



## REQUEST FOR DECISION

**MEETING DATE:** April 8, 2024

**TITLE:** C-1309-24 - Responsible Pet Ownership Bylaw - Third Reading

**DIVISION:** Community and Protective Services

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### **SUMMARY:**

C-1309-24 - Responsible Pet Ownership Bylaw is being brought forward for third reading. C-1309-24 - Responsible Pet Ownership Bylaw will replace the Dog and Animal Control Bylaw with a new Responsible Pet Ownership Bylaw that addresses the regulation of Cats and Domesticated Animals being kept as Pets, and the number of Dogs, Cats, and Domesticated Pets which can be kept. The proposed bylaw also addresses two areas of the current bylaw which Administration have found to be in need of updating; specifically, the current fine levels for vicious dog offences being well below comparable levels for other municipalities and adding animal protection offences within the bylaw.

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### **PROPOSED MOTION:**

THAT third reading be given to C-1309-24 - Responsible Pet Ownership Bylaw, as amended.

### **BACKGROUND / ANALYSIS:**

At the Governance and Priorities Committee (GPC) Meeting of January 15, 2024, the following motions were passed:

1. THAT Administration be directed to bring to Council for consideration amendments to the Dog and Domestic Animal Control Bylaw to regulate cats in the City of Spruce Grove.
2. THAT Administration be directed to bring to Council for consideration amendments to the Dog and Domestic Animal Control Bylaw to amend its title to Responsible Pet Ownership Bylaw.

3. THAT Administration be directed to bring to Council for consideration amendments to the Dog and Domestic Animal Control Bylaw to clearly define and allow for livestock animals within the City of Spruce Grove if said animals are domesticated household pets.
4. THAT Administration be directed to bring a report back on a recommended number of dogs to be permitted in the Dog and Domestic Animal Control Bylaw.

Following the January 15, 2024 GPC Meeting, Administration conducted reviews of similar bylaws throughout the Edmonton region and across Alberta, including Edmonton, Leduc, St. Albert, Sherwood Park, Stony Plain, Beaumont, Lac Ste Anne County, Grande Prairie, Red Deer, Calgary, Olds, and Canmore in order to craft appropriate options and language for consideration of Council.

During this research other areas of potential improvement of the bylaw were determined. As a result of this research Administration is bringing forward two further potential changes to the bylaw:

1. Increasing fines for offences involving vicious dog infractions; and
2. Adding offences similar to specific areas of the animal protection act.

A proposed Responsible Pet Ownership Bylaw has been created which would replace the current Dog and Domestic Animal Control Bylaw. Changes to the bylaw include:

1. Regulation of Cats

The direction given by the GPC was to regulate cats in a similar manner to how dogs are regulated within the City, but to not change the service delivery standards for Enforcement Services within the bylaw.

After conducting research into other municipal examples, Administration has suggested modifications to a number of sections of the bylaw to include cats in restrictions, such as not allowing them to run at large, be in parks, pools, etc. or off property while not on a leash.

Administration has specifically not included cats in the sections of the bylaw which speak to duties of Enforcement officers and retained the current outlined practice for addressing nuisance cats entering a resident's yard.

This will place a positive onus on cat owners to keep their pets in their yards, or on a leash when off their property. It would allow for the potential of a bylaw charge and fine should a

cat be taken to the Animal impound and the owner claim them / be identified, much as can and does take place now with dogs.

A question was also asked related to the ability of residents to trap cats on public property. Simply put, only City personnel would be allowed to perform any animal trapping or enforcement activities on public land or property and would not provide permission for members of the public to do so for a variety of liability and professional standard reasons.

## 2. Renaming of the Bylaw

Administration is recommending that the current Dog and Domestic Animal Control Bylaw be repealed and replaced with the new Responsible Pet Ownership Bylaw. This bylaw will contain all of the modifications directed by GPC to the existing language and the name is more in line with the nature of the changes that Council is contemplating. The new bylaw would also be named in a manner consistent with other municipalities.

## 3. Domesticated Pets Inclusion

Administration has reviewed a number of other municipal bylaws to examine ways in which to address the direction of GPC. It was determined that many communities completely prohibit the keeping of domesticated animals such as pigs, horses, sheep, goats, chickens, geese, turkeys, ducks, or cows as pets. These animals are ordinarily described collectively as Domesticated Animals, kept for agricultural, food or commercial purposes, and are only allowed to be kept in areas of the municipality zoned for that type of use, and not in residential zones.

Where they are allowed to be kept, there are restrictions either on the number, the size or in stating they must ordinarily be kept inside the residence. Further, they must be kept as pets, and not for use in for an agricultural, commercial, or food purpose.

