Minutes – Council – January 25, 2024

Minute No. 117
Report – Standing Policy Committee on Community Services – January 10, 2024

Item No. 3 Responsible Pet Ownership By-law Amendments

COUNCIL DECISION:

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

1. That a by-law and associated non-compliance fines be enacted, to amend the Responsible Pet Ownership By-law No. 92/2013 in accordance with this report, a draft of which is attached as Appendix A to this report.

2. That $100,000.00 be referred to the 2025 Operating Budget Process for the implementation of an incremental spay and neuter program.

3. 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 Duncan,
That the recommendation of the Standing Policy Committee on Community Services be adopted.

Carried

Councillor Lukes asked to be recorded as having voted against the item in accordance with Rule 47(7) of the Procedure Bylaw.

Councillors Schreyer and Wyatt were absent from the vote on the above motion.

Jessica Miller, CEO, Winnipeg Humane Society, submitted a communication with respect to the matter.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Community Services and submitted the matter to Council.

The following persons submitted communications in support of the matter:

- Lynne Scott, Executive Director, Craig Street Cats
- Claudia Allen, Director, Winnipeg Lost Cat Assistance
- Jessica Miller, CEO, Winnipeg Humane Society

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2024, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following new Recommendation, and renumber the remaining recommendation accordingly:

  "2. That $100,000.00 be referred to the 2025 Operating Budget Process for the implementation of an incremental spay and neuter program."

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

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

The following persons submitted communications with respect to the matter:

- Chantel Touchette
- Erin Shattuck
- Kaitlyn Mitchell, Director of Legal Advocacy, Animal Justice
- Paulson Des Brisay, Senior Species at Risk Biologist, Environment and Climate Change Canada
- Lynne Scott, Executive Director, Craig Street Cats Inc.

On May 31, 2023, the Standing Policy Committee on Community Services directed the Winnipeg Public Service to report back within 180 days on the following:

1. Recommendations to amend the Responsible Pet Ownership By-law No. 92/2013 to allow community cat management considering both animal welfare and community livability.

The following persons submitted communications with respect to the matter:

- Clive and June Hickson
- Cheryle Jahn, Pat Byrd, and Peter Jahn
- Gail Katz, Laya Kneller, Jordan Katz, and Wayne Hamel
- Angie Kudlak
- Cielo Beltran
- Chantel Touchette
- Debbie Wall
- Erin Rueckert
- Claudia Allen, Winnipeg Lost Cat Alert

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2023, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

WHEREAS populations of community cats exist in Winnipeg of which many are not spayed or neutered;

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS roaming cats that are not fixed result in increased populations of cats which impact residents and wildlife;

AND WHEREAS the Responsible Pet Ownership Bylaw does not clearly allow residents or animal welfare organizations to operate management programs that include spay and neuter and sheltering of community cats.

THEREFORE, BE IT RESOLVED THAT the Lord Selkirk – West Kildonan Community Committee recommend to the Standing Policy Committee on Community Services:

1. That the Winnipeg Public Service be directed to report back within 180 days the following:

    A. Recommendations to amend the Responsible Pet Ownership By-law No. 92/2013 to allow community cat management considering both animal welfare and community livability.

ADMINISTRATIVE REPORT

Title: Responsible Pet Ownership By-law Amendments

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

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Gordon	C. Fernandes	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

Winnipeg has a population of community cats also known as “feral cats.” These cats typically roam a community and generally avoid contact with people. On May 31, 2023, Animal Services was directed to examine the topics of community cats as well as the costs associated with operating a veterinary clinic.

When the Responsible Pet Ownership By-law No. 92/2013 came into effect in 2013, a definition of “harbouring” was included that inadvertently affected the community’s ability to conduct Trap, Neuter and Return (TNR) of community cats. TNR is a process where a community cat is trapped, spayed/neutered, vaccinated, and then released back into the community. The recommended amendments to the Responsible Pet Ownership (RPO) By-law will allow residents to conduct TNR and help reduce cat overpopulation. Community safety will be improved as a result of fewer roaming homeless cats.

The Public Service is also recommending an amendment to the RPO By-law regarding dangerous dogs that pose a risk to our communities. When deciding to designate a dog as dangerous, the RPO By-law only takes recent attacks into consideration. The proposed amendments will allow for all attacks by a dog to be considered, as past incidents are often indicators of future attacks.

This report also provides information on the potential creation and funding of a permanent veterinary clinic at Animal Services.

Stakeholders, including the Winnipeg Humane Society, animal welfare groups, and veterinary organizations, have been consulted as part of this review.

RECOMMENDATIONS

1. That Council enact a by-law and associated non-compliance fines, to amend the Responsible Pet Ownership By-law No. 92/2013 in accordance with this report, a draft of which is attached as Appendix A to this report.

