Agenda – Executive Policy Committee – April 20, 2022

Report – Standing Policy Committee on Protection, Community Services and Parks – April 11, 2022

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 2 Further Proposed Responsible Pet Ownership By-law Amendments

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service, as amended, and submitted the following to Council:

1. That the proposed Responsible Pet Ownership By-law changes regarding at-risk pets and dangerous dogs outlined in Appendix B be approved.

    A. That the Winnipeg Public Service be directed to work with community based organizations to create an online resource to provide information to residents about training.

2. That the prohibition of specific dog breeds be removed from the Responsible Pet Ownership By-law and replaced with a breed-neutral, behavior-based approach.

3. That a two-year pilot project regarding urban chicken keeping with a focus on animal welfare and safety be approved, and that the Winnipeg Public Service be directed to report back to the Standing Policy Committee on Protection, Community Services and Parks to finalize the details of the urban chicken keeping framework and application, review, approval, inspection processes, and permit fee, to come into effect by Spring 2023.

4. That the findings of the two-year pilot project on urban chicken keeping be provided at the end of the two-year pilot with any recommended changes.

5. That the proposed pre-set fines and early payment fines outlined in Appendix C be approved.

6. That a Breeding Permit fee of $232.30 for dogs and cats be approved, and in effect by July 1, 2022.

Report – Standing Policy Committee on Protection, Community Services and Parks – April 11, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

7. Subject to the approval of Recommendations 1, 2, 3, and 5 that the City Solicitor and Director of Legal Services be instructed to prepare a by-law to amend the Responsible Pet Ownership By-law No. 92/2013 and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016, in accordance with this report and bring same directly to Council for enactment by January 15, 2023.

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

Agenda – Executive Policy Committee – April 20, 2022

Report – Standing Policy Committee on Protection, Community Services and Parks – April 11, 2022

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2022, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Add the following new Recommendation:

  "1. A. That the Winnipeg Public Service be directed to work with community based organizations to create an online resource to provide information to residents about training."

- Delete Recommendation 5 in its entirety and renumber the remaining recommendations accordingly.

- In Recommendation 8 of the Winnipeg Public Service Delete "6" immediately after "Recommendations 1, 2, 3, and" and replace with "5"

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

The following persons submitted communications with respect to the matter:

- Ewa Demianowicz, Humane Society International/Canada submitted a presentation dated April 8, 2022.
- Jan Hajek, submitted a communication dated April 7, 2022.
- Sophie Gaillard, Director of Animal Advocacy and Legal Affairs, Montreal SPCA, submitted a communication dated April 8, 2022.
- Doug Krause, submitted a communication dated April 8, 2022.
- Charlene Currie, submitted a communication dated April 7, 2022.
- Kaitlyn Mitchell, Staff Lawyer, Animal Justice, submitted a communication dated April 8, 2022.
- Michele Hamers, Wildlife Campaign Manager, World Animal Protection, submitted a communication dated April 8, 2022.
- Christine Carrière, President and Chief Executive Officer, PIJAC Canada, submitted a communication dated April 8, 2022.
- Colin Ward, submitted a communication dated April 10, 2022.

Report – Standing Policy Committee on Protection, Community Services and Parks – April 11, 2022

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

The following persons submitted communications in opposition to the matter:

- Laura Potts, submitted a communication dated April 8, 2022.
- Karen Eggertson, submitted a communication dated April 8, 2022.
- Brittany Semeniuk, Animal Welfare Specialist, Winnipeg Humane Society, submitted a communication dated April 8, 2022.

COUNCIL DECISION:

On January 27, 2022 Council concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and adopted the following:

3. That the Public Service review the topic of urban chicken keeping and report back within 120 days, when further changes to the Responsible Pet Ownership By-law relative to breed-neutral legislation and exotics are brought forward.