Should Council wish to allow for the keeping of domesticated animals as pets, Administration is recommending changes to the definition section to define “Domesticated Animals” and “Domesticated Pets”, limiting them to those animals kept as pets, within the household and of a species the adult form of which is regularly no more than 10 kgs in size. This is consistent with several other municipalities bylaws around the region, such as Edmonton. The proposed definitions are located under sections 2.9 and 2.10 of the proposed bylaw.

Further, in keeping with the direction to move towards an overall Responsible Pet Ownership Bylaw and ensure pet owners of domesticated pets are held to similar standards as dog and cat owners, Administration is recommending changes regarding general regulations which apply to dogs and cats, and in general, to domesticated pets. This would include not being allowed to run at large, being off the owner’s property uncontrolled, and the responsibility of the owner to care for the animals.

#### 4. Recommendation on Number of Pets

Upon reviewing the City's bylaw along with a number of other municipal bylaws, it was determined that the number restriction of three (3) as indicated in the bylaw is consistent with all of the Edmonton region, and similar to most other communities, with exceptions found in Red Deer, Calgary and Canmore. By way of comparison the following municipalities have the following number restrictions:

Community	Dog Limit	Cat Limit	Total Pets
Edmonton	3	6	-
Leduc	3	3	-
St. Albert	3	Not Regulated	-
Sherwood Park <5 acre space	3	Not Regulated	-
Sherwood Park >5 acre space	5	Not Regulated	-
Stony Plain	2	3	-
Beaumont	3	3	4
Red Deer	None	None	None
Grande Prairie	-	-	4
Olds	3	6	-
Calgary	6	6	-
Canmore	None	None	None

When examining the bylaw in comparison to other municipal bylaws, it was determined that the City's method of controlling numbers of pets (Dogs, Cats, Domesticated Pets) was potentially unclear, with the reliance on the definition of a "Kennel" to limit pet ownership rather than a specific pet ownership numbers limitation within the bylaw itself as was common with other municipal bylaws.

It was also noted that the City's bylaw only spoke to limits on numbers of dogs but was silent on cat numbers, and did not speak to domesticated pets. With the inclusion of regulations around pets, similar to dogs, and with the direction to regulate and allow for domesticated pets other than dogs and cats, Administration is making the recommendation that any number limitations be moved from the kennel definition and into a specific section of the bylaw, and that kennels be defined in a manner similar to other municipal bylaws.

Administration is recommending a new definition of "Kennels" as found under section 2.12 of the proposed bylaw.

In addition, Administration is recommending a total limit of five Dogs, Cats and Domesticated Pets in total on one premises, no more than one of which may be a Domestic Pet. The recommended wording is found under section 4.5 of the bylaw.

The proposed fines are \$400 for a first offence and \$800 for subsequent offences for having more than the permitted number of pets. This is outlined in Schedule "A" - Fines for Infractions in the proposed bylaw.

#### 5. Vicious Dog Offences

While conducting research on various other municipal bylaws in, and based on Enforcement Services experiences with offenders in the past, there was a recognition that the current fine structure for violations of the vicious dog sections of the bylaw are well below those of other communities and are not forming an effective deterrent to such behaviours. The Vicious Dog Fine Comparators, a list of municipal comparators is attached to this RFD, along with a comparison of the City's Current and Proposed Fine Structure. The proposed fine structure is included in the proposed bylaw.

#### 6. Additional Animal Protection Offences

Finally, while conducting research on similar bylaws and from the experience of Enforcement Services, Administration has identified one further area of potential improvement to the bylaw. It is recommended that the bylaw contain enhancements to deal with animal care and protection offences. These are currently addressed through Provincial legislation only, which precludes the City's Bylaw Officers from being able to enforce them and requires use of this higher level of offence in all cases involving the obligation of pet owners to responsibly care for their animals.

By replicating some of those offences within the bylaw, it does not create any new restrictions on pet owners but does allow for all Enforcement Services officers to address such situations in a less serious process, such as through a bylaw ticket, without having to engage the Provincial legislation when it is appropriate to the circumstances. It also allows Bylaw Officers to address these situations where appropriate, and not just Community Peace Officers (CPOs). This provides flexibility in terms of both the nature of enforcement measures that can be taken, and the category of enforcement officers who can address such complaints and situations.

### **Feedback from March 11, 2024 Council Meeting**

At the March 11, 2024 Council Meeting, Council provided feedback addressing the following areas:

1. Identification Requirement for Domesticated Pets
2. Provide consistency in the Definitions Section between Cats and Dogs

3. Address a legacy typographical error in section 4.9
4. Research further the number limitation on Domesticated Pets
5. Research further the size limitation on Domesticated Pets

### **1, 2, and 3**

In relation to items 1,2, and 3 noted above, technical/clarifying amendments to the proposed bylaw have been prepared which would address all of those requirements. The amendments are set out in the included attachment, for implementation upon receiving third of the proposed bylaw.

