Minutes - Executive Policy Committee - September 17, 2003

Minute No. 343
Report - Standing Policy Committee on Protection and Community Services - September 8, 2003

Item No. 4 Amendments to Pound By-law No. 2443/79 - Penalties and Fines
File EL-4

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the schedule of specific penalties and fines for the Pound By-law No. 2443/79 as outlined in Appendix 'B' be approved, and that this schedule shall come into effect upon Council's approval of the by-law amendment.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law in accordance with the foregoing and submit same directly to Council.

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

Minutes - Executive Policy Committee - September 17, 2003

Report - Standing Policy Committee on Protection and Community Services - September 8, 2003

DECISION MAKING HISTORY:

Moved by Councillor Gerbasi,

That the recommendation of the Standing Policy Committee on Protection and Community Services be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 8, 2003, the Standing Policy Committee on Protection and Community Services received as information the Council motion of December 11, 2002, and concurred in the administrative recommendation and submitted the matter to Executive Policy Committee and Council.

COUNCIL:

On June 25, 2003, Council granted an extension of time of 60 days for the Standing Policy Committee on Protection and Community Services to report back to Council with its recommendation relative to the City amending the Pound By-law No. 2443/79 to establish a schedule of specified penalties in order to reduce needless euthanization and to encourage licensing and responsible pet ownership.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2003, the Standing Policy Committee on Protection and Community Services referred the matter to the Administration, together with each of the recommendations put forward by the persons appearing in delegation with respect to the proposed amendment to the Pound By-law, for report back to the Standing Policy Committee.

COUNCIL:

On December 11, 2002, Council ruled automatic referral of the following motion to the Standing Policy Committee on Protection and Community Services:

Minutes - Executive Policy Committee - September 17, 2003

Report - Standing Policy Committee on Protection and Community Services - September 8, 2003

DECISION MAKING HISTORY (continued):

Moved by Councillor Lazarenko,
Seconded by Councillor Smith,

WHEREAS the City of Winnipeg has terminated an agreement with the University of Manitoba dated June 2, 1993 whereby the City sold unclaimed dogs to the University for research purposes;

AND WHEREAS nonetheless, the City continues needless euthanization at a rate of 542 dogs in 2001, including approximately 100 sent to the University, largely because owners fail to license their dogs;

AND WHEREAS compared to Calgary which licenses more than 90% of its approximately 100,000 dogs and euthanized only 188 dogs in 2001, Winnipeg owners license only 21% of the City's dogs;

THEREFORE BE IT RESOLVED THAT the City amend Pound By-law No. 2443/79 to establish a schedule of specified penalties in order to reduce needless euthanization and to encourage licensing and responsible pet ownership.

REPORT -

RE: Amendments to Pound By-law 2443/79

FOR SUBMISSION TO: **Standing Policy Committee on Protection and Community Services**

ORIGINAL REPORT SIGNED BY: **Kelly Goldstrand, Director, Community Services Department**

Tim Dack, Chief Operating Officer Animal Services Agency

REPORT DATE: **August 22, 2003**

RECOMMENDATION(S):

1. That Council approve the recommended schedule of specific penalties and fines listed in Appendix 'B' and that this schedule come into effect upon Council's approval of the by-law amendment
2. That Council instruct the proper Officers of the City of Winnipeg to prepare and submit to Council the necessary by-law amendment for approval.

REPORT SUMMARY:

Key Issues:

- The City of Winnipeg, Animal Services Agency continues to struggle with low dog owner compliance to dog licensing and other requirements of the Pound By-law. The low compliance to dog licensing causes increased euthanasia of unclaimed dogs at Animal Services and impacts on the Agency's ability to meet its financial targets.
- The City of Calgary Animal Services Section has been a model for success for municipal animal control operations throughout Canada. Their methods have been considered in the development of this report.
- The City of Winnipeg licensed approximately 21.5% of dogs in the city in 2002 and recovered approximately 26% of its operating budget through license and other revenues. The City of Calgary, Animal Services licensed close to 90% of the dogs in Calgary in 2002 and recover 85% of their operating budget in license and fine revenue.
- Winnipeg returned 47% of the dogs picked up to their owners and Calgary returned 86%.
- Winnipeg euthanized 33.7% of unclaimed dogs and Calgary euthanized 3%

- The City of Winnipeg has six specific penalties and fines compare to Calgary, which has over thirty.
- Winnipeg's fine for no dog license is $75 compare to Calgary's fine of $250
- Both Winnipeg and Calgary promote the requirement for dog licensing and responsible pet ownership.

