Minute No. 556
Report – Standing Policy Committee on Protection and Community Services – July 4, 2013

Item No. 3 Responsible Pet Ownership Review
File EL-4

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and adopted the following:

1. That the Responsible Pet Ownership By-law (Appendix A) be enacted effective immediately with the exception of Sections 19 and 20 (Cat Licensing).

2. That the implementation of a Cat Licensing Program be approved effective January 2015 in order to promote responsible cat ownership and the importance of spaying/neutering in an effort to curb the cat overpopulation issue in Winnipeg; and further:

   A. That 50% of gross revenue proceeds from the proposed Cat Licensing Program (Appendix B) be provided for spay/neuter programs as determined by the Chief Operating Officer of the Animal Services Special Operating Agency

   B. That an annual $15.00 Cat License fee for spayed/neutered cats and $50.00 for intact cats effective January 2015.

   C. That Sections 19 and 20 (Cat Licensing) of the proposed Responsible Pet Ownership By-law be enacted effective January 2015.

3. That the Pound By-law No. 2443/79 and the Exotic Animal By-law No. 3389/83 be repealed, as the newly created Responsible Pet Ownership By-law amalgamates the aforementioned by-laws.

4. That Schedule B of the proposed Responsible Pet Ownership By-law (Appendix A) which lists pre-set fines and early payment fines be approved. Early payment options are being made available in those instances where there is no serious threat to public health or safety.

5. That the continuation of all Animal Services Agency current fees and charges as contained in Appendix C for inclusion in the City of Winnipeg Fees and Charges Schedule be approved.

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COUNCIL DECISION (continued):

6. That the new Animal Services Agency fees and charges as proposed in Appendix D be effective immediately upon Council approval of this report.

7. That should Recommendation 2 of this report receive Council approval, that a comprehensive public education campaign promoting the importance of spaying and neutering pets and the establishment of Cat Licensing in Winnipeg be undertaken in advance of the implementation of the Cat Licensing Program in Winnipeg.

8. That 'urban chicken keeping' in Winnipeg be allowed only in areas that are agriculturally zoned.

9. That the City of Winnipeg support the Winnipeg Humane Society and other stakeholders in requesting the Province of Manitoba to establish a Task Force on Responsible Pet Breeding in Manitoba in order to prevent inhumane breeding conditions given the Provincial mandate to enforce the Animal Care Act.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Fielding,
That the recommendation of the Standing Policy Committee on Protection and Community Services be adopted.

Moved by Councillor Pagtakhan,
Seconded by Councillor Smith,

BE IT RESOLVED THAT Recommendation 8 of Item 3 of the Report of the Standing Policy Committee on Protection and Community Services not be considered at this time and be laid over until the next meeting of Council.

The motion to layover was put.

Councillor Pagtakhan called for the yeas and nays, which were as follows:

Yea: Councillors Eadie, Gerbasi, Pagtakhan, Sharma and Smith. 5

Nay: His Worship Mayor Katz, Councillors Browaty, Fielding, Havixbeck, Orlikow, Mayes, Steen, Swandel, Vandal, Wyatt and Nordman. 11

and the motion for lay-over was declared lost.

In amendment,
Moved by Councillor Eadie,
Seconded by Councillor Smith,

WHEREAS the Draft Responsible Pet Ownership By-law attached as Appendix A to Item 3 of the Report of the Standing Policy Committee on Protection and Community Services dated July 4, 2013, defines “school” to mean a public school or a private school, as those terms are defined in The Education Administration Act;

AND WHEREAS The Education Administration Act defines “private school” to mean any school, other than a public school, which provides a curriculum and a standard of education equivalent to that provided by public school, but does not include any home or place to which 262(b) of The Public School Act applies;

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DECISION MAKING HISTORY (continued):

AND WHEREAS clause 262(b) of The Public Schools Act applies to home schools and other schools where the parent or guardian is expected to provide a standard of education at home or elsewhere equivalent to that provided in a public school;

AND WHEREAS public and private schools can use commercial animals to provide a standard of education as described in The Public Schools Act;

AND WHEREAS raising chickens provides educational experiences and practical applications in a multitude of school subjects;

AND WHEREAS the Draft By-law currently exempts public schools and private schools in section 29(3), but does not exempt home and other schools;

THEREFORE BE IT RESOLVED THAT the definition of "school" under Definitions and interpretation, section 2(1) in the proposed Responsible Pet Ownership Draft By-law in Appendix A be changed to read:

"school" means a public school or a private school, as those terms are defined in The Education Administration Act, and including any home or place to which clause 262(b) of the Public Schools Act applies.

The motion for adoption of the amendment was put.

Councillor Eadie called for the yeas and nays, which were as follows:

Yea: Councillors Eadie, Gerbasi, Pagtakhan and Smith. 4

Nay: His Worship Mayor Katz, Councillors Browaty, Fielding, Havixbeck, Mayes, Orlikow, Sharma, Steen, Swandel, Vandal, Wyatt and Nordman. 12

and the motion for adoption of the amendment was declared lost.

The Speaker advised that at the request of Councillor Fielding, Recommendation No. 2 of the Item would be considered separately from the remainder of the recommendations.

The motion for the adoption of Recommendation No. 2 was put.

