



Staff Report for Committee of the Whole Meeting

Date of Meeting: October 2, 2024

Report Number: SRCS.24.13

Department: Community Services
Division: Community Standards

Subject: **SRCS.24.13 – Animal Regulation By-laws
Review Key Findings and Directions**

Purpose:

This report provides an update on the comprehensive review and consolidation of Richmond Hill's Animal Regulation By-laws.

Recommendations:

- a) That staff report SRCS.24.13 regarding the City's Animal Regulation By-laws be received;
- b) That all comments on the key directions and draft Responsible Pet Ownership and Animal Regulation By-law be referred to staff;
- c) That staff report back to Council in December of 2024 with:
 - i) a new Responsible Pet Ownership and Animal Regulation By-law based on key directions outlined in Staff Report SRCS.24.13 and any comments received; and
 - ii) amendments to the Administrative Penalty By-law No. 69-16 to incorporate designated Responsible Pet Ownership and Animal Regulation By-law offences into the Administrative Monetary Penalty System (AMPS).

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Contact Persons:

Melinda Fartsalas, Manager of Adjudication and Policy Governance, Extension 5480

Don Guy, Director of Community Standards Division, Extension 2427

Tracey Steele, Commissioner of Community Services, Extension 2476

Report Approval:

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Key Messages:

Report SRCS.24.13 recommends a consolidation and update of the City's five animal regulation by-laws provisioning the following based on benchmarking, consultation and public feedback:

- updated and modernized wording of provisions to address identified current issues
- amended provisions regarding dog licensing, regulation, and ownership limits
- new provisions to support cat licensing, reduction in ownership limits and trespassing supporting the City's Bird-Friendly status
- expansion of designated Dangerous Dog criteria, and additional requirements of Dangerous Dog Owners
- inclusion of designated violations for AMPS enforcement

Background:

Under the *Municipal Act, 2001*, municipalities may pass by-laws which regulate animal licensing, trespassing, removing sick, injured, or dead wildlife, setting pet ownership limits, and the general standards for responsible animal ownership (e.g., providing humane care to pets or livestock or requiring animals to be leashed in public). Municipalities are also able to lay charges, orders and implement restrictions for dangerous dogs. Overall, municipal animal regulation and licensing by-laws govern the responsibilities pet owners must follow to promote the health and safety of both animals and residents.

In contrast, the provincial government is responsible for enforcing legislation related to animal abuse, neglect, and animal fighting under the Provincial Animal Welfare Services Act, 2019 (PAWS). The provincial government is also responsible for enforcing puppy mills and dog sale violations under the Preventing Unethical Puppy Sales Act, 2024 (PUPS), the hunting, trapping, or selling of wildlife under the Fish and Wildlife Conservation Act, 1997, and animal testing under the Animals for Research Act, 1990. The federal government may also lay criminal charges for animal abuse, animal fighting, and cosmetic testing pursuant to the Criminal Code R.S.C., 1985, c. C-46.

The City currently has five by-laws which deal exclusively with animal regulation establishing rules for types of animals that can be kept, when they are considered to be trespassing, setting out conditions for cat keeping, and specifying rules and restrictions for dog regulation and licensing:

- Animal Keeping By-law No. 15-88, as amended (Municipal Code Chapter 304)
- Animal Trespassing By-law No. 76-79, as amended (Municipal Code Chapter 306)
- Cat Keeping By-law No. 23-88, as amended (Municipal Code Chapter 309)
- Dog Control By-law No. 260-99, as amended (Municipal Code Chapter 310)
- Dog Licensing By-law No. 15-01, as amended (Municipal Code Chapter 314)

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The Council-approved By-law Review Framework and Schedule of Reviews (SRCS.23.13) prioritized a comprehensive review of the five animal regulation by-laws listed above for the following reasons:

- The City's animal by-laws have not received a formal review since their enactment between 1979 and 2005
- Consolidating the five by-laws into one will provide for ease of understanding and clarification of the rules
- On June 28, 2023 Council considered a Member Motion regarding a Pilot Project to Allow Residents to Have Hens in Residential Zoned Areas. The Member Motion was referred to staff to report back on backyard hens when the Animal Keeping By-law review is brought forward to Council
- Recommendations from Vaughan Animal Services (the City's current animal services provider) to modernize the by-laws to improve efficiency and effectiveness of enforcement, and address present day enforcement issues
- To incorporate Animal regulation violations into AMPS enforcement providing an effective and efficient means of adjudicating the high number of animal related service requests

Accordingly, a comprehensive review and update of the animal regulation by-laws was initiated in early 2024. The goal of this review is to create a new consolidated by-law which includes modern standards and enforcement provisions that prioritize the safety, health and well-being of City residents, visitors, pets and wildlife.

