



STAFF REPORT

Meeting Date: May 9, 2022

Title: New Animal Control By-law

Prepared By: Tanner Pecarski, Municipal By-law Officer

Department: Building and Planning

Report Number: Building & Planning-2022-009

Recommendation:

THAT Council accept the attached draft Animal Control By-law to provide staff clear procedural measures of enforcement and that Chapter 14, Animals, of the City of Dryden Municipal Code and By-law 3819-2010 are rescinded.

Background:

The Municipal Act grants municipalities the power to create and enforce by-laws that are deemed necessary to license and regulate the keeping of animals within the municipality.

Upon taking the position of Municipal Law Enforcement Officer, I was tasked with reviewing and updating the Animal Control By-law with the objectives of modernizing the by-law and providing clarity for different regulations and processes within the by-law.

At the Monday, April 11th, 2022 Committee of the Whole Meeting, a Delegation was made by a member of the public in regard to a minor variance of the current Animal By-law. Council had discussed allowing properties within the limits of the former township of Barclay to keep backyard hens and provided direction to staff to investigate. As the review and updating of the Animal Control By-law was already in process it seemed pertinent to include in the proposed by-law, the provisions to allow backyard hens under certain conditions.

Discussion:

Most provisions of the current Animal Control By-law remain in the proposed by-law.

The provisions proposed for keeping backyard hens have been researched and decided upon as common best practices used by other municipalities across the province. Junior Planner, Benito Russo assisted with the research and decisions regarding these recommended provisions. The following resources were used to decide which provisions to propose applicable to keeping backyard hens;

- Town of Huntsville Zoning By-law
- Newmarket Urban Hens By-law
- Whitewater Region Animal Control By-law
- Lake of Bays Backyard Hens By-law
- Quinte West Backyard Hen Licensing and Control By-law
- Township of Springwater Backyard Chickens Licensing By-law
- City of Kingston Backyard Hens Rules and Regulations

Proposed changes regarding dogs, cats and animals are current best practices in use by other municipalities, and some have been modified as they best apply to the City of Dryden.

The proposed introduction of the ability to humanely trap animals at large and protective care impoundment was adapted from the Town of Fort Frances' Animal By-law. Even though Protective Care is a rare occurrence, inclusion in the by-law is important to outline animal impoundment timeframes, fees, etc. The additional impoundment time proposed for Protective Care is intended to allow persons who face an emergency or an event that is beyond their control, some temporary care for their pets. As an example, a family who experiences total loss in a house fire and does not have immediate means of accommodation following the fire would have the option of Protective Care for their animals at their expense.

The proposed addition to allow trapping of animals in relation to a Trap-Neuter-Release Program is in response to the growing amount of stray and/or feral cats in a number of neighbourhoods within the City.

The following provides reasoning behind proposed changes that are included in the proposed By-law.

Minor Changes to existing Animal Control By-law Provisions:

Section 4 – Dog, Cat and Animal

Providing for;

- clarification of the mandatory leashing of animals in the City.

Section 5 – Vicious Animals

Providing for;

- clarification of how we regulate and monitor animals deemed to be vicious within the City.

Section 6 – Seize and Impound

Outlining;

- the process that is already followed when an animal is impounded;
- a process for Protective Care of an animal in emergency situations and provides an extra 5 day protective care impoundment in addition to the normal 4 day impoundment;
- which fees must be paid prior to an owner being entitled to redeem their animal, as well as the ability to waive fees in appropriate circumstances.

Proposed Additional Provisions:

Section 6 – Seize and Impound

Providing for;

- the regulated trapping of animals at large in appropriate circumstances, as approved by the Building and Planning Department;
- the ability for animal rescue organizations to carry out a Trap-Neuter-Release Program;
- the owner of an animal to appoint a caretaker for their pet in certain circumstances
- management of vicious or rabid animals at large within the City.

Prohibiting;

- any animals trapped as a result of the Trap-Neuter-Release Program from being released anywhere other than the original trap site;

Section 7 – Keeping of Backyard Hens and Farm animals

Establishing;

- minimum requirements regarding Hen Coop Construction and Maintenance;
- provisions to ensure that the keeping of chickens is not causing a public nuisance and that good practices are adhered to, and;
- provisions for the keeping of fowl on properties that are operating as a farm.

Section 9 – Interfere

Establishing offences for;

- interfering with an Officer appointed under this by-law
- tampering, removing or interfering with traps;
- failing to produce documents or items relating to an investigation; and,
- knowingly furnishing false information to an Officer appointed by this by-law.

Section 11 – Penalties

Establishing;

- a general provision for fines and offences that encompasses the entire by-law, as well as provides guidance for the court to decide a fine amount in the case of a larger, higher impact offence.

Set Fines

Although it is not our main objective to issue fines to those who are in contravention of our by-laws, at times financial penalty may be warranted due to repeated non-compliance or larger scale offences. The issuance of fines is subject to departmental policies and procedures, in addition to the discretion of the By-law Enforcement Officer.

Most set fines that were established under the current Animal Control By-law remain unchanged. Additional offences that were not included in the current set fine schedule have been added. Some additional offences, such as interfering with or hindering an officer, are proposed to carry the same set fine as the majority of other fines.

Some fines are suggested to be set at \$250.00 due to the safety aspects of those offences or are related to the tampering of traps. Tampering with traps can be dealt with in a higher court, as tampering with a trap is an indictable offence. A criminal conviction for these fines would ultimately involve the OPP or Conservation Officers, as well as an initial investigation by the City of Dryden. The \$250.00 set fine for the trap-related offences is meant to be a deterrence, hopefully preventing these offences from occurring before they become a criminal investigation conducted by an outside agency.

Offences related to the keeping of backyard hens are proposed at \$75.00 for each offence as they are low-impact compared to other offences in the by-law. The offences in relation to the sale of products derived from backyard hens or failing to dispose of dead stock are proposed at \$105.00 due to being of medium-impact, as illegal sales have a financial gain aspect and each of the two offences have the potential to aid the spread avian influenza. The fines set at 180.00 for affixing a dog tag issued to another dog and knowingly furnishing false information are of a higher severity, therefore the steeper penalty would be justified.

Financial Implications: None

Current Budget Allocation:

**Account #: Dog Tags Permit License Revenue 424-3503
General Animal Bylaw Revenue 424-3524**

Attachments (Reference Material):

Copy of Proposed Animal Control By-law and Set Fine Schedule
Schedule A – Map showing allowable zones and property locations for hens.