Councillor Fielding called for the yeas and nays, which were as follows:

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DECISION MAKING HISTORY (continued):

Yea: His Worship Mayor Katz, Councillors Browaty, Eadie, Gerbasi, Mayes, Pagtakhan, Sharma, Steen, Swandel, Vandal, Wyatt and Nordman. 12

Nay: Councillors Fielding, Havixbeck Orlikow and Smith. 4

and the motion for adoption of Recommendation No. 2 was carried.

The motion for the adoption of Recommendation Nos. 1, 3, 4, 5, 6, 7, 8, 9 and 10 was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services with the following amendment:

- That Recommendation 8 of the Winnipeg Public Service be concurred in,

and submitted the matter to Council.

Further, on July 10, 2013, the Executive Policy Committee received submissions with respect to the Responsible Pet Ownership Review from the following:

- Elizabeth LaBelle, Citizens Helping to End the Cat Crisis, submitted a communication dated July 10, 2013
- Jim Webb, Citizens Helping to End the Cat Crisis, submitted a communication dated July 10, 2013
- Elizabeth LaBelle and Jim Webb, Citizens Helping to End the Cat Crisis, submitted a PowerPoint Presentation in relation to the Humane Alliance
- Lynne Scott, Executive Director, Craig Street Cats, submitted a presentation titled Concerns Over Revised Draft Bylaw "Responsible Pet Ownership" dated July 10, 2013
- Larry Solheim, TZ Productions, submitted a PowerPoint Presentation titled "Celebrating 250 years of Zerbini Circus History".
- Louise May, Winnipeg Urban Chicken Association, submitted a presentation titled "City of Winnipeg Urban Agriculture and Food Security Strategy" dated July 10, 2013
- Steve Rempel, Prairie Exotics, submitted a PowerPoint Presentation titled "The Manitoba Herpetocultural Society", a letter addressed to Leland Gordon, Chief Operating Officer, Animal Services SOA, a letter from Luke Cecelon, Program Coordinator, Children's

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DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

- Museum dated January 31, 2013, and a copy of a memo from Robert Anderson, Department of Biology, University of Winnipeg
- Stacie Gottfried, Urban Chickens Association, submitted a PowerPoint Presentation titled "Keeping Urban Chickens in Winnipeg"
- Sylvia Wise submitted a communication dated July 8, 2013

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2013, the Standing Policy Committee on Protection and Community Services rescinded its motion of May 6, 2012, to further laid over the matter to its meeting on September 12, 2013.

On July 4, 2013, the Standing Policy Committee on Protection and Community Services rescinded its motion of May 6, 2012, to further laid over the matter to its meeting on September 12, 2013.

Further on July 4, 2013, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Recommendation 2A
  Delete the words "be provided to the Winnipeg Humane Society (WHS) to either expand WHS spay/neuter programs for owned, stray and feral cat populations and/or for the WHS to provide to their key partner organizations such as Winnipeg Pet Rescue and D'Arcy's A.R.C. for expansion of cat spay/neuter programs" and replace with the words "be provided for spay/neuter programs as determined by the Chief Operating Officer of the Animal Services Special Operating Agency".

- Delete Recommendation 2B in its entirety and renumber the remaining recommendations accordingly.

- Recommendation 8
  Due to a tie vote, the Standing Policy Committee on Protection and Community Services did not make a recommendation on Recommendation 8,

and submitted the matter to the Executive Policy Committee and Council.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

Further on July 4, 2013, the Standing Policy Committee on Protection and Community Services received submissions from the following:

- Nancy McQuade, Best Friends Animal Hospital submitted a communication dated June 6, 2013, in support of the Responsible Pet Ownership Review
- Rodger Salm, Petland, submitted a communication dated July 3, 2013, in support of the Responsible Pet Ownership Review
- Margaret McAllister, submitted a communication dated July 3, 2013, in support of the Responsible Pet Ownership Review
- Tara Bucklaschuk, D'Arcy's Animal Rescue Centre, submitted a communication dated June 24, 2013, in support of the Responsible Pet Ownership Review
- Lance Rosolowich, Pet Traders, submitted a communication dated July 4, 2013, in support of the Responsible Pet Ownership Review
- Kate Simpkin, submitted a presentation dated July 4, 2013 and a petition purporting to contain the signature of 2,625 signatures with respect to the Responsible Pet Ownership Review
- Robert Vendramelli, Manitoba Herpetocultural Society, submitted a presentation, a petition (29 pages), a communication from the Manitoba Herpetocultural Society, a communication from Chandra Hickling and Heather McDonald, a document titled "Iguanidae", a document titled "Teiidae", a document titled "Some Facts on Human Deaths in the United States", and a document titled "Federation of British Herpetologists Reptiels For Life", with respect to the Responsible Pet Ownership Review
- James Webb accompanied by Elizabeth Labelle, Citizens Helping To End The Cat Crisis, submitted a presentation dated July 4, 2013 with respect to the Responsible Pet Ownership Review
- Lynne Scott, Craig Street Cats, submitted a presentation dated July 4, 2013 with respect to the Responsible Pet Ownership Review.

On May 6, 2012, the Standing Policy Committee on Protection and Community Services further laid over the matter to its meeting on September 12, 2013.