Discussion:

Staff commenced a comprehensive review of the five current animal regulation by-laws in early 2024. This review included:

- municipal benchmarking and best practice research of various municipalities including those directly abutting the City being the City of Markham and City of Vaughan
- an online public survey gathering input on preferred animal keeping practices from dog licensees and the general public
- analysis and review of enforcement statistics and complaints
- consultation with Council members and staff across various City Divisions to identify issues and potential improvements to the by-law
- detailed consultations with Vaughan Animal Services
- engagement with residents using a web-based survey and information booths at community events, and animal groups which included the Ontario Sheep Farmers and an anti-rodeo group

Animal-Related Service Request Statistics

Vaughan Animal Services received 5094 animal-related service calls from Richmond Hill residents in 2023, and 2690 Richmond Hill service calls between January and June

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2024. The following is a summary of the types of service calls received for both 2023 and 2024:

- wildlife including injured, sick, roaming, orphaned wildlife, as well as providing resident education about wildlife (27%)
- deceased wildlife and domestic animals (15%)
- unlicensed dogs (15%)
- stray and lost domestic animals (9%)
- dog bites and menacing dog investigations (5%)
- off-leash dogs (4%)
- barking related noise complaints (4%)
- animal neglect (3%)
- stoop and scoop complaints (1%)
- animals trespassing (1%)

Municipal Benchmarking

Staff conducted a detailed overview of ten Municipalities including a review of by-laws, animal regulation provisions and licensing best practices. Most municipalities benchmarked use a single comprehensive by-law for the purposes of all animal regulation and licensing.

City of Vaughan and City of Markham were reviewed as they comprehensively addressed issues related to cat licensing, dangerous dogs, wildlife prohibitions, and impoundment regulations. The City of Vaughan was also reviewed to align any relevant enforcement provisions given the City's partnership with Vaughan Animal Services and learned enforcement best practices.

Community Consultation, Enforcement Awareness, and Satisfaction:

Two online public surveys were conducted between February 1 to February 29, 2024, released to the 2023 Richmond Hill Dog Licensees, and further released City wide from May 30 to July 15, 2024. The survey gathered public input related to knowledge of current animal regulations, common animal related issues, and support for new measures. The survey released in February was circulated to approximately 1700, 2023 dog licensees and received a total of 187 (11%) responses. The May-July City wide survey release received a total of 824 responses. The survey was promoted at City events (Communi-Safe Tea and Canada Day), the Office of the Mayor July newsletter, City website, online publications such as York.Region.com and social media.

The increased visibility from the survey and community events has also contributed to a positive trend in dog licensing compliance. For example, in 2023, the City received \$49,858 in revenue from dog licensing. However, from December 2023 to August 2024, the City has already received \$50,532, surpassing the previous year. Unlicensed dogs were a common animal-related concern amongst survey respondents (9%) and made up 15% of 2023/2024 service calls. Upon the enactment of this by-law, staff will review additional community and public outreach initiatives to help increase licensing awareness and compliance amongst pet owners.

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Key Directions for New Responsible Pet Ownership and Animal Regulation By-law

Based on the research summarized above, Richmond Hill's new Responsible Pet Ownership and Animal Regulation By-law (attachment 1) was drafted in accordance with the following key directions:

1. Consolidate, modernize and simplify by-law structure and format

This includes updating definitions and sections to reflect contemporary terminology, organizing sections to consolidate key areas, and simplifying provisional requirements and offences to make the by-law more straightforward and easier to understand.

2. Maintain and clarify existing rules

The current animal regulation by-laws contain many requirements and offences which continue to be relevant for pet owners and residents today. The new draft by-law will continue to maintain:

- requirements for owners to clean up dog excrement
- requirements for dog licensing
- continue to prohibit animals running at-large
- requirements for dogs to be on-leash when in public with the exception of designated off-leash parks

3. Clarify delegated authority of the Director and Commissioner

The City's Dog Licensing By-law No. 15-01, as amended (Municipal Code Chapter 314), currently provides authority to the Commissioner to issue dog licenses and appoint animal enforcement officers. It is proposed that the new draft by-law will give certain administration responsibilities and the power to impose additional conditions to the Director of Community Services in regards to adding criteria to a muzzling order, and impose additional restrictions for dangerous dogs on a case by case basis. The Commissioner of Community Services will continue have delegated authority for the general administration of the by-law and the power to designate employees to perform the duties of the new by-law.