Implications of the Recommendation(s):

General Implications

	None
	For the organization overall and/or for other departments
X	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s): Increased fines for dog owners charged for non-compliance to the Pound By-law.

Policy Implications

	No
X	Yes **Comment(s):** Requires an amendment to the Pound By-law No. 2443/79

Environmental Implications

X	No
	Yes **Comment(s):**

Human Resources Implications

X	No
	Yes **Comment(s):**

Financial Implications

X	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s): The Departmental Controller has reviewed the report and indicates that there are no budgetary implications associated thereto.

REASON FOR THE REPORT:

On December 11, 2002, Council automatically referred the following motion to the Standing Policy Committee on Protection and Community Services.

> "That the City amends Pound By-Law No. 2443/79 to establish a schedule of specified penalties in order to reduce needless euthanasia and to encourage licensing and responsible pet ownership."

On January 13, 2003, the Standing Policy Committee on Protection and Community Services referred the foregoing matter to the administration, together with the recommendations put forth by the persons appearing in delegation with respect to the proposed amendment to the Pound By-law.

Committee instructed the administration to report back to the Standing Policy Committee on Protection and Community Services.

HISTORY:

The Animal Services Agency is responsible for providing animal control in the City of Winnipeg. Its service is described as:

"A public service offered to citizens that provides animal control under The City of Winnipeg Charter for issues such as neighbourhood disputes regarding the behaviour of someone's pet, animal bites/attacks, stray dogs, illegal animals, wildlife concerns, quarantine, impoundment of stray/unwanted animals, disposition of unclaimed/unwanted animals, injured animals, after-hours emergency response, enforcement of related by-laws, general inquiries, etc. This service also includes public education and the promotion of responsible pet ownership and care."

Core services provided to the citizens of Winnipeg by the Animal Services Agency are:

- Licensing
- Public Awareness/Education
- Neighbourhood Dispute Resolution re: Animal Concerns
- Disease Prevention
- Lost and Found
- Inspections
- Complaint Response
- Stray Dog Control
- Kennelling (Impounded Animals)
- Emergency Response

- Exotic Animal Control
- By-law Enforcement
- Wildlife Response (in partnership with Natural Resources)
- Stray Cat Control

Animal Services maintains service agreements with Scotia Enterprises for provision of animal control in the Charleswood/Tuxedo areas of the city and with the Winnipeg Humane Society for the kennelling of cats trapped pursuant to the By-law and with other animal-related services.

The goals of the Agency are to:

- Be financially self-sustainable to the greatest extent possible, (significantly less reliance on mill-rate support)
- Improve health and safety of neighbourhoods
- Improve customer service
- Increase public awareness and participation
- Improve public image
- Develop partnerships

Animal Services was established as a Special Operating Agency on January 1, 2000. Contained in the Agency's business plan is the goal to become financially self-sustainable to the greatest extent possible with significantly less reliance on mill rate support. To achieve this, the Agency needs to increase revenues to offset the mill rate support it receives from the City of Winnipeg. This mill rate support is decreasing each year as per the business plan. It is not planned for the mill rate support to completely stop, as there is a portion of the services provided that are not cost recoverable. This portion is for services that are delivered to the citizens as a whole for the matter of personal and community safety and not specifically dealing with pet owners. There was no increase in license sales for 2002 over 2001. License sales for both years were approximately 22,000 (22%).

DISCUSSION:

The main source of revenue for Animal Services is dog licensing. License sales targets in the business plan are for 50,000 licenses to be sold in five years. Over the last three years license sales have been below targets and sales for 2002 essentially had no growth over the previous year.