On January 14, 2013, the Standing Policy Committee on Protection and Community Services laid over the matter to its May 6, 2013 meeting in order to allow the Winnipeg Public Service to consult with stakeholders.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

Further on January 14, 2013, the Standing Policy Committee on Protection and Community Services received submissions with respect to the Responsible Pet Ownership Review from the following:

- Lynne Scott, Craig Street Cats, submitted a presentation titled "Concerns over the draft by-law"
- Jennifer Funk, Winnipeg Urban Chicken Association, submitted a presentation
- Ken McDonald, Vice-Chair, Winnipeg Urban Chicken Association, submitted a presentation titled "Winnipeg Urban Chicken Association Recommendation Regarding the Responsible Pet By-law (Draft)" dated January 14, 2013
- Tripper Stollery, Member, Pet Industry Joint Advisory Council of Canada, submitted a presentation titled "PIJAC Canada"

On November 19, 2012, the Standing Policy Committee on Protection and Community Services granted an extension of time to its January 14, 2013 for the Winnipeg Public Service to report back as directed on September 14, 2009.

On October 1, 2012, the Standing Policy Committee on Protection and Community Services laid over the matter to its meeting on November 19, 2012.

On May 28, 2012, the Standing Policy Committee on Protection and Community Services received as information the Winnipeg Public Service verbal update on the responsible pet ownership review.

Further on May 28, 2012, the Standing Policy Committee on Protection and Community Services requested that the Winnipeg Public Service report back at its October 1, 2012 meeting, as directed on September 14, 2009.

On April 30, 2012, the Standing Policy Committee on Protection and Community Services requested that the Winnipeg Public Service provide a verbal update on the review being conducted on responsible pet ownership at its May 28, 2012 meeting.

On February 28, 2011, the Standing Policy Committee on Protection and Community Services recommends that the Winnipeg Public Service take into consideration the presentations made by the delegations when reporting back as requested on September 14, 2009.

Further on February 28, 2012, the Standing Policy Committee on Protection and Community Services received submissions with respect to responsible pet ownership from the following:

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

- Debbie Wall, submitted a presentation entitled "Leashes Save Lives"
- Ashley Reid, submitted a presentation dated February 28, 2011

On September 13, 2010, the Standing Policy Committee on Protection and Community Services granted an extension of time of 90 days to allow the Winnipeg Public Service to report back as requested on September 14, 2009.

On September 14, 2009, the Standing Policy Committee on Protection and Community Services recommended that the City of Winnipeg Animal Services SOA be directed to task its Advisory Board to examine best practices in other jurisdictions with respect to responsible pet ownership, and report back to the Standing Policy Committee on Protection and Community Services and the Alternate Service Delivery Committee with recommendations within one year.
On April 17, 2009, the Standing Policy Committee on Protection and Community Services passed the following motion, namely:

WHEREAS the Alternate Service Delivery Committee moved a motion on March 6, 2009 requesting the City of Winnipeg Public Service to report back to ASD within 60 days on the cost of having an operational review conducted by an outside firm on the Animal Services SOA;

AND WHEREAS the City of Winnipeg would like to promote responsible system of pet ownership that is financially sustainable;

AND WHEREAS various community stakeholder groups such as the Winnipeg Humane Society are a valuable information resource for the City of Winnipeg and the Animal Services SOA;

THEREFORE BE IT RESOLVED THAT the City of Winnipeg Public Service be directed to formulate a stakeholder advisory group that includes representatives from the Community Services Department, the Animal Services SOA and relevant community stakeholders to examine best practices in other jurisdictions with respect to responsible pet ownership, and report back to the Standing Policy Committee on Protection and Community Services and the Alternate Service Delivery Committee with recommendations in September, 2009.

ADMINISTRATIVE REPORT

Title: **Responsible Pet Ownership By-law**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Gordon K. Knudsen	L. Gordon	M. Ruta	D. Joshi

RECOMMENDATIONS

1. That the proposed Responsible Pet Ownership By-law (Appendix A) be enacted effective immediately with the exception of Sections 19 and 20 (Cat Licensing).

2. That Council approve the implementation of a Cat Licensing Program effective January 2015 in order to promote responsible cat ownership and the importance of spaying/neutering in an effort to curb the cat overpopulation issue in Winnipeg; and further:
   A. That 50% of gross revenue proceeds from the proposed Cat Licensing Program (Appendix B) be provided to the Winnipeg Humane Society (WHS) to either expand WHS spay/neuter programs for owned, stray and feral cat populations and/or for the WHS to provide to their key partner organizations such as Winnipeg Pet Rescue and D'Arcy's A.R.C. for expansion of cat spay/neuter programs;
   B. That this funding arrangement specific to the expansion of low-cost cat spay/neuter programs be incorporated into the Service Agreement between the City of Winnipeg and the Winnipeg Humane Society beginning in 2015;
   C. An annual $15.00 Cat License fee for spayed/neutered cats and $50.00 for intact cats effective January 2015; and
   D. That Sections 19 and 20 (Cat Licensing) of the proposed Responsible Pet Ownership By-law be enacted effective January 2015.

3. That Council repeal the Pound By-law No. 2443/79 and the Exotic Animal By-law No. 3389/83 as the newly created Responsible Pet Ownership By-law amalgamates the aforementioned By-laws.

