

**Date:** 2023-10-12

**Subject:** **Animal Services By-law Updates**

**Contact:** Mike Mulick, Manager, Animal Services

**Report Number:** Legislative Services-2023-880

**Recommendations:**

1. That the report from Mike Mulick, Manager, Animal Services, to the Committee of Council Meeting of November 15, 2023, re: Animal Services By-law Updates, be received;
2. That a new Animal Services By-law be approved;
3. That the existing Dog By-law 250-2005, and Animal Control By-law 261-93 be repealed; and
4. That Administrative Penalties (Non-Parking) By-law 218-2019 be amended.

**Overview:**

- The existing Dog By-law and Animal Control By-law require updates to reflect the current trends in the management of animals within the city.
- That a new all-encompassing Animal Services By-law be established.
- That the Animal Services By-law addresses current issues being faced by the municipality concerning public safety and animal well-being.
- That the ability to manage offences through the Administrative Penalties System be implemented.

**Background:**

The City of Brampton utilizes two by-laws to regulate animals within city limits. The Dog By-law 250-2005 sets out the regulations regarding dog ownership, while the Animal Control By-law 261-93 sets out the regulations concerning all other animals.

These two by-laws address a range of requirements residents must comply with, including pet control, pet licensing, pet stores and kennels, the location of animal pens or kennels on private property, the types of animals that can be kept, and more.

### **Current Situation:**

There is a need to update sections within the Dog By-law 250-2005 and Animal Control By-law 261-93 to reflect current trends and programs to manage the animal population within our urban municipality. Therefore, the new Animal Services By-Law seeks to amalgamate these two existing by-laws and introduce several changes as detailed below.

#### Standards of Care

The provincial government, specifically the Provincial Animal Welfare Service (PAWS), is responsible for investigating reports of animal welfare and neglect. While such matters are not generally within the municipalities' purview, municipalities have powers under the *Municipal Act, 2001 in relation to animals*. Staff has a concern with the province's ability to promptly respond to less serious cases of animal welfare, such as dogs left in hot cars, dogs left outside during storms, and dogs left without food or water, etc. Other municipalities have similar concerns, and as such, almost all have implemented basic standards of care for animals that allow municipal Animal Control Officers to intervene by issuing a ticket to the offending animal owner. The proposed by-law includes such provisions. More serious matters, such as repeat offenders, dog fighting, illegal breeding operations, inadequate medical care, or cases where the animal needs to be removed from the owner's care, will still be referred to PAWS to enforce provincial animal welfare legislation.

#### Number of Animals

The existing animal by-laws restrict the number of pets per household to no more than three dogs and six cats. As a result, there may be up to nine animals within a home. The new by-law will restrict households to a maximum of six animals in total, with no more than three of those animals being dogs. An exemption process for a fourth dog is available for those who may have four dogs through no fault of their own (i.e., they begin cohabitating with a partner who also has dogs or has taken in a dog because of a death in the family) and a grandfathering clause will allow pet owners who currently have more than six animals (with no more than three dogs) to keep them until they no longer own them.

#### Licensing of Cats

The existing Animal Control By-law requires all cats to be licensed, **or** have their microchip registered with Animal Services. The new Animal Services By-law will require all cats to be licensed and wear a pet tag, regardless of if they are microchipped. This is a best practice among all other local municipalities that license cats. Cats who do not

wear a license are frequently brought into the animal shelter by well-intentioned neighbours who are unaware that the cat lives on their street and has escaped or is permitted outside by its owner. Lost cats that enter an animal shelter are only recovered by their owners 15% of the time, resulting in owned cats being unknowingly adopted to new families. A pet licence is the best tool to keep cats with their families.

### Registration of Backyard Hens and Pigeons

The existing Animal Control By-law requires a licence to be issued to anyone who keeps more than two hens or pigeons; however, there is no requirement for persons who keep up to two hens or pigeons to notify the City. This causes challenges when attempting to reunite stray animals, investigating public concerns, and determining the overall benefit of these programs. Under the new by-law, a free registration will be required for any person who wishes to keep up to two hens or pigeons.