Although license revenue is important to the financial success and stability of the Agency, license sales play an equally important role in the safety of animals and happiness of families. A valid license reunites lost dogs with their owners and reduces useless euthanasia of unclaimed dogs. Fees from licensing allow the Agency to provide its core services.

A valid license provides a conduit to the owner from the Agency to share information about their pet and their responsibilities as pet owners. The data collected through licensing is up-to-date and allows Animal Service Officers access to relevant information when resolving neighbourhood disputes or dealing with emergencies concerning people's pets.

The City of Calgary Animal Services Section has been a model of success for municipal animal control operations throughout Canada. Calgary has a high level of licensing compliance (90%), a very low euthanasia rate (3%), a high returned to owner rate (86%), and is approximately 85% self-sustaining.

The Chief Operating Officer of the City of Winnipeg Animal Services Agency visited the Calgary Animal Services in 1995 and 2002 to review what Calgary has done and to examine if their methods can be applied to Winnipeg's Animal Services. Of particular interest to the City of Winnipeg administration is Calgary's specific penalties and fines.

The following is an overview of the comparative analysis contained in Appendix 'A', of the two operations and some of their main service areas.

Overview

The license fees in Winnipeg are set at a reasonable rate. The 50% differential between sterilized and non-sterilized dogs is sufficient to offer dog owners a significant savings over the life of a dog. Raising the fees when compliance is low will increase difficulties for the Agency in licensing new dogs.

The licensing process used by both Winnipeg and Calgary provides flexibility to dog owners and spreads out the administrative task of keeping records updated. Both agencies use multiple outlets for license sales and offer various payment methods. Winnipeg must make its on-line payment option a priority. This will require the Agency to finalize its website and go-live.

Valid, up-to-date licensing is the foundation upon what all services provided are built. A strong compliance to licensing reduces unclaimed animals, which in-turn reduces needless euthanasia. Adoptions and placements in other shelters are also valuable programs; however, these programs should deal with the exceptions. The goal for Animal Services is to return these dogs home as soon as possible. Pet ownership demands responsible and accountable actions on the part of the owner.

As shown with the Calgary model, licensing works. Only 3% of the dogs were euthanized, compared to the 34% of dogs in Winnipeg. 86% of their dogs went home, well over double what Winnipeg sent home. Strong compliance also means sufficient revenues for the Agency to meet its long-term financial goals.

Both cities have a strong adoption program that promotes responsible pet ownership and offers another chance for unclaimed dogs.

Service delivery and requests for service are similar for both operations. Because of the nature of the business, requests for service do not and cannot be contained or manoeuvred to a certain part of the day, week or geographic location. For staffing purposes this presents a challenge. Staffing depends on service needs.

For Winnipeg's Animal Services, this is a significant challenge. Animal Services is operating at a bare bones staffing complement and many times is understaffed to meet service needs.

Optimally, based on Calgary's ratio of staff to population, Winnipeg Animal Services should have 17.5 Animal Service Officers, 6.5 Kennel Attendants and 10 Administrative Staff. Current staffing levels are 13 Animal Service Officers, 2 Kennel Attendants and 6 Administrative staff.

Specific penalties and fines are a notable difference between the two operations, plus the significant difference in amounts of the fines for similar offences. Although it is not the main objective to issue offence notices, the fines associated with them must be high enough to provide a great enough deterrent. Fines should also adequately compensate the Agency's time and effort. Currently fines in Winnipeg are too low. The fines do not provide enough of a penalty for non-compliance and do not adequately compensate Agency effort.

Calgary has set fines at a reasonable level that enforces the basic concept that pet ownership carries responsibilities. The fine for no license has proven the most benefit for their overall operation. Calgary established a fine of $250.00 for no license, compared to Winnipeg's fine of $75.00. With dog licenses in Winnipeg costing $20.00 or $40.00 and the fine for no license being $75.00 many owners do not license because it is not worth the worry or time. Winnipeg must set specific penalties and fines and be serious about non-compliance to the requirements of the by-law.