4. Expand Dangerous Dogs Criteria and Restrictions

Dog Control By-law No. 260-99, as amended (Municipal Code Chapter 310) requires any dog that has bitten a person or domestic animal to be muzzled and placed on a leash not exceeding two metres in length when it is not contained within the owner's dwelling or enclosure that prevents the dangerous dog from escaping or causing harm to any person on or near the property. The current by-law also states that the owner of a designated dangerous dog must notify the City if the dog has been moved to a new address, if the dog has bitten or attacked a person or animal, or the dog has died. Benchmarking found the City's dangerous dog restrictions were less comprehensive than most municipalities.

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Based on comparable municipalities such as City of Vaughan and City of Markham and the recommendations of Vaughan Animal Services, the new draft by-law contains the following additional provisions, conditions and restrictions which include:

- broadening the definition of dangerous dog to capture other dangerous behaviors such as attacking or exhibiting menacing behavior in addition to biting
- designating a dog as dangerous for the life of the dog, unless modified by a Hearing Officer on appeal
- microchipping and sterilizing the dog
- purchasing a dangerous dog license
- erecting a “beware of dog” sign at the entrance of the owner’s property
- using a leash that can sufficiently restrain and hold the dog in place
- prohibiting the dog from entering off-leash dog parks
- upon the discretion of the Director of Community Standards or a Hearing Officer on appeal, additional regulations added on a case-by-case basis

5. Add new prohibitions for the keeping of backyard pigeons and chickens

Residents are currently permitted to keep a maximum of 25 pigeons under Animal Keeping By-law No. 15-88, as amended (Municipal Code Chapter 304). Staff reviewed existing regulations and conducted research to determine best practices and whether pigeon keeping should remain a permitted practice. Residents keeping pigeons made up 0.6% of all animal-related customer service request complaints from 2022 – 2024. Benchmarking found most municipalities permitted pigeon keeping for residents associated with pigeon racing organizations. Vaughan Animal Services and Richmond Hill By-law Enforcement Officers have reported that racing pigeon owners have historically been found to be in compliance with the by-law requirements.

It is recommended that pigeon keeping be permitted for residents who are members in good standing of a recognized pigeon club which has, as its sole objects, racing, showing, or sporting pigeons. Permitted pigeon owners will be required to abide by the general animal care provisions, and ensure pigeons are checked for suspected infectious diseases.

Backyard chickens are currently not permitted under Animal Keeping By-law No.15-88, as amended (Municipal Code Chapter 304). In recent years, some public sentiment has expressed support for keeping backyard chickens within residential areas as a means of facilitating local and sustainable food, natural pest control, and an alternate fertilizer source. Some municipalities have implemented pilot programs to assess the feasibility of the keeping of chickens on residential property. Of eight benchmarked municipalities that implemented backyard chickens pilot programs, three were discontinued. Both Toronto and Vaughan discontinued the program citing concerns related to avian flu outbreaks, attracting predators such as coyotes, lack of specialized veterinarian care, and substantial costs required to safely administer the

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program. It was noted that predator concerns such as coyote sightings in residential areas made up 8% of all City wildlife service calls in 2023. Concerns and inquiries associated with the keeping of chickens made up 3% of all animal-related customer service requests from 2022 – 2024. The keeping of backyard chickens made up 6% of animal-related issues experienced by survey respondents, and only 8% said keeping chickens was a good practice.

Benchmarked pilot programs also suggested that prescribing and regulating a program allowing backyard chickens may require zoning considerations, a licensing or permitting system, and staff resources dedicated to inspections and enforcement. Given the lack of public support, and risks cited by comparable municipalities who implemented a pilot program, chicken keeping has not been included in the draft by-law.

6. Reduce maximum dog limit & increase dog care and control measures

Staff conducted research to determine whether the existing limit of four dogs prescribed by Dog Licensing By-law No. 15-01, as amended (Municipal Code Chapter 314), reflected animal keeping best practices. Maximum pet limits help ensure owners can provide pets with an appropriate amount of care, facilitate healthy living conditions, and limit over population concerns.