### **4 and 5**

In relation to items 4 and 5 noted above, Administration has conducted further research into the bylaws of any municipalities it can find which reference the keeping of Domesticated Animals / Livestock as pets, and have only found four examples of urban municipalities which allow for the keeping of such animals as pets.

#### City of Calgary

The City of Calgary allows for a special permit to be sought for the keeping of a Livestock Emotional Support Animal that a mental health professional has determined provides a benefit for an individual with a disability.

#### Town of Morinville

The Town of Morinville prohibits the keeping of domesticated animals which are regularly or routinely kept outside of the house unless approved by the Town, and exempts Cats, Dogs and Fish. A person must apply for a permit to own a “unique animal”, or an animal kept outside of the house regularly. Permits to own animals can contain conditions which must be adhered to.

#### City of Leduc

The City of Leduc prohibits the owning of any livestock (Domesticated Animals) or any animal of a size greater than 5 kgs other than a Cat or Dog. Officials indicated that this restriction was intentional in wanting to preclude such animals as pigs, goats, etc., from being kept as pets, limiting them to areas zoned for agricultural use. The 5 kg limit was to ensure that even dwarf species were captured. In this fashion, a hamster would be permitted, but a beaver would not, similarly a garter snake is permitted, but a boa constrictor would not be.

The reasons cited for these limitations were around disease control, health and safety of humans, feces, odour and noise controls and appropriate care and living conditions for the animals.

#### City of Edmonton

The City of Edmonton also prohibits the keeping of livestock / Domesticated animals of a size greater than 10 kgs, other than a Cat or Dog. Officials there also indicated that while the Bylaw was quite old, all officials spoken to believe the intent was to prohibit the keeping of what are

normally domesticated animals / livestock within the urban environment. They are limited to areas zoned for agricultural use. The 10 kg limit was to allow for smaller unique pets, such as noted by Leduc officials. Edmonton officials indicated that some rabbits, and some other more unique pets such as weasels, could exceed 5 kgs, but were less than 10 kgs, as that was their belief for the higher weight limitation.

The reasons cited for these limitations were the same as those noted by Leduc Officials.

### **Future Exemptions**

During the March 11, 2024 Council meeting, discussion was held around an upcoming Hens Bylaw. Administration examined a means to allow for potential future bylaws which would regulate animals, such as hens in a manner outside of the provisions of the Responsible Pet Ownership Bylaw.

This can be accomplished by future amendments to the bylaw, specific to new Bylaws as they come into force, or, through the insertion of a provision to allow for them within this bylaw.

Such a modification is being contemplated by way of changes to the language in section 4.1.

## **OPTIONS / ALTERNATIVES**

### **Recommendation 1 - Do not allow for the keeping of Domesticated Animals as Pets**

Administration is recommending that Domestic Animals not be allowed to be kept as pets, other than where the zoning under the Land Use Bylaw allows for agricultural use. Therefore, the original wording of the former Dog and Domestic Animal Control Bylaw has been re-instated, and all changes in relation to the provisions for the keeping of Domestic Animals as pets has been removed.

### **Recommendation 2 - Future Bylaw Exemption Language**

Insert a second area of exemption within section 4.1 to allow for keeping Domestic Animals in accordance with a permit and other bylaws of the City.

For Recommendations 1 and 2, Administration has amended the proposed bylaw, and updated the redline version, with specific areas highlighted in the redline version to show where the language was reverted to the former bylaw's language under Recommendation 1 and to include section 4.1(b) under Recommendation 2.

## **CONSULTATION / ENGAGEMENT:**

In preparation for this report, Administration consulted both internally with Protective Services, Planning and Development, and Finance, as well as externally with several of the municipalities identified. The bylaws of all of those municipalities were also reviewed.

Further analysis or consultation on possible changes will depend on any feedback or direction from Council.

### **IMPLEMENTATION / COMMUNICATION:**

Upon third reading of the bylaw there will be some administrative work to ensure the City's e-Ticketing and RMS system reflects the new sections of the proposed bylaw.

Communication of the new provisions of the bylaw, along with the name change to the residents of the City will be addressed by Administration immediately after the bylaw is passed.

A Communications Plan has been developed and is attached.

### **IMPACTS:**

Other than the initial inquiries from the public that can be expected to come with the introduction of the new provisions of the bylaw, specifically around cat regulations, there is anticipated to be limited impacts on Enforcement Officer time. This will revolve around the potential laying of charges for cats who were running at large in contravention of the bylaw and brought to the shelter by residents that are claimed by their owners.

This is anticipated to be absorbed within existing resource levels without notable impact to operational capacity for the service.

### **FINANCIAL IMPLICATIONS:**

Financial implications are anticipated to be limited.