4. That Council approve Schedule B of the proposed Responsible Pet Ownership By-law (Appendix A) which lists preset fines and early payment fines. Early payment options are

being made available in those instances where there is no serious threat to public health or safety.

5. That Council approve the continuation of all Animal Services Agency current fees and charges as contained in Appendix C for inclusion in the City of Winnipeg Fees and Charges Schedule.

6. That the new Animal Services Agency fees and charges as proposed in Appendix D be effective immediately upon Council approval of this report.

7. Should Recommendation Two of this report receive Council approval, that a comprehensive public education campaign promoting the importance of spaying and neutering pets and the establishment of Cat Licensing in Winnipeg be undertaken in advance of the implementation of the Cat Licensing Program in Winnipeg.

8. That 'urban chicken keeping' in Winnipeg be allowed only in areas that are agriculturally zoned.

9. That the City of Winnipeg support the Winnipeg Humane Society and other stakeholders in requesting the Province of Manitoba to establish a Task Force on Responsible Pet Breeding in Manitoba in order to prevent inhumane breeding conditions given the Provincial mandate to enforce the Animal Care Act.

10. 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 in order to enact any City of Winnipeg By-law(s).

IMPLICATIONS OF THE RECOMMENDATIONS

- The issue of responsible pet ownership is one that is important in order to protect the safety of the public as well as to promote the health and wellbeing of pets in our community.

- The Pound By-law originated in 1979 and the Exotic Animal By-law originated in 1983. The Public Service has reviewed the existing Pound By-law and the Exotic Animal By-law and is recommending that these respective By-laws be repealed in order to create a new Responsible Pet Ownership By-law. Provisions of the Pound By-law and the Exotic Animal By-law have been incorporated into the recommended Responsible Pet Ownership By-law.

- The Public Service has conducted research across several municipal jurisdictions (Appendix E) in order to examine current responsible pet ownership by-laws and/or other existing animal control by-laws in place within a Canadian context. A comparative analysis was

undertaken and best practice information was identified. As an example, the City of Calgary's Responsible Pet Ownership Bylaw is considered a model animal control by-law in North America. Such approaches have been incorporated into the recommended City of Winnipeg Responsible Pet Ownership By-law.

- Following the January 14th, 2013 Standing Policy Committee on Protection and Community Services meeting, wherein the proposed Responsible Pet Ownership By-law was laid over in order to allow the Public Service to consult further with stakeholders, a key stakeholder group was established including the Winnipeg Humane Society, Winnipeg Pet Rescue and D'Arcy's A.R.C. As well, further consultations have also occurred with members of the pet retail industry, reptile expert community and other Canadian municipal jurisdictions. As such, further refinements have been incorporated into the proposed Responsible Pet Ownership By-law.

- The proposed Responsible Pet Ownership By-law is intended to provide a more contemporary approach to animal/pet ownership in Winnipeg. The following are key highlights of new provisions that have been incorporated into the By-law:

  Enhancement of Low-Cost Spay/Neuter Programs and Cat Licensing:

  Spaying or neutering pets is an essential component of responsible pet ownership. According to the Canadian Federation of Humane Societies (CFHS), one of the most important aspects in reducing pet overpopulation is through the spaying and neutering of dogs and cats in order to prevent the birth of unwanted offspring. The CFHS further suggests that the spaying or neutering of pets also carries behavioral and health benefits for dogs and cats including the reduction of sexual behaviors (marking, aggression, roaming, etc.) as well as a reduction in the risk of some diseases (cancers, prostatic diseases)[1].

  Most dogs and cats can be safely spayed/neutered from 8 weeks of age. This veterinary procedure can typically range from $110 to $250. Low-cost spay and neuter programs are necessary to enable access and opportunity for all pet owners to be responsible in spaying and neutering their cat or dog.

  Cat overpopulation is an issue in Winnipeg. This is evidenced by the fact that in 2010, the Winnipeg Humane Society took in 6,083 cats and was forced to euthanize 2,549 cats due to a lack of space and available home placements. Two other large shelters are dealing with the cat overpopulation issue in Winnipeg. D'Arcy's A.R.C. and Winnipeg Pet Rescue are taking in an additional 1,200 cats over and above the number of cats being turned over to the Winnipeg Humane Society. These three organizations are recognized in the community as the three main animal sheltering organizations in the City. In addition to encouraging the spaying and neutering of cats, Cat Licensing Programs are also seen to be effective in helping to curb the cat overpopulation problem by further promoting responsible pet ownership. Cat Licensing Programs have been implemented in most major Canadian cities to date, with the exception of Vancouver and Winnipeg.

[1] http://cfhs.ca/info/companion_animals/#link_one

This report proposes the establishment of a Cat Licensing Program in Winnipeg. A key feature of this recommended program would include 50% of gross revenue proceeds from the proposed Cat Licensing Program (per Appendix B) being directed to the Winnipeg Humane Society (WHS) to either expand WHS spay/neuter programs for owned, stray and feral cat populations, and/or for the WHS to provide to their key partner organizations such as Winnipeg Pet Rescue and D'Arcy's A.R.C. for expansion of cat spay/neuter programs. This funding arrangement specific to the expansion of low-cost cat spay/neuter programs would be incorporated into the City of Winnipeg's Agreement with the Winnipeg Humane Society concurrent with the implementation of the Cat Licensing Program (2015). The current Agreement expires in December, 2013.