Calgary recovers over 85% of their annual budget with licensing and penalty revenues. Winnipeg recovered only 26% of their 2002 operating budget. With the low compliance of dog licensing it will be difficult for Winnipeg to meet its long term financial goals. The original targets in the Agency's business plan projected a budget recovering of 70% in five years.

During visits to and discussion with Calgary's Animal Services, it was evident that the main contributing factor to their success was their fundamental commitment and acceptance of what their mandate is. They are in the Animal Services business and enforcement of their by-laws is their fundamental responsibility. They achieve this by education, advertisement, practicing a zero tolerance to non-compliance of the by-law

requirements for pet ownership and projecting an overall caring and professional work environment and service delivery.

Increased fines are not the only way to promote responsible pet ownership or compliance but adequate reasonable penalties are just as important as all other strategies and processes. Winnipeg spends a significant portion of its resources on promotion of responsible pet ownership but it continues to struggle with low compliance of dog licensing. Increased fines would assist the Agency to meet all its goals by delivering the message that pet owners are accountable for all ownership responsibilities. See Appendix 'B' for a recommended list of specific penalties and fines. Currently the fines in Winnipeg are progressive with increasing amounts for 2nd and 3rd offences (See Table 1, page 14, Appendix 'A'). The recommended list of fines in Appendix 'B' does not include any increase for subsequent charges. It is felt that the recommended levels of fines are sufficient if necessary to apply to subsequent charges. As found in the Calgary model if the initial fine is set at an adequate level this normally provides enough of a penalty or deterrent to discourage repeat non-compliance.

FINANCIAL IMPACT STATEMENT:

The Department Controller has reviewed this report and indicated that there are no associated financial implications.

Financial Impact Statement

Date: August 22, 2003

Project Name:

First Year of Program **2003**

Amendments to Pound By-Law 2443/79

	2003	2004	2005	2006	2007
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	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

There are no budgetary implications associated thereto.

C. Wightman, Manager
Finance & Administrative Services

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

The City of Winnipeg Corporate Services Legal Services Division.

THIS REPORT SUBMITTED BY:

Department: Community Services Department
Division: Animal Services Agency
Prepared by: Tim Dack, Chief Operating Officer
File No.

Appendix 'A'

Comparative Analysis between the City of Winnipeg Animal Services Agency and the City of Calgary Animal Control Section Operations

Licensing:

- Winnipeg

Annual dog licensing has been a requirement of dog owners in the City of Winnipeg since the late 1800's. The current City of Winnipeg Pound By-law No. 2443/79 states that owners of dogs in the City of Winnipeg over the age of six months must license them annually.

The annual fee for a dog license is $20.00 for a spayed or neutered dog and $40.00 for an unaltered dog. Dog owners have the option to license their dogs for a two-year period and included with all valid licenses is one free ride home for dogs picked up which are wearing a valid license, and a redeemable retail coupon sheet.

The license period for dog licenses is 12 or 24 months. New applications are staggered based on the first letter in the owners last name and the initial licensing period can range from 7 to 18 months. Animal Services mails renewal invoices to dog owners on their annual renewal date. A second notice is sent to those who do not respond to the original invoice. If the second notice is ignored the Agency sends an Officer to visit the dog owner and lay charges for no license if applicable.

Dog owners can buy or renew their dog licenses at 58 different sites in and around Winnipeg. Dog license sales and renewals are available at all City of Winnipeg veterinarian clinics, the Winnipeg Humane Society, various pet supply retail outlets, Kindness Kennels, the Animal Services Agency, the City of Winnipeg License Branch and the City of Winnipeg Bi-lingual Centre. Payments can be made in person, over the phone or by mail. Animal Services is currently developing on-line payment options. Dog owners can pay in cash, by cheque, Visa, MasterCard, American Express, or debit card.

Based on industry estimation the dog population in the City of Winnipeg is approximately 100,000 dogs. The City of Winnipeg licensed approximately 22% (22,000) in 2001 and 2002 of the dogs residing in the City of Winnipeg.