ADMINISTRATIVE REPORT

Title: Further Proposed Responsible Pet Ownership By-law Amendments

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

AUTHORIZATION

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

EXECUTIVE SUMMARY

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

In January 2022, Council approved proposed amendments to the Responsible Pet Ownership By-law regarding animal traps, wildlife proofing and co-existence, spay/neuter and breeding, outdoor dog chaining and housing, animal safety with respect to pets left unattended in vehicles and biking with dogs, and dog daycare standards. This report is proposing further By-law amendments to address at-risk pets and dangerous dogs, breed neutrality, and urban chicken keeping. An extension of 1 year is requested regarding the topic of exotic animals to allow for more research to be conducted.

With the assistance and guidance of the Office of Public Engagement, stakeholders representing the exotic pet industry, animal welfare organizations, and governmental agencies were engaged to gather input on the areas of focus. The project webpage was updated and the general public was invited to share their input through a survey. The Phase 2 Public Engagement Summary (Appendix A) provides detailed information, including a summary of public engagement activities and what we heard at the stakeholder meetings and through the public survey.

The proposed Responsible Pet Ownership By-law amendments are intended to provide a more contemporary approach to animal/pet ownership in Winnipeg with a focus on both public safety and animal welfare.

Explanation and rationale for each of the proposed amendments are provided in the report. A summary of the proposed amendments regarding at-risk pets and dangerous dogs is provided in Appendix B. Proposed pre-set fines and early payment fines for offences are listed in Appendix C. For reference, existing fines are provided in Appendix D. Approval of the proposed fines will require an amendment to the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016.

RECOMMENDATIONS

1. That the proposed Responsible Pet Ownership By-law changes regarding at-risk pets and dangerous dogs outlined in Appendix B be approved.

2. That the prohibition of specific dog breeds be removed from the Responsible Pet Ownership By-law and replaced with a breed-neutral, behavior-based approach.

3. That a two-year pilot project regarding urban chicken keeping with a focus on animal welfare and safety be approved, and that the General Manager of Animal Services be delegated the authority to finalize the details of the urban chicken keeping framework and application, review, approval, inspection processes, and permit fee, to come into effect by Spring 2023.

4. That the findings of the two-year pilot project on urban chicken keeping be provided at the end of the two-year pilot with any recommended changes.

5. That the Public Service report back within one year with any proposed By-law changes regarding exotic animals.

6. That the proposed pre-set fines and early payment fines outlined in Appendix C be approved.

7. That a Breeding Permit fee of $232.30 for dogs and cats be approved, and in effect by July 1, 2022.

8. Subject to the approval of Recommendations 1, 2, 3, and 6 that the City Solicitor and Director of Legal Services be instructed to prepare a by-law to amend the Responsible Pet Ownership By-law No. 92/2013 and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016, in accordance with this report and bring same directly to Council for enactment by January 15, 2023.

9. 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 to make amendments to the Responsible Pet Ownership By-law and the Municipal By-law Enforcement Act (MBEA) Enabling By-Law No. 59/2016.

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

1. Current use of animal traps within the city of Winnipeg, including any type of trap that could cause injury or death to ensnared animals and any required by-law amendments to prohibit the use of traps within the city of Winnipeg that could cause harm to ensnared animals;

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

On December 7, 2021, the SPC-PCSP granted an extension of time of up to 120 days for the Winnipeg Public Service to report back on Recommendations 3 and 5.

On January 14, 2022, the SPC-PCSP approved proposed amendments to the Responsible Pet Ownership By-law regarding animal traps, wildlife proofing and co-existence, spay/neuter and breeding, outdoor dog chaining and housing, animal safety with respect to pets left unattended in vehicles and biking with dogs, and dog daycare standards and directed the Winnipeg Public Service to report back within 120 days with recommendations on amending the Responsible Pet Ownership By-law No. 92/2013, specifically:

1. That the Public Service review the topic of urban chicken keeping and report back within 120 days, when further changes to the Responsible Pet Ownership By-law relative to breed-neutral legislation and exotics are brought forward.