The Winnipeg Humane Society, Winnipeg Pet Rescue and D'Arcy's A.R.C. have indicated support for the establishment of a Cat Licensing Program in Winnipeg providing that 50% of the gross revenue can be dedicated to fund low-cost cat spay/neuter programs (Appendix F).

It is proposed that a Cat Licensing Program would be effective January 1, 2015. The Cat Licensing Program would entail:

i. An annual Cat License fee of $15.00 for spayed/neutered cats;
ii. An annual Cat License fee of $50.00 for intact cats;
iii. That the holding period for stray cats wearing a current license impounded at the Winnipeg Humane Society be 8 days as opposed to a 3 day holding period for all other cats;
iv. That a 'free release' once per year be provided for any cat impounded wearing a current license;
v. That a minimum fine of $250.00 be established for failure to license a cat;
vi. That the existing 'Intact Cat Permit' be repealed effective January 1, 2015;
vii. That 50% of the gross revenue from the program be used to fund the Winnipeg Humane Society's owned, stray, and feral cat spay/neuter programs and/or for the WHS to provide to its key partners such as Winnipeg Pet Rescue and D'Arcy's A.R.C. for expansion of cat spay/neuter programs.

The January 2015 implementation timeframe is proposed in order to allow for the development of a full public education campaign that includes messaging around the importance of spaying and neutering pets, as well as for the establishment of the necessary systems for the most efficient administration of the Cat Licensing Program.

A Cat Licensing Program will provide identification in the form of an easily readable tag that can be attached to a cat with a breakaway collar and that will enable more cats to be removed from the streets to be placed back with their owners. The ability to return stray cats to their rightful owners will also help to reduce the risk of unwanted cat breeding. The City of Calgary has experienced a 52% return rate of cats with the implementation of a cat licensing program versus 9% in Winnipeg. If a

Cat Licensing Program in Winnipeg were to be approved by Council, 311 operators would also be able to assist in reuniting lost cats with their owners on a twenty four hour per day, seven day per week basis, as is currently done with lost dogs.

Cat licenses are recommended to be priced lower than dog licenses as a result of the difference in service level provided. For instance, Animal Service Officers actively pursue stray dogs; however will not be pursuing stray cats. Any licensed cat found by citizens and that is wearing a license will be reunited with their owners by 311 and Animal Services. The license fee recommended for the Cat Licensing Program in Winnipeg is in line with the fee trends identified through the jurisdictional scan of Canadian municipalities.

Excess Animals:

The proposed By-law will continue to allow residents of Winnipeg to own or harbor up to six dogs and cats. However, the proposed By-law would now allow up to four of the six animals to be dogs. The previous By-law allowed for only three dogs. In addition, the decision of the Community Committee concerning an Excess Animal Permit would be deemed final and may not be appealed. Previously, Excess Animal Permit appeals were heard at the Standing Policy Committee on Protection and Community Services.

Commercial Animals and Urban Chicken Keeping:

Commercial animals in Winnipeg are prohibited except on a property where this is permitted under the Downtown Winnipeg Zoning By-law or the Winnipeg Zoning By-law. The proposed By-law also prohibits a person from keeping or raising poultry except in districts that are zoned agricultural under the Winnipeg Zoning By-law. The following are exempted from these prohibitions: (1) schools and post-secondary institutions that harbour commercial animals for educational or research purposes and (2) petting zoos that are located in one location for a maximum period of one week.

The Animal Services Agency has consulted with key stakeholders and experts with respect to this issue, including Manitoba Agriculture, Food and Rural Initiatives and the Winnipeg Humane Society (Appendices G and H). The Chief Operating Officer of Animal Services has also met with a variety of interest groups, including Chickens for WinnipEGGers, on this topic and received information regarding their position in favour of urban chicken keeping (Appendix I).

The Public Service has considered the various positions on this issue, and has concluded that a change to the status quo to allow more widespread urban chicken keeping is not warranted. The issues identified by Manitoba Agriculture, Food and Rural Initiatives and by the Winnipeg Humane Society with respect to animal health and welfare were primary considerations in making this recommendation. In addition, concerns that have the potential to impact neighbourhood livability have

been noted. Backyard chickens would attract pests, such as flies, mice, rats, skunks and raccoons. As well, chicken coops that are not properly cleaned would create unpleasant odors.

Most major municipalities in Canada do not allow backyard chicken keeping. Vancouver does allow it, however the British Columbia Society for the Prevention of Cruelty to Animals which oversees such issues in British Columbia does not support the practice (Appendix J).

The Animal Services Agency handles more than 13,000 incidents per year on average, mainly dealing with incidents involving dogs and cats. This service level has doubled since 2008. As such, additional Animal Service Agency staffing and operational resources would be required to regulate and inspect more widespread backyard chicken keeping in Winnipeg.

Prohibited Animals:

Schedule A of the proposed Responsible Pet Ownership By-law provides a listing of Prohibited Animals in Winnipeg. Best practice research was conducted across Canada and experts in the field of exotic animals were consulted in the development of Schedule A. The proposed list overall is less restrictive than the current Exotic Animal By-law taking into account public safety and humane treatment of animals, while still providing a variety of animals available for pet ownership. It would be illegal for a person to keep or harbor animals included in this listing in Winnipeg, unless a special permit is issued by the Chief Operating Officer. The special permit could impose appropriate conditions to protect people, property or the environment from the animal and to ensure humane treatment of the animal.