- Calgary

In Calgary all dogs over the age of 3 months must be licensed. License fees are $30.00 for a spayed or neutered dog or $50.00 for an unaltered dog (latest increase occurring in May 2003). Dog licenses in Calgary are available through their Animal Services Centre, at City Hall, at chartered banks or online. Payments can be made in person, by phone, by mail or at the city's night depository.

The City of Calgary and the City of Winnipeg use the same licensing process for new applications and renewals. In 2001 Calgary's Animal Services licensed approximately 85% of the dogs in Calgary. In 2002 close to 90% of dogs were licensed.

Impounding

- Winnipeg

Animal Services impounds primarily dogs, and occasionally exotic and/or domestic animals. The Agency does not impound cats. The City has a service contract with the Winnipeg Humane Society to hold cats trapped pursuant to the Pound By-law.

In 2002, the Animal Services Agency impounded 1441 dogs of which only 4.2% were licensed. Of the 1441 dogs, 48% were returned to their owners and 33.7% were euthanized because they bore no identification and their owners could not be found. Another 18% were also unclaimed, but were adopted to new homes or transferred to other shelters.

In 2001, 1571 dogs were impounded of which only 2.1% had a valid license. Of the 1571 dogs, 47% were returned to their owners, 35.2% were euthanized and 18% were adopted or placed elsewhere due to no owner identification.

The "Free Ride Home" program was enhanced in 2002 to increase the period when an owner could claim their dog if it was wearing a valid license tag. In 2002, 62 dogs (8.9% of RTO) were returned home free of charge

Animal Services holds stray dogs for a period of five days if there is no known owner and ten days if there is a known owner. When a dog is impounded it is checked for any sign of identification (license tag, microchip, tattoo, name tag, physical characteristics, etc). If there are no identifiers and no one claims the dog it is accessed as to its suitability for adoption and if acceptable it will be placed in the adoption program or with other rescue shelters. If the dog is not suitable for adoption, the dog is euthanized.

Fees for impounding are broken into two components. The first is a 'Pound Fee', which is a service fee for picking up dogs at large. The pound fee for the 1st offence is $45.00, 2nd offence is $150.00 and 3rd and subsequent offences are $225.00. This fee is charged to all dogs picked up plus kennelling fees of $15.00/day.

All dogs returned to their owners from Animal Services are required to have a valid license at the time of redemption. Dogs adopted from Animal Services or the Humane Society have their first license included free of charge as part of the package.

The City of Winnipeg does not have a large feral population of dogs. Almost all dogs handled by Animal Services annually are owned or have been touched by human hand at one time in their lives.

Prior to December 17, 2002, a portion of the unclaimed dogs scheduled for euthanasia was sold to the University of Manitoba for medical research. This agreement was terminated December 17, 2002.

- Calgary

Calgary impounds dogs, cats trapped pursuant to their by-law and domestic animals. Dogs with no known owners are held for 3 days and dogs with a known owner are held for 7 days.

In 2001 Calgary Animal Service impounded 5071 dogs. Of these, 4426 (86%) were returned to their owners, 436 (8%) were adopted to new homes and only 188 (3%) were euthanized (due to health or disposition). Of the 4426 dogs returned to their owners 1492 (33% of RTO) were driven straight home because the dog was wearing a valid license.

Impoundment fees in Calgary are a flat pound fee of $25.00 plus kennelling fees of $7.00/day. Calgary stopped providing the university with dogs for research in 1992 due to the increased licensing and increased number of dogs returned to their owners.

Adoptions

- Winnipeg

To help reduce the number of unclaimed dogs being euthanized, the Animal Services Agency started an adoption program for unclaimed dogs in June 2000. In 2000, ninety-one dogs were adopted to new homes, 144 in 2001 and 168 in 2002. Winnipeg continues to euthanize approximately one-third of the dogs that are impounded. Before the adoption program was implemented the euthanasia rate was approximately 40 – 45% of dogs impounded.

Dogs suitable for adoption were held on average 21 days in 2002 at Animal Services. If dogs in the adoption program are not being adopted and are being held too long they are transferred to other shelters or euthanized.

