

AN ENLIGHTENED APPROACH TO COMPANION ANIMAL CONTROL FOR CANADIAN MUNICIPALITIES

A position paper defining effective and efficient bylaws

I INTRODUCTION

This package on municipal bylaws is intended to help Canadian municipalities implement effective bylaws regulating companion animals in their jurisdictions. It is also hoped that this project will bring some uniformity to bylaws across the country.

We have domesticated and kept animals as companions for hundreds of years. Pets have become part of many families. These animals not only provide companionship but may also provide significant health benefits to their owners. Unfortunately, not all these pet owners understand or accept the lifetime responsibilities that a pet requires. All pet owners should have their animals permanently identified, spayed or neutered, kept under control, properly trained, socialized and cared for.

Some pet owners are unaware or neglectful of their responsibilities to their pets or allow their pets to annoy their neighbours or harass wild animals that share the environment. This can result in dog bites, threats to people or animals, damage or contamination of property, pet overpopulation, abuse or neglect of animals and other consequences. The solution involves effective legislation and education that encourages responsible pet ownership.

Municipalities need to enact bylaws that stipulate the types of animals allowed as pets, that require humane and responsible treatment of animals to prevent them from disturbing or harming people, animals or property, and other provisions as determined by each council.

In addition to the benefits of public safety and satisfaction, practical and progressive animal control bylaws should be cost effective for the municipality. Irresponsible pet owners cost taxpayers money through pound costs, investigation of complaints, and pet overpopulation. These costs can be offset by significantly higher licence fees for pets that are not spayed or neutered, increased fines for repeat offenders and other regulations that encourage responsible pet ownership.

This package brings together expertise from the Canadian Veterinary Medical Association, the Canadian Federation of Humane Societies, and the Pet Industry Joint Advisory Council of Canada. These groups make up the National Companion Animal Coalition, which was formed in 1996 to promote socially responsible pet ownership and enhance the health and well-being of companion animals. Agriculture and Agri-Food Canada is an observer member of the group. Additional input has also been obtained from key individuals involved in animal welfare and municipal animal control.

II DOG AND CAT CONTROL

Most municipalities in Canada have had dog control bylaws for many years, requiring owners to take responsibility for their dogs. However, very few municipalities require cat owners to do the same. Historically, it has been widely accepted that cats are allowed to roam free. In recent years, however, with a significant increase in the number of cats, this policy is being questioned by more and more urban municipalities as well as by residents tired of neighbours' cats digging and eliminating in their gardens and howling during the night.

Some people believe that cats should not be kept indoors and need to roam outside satisfying their hunting instincts. Others recognize that with adequate attention, companionship and the opportunity to play, cats can have a fulfilling life indoors. Indoor cats are generally healthier, don't get lost, disturb neighbours, kill wildlife or spread disease, and generally don't contribute to the growing problem of cat overpopulation that forces animal shelters to euthanize many thousands of cats every year.

Municipalities can address these problems by introducing bylaws that discourage breeding and that require cats to be licenced, permanently identified, and kept indoors unless in an enclosed area or supervised on a harness and leash. The implementation of effective municipal cat bylaws will result in reduced pound costs due to fewer cats roaming loose, increased revenue from licence fees and fines, a reduction in the cat population due to incentives to spay and neuter, and a reduction in conflicts between cats and the public. These issues have a greater significance in urban areas than in rural and farm areas where cats are often used to help control rodents.

When a cat licencing bylaw is introduced, the municipality will need to conduct a public awareness program to help cat owners understand the issues and what their responsibilities are. It is important that this be done in a positive way to encourage compliance. This can be done by highlighting the benefits to the animals themselves as well as the public at large. There are significant health and behavioural benefits to spaying or neutering cats and dogs.

A. LICENCING / IDENTIFICATION

One of the roles of municipal animal control bylaws is to encourage responsible pet ownership through licencing, permanent identification and spay/neuter requirements. The preferred methods of permanent identification are microchipping and tattooing. Tags should also be worn (on break-away collars for cats) as proof of ownership so that animals may be returned to their owners sooner, often by neighbours, without incurring pound costs. Municipalities should offer incentives for pet owners to comply with the bylaw by reducing licence fees and fines for cats and dogs that are spayed or neutered and permanently identified. Compliance can be encouraged by implementing stiff fines for failing to obtain and wear a licence.

Responsible pet owners save municipalities money by reducing the number of dogs and cats running loose, by preventing indiscriminate breeding and by keeping their pets under control. Revenue from licencing and fines can be allocated to offset pound costs and for education programs in the municipality.