2. 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 No. 92/2013.

On May 31, 2023, the Standing Policy Committee on Community Services directed the Winnipeg Public Service to report back in 180 days with recommendations on amending the Responsible Pet Ownership By-law No. 92/2013, specifically:

1) Recommendations to amend the Responsible Pet Ownership By-law No. 92/2013 to allow community cat management considering both animal welfare and community livability.

The Winnipeg Public Service was also asked verbally at the May 31, 2023, meeting of the Standing Policy Committee on Community Services to determine the cost of creating and operating a permanent veterinary clinic at Animal Services.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no direct financial implications to the recommendations of this report. The proposed Responsible Pet Ownership By-law No. 92/2013 amendments outlined in this report are intended to allow for community cat management while considering resident livability. An amendment regarding dangerous dogs is also included which will help keep the community safe from dogs that have been involved in multiple attacks.

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 No. 92/2013, which has been in place since 2013.

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.

Stakeholders, including animal welfare and veterinary organizations, have been consulted as part of this review. What follows is a discussion on each of the areas of focus.

Community Cat Management

There is an overpopulation of cats in Winnipeg. The Animal Services' facility was constructed in the 1990s without the ability to house cats. The majority of unwanted and stray cats are cared for by the Winnipeg Humane Society (WHS) under a service agreement with the City. Almost

5,000 cats are housed annually at the WHS. As of this writing, the organization also has a 6-month waitlist for someone wanting to surrender their cat. The WHS does not actively accept healthy stray or community cats under a newer "Capacity for Care model" which requires scheduled appointments.

Current Responsible Pet Ownership By-law definitions:
"Harbouring" in relation to an animal, includes constructing, erecting, locating or keeping on the premises of which the person is the occupant a structure designed to be used as a shelter by the animal.

"Owner", in respect of an animal, means a person, including a corporation,

1. who has been identified on the animal's licence as the owner of the animal;
2. who has legal title to the animal;
3. who has possession or custody of the animal, whether temporarily or permanently; or
4. who harbours the animal, or allows the animal to remain on his or her premises.

Occasionally, residents conduct Trap, Neuter and Return (TNR) set up structures in their yards to provide shelter for community cats, especially those that have recently had surgery and have been spayed/ neutered. The definition of "owner" in the Responsible Pet Ownership By-law No. 92/2013 includes a person who "harbours" the animal. By harbouring a community cat, under the Responsible Pet Ownership Bylaw No. 92/2013, a resident technically becomes the owner of that cat and ownership responsibilities apply.

It is recommended that the Responsible Pet Ownership Bylaw No. 92/2013 be amended so Animal Services may authorize TNR, including providing shelter on condition that specific guidelines are followed. The guidelines are designed to help community cats while minimizing impact on community livability. Fines for non-compliance have been proposed and are included in Appendix A. The guidelines would apply to an animal welfare organization or person and include:

(a) either
    (i) have a community cat management program that is recognized by the General Manager, or
    (ii) be registered with a community cat management program that is recognized by the General Manager, or become registered within 14 days of being requested to do so by a designated employee;
(b) provide food and water to the community cat, as needed;
(c) remove and rehome an adoptable community cat;
(d) limit the number and/or size of structures used for shelter when directed to do so by a designated employee;
(e) maintain sanitary and uncluttered conditions at the premises where a community cat is harboured; and
(f) follow such other terms and conditions imposed by the designated employee.

Veterinary Clinic at Animal Services
Winnipeg has a pet overpopulation problem. At the time of this writing, all of the animal shelters and rescues in Winnipeg are experiencing a surge in unwanted surrendered and stray pets. Shelters including Animal Services are at, or exceeding their capacity. Overpopulation of pets is a public safety issue as it can lead to attacks both on people and other animals.

Spay/neuter helps reduce:

- pet overpopulation;
- cancer;
- aggression;
- roaming;
- the cost of a pet license.

Almost every dog that enters Animal Services is not spayed/neutered. The cities of Edmonton, Calgary and Toronto have governmental veterinary clinics in their Animal Services' facilities. The City of Toronto has two stationary spay/neuter clinics and an additional mobile Recreational Vehicle spay/ neuter clinic. All three cities also have progressive Humane Societies that operate their own spay/neuter clinics.

Winnipeg Animal Services does not have a permanent spay/neuter clinic. A temporary mobile spay/neuter clinic occurs typically once a week at Animal Services where a veterinarian brings their own equipment. This temporary clinic is only allowed to occur once a week due to Manitoba Veterinary Medical Association (MVMA) restrictions.