The dog adoptions fee ranges from $119.00 to $182.00, dependent on age of the dog and whether the dog is sterilized or not. Adoption fees include spray/neuter surgery, a free dog license for the first license period, a microchip implant, tattoo, first shots (excluding rabies), health check by a veterinarian and a free bag of dog food.

Animal Services offers a 20% discount for seniors looking to adopt a new dog. It also reduces the price on senior dogs or dogs that have been in the program too long to give them added opportunity to find a new home.

- Calgary

Calgary Animal Services runs an adoption program for both the unclaimed dogs and cats it impounds. In 2001 Calgary adopted 436 dogs to new homes. The fee for adopting a dog is $125.00 and $80.00 for a cat. The fee includes, spay/neuter surgery, a microchip implant, first shots (excluding rabies), health check by a veterinarian and a free six months license.

Advertising/Education

- Winnipeg

Animal Services actively advertises dog-licensing requirements and its dog-adoption program. The Agency utilizes large media advertising such as billboards, television advertising and professional sporting events. It sustains its message throughout the year in local media, at special events, in the City of Winnipeg Leisure Guide, and with mail outs, posters, etc.

Animal Services promotes safety around animals and responsible pet ownership through in-school programs, school/group tours, workplace information sessions, etc.

- Calgary

Calgary Animal Services aggressively advertises pet owner responsibilities and its services using a variety of media, special events, educational programs and interactive web sites. Calgary has three full time Public Education staff that provides safety and education programs to schools, groups and service providers.

Staffing

- Winnipeg

The Animal Services Agency has a staff complement of 13 Animal Service Officers, 2 Kennel Attendants (Registered Animal Health Technologists), 1 Adoption Coordinator, and 6 Administrative staff.

Animal Service is open to the public 7 days a week. Officers are available to respond to requests from 8:00 a.m. to 7:30 p.m. seven days a week excluding holidays. In addition to daytime coverage the Agency provides an after hour and holiday call out service for emergencies.

Animal Services developed a special project in 2002 to deal with the issue of low compliance to licensing. The Agency hired three temporary Animal Service Officers to follow-up on delinquent dog owners and track down unlicensed dogs. Animal Services intends to repeat this program in the fall of 2003.

- Calgary

Calgary Animal Services has a staff complement of 24 Animal Control Officers, 9 Animal Health Technologists and 19 administrative staff.

Calgary's operating hours are similar to Winnipeg's.

Fines and Penalties

- Winnipeg

The City of Winnipeg, Animal Services Agency is responsible for enforcing the Pound By-law # 2443/79 and the Exotic Animal By-law # 3389/83

Animal Service Officers issue Common Offence Notices (CON's), for non-compliance with dog licensing and other infractions of the by-laws. Dog owners charged for an infraction of the by-laws must deal with the charges at Provincial Court. Owners can voluntarily plead guilty to a Magistrate and pay a fine or plead not guilty and go to trial.

The Pound By-law identifies in Section 31, six specific penalties and fines plus general penalties. Table I outlines these penalties and fines.

Table 1:

Penalties	Fine – 1st Offence	2nd Offence	3rd Offence
No license	$75	$150	$300
Pursue	$75	$150	$300
No license – Dangerous dog	$150	$300	$600
Bite/Wound	$150	$300	$600
Dangerous dog requirements	$150	$300	$600
Pitbull within city limits	$150	$300	$600
All other infractions	$50	$100	$200

Fines are paid to the province and remitted by the province to the City of Winnipeg. In 2002 $32,095.00 were collected in fines for Pound By-law infractions

Table 2 outlines the disposition of the charges laid pursuant to the by-law for 2002

Table 2:

Finding of the Court	Disposition	Total
Default Conviction	Fine	132
	Dismissed	1
Guilty	Reprimand	427
Guilty	Fine	312
Guilty	Absolute Discharge	7
Dismissed		5
Not Guilty	Acquitted	5
Not Guilty		2
Stayed/Quashed/Struck		182
No disposition on record to date		13
TOTAL CON's		**1086**

Of the 1086 CON's issued, 777 were issued by the three temporary Animal Services Officers involved in the special licensing project. Table 3 details the disposition of these charges. These 777 CON's were for no license. In total the Animal Services Agency served 871 no license CON'S in 2002.