Cat licencing requirements enable cat owners to contribute to the cost of animal control in the municipality, a cost that has traditionally been borne by dog owners. Most municipal pounds and humane societies take in many more cats than dogs, resulting in higher budget allocations for cats in their care. In addition, less than 5% of cats are claimed by their owners, compared to over 30% for dogs (CFHS 1997 statistics from Canadian shelters).

B. NEUTERING (Spay or Castration)

Pet overpopulation is a major problem. It is currently a significant factor in the euthanasia of almost 60% of cats and more than 30% of dogs in animal shelters across Canada every year (CFHS 1997 statistics from Canadian shelters). Municipalities can be part of the solution to this problem by implementing and enforcing bylaws that encourage and reward responsible pet owners who licence, permanently identify and neuter their pets.

An important aspect of responsible pet ownership is neutering of companion animals to prevent the birth of more puppies and kittens needing homes. Municipalities can encourage pet owners to have their pets neutered by implementing preferential licence fees for altered dogs and cats. The differential should be high enough to act as an incentive for pet owners to have their pets neutered. Municipalities can also help by educating pet owners about the health and behavioural benefits of neutering their pets, as well as their social responsibility to do so.

C. NUMBER OF DOGS AND CATS PERMITTED

Establishing an arbitrary limit on the number of dogs and cats permitted in a dwelling does not address concerns about irresponsible pet ownership, but rather, may punish responsible pet owners who are providing proper care to their companion animals. Concerns about inhumane treatment of the animals or disturbance in the neighbourhood are addressed in Section D.

However, some urban municipalities may wish to establish a limit on the number of dogs and cats permitted in one dwelling. A dwelling housing more than the maximum number would be considered a kennel or cattery and would be subject to municipal bylaws applying to such establishments (See Section VI).

D. RESPONSIBILITIES OF OWNER

There are many responsibilities that come with pet ownership. Some of these responsibilities are for the benefit of the animal, and some are for the benefit of society. It is important that municipalities enact bylaws that both require and encourage responsible pet ownership. In a fast-paced society where decisions are made quickly and things are easily disposed of, pets often become victims of neglect. As well as costing the animals their quality of life, such neglect also costs taxpayers money in enforcement, pound costs, euthanasia, etc.

(i) Being At Large

Dogs and cats should not be permitted to be at large except in designated areas, to ensure the safety of the public, the animal itself, and other animals. A dog or cat being at large is one that is on property other than the property of the owner and is not on a leash and/or under the control of a person responsible.

Many dog owners seek open areas to let their pets run off leash for exercise and social stimulation with other dogs, both important aspects of responsible dog ownership. Municipalities may consider establishing a neighbourhood committee of pet owners and non-pet owners to address the issue of off-leash areas for dogs. The group, operating by consensus, should work to find the most effective solution for their neighbourhood. One possibility would be to establish areas and times of day where dogs are permitted to be off leash. All other municipal bylaws such as stoop and scoop, licencing and dangerous dogs would apply. These areas should be well sign posted so that non-dog owners are aware that dogs will be running loose. Garbage receptacles should be provided and maintained.

A growing number of urban municipalities are realizing that permitting cats to roam free inevitably results in trespassing and damage to private property. Concerns are increasing about the overpopulation of cats, predation on birds or other wildlife, contamination of property and the spread of disease. All these concerns are eliminated when cats are kept indoors or under control by a leash or enclosure.

(ii) Providing Care

It is recommended that municipalities make every effort to ensure that pet owners provide their animals with care to meet their species-specific health, physical, social, and behavioural needs. This should include clean water and food, proper housing, appropriate companionship, health care and exercise.

Generally the appropriate humane society or SPCA will have authority over cases of abuse or neglect of animals. Municipalities should liaise closely with their local or provincial society in this regard.

(iii) Stoop and Scoop

Dog and cat owners should be required to clean up their pets' faeces from any public or private property.

(iv) Nuisance

Dog and cat owners must prevent their pets from chasing, biting, harassing or attacking a person or other animal and from damaging public or private property.

(v) Transportation

Municipalities may include a requirement that animals be transported humanely and safely. Companion animals should be transported in the passenger compartment of vehicles unless they are securely confined and adequately sheltered. Animals transported loose in the back of pick-up trucks pose a risk to public safety if they fall out, as well as severe risk of injury to the animals themselves. This practice should not be permitted.

E. DANGEROUS DOGS

Addressing dangerous and potentially dangerous dogs is a challenge for municipalities. It is often difficult to determine whether a dog may be dangerous until it has bitten or attacked a person or animal. Municipalities should consider adopting legislation aimed at reducing the likelihood of harmful situations occurring.