### Recognition of Trap, Neuter, Release and Manage (TNRM) Programs

Trap, Neuter, Release and Manage programs are run by community volunteers who manage feral cat colonies and work to trap, sterilize, and return feral cats to reduce the number of stray cats in our city. Their efforts are one of the primary reasons there has been a decline in the number of cats that enter our shelter. Currently, the work they do is not recognized under our by-law. In fact, they are deemed to be the "owners" of the cats that they are working with, and as a result, they could be penalized should the cats they're managing roam on adjacent properties. The new by-law will recognize the vital work that TRNM program volunteers do. Volunteers will be required to register and complete mandatory third-party training, which will provide them with exceptions to manage their colonies without fear of reprisal. They will receive Animal Services support with resources such as winterized cat shelters and spaying or neutering of feral cats.

### Control of Dogs while on the Owners' Property

While all dogs must be under the control of their owner when off-property, there are currently no restrictions when on property, unless it has been designated as a dangerous dog. This means there is no requirement to have a dog under the owner's control, even if unrestrained in the owner's front yard. Animal Services frequently receives complaints regarding unrestrained animals in the front yard that could leave their property at a moment's notice, with the owner relying on voice commands only. Further, we often hear of a dog sitting calmly on the front porch, only to see something that causes it to run and attack a person or another animal, become lost, or be hit by a car. The new by-law requires animals not leashed to be contained by an enclosure, fenced area, or tether, even when on their property.

### Impounded Animals

The new by-law continues to address impounded animals in accordance with our current practices; however, it allows Animal Services to implant a microchip into stray

animals that enter the shelter and are not otherwise identifiable through a licence tag or existing microchip. Currently, animals that enter the shelter are only microchipped once the City assumes ownership of them after seven days.

### Muzzle and Control Orders

Currently, dogs who have bitten or menaced people or other domestic pets can be deemed dangerous or potentially dangerous dogs. The designation requires the owner to comply with various requirements imposed by Animal Services. Such conditions include ensuring the dog is under the care and control of an adult over 18 years old, spaying or neutering the dog, putting a muzzle on the dog during walks, etc. These designations are frequently appealed because the dog's owner does not view their pet as "dangerous," indicating that it was an isolated incident. The change in the name of the designation will remove the stigma associated with the dangerous dog label.

While the various corrective actions remain the same, the new by-law allows a Muzzle and Control Order more flexibility to address behavioural issues that staff previously couldn't. For example, if a dog routinely leaves the backyard and runs into traffic, a Muzzle and Control Order could be issued to require the owner to ensure their fencing sufficiently prevents the escape of the dog or require the use of a six-sided pen. Muzzle and Control Orders will remain appealable through the Brampton Appeal Tribunal in the same manner that Dangerous Dog Designations are currently.

### Feeding of Wildlife

Almost all negative interactions with wildlife can be associated with people providing food directly to wildlife, predator animals (such as foxes and coyotes), prey animals (such as squirrels and chipmunks), or leaving food outside for their pets. This ultimately attracts more wildlife and predator animals to the City. Feeding wildlife in any form conditions them to approach people for food, **makes them more comfortable being in areas where people are**, and leads to "demand behaviour" where wildlife can become assertive, expecting to be fed. Therefore, the prohibition of feeding wildlife is the most critical step we can take to maintain a healthy co-existence with the wildlife in our community. An exemption still allows the feeding of songbirds, provided that any food spillage is removed forthwith, as well as cats participating in an approved trap, neuter, release and manage program.

### Administrative Penalties

If approved, the new Animal Services By-law will become effective November 22, 2023, and adds the ability to issue Administrative Penalty Notices.

Currently, all Animal Services charges are laid through the Provincial Offences Courts. With decreased judicial resources and limited collection abilities, this change will allow infractions to be addressed in an expedited manner, and, when issued in relation to an offence that occurs at a residence, will enable the penalty to be added to the tax roll.

<b>Current Process</b>			
	<b># Issued Yearly</b>	<b>Avg. Fine</b>	<b>Total Fines</b>
POA Part I Charges (tickets with a set fine)	40	\$175	\$7,000
POA Part III Charges (required court appearance – fine determined by the courts)	180	\$120	\$21,600
<b>Total</b>			<b>\$28,600</b>

The amount of the penalty (or fine) will be increased from the existing fines that have been in place since 2005. Common examples include:

<b>Offence</b>	<b>Current Fine</b>	<b>New Fine</b>
No cat/dog licence	\$105	\$150
Permit a dog to run at large	\$105	\$300
Own more than three dogs	\$105	\$300
Fail to take precautions to prevent dog bite	\$250	\$300

It is also expected that the fines for matters which continue to be addressed through the court system (POA Part III Charges) will increase on average, as minor offences will be enforced through Administrative Penalties, leaving the courts only to hear more serious matters such as dog attacks. Therefore, there will be a reduction in the number of cases heard in the courts, but it is anticipated that there will be greater fines being issued per charge.