Table 3:

Total CON's Issue	777
Dealt with by the Courts	560
Pulled prior to court/Stayed by Crown	148
No disposition known at this time	17
Number of houses visited	1424

- Calgary

The City of Calgary, Animal Services Section enforces the Animal Control By-law, the Cat Control By-law, the Glenmore Park By-law, the Nuisance By-law (nuisance domestic pigeons), and the Dangerous Dog Act. Calgary's process for issuing and dealing with notices and payment of fines is similar to Winnipeg.

Schedule D, of Calgary's Animal Control By-law identifies 31 specific penalties and fines enforced by Animal Control (See Appendix 'C'). The significant fine of note is the fine for no license - $250.00

Revenues:

- Winnipeg

A breakdown of revenues for 2000-2002 is shown in Table 4.

Table 4:

	2000	2001	2002
Pound Fees	23,000	24,050	24,539
Kennelling Fees	27,786	36,641	37,120
Dog Licensing	237,708	315,566	396,298
Others	12,854	25,295	31,320
	$ 301,348	$ 401,552	$ 489,277

- Calgary

The City of Calgary Animal Control 2001 Operating Budget is shown below:

- $3.4 million annual operating budget
  - $0.5 million in tax funding (primarily for pigeon and wildlife programs)
  - $2.9 million in license and penalty revenue (the penalty revenue was approximately $300,000)

Spay and Neuter:

- Winnipeg

The Animal Services Agency does not provide any spay or neutering services. Spay and neuter services are provided at Veterinarian Clinics and the Winnipeg Humane Society.

Currently Animal Services offers a 50% reduction in the license fees for dogs that are spayed or neutered ($40 to $20). The Agency also requires all adopted dogs from Animal Services to be sterilized. This surgery is included in the adoption fee.

The Pound By-law requires all cat owners to spay or neuter their cats over the age of six months or to obtain an annual permit for the unaltered cat at a fee of $50.00 per year.

- Calgary

Calgary also offers a reduction in dog license fees for sterilized dogs ($50 to $30) and includes a spay/neuter in their adoption fees. Calgary does not require owned cats to be sterilized.

Owners of dogs and cats who are on a fixed or low income and cannot afford spaying or neutering can talk to their veterinarian about the Veterinary Aid Society of Calgary.

Appendix 'B'

Recommended Specific Penalties and Fines for City of Winnipeg Animal Services Agency

SECTION	OFFENCE	PROPOSED PENALTY	EXISTING PENALTY
15	Obstruction	$500.00	$50.00
17(a)	Unlicensed dog (or dangerous dog)	$250.00	$75.00 ($150)
(c)	Dog not wearing license	$50.00	$50.00
19(1)	Dog not in control of competent person while off the property of its owner	$100.00	$50.00
(2)	Unconfined dog in heat	$50.00	$50.00
20(1)(a)	Running at large	$100.00	$50.00
(b)	Barking, howling, or unduly disturbing	$100.00	$50.00
(c)	Defecation	$200.00	$50.00
(d)	Damage to property other than its owners	$100.00	$50.00
(e)	Owning, harbouring an unlicensed dog	$250.00	$75.00
(f)	Harbour or keep a vicious dog in a manner that is unsafe to any person or animal	$500.00	$50.00
(g)	Pursue any person or animal	$200.00	$75.00
(g.1)	Bite or wound any person or animal	$350.00	$150.00
(h)	Dog on school ground or playground	$100.00	$50.00
(i)	Unleashed and not in custody or control of the owner on a parkland	$100.00	$50.00
(j)	Unvaccinated for Rabies	$200.00	$50.00
20(3)	Upsetting waste	$100.00	$50.00
27.1(2)	Failure to comply with rules of a designated off-leash area	$75.00	$50.00
28(4)	Cat running at large	$100.00	$50.00
(5)	Failure to comply with terms and conditions of the use of a cat trap	$500.00	$50.00
(11)	Failure to ensure cat is identified by tattoo, or microchip or tag with owner's name, address and phone number	$100.00	$50.00
(13)	Failure to spay or neuter a cat over the age of six months	$200.00	$50.00
30(1)(a)	Harbouring more than three dogs over the age of six months	$100.00	$50.00
(b)	Harbouring more than three cats over the age of six months	$100.00	$50.00