It is important for municipalities to keep in mind that dangerous dogs are generally the result of irresponsible ownership. Dogs can become a threat if they are not properly socialized and trained, if they are mistreated or if they are deliberately bred or encouraged to attack people or animals.

First, it must be established exactly what constitutes a dangerous dog. The criteria should not be breed specific as this only discriminates against certain breeds, instead of evaluating individual dogs by their behaviour. Suggested criteria for identifying dangerous dogs include:

- a dog that has killed a person or domestic animal, regardless of the circumstances
- a dog that has bitten or injured a person or domestic animal. Exceptions may be made if the dog was teased, abused, assaulted or if the dog was reacting to a person trespassing on the property owned by the dog's owner.
- a dog that has shown the disposition or tendency to be threatening or aggressive
- an attack trained dog

Municipalities should require that dangerous dogs either be euthanised in the interests of public safety, or that their owners meet specific requirements for the humane care of such dogs, that will ensure public safety. Penalties should be established for owners who do not comply with the requirements.

Dangerous dogs should be licenced and spayed or neutered as this may reduce aggressive tendencies and will prevent the owners from profiting from the sale of offspring that are also likely to be dangerous. These dogs should be muzzled and leashed when off the owner's property and strictly confined when on the owner's property. If an owner is unwilling or unable to meet these requirements, euthanasia should be imposed.

(i) Licencing

Municipalities may wish to implement a dangerous dog licence that the owner of such a dog must purchase for a significantly higher fee than a regular dog licence. Such a licence would also have rigid requirements for housing and care of the dog as stated in this section.

(ii) Confinement

Dangerous dogs should be kept indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. They should not be confined only by a chain or tether.

(iii) Other Requirements

Warning signs should be clearly and visibly posted on the property where a dangerous dog is kept. Municipalities may also require that owners of dangerous dogs carry additional liability insurance that would cover any damage or harm caused by the dog.

(iv) Violations

Dog owners whose animals violate the requirements of the dangerous dog bylaw should receive harsh fines due to the threat of public safety. Fines should be increased for repeat offences. Euthanasia may be imposed, based on the severity and frequency of the infractions.

(v) Dog Fighting

Under no circumstances can dog fighting or the training or keeping of dogs for fighting be permitted. This is an inhumane and illegal activity.

III UNSANITARY CONDITIONS

For the sake of public health, comfort or enjoyment of any people, and for the animals' well-being, no animal should be kept in unsanitary conditions. This would include an accumulation of faeces, an odour, insect or rodent infestation.

IV OTHER ANIMALS AS PETS

Some people select other animals as pets. These animals have specific needs (behavioural, environmental, social and nutritional) that must be met. Responsible pet ownership practices are no less important.

All the following criteria should be taken into account when considering other animals as pets:

- Species ownership is supported by the existence of published information pertinent to its proper animal husbandry and veterinary care requirements
- Species ownership does not pose a significant threat to public health and safety
- The species in question does not represent a significant threat to native (indigenous) wildlife populations
- Species ownership is permitted under provincial, federal or international laws and regulations, such as the following:

Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada is a signatory party.

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). Federal statute administered by Environment Canada (Canadian Wildlife Service)

At the provincial level, pertinent regulations usually fall under the Ministry of Agriculture and/or Ministry of Natural Resources (Fish and Game Department)

NOTE: Information on all these regulations can be obtained from the local provincial conservation officer or game warden.

V PENALTIES

Municipalities may encounter problems with repeat offenders, where the fine is not sufficient to prevent the problem from recurring. Attempts should be made to educate the individual regarding the reasons for the bylaw and encouraging them to comply. In cases where this is ineffective, it is recommended that fines be levied on a graduated scale based on repeat offences.

Higher fines should also be imposed for violations involving cats or dogs that are not spayed or neutered. This surcharge could be reimbursed if the animal is spayed or neutered within a two month period following the violation (or once the animal is six months old).

VI KENNELS, PET STORES AND ANIMAL SHELTERS

Municipalities are encouraged to implement specific requirements for the care and housing of animals in establishments such as kennels, catteries, pet stores, animal shelters, and other animal establishments. Conditions in such establishments should at least meet the requirements in Section II D (ii) and Section III in this document. For more information, contact the appropriate member of the Coalition. Municipalities may have zoning bylaws regulating where such establishments may be located.

VII TRAPS

Municipalities are encouraged to prohibit the use of leghold traps, killing traps and snares in suburban areas.