As a transitional measure, the owner of an animal that is currently being legally kept in Winnipeg but would not be allowed under the new By-law would be entitled to keep the animal until it dies, so long as the owner registers it with the Animal Services Agency within 90 days after the proposed By-law has been enacted.

The Prohibited Animals Schedule of the proposed By-law would not apply to animals that are in the custody and care of the Assiniboine Park Zoo; the Health Sciences Centre, the St. Boniface Hospital and Research Centre, the Manitoba Museum, the Manitoba Wildlife Rehabilitation Organization, the Prairie Wildlife Rehabilitation Centre, FortWhyte Alive, the University of Manitoba and the University of Winnipeg.

The Chief Operating Officer would not have the authority to issue a special permit to a travelling zoo, travelling exhibit or a circus. This means that use of exotic animals for this purpose would not be allowed in Winnipeg. A travelling zoo, exhibit or circus would only be able to use domesticated (dogs, cats, etc.) or commercial animals in the exhibition when in Winnipeg. Twenty seven other Canadian municipalities restrict the use of exotic animals in circuses (Appendix K). Contact with some local organizations that sponsor circuses suggest that this would not entail a significant change from current practice.

The rationale to support a ban on the use of exotic animals in travelling zoos, exhibits or circuses in Winnipeg is based on concern for animal health and welfare, as well as public safety.

The Royal Society for the Prevention of Cruelty to Animals' (RSPCA) position on the use of animals in circuses "reinforced by the scientific data gathered by Dr. Kiley-Worthington, is that circus animals suffer from stress and close and prolonged confinement." According to the RSPCA there is also "no educational, scientific or conservation benefit to keeping performing animals in circuses".[2] A review of the suitability of wild animals to live in a travelling circus was published in Animal Welfare 2009[3] . This review found that the species of non-domesticated animals commonly kept in circuses appear the least suited to a circus life for various reasons including space requirements for enclosures and the ability to be transported without adverse welfare effects.

The American Society for the Prevention of Cruelty to Animals (ASPCA) is also opposed to the use of exotic animals in travelling animal shows "because of the stress, cruelty and physical, social and psychological deprivations that the animals inevitably suffer, many as a direct result of extended confinement and being on the road much of the year."[4] The ASPCA also "rejects the claim that there is educational value in seeing wild animals perform unnatural or dangerous behaviors as well as the claim that large, wild animals such as elephants, bears, lions and

[2] http://www.zoocheck.com/campaigns_circuses_KileyWorthington.html.
[3] Iossa G, Soulsbury CD, Harris S. (2009) Are wild animals suited to a travelling circus life? Animal Welfare 18: 129-140
[4] http://www.aspca.org/sites/CMS/Layouts/PrintViewDisplay.aspx

tigers can be trained without cruelty to perform those behaviors."[5] However, the ASPCA note that performing companion animals are an exception as these animals can be accommodated humanely.

The Canadian Federation of Humane Societies (CFHS) does not support the use of wild animals for entertainment purposes. According to the CFHS, wild animals used for entertainment are not like cats, dogs and other animals that have been domesticated over hundreds and thousands of years. They argue that wild animals do not share the same natural physical and psychological traits that domesticated animals possess and which make them ideal as companion animals. Wild animals have needs which are much more difficult to meet in a travelling exhibition than those of domestic animals. The Humane Society of the United States (HSUS) also opposes the use of wild animals in circuses and other travelling acts. The HSUS claims that wild animals used in circuses and other travelling acts are routinely subjected to months on the road confined in small, barren enclosures. "These animals …may be chained for the majority of the day with no chance to move, express their full range of natural behaviors or socialize with other members of their species. Their routine care is often entrusted to seasonal or temporary employees who have little or no experience caring for such animals."[6] The Winnipeg Humane Society is also in favor of a ban on the use of exotic animals in travelling circuses and exhibitions.

As circus entertainment has evolved significantly over the years to include performing acts that do not rely on the use of exotic animals, the consideration of such a ban is timely and progressive.

- Following consultation with a variety of stakeholders, including with the pet retail industry, it is recommended that the City of Winnipeg support the Winnipeg Humane Society and other stakeholders in requesting the Province of Manitoba to establish a Task Force on Responsible Pet Breeding in Manitoba in order to address the issue of backyard breeders and to prevent inhumane animal breeding conditions. The Province of Manitoba has the mandate to enforce the Animal Care Act which regulates animal welfare. This approach was viewed as having the greatest potential to effectively address animal welfare issues such as puppy mills as opposed to the Animal Services Agency licensing pet vendors or banning the sale of cats and dogs in retail outlets.

- A Fact Sheet entitled "What You Need to Know about Responsible Pet Ownership in Winnipeg" has been developed in order to provide a synopsis of the requirements of the recommended Responsible Pet Ownership By-law and is included as Appendix L.