<b>Estimates with New By-laws (including new offences and Administrative Penalties)</b>			
	<b># Issued Yearly</b>	<b>Avg. Fine</b>	<b>Total Fines</b>
Administrative Penalty	200	\$225	\$45,000
POA Part III Charges (required court appearance – fine determined by the courts)	50	\$300 (estimated)	\$15,000
<b>Total</b>			<b>\$60,000</b>

With the introduction of new requirements, including Standards of Care and prohibiting the feeding of wildlife, Animal Services staff are expected to intervene with concerns more frequently. In combination with the introduction of Administrative Penalties, it is anticipated that increased penalties will help offset the cost of new equipment and software licenses that will be required to issue Penalty Notices, including phones and printers. The cost of implementing Administrative Penalties is estimated to be \$39,181, with an estimate of \$60,000 in fines and penalties being issued in the first year of implementation.

### Estimated One-Time Costs of the Equipment:

	<b>Cost</b>
Android Phones (8 at \$550 each)	\$4,400
Ticket Printers (12 at \$975 each)	\$13,221
GTechna (Software, configuration and maintenance)*	\$21,560
<b>TOTAL</b>	<b>\$39,181</b>

\*Gtechna cost is a one-time fee with a yearly maintenance cost of 20% of the initial license fee of \$11,400 (\$2,280 annual operating costs) to be covered by IT.

### **Anticipated Increase as a result of moving to Administrative Penalties:**

It is expected that the move to Administrative Penalties will allow Animal Services to issue 5x the number of tickets than those that were issued under the Provincial Offences Act (from 40 charges to 200 charges), an average increase of \$50 per ticket for a total net increase of \$38,000 vs the previous bylaws.

The charges brought before the Courts will focus on more serious offences and will decrease the number of court proceedings to be heard (from 180 down to 50), and decrease the number of Part III charges issued but with a higher fine for a total net decrease of \$6,600 vs the previous bylaws.

### **Corporate Implications:**

#### Financial Implications:

Pending Council approval, the recommendations in this report will result in estimated revenues outlined in the following chart, with an estimated revenue increase of \$31,400. The new Administrative Penalties revenues will be deposited into the Non-Parking AMPs GL Account in the Court Administration Division.

	<b>Current Revenues</b>	<b>Estimated New Revenues</b>	<b>Variance</b>
Administrative Penalty	\$0	\$45,000	\$45,000
POA Part I	\$7,000	\$0	<b>\$(7,000)</b>
POA Part III	\$21,600	\$15,000	<b>\$(6,600)</b>
<b>TOTAL</b>			<b>\$31,400</b>

The one-time costs for Android phones, ticket printers and software implementation are estimated to be \$39,181. Sufficient funding is available within the IT and Animal Services capital budgets for this initiative, as outlined in the following chart. The annual software maintenance cost of \$2,280 will be funded through the IT operating budget, pending Council approval.

**Funding Sources:**

<b>Project #</b>	<b>Original Budget</b>	<b>Expenditures to Date</b>	<b>Balance Available</b>	<b>Amount Required</b>
211480-011	\$96,000	\$24,626	\$71,374	\$21,560
215181-001	\$35,000	\$0	\$35,000	\$17,621
<b>TOTAL FUNDING AVAILABLE</b>			<b>\$106,374</b>	<b>\$39,181</b>

Other Implications:

Communications Implications – The successful implementation of these changes will require a thorough communications and education plan to advise pet owners of the new by-laws that impact them. In addition, our existing communications regarding feeding wildlife will be strengthened and updated to indicate the penalty for contraventions.

**Strategic Focus Area:**

This report aligns with the strategic focus of Health and Well-being by increasing the protection afforded to our residents, pets, and wildlife by modernizing our by-law as it relates to animals.

**Conclusion:**

Implementing a new Animal Services By-law will further our ability to safeguard our community, including residents and animals, by utilizing the best practices in caring for and interacting with domestic pets and wildlife. In addition, using new tools, such as Administrative Penalties, further reinforces our mandate by allowing staff to expedite the enforcement process.

Authored by:

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Approved by:

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Paul Morrison  
Acting Commissioner, Legislative Services

Approved by:

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Marlon Kallideen  
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**Attachments:**

- Attachment 1 – Animal Services By-law
- Attachment 2 – Amendment to Administrative Penalties (Non-Parking) By-law 218-2019