On January 27, 2022, Council approved proposed amendments to the Responsible Pet Ownership By-law regarding animal traps, wildlife proofing and co-existence, spay/neuter and breeding, outdoor dog chaining and housing, animal safety with respect to pets left unattended in vehicles and biking with dogs, and dog daycare standards to be enacted by July 1, 2022.

IMPLICATIONS OF THE RECOMMENDATIONS

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

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

Removing the prohibition of specific dog breeds and adopting a breed-neutral approach will result in American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, and predominant mixes being allowed as pets in Winnipeg. Animal Services will no longer investigate complaints based on dog breed appearance, but will continue to investigate complaints regarding dog behaviour and responsible pet ownership.

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

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

There are no significant financial implications. Potential revenue from permits for urban chicken keeping and dog and cat breeding and proposed pre-set fines and early payment fines for offences cannot be estimated but are expected to be minimal.

HISTORY/DISCUSSION

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

Animal Services provides animal control measures under the Responsible Pet Ownership By-law. Animal Services Officers typically respond to more than 8,000 community incidents a year involving people and animals. The Agency operates innovative adoption, volunteer, and outreach programs. Additional services include housing and care for stray pets and reuniting them with their owners, as well as emergency response to help animals in house fires or car accidents. Spay/neuter programs are also in place to help residents living on low income. The primary source of funding for Animal Services is pet licensing.

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

On January 27, 2022, Council approved proposed amendments to the Responsible Pet Ownership By-law regarding animal traps, wildlife proofing and co-existence, spay/neuter and breeding, outdoor dog chaining and housing, animal safety with respect to pets left unattended in vehicles and biking with dogs, and dog daycare standards to be enacted by July 1, 2022. It was noted in the January 27, 2022 report that the new breeding permit fee would be established through the 2023 budget process, however the enabling By-law is to be enacted by July 1, 2022 allowing for earlier implementation of breeding permit requirements. It is proposed that a breeding permit fee of $232.50 be approved through this report to allow for enforcement of dog and cat breeders in 2022.

This report is proposing further By-law amendments to address at-risk pets and dangerous dogs, breed neutrality, and urban chicken keeping.

With the assistance and guidance of the Office of Public Engagement, stakeholders representing the exotic pet industry, animal welfare organizations, and governmental agencies were engaged to gather input on the areas of focus. The project webpage was updated and the general public was invited to share their input through a survey. The Phase 2 Public Engagement Summary (Appendix A) provides detailed information, including a summary of public engagement activities and what we heard at the stakeholder meetings and through the public survey.

An extension of 1 year is requested regarding the topic of exotic animals to allow for more research to be conducted.

What follows is a discussion on each of the areas of focus with any proposed amendments to the Responsible Pet Ownership By-law. A summary of the proposed amendments regarding at-risk pets and dangerous dogs is provided in Appendix B. Proposed fines and early payment fines for offences are listed in Appendix C.

At-Risk Pets, Dangerous Dogs and Breed-Neutrality

'At Risk' Category

Irresponsible pet ownership and care can lead to problematic pets and risk. It is proposed that an 'At Risk' category be created for pets owned by irresponsible pet owners. This category would allow requirements to be placed on a pet owner to proactively improve community and pet health and safety. The 'At Risk' category would further help prevent pets from entering the existing dangerous, exceptionally dangerous, and protection categories found in the Responsible Pet Ownership By-law. There is support for the addition of an 'At Risk' category, as evidenced by comments received during Public Engagement (Appendix A).

A pet may be considered at risk if there is evidence of irresponsible pet ownership, including:

- Running at large or pursue – more than two incidents
- Biting animal or human – more than one incident
- More than one impound at an animal shelter
- Unsanitary confinement
- Lack of veterinary care for medical issues

Dangerous Dogs

The Dangerous Dog Designation in the Responsible Pet Ownership By-law allows for a resident to keep a dog that has been involved in significant or multiple attacks, with restrictions (Appendix E).