- The Chief Operating Officer of Animal Services has established a key stakeholder group comprised of representatives of the Winnipeg Humane Society, Winnipeg Pet Rescue and D'Arcy's A.R.C. and has held numerous consultations with this group. There have also

[5] ibid
[6] http://www.humanesociety.org/issues/circuses_entertainment/facts/circus_facts.html

been consultations with a number of other organizations and stakeholders in the development of the proposed Responsible Pet Ownership By-law. While not all consultations have resulted in concurrence on all issues, the Public Service is confident in proposing a Responsible Pet Ownership By-law for Winnipeg that will be considered to be a leading edge model for animal control and pet ownership within the context of a large municipality.

Financial Implications:

- The Prohibited Dog Identification Fee and the Refundable Appeal Fee would be effective immediately upon Council approval of this report. The small amount of revenue to be generated through these proposed new fees would be used to reduce the Animal Service Agency's accumulated deficit.

- Cat Licensing Program – Cat licensing for both spayed/neutered and intact cats would be established with a January 1, 2015 effective date at a rate of $15/spayed or neutered cat and $50/intact cat. The cost of a full public education campaign as well as development of the necessary systems to administer the licensing program will be absorbed within the Agency's 2014 proposed operating budget. Appendix B of this report provides a financial projection of the revenues and expenses associated with the proposed cat licensing program. It is proposed that 50% of the gross revenue from the program be provided to the Winnipeg Humane Society to expand their owned, stray, and feral cat spay/neuter programs and/or for the WHS to provide to their key partners such as Winnipeg Pet Rescue and D'Arcy's A.R.C. for expansion of cat spay/neuter programs ($83,750 in 2015; $87,938 in 2016, $92,334 in 2017, and $96,951 in 2018).

- The recommendations include preset fines and early payment options as outlined in Schedule B of the proposed Responsible Pet Ownership By-law (Appendix A). Revenue from fines is directed to the City's Legal Services Department to defray the costs of prosecution. An estimate of potential revenue from fines is not feasible as the final determination of fines is within the purview of the Provincial court system.

HISTORY

Animal Services was designated by Council as a Special Operating Agency (SOA) effective January 1, 2000. The Pound By-Law has been in place since 1979 and the Exotic Animal By-law since 1983.

The mandate of the Animal Services Agency is to promote, protect and safeguard the health of the community by establishing and maintaining an urban environment which permits the City's human and animal populations to co-exist free of conditions which adversely affect the health, safety and enjoyment of the community. Animal Services Agency is responsible for the enforcement of animal care and control by-laws to minimize risk in the communities served.

Animal Services handles more than 13,000 incidents per year. The agency operates successful adoption, volunteer, and foster programs. License revenues help fund the services provided

including housing stray dogs and reuniting them with their owners, attending house fires or car accidents to help in the removal of dogs where needed and providing an Adoption Program. Animal Service Officers also patrol neighbourhoods to ensure public safety related to animals and help to resolve disputes involving animals, such as barking dog complaints.

On April 17th, 2009, the Standing Policy Committee on Protection and Community Services recommended that the Winnipeg Public Service be directed to formulate a stakeholder advisory group that includes representatives from the Community Services Department, the Animal Services SOA and relevant community stakeholders to examine best practices in other jurisdictions with respect to responsible pet ownership, and report back to the Standing Policy Committee on Protection and Community Services and the Alternate Service Delivery Committee with recommendations in September, 2009.

On September 14th, 2009, the Standing Policy Committee on Protection and Community Services rescinded its recommendation of April 17th, 2009 pertaining to responsible pet ownership. Further, on September 14th, 2009, the Standing Policy Committee on Protection and Community Services recommended that the City of Winnipeg Animal Services SOA be directed to task its Advisory Board to examine best practices in other jurisdictions with respect to responsible pet ownership, and report back to the Standing Policy Committee on Protection and Community Services and the Alternate Service Delivery Committee with recommendations within one year.

On September 13th, 2010, the Standing Policy Committee on Protection and Community Services granted an extension of time of 90 days to allow the Winnipeg Public Service to report back as requested on September 14th, 2009.

On February 28th, 2011, the Standing Policy Committee on Protection and Community Services recommended that the Winnipeg Public Service take into consideration the presentations made by the delegations when reporting back as requested on September 14th, 2009.

On April 4th, 2011, the Standing Policy Committee on Protection and Community Services directed that the Winnipeg Public Service (Animal Services SOA) examine the feral cat issue in the City of Winnipeg and incorporate, if appropriate, recommended changes to the Pound By-law No. 2443/79, for report back to the Standing Policy Committee on Protection and Community Services in September 2011.

On September 26th, 2011, the Standing Policy Committee on Protection and Community Services granted an extension of time of 120 days to allow the Winnipeg Public Service to report back as requested on April 4th, 2011, namely:

1. That the Winnipeg Public Service (Animal Services SOA) be directed to examine the feral cat issue in the City of Winnipeg and incorporate, if appropriate, recommended changes to the Pound By-law No. 2443/79.

On January 30th, 2012, the Standing Policy Committee on Protection and Community Services laid over the matter of the Pound By-law No. 2443/79 – Feral Cats to its meeting on July 5th, 2012.

On July 5th, 2012, the Standing Policy Committee on Protection and Community Services received as information the Winnipeg Public Service verbal report, inasmuch as the matter will be addressed in the Responsible Pet Ownership report being submitted in October 2012.

On October 1st, 2012, the Standing Policy Committee on Protection and Community Services laid over the matter to its meeting on November 19th, 2012.