43% of survey respondents said the current dog limit of four was too high. Amongst ten benchmarked municipalities that specified a limit for dogs, seven municipalities had a maximum limit of three. It is therefore recommended that the limit in Richmond Hill be reduced to three dogs to reflect municipal benchmarking, community consultation, and animal keeping best practices. Any owners who possessed four dogs prior to the enactment of the by-law would be permitted to keep them for the extent of the life of the dog, provided they are licensed.

Given off-leash and at-large dogs concerns were the top reported animal related issues amongst survey respondents (45%), owners will be now required to ensure effective care and control of their dog. There is currently no maximum limit for the amount of dogs that can be walked at one time. It is recommended that dog walkers be permitted to walk a maximum of six dogs. Effective care and control means preventing an animal from creating harm to another person, another animal, or damaging a property or trespassing.

7. Require cat licensing and reduced maximum cat limit

Staff conducted research to determine whether the existing ownership limit of six cats as prescribed by Cat Keeping By-law No. 23-88, as amended (Municipal Code Chapter 309), reflected animal keeping best practices. Setting cat limits has been recommended by stakeholders for the purposes of population control and to reduce the number of cats who roam outdoors and trespass.

59% of survey respondents said the current limit of six cats was too high, and of five municipalities benchmarked; three and four was the most common maximum limit. It is recommended that the limit be reduced to four cats to reflect municipal

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benchmarking, community consultation, and animal keeping best practices. Any owners who possessed five or six cats prior to the enactment of this by-law would be permitted to keep them for the extent of their life provided, they are licensed.

Currently, cats are not required to be licensed under Cat Keeping By-law No. 23-88, as amended (Municipal Code Chapter 309). Staff reviewed whether cats should be licensed to address issues raised by stakeholders and the public. Both Vaughan Animal Services and the 2015 Responsible Pet Ownership Program Staff Report (SRPRS.15.022) recommended cat licensing to help reduce roaming outdoor cats and verify rabies vaccinations. Amongst survey respondents, 58% supported cat licensing. Additionally, both reducing cat limits and implementing cat licensing as a means of controlling outdoor cat populations, is consistent with the City's bird friendly status.

8. Create new regulations for feeding, trapping, and hunting wildlife

The City's animal by-laws currently do not regulate the feeding, trapping, and handling of wildlife which limits the City's ability to conduct enforcement on wildlife related issues. Wildlife was the most common complaint amongst 2023/2024 service calls (27%) and was the second most common cited animal-related issue amongst survey respondents (18%). Most benchmarked municipalities regulate wildlife keeping, feeding, and trapping in their animal by-laws. To address the absence of wildlife regulations, and in response to stakeholder and survey feedback, the draft by-law now prohibits the keeping, and feeding of wildlife, and regulates trapping. Wildlife feeding is also regulated in the City's Parks Use and Clean Neighbourhoods By-law and is being added in the proposed by-law for consistency and improved enforcement.

9. Incorporate Responsible Pet Ownership and Animal Regulation By-law offences into the Administrative Monetary Penalty System (AMPS)

Consistent with February 11, 2019, Council direction to continue the expansion of AMPS to community standards by-laws, it is recommended that the Responsible Pet Ownership and Animal Regulation By-law offences be incorporated into AMPS to provide for better enforcement tools, and a more efficient and accessible resolution system.

Financial Implications:

Implementing cat licensing would generate approximately \$50,000 annually to support the City provision of animal services and animal enforcement. Incorporating AMPS enforcement into the new by-law will result in a minimal increase in fine revenue.

Relationship to Strategic Plan 2024-2027:

Enacting a new Responsible Pet Ownership and Animal Regulation By-law supports the health and safety of animals and the public which relates to Pillar 3, Strengthening our Foundations, specifically, Priority 2, focusing on quality customer service and a

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continuous improvement mindset to support innovation and be responsive to residents, stakeholders, businesses, the private sector and colleagues.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format, please call the contact person listed in this document.

Attachment 1 – Draft Responsible Pet Ownership and Animal Regulation By-law XX.24.

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Report Approval Details

Document Title:	SRCS.24.13 - Animal Regulation By-laws Review Key Findings and Directions.docx
Attachments:	- Attachment 1 - Draft Responsible Pet Ownership and Animal Regulation By-law XX.24.docx
Final Approval Date:	Sep 20, 2024

This report and all of its attachments were approved and signed as outlined below:

Don Guy - Sep 16, 2024 - 10:57 AM

Tracey Steele - Sep 20, 2024 - 10:40 AM

Darlene Joslin - Sep 20, 2024 - 3:23 PM