It is proposed that training and harness use be added as requirements to attempt to improve the behaviour and control of a dangerous dog. Training may or may not improve entrenched behaviour. A harness provides increased control of a dog when compared to a collar. During Public Engagement (Appendix A), there was support for required training and harness use for dangerous dogs.

Under the By-law, owners are required to obtain $1.0 million of liability insurance for dangerous dogs. This requirement has proven difficult for residents to obtain because most insurance brokers will not issue liability insurance for a dangerous dog. It is proposed that insurance be removed as a requirement of a Dangerous Dog Designation.

It is proposed that dogs designated as dangerous be prohibited from attending dog daycares and off-leash areas, in an effort to decrease the risk of problematic behaviours causing upset or injury to other dogs or people.

At times, an owner who has had their dog designated as dangerous will not comply with the applicable restrictions. It is proposed that failure to comply with the requirements associated with a Dangerous Dog Designation would result in seizure and rehoming, or euthanization of the dog.

A significant amount of resources at Animal Services are involved in designating a dog as dangerous or exceptionally dangerous. Decisions are made based on community investigations, including a review of current and prior incidents. A dog owner is also provided the opportunity to meet with Animal Services' management to discuss their dog, prior to a dangerous or exceptionally dangerous dog decision being made. Both categories in the By-law contain an appeal option with a $250 fee. Appeals utilize significant Public Service and Council resources. Over the past 18 years, no Dangerous or Exceptionally Dangerous Dog Designations have been overturned by Council through the appeal process. It is proposed that that the appeal option for dangerous and exceptionally dangerous dog decisions be removed.

Under the By-law, if a resident has their animal designated dangerous, exceptionally dangerous, or placed under protection, there is currently no mechanism that prevents the resident from acquiring additional animals. It is proposed that a resident be either temporarily or permanently restricted from acquiring additional animals based on a person's animals being designated at risk, dangerous, exceptionally dangerous, or needing protection.

Breed Neutrality

The City of Winnipeg and the Province of Ontario are the only major jurisdictions in Canada which prohibit ownership of certain dogs based on their breeds. Under the Responsible Pet Ownership By-law, American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, and predominant mixes are prohibited. The aforementioned breeds were deemed illegal by Council in 1990 after a series of attacks involving dogs which were owned by irresponsible owners.

"Bully-type" dogs (Appendix F) such as Bull Mastiffs, Cane Corsos, American Bulldogs, American Pit Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers are all synonymous with having the ability to be strong, protective dogs, but irresponsible pet ownership can lead to negative outcomes for any breed of dog.

Identification of prohibited dogs involves comparing a dog against breed standards. Ultimately, if a dog does not meet the standards, it is not prohibited. For example, if standards specify a specific height of a dog, and the suspect dog is too tall, it is not prohibited.

Responsible pet ownership is the key to preventing dog attacks. This includes holding owners more responsible for their pets. Responsible pet ownership also includes proactive veterinary care, socialization, humane confinement, enrichment, training, and harness and muzzle use as necessary.

A strengthened Responsible Pet Ownership By-law, including updates to the Dangerous Dog Designation, the addition of a new 'At Risk' category and restrictions to pet ownership, will improve community and animal safety and hold owners responsible for their pets. In addition to these proposed amendments, it is also recommended that the Responsible Pet Ownership By-law be amended to remove the prohibition of specific dog breeds and that the City adopt a breed-neutral approach that treats dogs based on their individual behavior instead of their breed and appearance. During Public Engagement (Appendix A), there was support for a breed-neutral approach.

Urban Chicken Keeping

Urban chicken keeping involves a resident keeping a small flock of hens as part of an urban agriculture and food sustainability initiative. Several major Canadian cities including Toronto, Edmonton, Calgary, Vancouver, and Victoria allow the practice. During Public Engagement (Appendix A), there was support for urban chicken keeping.