On October 29th, 2012, the Standing Policy Committee on Protection and Community Services recommended to Council:

1. That the Winnipeg Public Service take into consideration the Council Motion of October 24, 2012 (Review of By-laws to Permit the Raising of Hens in the City of Winnipeg) as part of the Responsible Pet Ownership By-law review.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

On November 14th, 2012, Council concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and adopted the following:

1. That the Winnipeg Public Service take into consideration the Council Motion of October 24th, 2012 as part of the Responsible Pet Ownership By-law review.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

On January 14th, 2013, the Standing Policy Committee on Protection and Community Services laid over the matter to its May 6th, 2013 meeting in order to allow the Winnipeg Public Service to further consult with stakeholders.

On May 6th, 2013, the Standing Policy Committee on Protection and Community Services further laid over the matter to its September 12th, 2013 meeting.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 14, 2013

Project Name: **First Year of Program** **2014**

Responsible Pet Ownership Bylaw

	2014	2015	2016	2017	2018
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs		$ 164,396	$ 166,627	$ 174,193	$ 182,108
Less: Incremental Revenue/Recovery		167,500	175,875	184,669	193,902
Net Cost/(Benefit)	$ -	$ (3,104)	$ (9,248)	$ (10,476)	$ (11,794)
Less: Existing Budget Amounts	-				
Projected Reduction to Accumulated Deficit	$ -	$ (3,104)	$ (9,248)	$ (10,476)	$ (11,794)

Additional Comments: Cat Licensing Program - Cat licensing for both spayed/neutered and intact cats would be established with a January 1, 2015 effective date at a rate of $15/spayed or neutered cat and $50/intact cat. Appendix B of this report provides a financial projection of the revenues and expenses associated with the proposed licensing program. It is proposed that 50% of gross cat licensing sales from the program (which is projected to be near 100% of the positive net proceeds from the program) be provided to the Winnipeg Humane Society to expand their owned, stray, and feral cat spay/neuter program and key partner spay/neuter operations.

The small amount of revenue to be generated through the 2014 proposed new fees (i.e. prohibited dog identification fee, refundable appeal fee) would be used to reduce the Agency's accumulated deficit that was over $1.0 million at the end of 2012.

original signed by
Cindy Fernandes, Department Controller
Community Services Department

CONSULTATION

In preparing this report there was consultation with:
Legal Services Department
Community Services Department
Corporate Support Services Department – 311
Planning, Property and Development Department
Animal Services Agency Advisory Board

Assiniboine Park Zoo

Winnipeg Humane Society
Winnipeg Pet Rescue
D'Arcy's A.R.C.

Province of Manitoba – Manitoba Health
Province of Manitoba – Animal Health and Welfare, CVO Food Safety Branch
Office of the Chief Veterinarian

City of Calgary, By-law Enforcement Services
City of Ottawa, By-law and Regulatory Services
City of Vancouver, Licenses and Inspections, Animal Control

Aardvark Pets
Animal Defenders International
Canadian Federation of Humane Societies
Chickens for WinnipEGGers
Citizens Helping to End the Cat Crisis
Craig Street Cats
Dan Fryer, APO
Heather McDonald, D.V.M.
Khartum Shriners of Winnipeg
Manitoba Canary & Finch Club
Manitoba Herpetocultural Society
Nancy McQuade, D.V.M.
Optimist Clubs of Winnipeg
Petland Canada
Pet Traders
Red River Exhibition
The Pet Industry Joint Advisory Council of Canada
The Toronto Feral Cat Project
True North Sports and Entertainment

SUBMITTED BY

Department: Community Services
Division: Animal Services Special Operating Agency
Prepared by: K. Knudsen, L. Gordon, S. Johnson
Date: June 24th, 2013
File No.

Attachments:

Appendix A: Draft By-law – Responsible Pet Ownership including:
Schedule A – List of Prohibited Animals in Winnipeg; and
Schedule B – Preset Fines and Early Payment Fines


Appendix A.pdf

Appendix B: Proposed Cat Licensing Program – Revenue / Expense Projection


Appendix B - Proposed Cat Licensir

Appendix C: Current Fees and Charges – Animal Services Agency


Appendix C: Current Fees and Charges - A

Appendix D: New Fees and Charges – Animal Services Agency


Appendix D: New Fees and Charges - A

Appendix E: Jurisdictional Scan – Responsible Pet Ownership



Jurisdictional Scan - Responsible Pet Own

Appendix F: Letters in Support of proposed Responsible Pet Ownership By-law



Appendix F - Letters in Support of Propose

Appendix G: Letter – Manitoba Agriculture, Food and Rural Initiatives



Appendix G: Letter - Manitoba Agriculture,

Appendix H: Winnipeg Humane Society Position Statement



Winnipeg Humane Society Position State

Appendix I: Chickens for WinnipEGGers Letter



Appendix I: Chickens for WinnipE(

Appendix J: British Columbia – SPCA - Against Backyard Poultry



Appendix J: British Columbia - SPCA - Ag

Appendix K: Canadian Jurisdictions Restricting the Use of Exotic Animals in Circuses

Appendix K - Canadian Jurisdiction:

Appendix L: Draft Fact Sheet – What You Need to Know about Responsible Pet Ownership in Winnipeg

Appendix L - Draft Fact Sheet.pdf