December 13, 2021
File No: CMS-2021-8

Attachments:

Appendix A - Phase 1 Public Engagement Summary

Appendix B - Proposed Responsible Pet Ownership By-law Amendments

Appendix C – Proposed Fines and Early Payment Fine Options Enforceable Through the Municipal By-law Enforcement Act (MBEA)

Appendix D - Responsible Pet Ownership Bylaw Existing Approved Fines

Appendix E – Wildlife Trapping and Rodenticide