Appendix ‘B’ continued

DANGEROUS DOGS

SECTION	OFFENCE	PROPOSED PENALTY	EXISTING PENALTY
20.1(9)(a)	Failure to tattoo dog	$1,000.00	$50.00
(b)	Improper pen or structure	$1,000.00	$150.00
(c)	Failure to muzzle, leash or control dangerous dog	$1,000.00	$150.00
(d)	Failure to display proper/approved signage	$250.00	$150.00
(e)	Failure to notify Poundkeeper if dog is sold or given away	$250.00	$50.00
(f)	Failure to notify Poundkeeper of death of dogs	$250.00	$50.00
(g)	Failure to advise the Poundkeeper if the dog is loose or has bitten or attacked any animal or person	$250.00	$50.00
(h)	Failure to maintain comprehensive insurance	$1000.00	$150.00
20.1(10)	Defacing or removing a dangerous dog sign	$250.00	$50.00
20.2(3)	Owning or harbouring an unlicensed Pitbull	$1500.00	$150.00

Appendix ‘C’

City of Calgary Animal Control By-law Extracts - Page 18 of Bylaw Number 23M89

SCHEDULE "D"

SECTION		OFFENCE	PENALTY
Section 3		Running at Large	$100.00
Section 4(a)	(i)	Biting a person(s)	$350.00
	(ii)	Injure a person(s)	$200.00
	(iii)	Chasing a person(s)	$200.00
	(iv)	Biting, barking at, chasing stock, bicycles, automobiles or other vehicles	$200.00
	(v)	Barking, howling or disturbing	$100.00
	(vi)	Damage to property or other animal	$250.00
	(vii)	Upsetting waste receptacles	$100.00
	(viii)	Dog unattended in motor vehicle	$100.00
(b),(c), (d)	(iv)	Dog in prohibited area	$100.00
	(d)(ii)	Not under control in designated area	$ 75.00
	(e)	Defecation	$250.00
	(f)	Dog in water in park	$100.00
Section 5.0		Failure to have any dog or vicious dog examined by a licensed per demand veterinarian for rabies on the demand of Bylaw Enforcement Officer	$500.00
Section 6	(a)	Unlicensed dog or vicious dog	$250.00
	(c)	Giving false information when applying for a dog license or vicious license	$500.00
Section 8		Dog not wearing license	$ 25.00
Section 13	(a)	Horse in prohibited area	$100.00
Section 14		Fowl disturbing the peace	$100.00
Section 16		Obstruction	$500.00

Section 17		Interference	$500.00

Appendix 'C' continued - Page 19 of Bylaw Number 23M89

SECTION		**OFFENCE**	**PENALTY**
Minimum penalties with respect to vicious dogs.			
Section 4.3	(a)	Vicious dog chasing, injuring,	$1,500.00
Section 4.3	(a)	or biting a person or animal	$1,500.00
Section 4.3	(b)	Vicious dog damaging or destroying public or private property	$1,000.00
	(c)(i)	Failure to keep a vicious dog under the control of an adult person	$1,000.00
	(c) (ii)	Failure to keep a vicious dog confined	$1,000.00
	(c)(iii),(e)	Failure to keep a vicious dog muzzled, harnessed or leashed properly	$1,000.00
	(d)	Improper pen or other structure	$1,000.00
	(f)	Vicious dog running at large	$1,000.00
Section 7.1	(d)	Failure to notify Animal Services Supervisor if the dog is sold, gifted, transferred or dies	$ 250.00
Section 8.1		Failure to tattoo or implant dog with electronic identification microchip	$1,000.00

(B/L 34M90, 1990 July 24)
(B/L 34M91, 1991 September 4)
(B/L 16M92, 1992 May 25)
(B/L 15M2003, 2003 April 8)