It is proposed that Animal Services be authorized, in collaboration with stakeholders, to develop and initiate a two-year urban chicken keeping pilot project by Spring 2023. Though subject to further refinement, the key components of the pilot project framework will focus on:

- Limit of 20 sites
- An online application form and approval process
- Landlord consent to tenants keeping chickens (where applicable)
- Chicken coop design with a strong focus on animal welfare and safety, including indoor and outdoor space for enrichment
- Chicken coop insulated or heated
- Requirement for a secure fenced yard
- Requirement to submit a detailed site plan to Animal Services for coops
- Regular cleaning to maintain sanitary conditions
- Chickens outside of coop area require supervision
- Limit of four hens, no roosters
- Educational course requirement
- Letter of support from veterinarian specializing in avian care
- Plan for extreme heat and cold
- Protection from predators
- No on-site slaughter and plan for lifecycle of chicken
- No selling of eggs
- One flock per property
- Permits not issued during the winter
- Participants agree to unannounced inspections
- Registration of flock and disease reporting with the Province of Manitoba “Premise ID” system
- History of responsible pet ownership under the Responsible Pet Ownership Bylaw and Animal Care Act
- The new urban chicken keeping permit fee would align with the existing excess animal permit application fee

During the course of the pilot project, Animal Services will work closely with program participants and stakeholders to measure the long-term viability of allowing the practice of urban chicken keeping. The findings of the two-year pilot project on urban chicken keeping will be provided at the end of the two-year pilot with any recommended changes.

Next Steps

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

The amending by-law will be submitted directly to Council for approval by January 15, 2023.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 11, 2022

Project Name:

Further Proposed Responsible Pet Ownership By-law Amendments

COMMENTS:

There are no significant financial implications resulting from the recommendations of the report. Potential revenue from permits for urban chicken keeping and cat and dog breeding and proposed pre-set fines and early payment fines for offences cannot be estimated but are expected to be minimal.

Original signed by K. Lemoine

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

CONSULTATION

In preparing this report there was consultation with:

- Legal Services Department (as to legal issues)
- Office of Public Engagement
- Property, Planning and Development Department – Zoning

OURWINNIPEG POLICY ALIGNMENT

Direction 4: Maintain the health and safety of neighbourhoods by enforcing animal control by-laws and promoting responsible pet ownership.
Enabling Strategies:
> Maintain licensing and spay/neuter efforts to identify the animal population and help control over-population.
> Work with existing community animal welfare organizations to develop a shared vision and expand educational outreach efforts.
> Engage residents and community organizations on an ongoing basis to ensure that City animal control services are responsive and effective in addressing locally identified neighbourhood needs.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The urban chicken keeping pilot program discussed in this report (Recommendations 3-5) connects with **Strategic Opportunity 1.7 – Increase Opportunities to Respond to Food Needs Throughout Winnipeg and Increase Access to Local and Sustainable Food** of the Winnipeg Climate Action Plan.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

While the urban chicken keeping pilot program discussed in this report (Recommendations 3-5) has the potential to connect with **Goal 7 – Food Security and Food System Resilience is Expanded** of the Winnipeg Poverty Reduction Strategy (PRS), urban chicken keeping is not likely to have a significant impact on food security for people experiencing poverty, due to the costs related to keeping and caring for the animals. The balance of the recommendations in this report do not relate to the PRS.

SUBMITTED BY

Department: Community Services
Division: Animal Services
Prepared by: Leland Gordon
Date: March 14, 2022
File No: CMS-2022-7

Attachments:

Appendix A - Phase 2 Public Engagement Summary

Appendix B - Proposed Amendments Regarding At-Risk Pets and Dangerous Dogs

Appendix C - Proposed Fines

Appendix D - Responsible Pet Ownership By-law Existing Approved Fines

Appendix E - Current Dangerous Dog Restrictions

Appendix F - Bully-Type Breeds