To complete more spay/neuter surgeries, Animal Services relies on private veterinary clinics. Almost every morning, Animal Services Officers drive dogs to veterinary clinics for spay/neuter surgeries. Each transport takes at least one hour round trip. Then at the end of the day, Animal Services Officers again drive to pick up dogs after their surgeries.

Most animal shelters spay/neuter their pets before they are released to an adoptive family. Animal Services is typically unable to do this as available appointments at private veterinary clinics are limited. As a result, dogs are often released intact with a future spay/neuter appointment. A small portion of these dogs end up not being spayed/neutered as the owner refuses to comply.

In 2022, Council passed progressive updates to the Responsible Pet Ownership Bylaw No. 92/2013. One such update authorized Animal Services to spay/neuter impounded stray unlicensed pets. Animal Services has struggled to fully implement this change as the Agency does not have a spay/neuter clinic. Several dogs have been released intact, with a future spay/neuter appointment, only to have the owners not comply.

A veterinary clinic at Animal Services operating several days a week would conduct spay/neuter and other veterinary procedures. This would initially be accomplished by having an existing veterinary practice conduct satellite operation at Animal Services. The clinic would primarily provide spay/neuter for dogs in the Animal Services' facility and for pets owned by residents living on low income.

Fuel costs and carbon emissions associated with the Animal Services' fleet will be reduced as a result of less transport to and from veterinary clinics. Animal Services Officers' time historically spent transporting dogs for spay/neuter will be redirected to education and enforcement activities.

Under the Manitoba Veterinary Medical Association (MVMA) Practice Inspection and Practice Standards By-laws, in order to operate a satellite veterinary clinic within Animal Services, modifications to the facility would be required. A dedicated room for surgeries would need to be constructed in the existing space.

Estimated costs:

Initial Start-Up Costs:

- Animal Services' facility modification $10,000
- Veterinary equipment $80,000

If Animal Services was directed to build a permanent clinic on-site, initial start-up costs totaling $90,000 for facility modification and veterinary equipment could be financed through Animal Services' accumulated surplus, grants, donations, and other sources.

Ongoing Veterinarian Costs:
An increase in spay/neuter operations would require increased mill rate support to pay veterinarians for the actual surgeries. Annual mill rate support funding provided to Animal Services would have to be increased by $100,000, starting in 2025, to support in-house spay/neuter operations. This $100,000 in increased mill rate support would fund approximately 500 surgeries based on an estimated cost of $200 per surgery.

Other Recommended updates to the Responsible Pet Ownership Bylaw

Dangerous Dogs

The Dangerous Dog Designation is utilized in regard to dog attacks on people and/or other animals. It allows an owner to keep an aggressive dog with restrictions that are designed to help protect the community. When determining whether to designate a dog as dangerous, section 13(2)(a) of the Responsible Pet Ownership Bylaw requires the General Manager to consider any "recent" biting and pursue incidents.

It is proposed that the word "recent" be removed and that all previous biting and incidents be included when considering to designate a dog as Dangerous. Past incidents are indicators of the potential for future attacks.

It is also proposed to remove the word "significant" found in section 13(1)(a). This change helps reduce uncertainty for enforcement purposes.

Next Steps

Upon Council approval of the recommended amendments to the Responsible Pet Ownership By-law No. 92/2013, the Public Service will prepare a public education campaign to ensure that the public and stakeholders are informed and educated about the changes to the By-law.

FINANCIAL IMPACT

Financial Impact Statement — Date: December 15, 2023

Project Name:

Responsible Pet Ownership By-law - Community Cats

COMMENTS:

There are no direct financial implications associated with the recommendations of this report related to the proposed Responsible Pet Ownership By-law No. 92/2013 amendments.

Ozzy Garrett CPA, CGA - Dec 15/2023
Ozzy Garrett CPA, CGA
Manager of Finance
Community Services Department

CONSULTATION

In preparing this report there was consultation with:

- Legal Services Department (as to legal matters)
- Craig Street Cats
- The Winnipeg Humane Society
- Manitoba Veterinary Medical Association
- City of Calgary Animal Services
- City of Edmonton Animal Services
- City of Vancouver Animal Services

OURWINNIPEG POLICY ALIGNMENT

Good Health and Well Being
4.14 Community Safety

Enforce animal control and promote animal welfare standards awareness, to enable responsible pet ownership and safe interaction in the urban environment.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity 1.5 – Reduce Employee Vehicle Kilometers Travelled (VKT) and associated GHGs of the Winnipeg Climate Action Plan.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

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

SUBMITTED BY

Department: Community Services
Division: Animal Services
Prepared by: Leland Gordon
Date: December 8, 2023
File No: CMS-2023-21

Attachments: