

BE APPROVED IN PRINCIPLE, subject to consideration
of a further administrative report addressing outstanding questions
regarding costs and enforcement of the proposed amendments
as adopted by Council at its meeting held May 20, 2014 [M211-2014]

/AC
Windsor, Ontario May 20, 2014

REPORT NO. 193 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held April 23, 2014

Present:

- Councillor J. Gignac**
- Councillor A. Halberstadt**
- Councillor R. Jones**
- Councillor H. Payne**
- Councillor F. Valentinis, Chair**

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED**:

Moved by Councillor Payne, seconded by Councillor Halberstadt,
THAT the report authored by the Corporate Policy Coordinator dated April 1, 2014 entitled "*Response to CQ5-2014 – review of municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions*" **BE RECEIVED**, and further;

THAT By-law 8156 **BE AMENDED** to include the following sections:

Section (4a):

"Any person who owns an animal that is customarily kept outside shall at all times:

- 1) Provide it with protection from the elements including harmful temperatures;
- 2) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight and type of coat;
- 3) Provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position."

Section (4b):

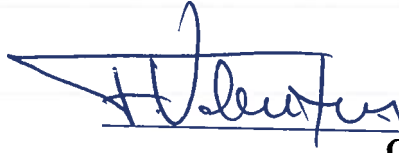
"No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:

- 1) The tether is of appropriate length for the species tethered; i.e. 5 times the length of the dog from the nose to the base of the tail except for small dogs - (should be a minimum of 3 metres);
- 2) The animal has unrestricted movement within the range of such tether;
- 3) The animal is not tethered for longer than 4 hours per day;
- 4) The animal has access to water, and shelter while tethered; and
- 5) The animal cannot injure itself as a result of the tethering."

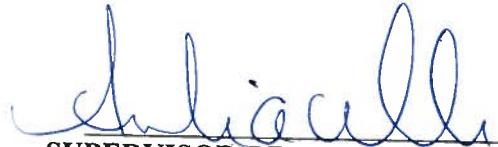
Carried.

Councillor Gignac voting nay.

Clerk's Note: The report authored by the Corporate Policy Coordinator dated April 1, 2014 entitled "Response to CQ5-2014 – review of municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions" is **attached** as background information.



CHAIRPERSON



SUPERVISOR OF COUNCIL SERVICES

NOTIFICATION:				
Name	Address	Email Address	Phone	FAX
Melanie Coulter, Exec. Director, Windsor-Essex County Humane Society		melanie@windsorhumane.org		
Pat Kowaliw		pat.kowaliw@gmail.com		

THE CORPORATION OF THE CITY OF WINDSOR
Environment, Transportation & Public Safety Standing Committee -
Admin Report - Public Safety



MISSION STATEMENT:

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

LiveLink REPORT #: 17122 MHS/9496 AB2014	Report Date: April 1, 2014
Author's Name: Anna Ciacelli and Gary Cian	Date to Standing Committee: April 23, 2014
Author's Phone: 519 255-6100 ext. 6532	Classification #:
Author's E-mail: aciacelli@city.windsor.on.ca	

To: Environment, Transportation & Public Safety Standing Committee

Subject: Response to CQ5-2014--review of municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014--feasibility of dog tethering provisions.

1. RECOMMENDATION: City Wide: X Ward(s):

That this report from the Corporate Policy Coordinator (A) regarding a response to CQ5-2014, and CQ6-2014 **BE RECEIVED** for information.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The City of Windsor is a diverse and caring community. The Corporation takes seriously its obligations for animal control and well-being. Residents continue to have regard for the community's animals, as evidenced by animal welfare issues being raised before City Council. Animal welfare has been an on-going priority for City Council, and as a result the City of Windsor has continued to invest time, resources and financial assistance to ensure that the pet population in the community has been treated humanely and compassionately.

At the February 18, 2014 meeting of Council, Councillor Marra asked the following Council Question:

CQ5-2104: Asks that administration undertake a review of our municipal bylaws related to animal and pet welfare. I am requesting that administration provide recommendations for City Council to consider specifically as it relates to the protection of animals & pets from extreme weather conditions such as the recent below freezing weather our region has experienced this winter. I am requesting that a review of other municipal bylaws be considered for this report.

Also at the February 18, 2014 meeting of Council, Councillor Payne asked the following Council Question:

CQ6-2014: Asks for a report on the feasibility of adding dog tethering provisions to B/L 8156 re Keeping of Animals.

It ought to be noted that the Windsor-Essex County Humane Society brought forward concerns regarding the tethering of dogs previously in August of 2012, requesting that the Keeping of Animals By-law 8156 be amended to include dog tethering provisions. This matter was addressed by Council in February of 2013, and at that time, Council elected not to amend the Keeping of Animals By-law 8156 with respect to dog tethering.

3. DISCUSSION:

While respectful and supportive of the mission of the Windsor-Essex County Humane Society to prevent cruelty to animals and to eliminate their suffering, over the years the Corporation has taken many steps to ensure the welfare of animals. With respect to both dog tethering and the extreme weather concerns, it is the position of Administration that the City's current By-law 8156, as well as Provincial and Federal legislation provide the necessary authority/tools to take appropriate action where animals are in or are caused distress as noted below.

The City of Windsor's Keeping of Animals By-law 8156 s.4 (1) states that anyone keeping an animal must "treat it in a humane manner". *Out of the 18 Keeping of Animal complaints received in By-law Enforcement in 2014, none were for tethering or weather conditions.*

The Ontario Society for Prevention of Cruelty to Animals Act under section 11.1 states that all persons who owns or have custody of an animal shall comply with the prescribed standards of care for animals. The standards of care regulation noted above can be found under Ontario Regulation 60/09 made under the Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA) and reads as follows:

Basic standards of care for all animals

2.
 - (1) Every animal must be provided with adequate and appropriate food and water.
 - (2) Every animal must be provided with adequate and appropriate medical attention.
 - (3) Every animal must be provided with the care necessary for its general welfare.
 - (4) Every animal must be transported in a manner that ensures its physical safety and general welfare.
 - (5) Every animal must be provided with an adequate and appropriate resting and sleeping area.
 - (6) Every animal must be provided with adequate and appropriate,
 - (a) space to enable the animal to move naturally and to exercise;
 - (b) sanitary conditions;
 - (c) ventilation;
 - (d) light, and;
 - (e) **protection from the elements, including harmful temperatures.**
 - (7) If an animal is confined to a pen or other enclosed structure or area,
 - (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;
 - (b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are,
 - (i) safe and non-toxic for the animal, and
 - (ii) of a texture and design that will not bruise, cut or otherwise injure the animal; and
 - (c) the pen or other enclosed structure or area must not contain one or more other animals that may pose a danger to the animal.

Standards of care for dogs that live outdoors

3.
 - (1) Every dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times.
 - (2) **The enclosure must be weather-proofed and insulated.**
 - (3) The size and design of the enclosure must be adequate and appropriate for the dog.
 - (4) **A chain, rope or similar restraining device used to tether a dog that lives primarily outdoors,**
 - (a) must be at least three metres long;
 - (b) must allow the dog to move safely and unrestricted (except by its length); and
 - (c) must allow the dog to have access to adequate and appropriate water and shelter.

The Criminal Code of Canada addresses cruelty to animals prohibiting unnecessary pain, suffering or injury to an animal (s.445.1) and abandonment, wilful neglect or failure to provide suitable and adequate food, water, shelter or care for a domestic animal or animal in captivity (s.446).

In response to the recent Council Questions concerning dog tethering and extreme weather conditions, Administration has conducted further research and investigation into these issues including a survey of municipalities, and discussion/consultation with the Windsor-Essex County Humane Society.

The Corporate Policy Coordinator recently completed a survey of 19 municipalities concerning both the tethering issue and the extreme weather conditions to compare practices. Of those 11 municipalities who have responded currently 4 have a tethering By-law, and 3 have an extreme weather By-law. The 4 municipalities who have the tethering By-law, have received a low number of complaints with the outcomes rarely ending with a charge being laid. Similar results were received from the 3 municipalities who have the extreme weather By-law noting they rarely receive complaints and a charge is yet to be laid. A table outlining the details is attached as Appendix A.

Should Council wish to include additional provisions in the By-law with respect to tethering and weather conditions the following amendment could be added:

Section (4a):

"Any person who owns an animal that is customarily kept outside shall at all times:

- 1) provide it with protection from the elements including harmful temperatures;*
- 2) provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight and type of coat;*
- 3) provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position.";*

Section (4b):

"No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:

- 1) the tether is of appropriate length for the species tethered; i.e., 5 times the length of the dog from the nose to the base of the tail;*
- 2) the animal has unrestricted movement within the range of such tether;*
- 3) the animal is not tethered for longer than 2 hours per day;*
- 4) the animal has access to water, and shelter while tethered; and*
- 5) the animal cannot injure itself as a result of the tethering".*

Section 21 of the Ontario Society for the Prevention of Cruelty Act states that: in the event of a conflict between a provision of this Act or of a regulation made under this Act and of a municipal By-law pertaining to the welfare of or the prevention of cruelty to animals, the provision that affords the greater protection to animals shall prevail.

In their letter dated March 13, 2014, the Windsor-Essex County Humane Society states that they would accept the responsibility for enforcement of the above amendment to By-law 8156 as part of their humane and law enforcement programs. (Attached as Appendix B). It ought to be noted that the current Animal Control and Pound Services Agreement-2011 between the City and the Windsor-Essex County Humane Society already includes provisions for the Humane Society to address animal cruelty issues/investigations. The Society has developed a highly trained and professional staff of 4 Agents who work normal working hours with one Agent on call to respond to emergency situations 24 hours a day.

4. RISK ANALYSIS:

Electing to maintain the current Keeping of Animals By-law 8156 status quo or amending the By-law does not present any risk, as the By-law combined with existing Provincial and Federal legislation provide for the protection and well-being of animals in the City. In either case, By-law Enforcement Officers and the Windsor-Essex County Humane Society would continue to respond where the welfare of an animal is compromised.

5. FINANCIAL MATTERS:

There is no financial impact as Provincial Legislation is already in place for basic standards of care under OSPCA Regulations enforced through the Windsor-Essex County Humane Society staff. The standards dictate that all animals are to be protected from the elements, including harmful temperatures and that the chain or rope used to tether animals that live outdoors must be at least three metres long.

However, it should be noted, that prosecutions under By-law 8156 are handled by the City's Legal Department, which could potentially have a financial impact on the City's resources, whereas prosecutions under the OSPCA Act and the Criminal Code are handled by the Crown Attorney's Office.

6. CONSULTATIONS:

The following City departments as well as the Windsor-Essex Humane Society and other municipalities were consulted on this report:

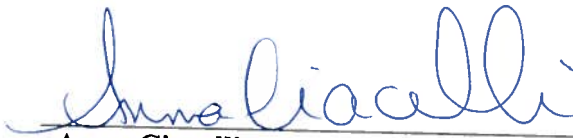
By-law Enforcement Unit
Finance
Legal


7. CONCLUSION:

Provincial and Federal Legislation is already in place therefore there is no need to amend the Municipal Keeping of Animals By-law 8156.

The City of Windsor's continued efforts to ensure that adequate animal welfare and protection is afforded to the community's pet population is evident in the time and dedication that staff have invested over the years. A great deal of time and resources have been allocated for this purpose and continue to be allocated.


Current Municipal, Provincial and Federal legislation exists to take immediate action to protect animals should the need arise. Considering the existing Legislation and By-law, Administration is confident it has the tools to take action where the welfare of animals is compromised. Therefore, changes to existing By-law to address the dog tethering and extreme weather condition concerns are not required at this time. The City of Windsor will continue to make every effort to provide effective and compassionate care towards the community's pet population.



 Anna Ciacelli
 Corporate Policy Coordinator (A)

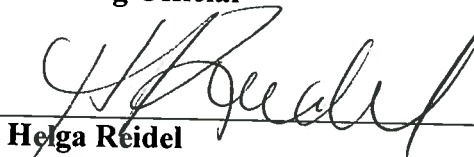

 Valerie Critchley, City
 Clerk/Licence Commissioner


 Gary Cian
 Manager of Licensing & Gaming, Deputy
 License Commissioner


 Mario Sonogo, City Engineer


 Lee Anne Doyle
 Executive Director of Building/Chief
 Building Official


 Ann Kalinowski
 Manager of By-law Enforcement


 Helga Reidel
 Chief Administrative Officer

AC

APPENDICES:
 Appendix A: Survey of Municipalities 2014
 Appendix B: Letter from the Windsor-Essex Humane Society

DEPARTMENTS/OTHERS CONSULTED:
 Name:
 Phone #: 519 ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX
Windsor-Essex County Humane Society	1375 Provincial Rd. Windsor, ON N8W 5V8	info@windsorhumane.org	519-966-5751	

Survey of Municipalities 2014

Municipality	Tethering/ Chaining of Dogs By-law	# of Complaints Received	# of Charges Laid	Enforcement Provided By:	Protection of Animals and Pets from Extreme Weather Conditions By-law	# of Complaints Received	# of Charges Laid	Enforcement Provided By:
Barrie	No By-law				No By-law			
Burlington	No By-law				No By-law			
Brampton	No By-law				No By-law			
Cambridge	No By-law				No By-law			
Clarington	Yes, Part of Responsible Pet Owners By-law	Very Few *	None	Animal Services Officers	Yes, Part of Responsible Pet Owners By-law	Very Few *	None	Animal Services Officers
Greater Sudbury	No By-law				No By-law			
Hamilton	No By-law				No By-law			
Markham	Yes, Part of Animal Care By-law	Very Few *	None	Animal Services Officers	Yes, Part of Animal Care By-law	Very Few *	None	Animal Services Officers
Pickering	Yes, Part of Responsible Pet Ownership By-law	Very Few *	None	Animal Services Officers	Yes, Part of Responsible Pet Ownership By- law	Very Few *	None	Animal Services Officers
S Catharines	No By-law				No By-law			
Vaughan	Yes, Part of the Animal Control By- law	None	None	Animal Services Officers	No By-law			

*--Actual numbers are not available.



Windsor / Essex County Humane Society

1375 Provincial Road · Windsor · ON · N8W 5V8

Telephone: (519) 966-5751

www.windsorhumane.org · info@windsorhumane.org

March 13, 2014

Anna Ciacelli
Corporate Policy Coordinator
City of Windsor
350 City Hall Sq. W Room 203
Windsor, ON N9A 6S1
Via email: aciacelli@city.windsor.on.ca

Dear Ms. Ciacelli:

This letter will confirm that if Council decides to pass a time limit on the tethering of dogs, or weather restrictions on leaving dogs outside, the Windsor/Essex County Humane Society will enforce those by-laws as part of our humane and law enforcement programs at no cost to the City.

We appreciate your consideration of these proposals, and look forward to discussing them further. If you require any additional information please don't hesitate to contact me.

Sincerely,

Melanie Coulter
Executive Director



THE CORPORATION OF THE CITY OF WINDSOR

Memo

CITY OF WINDSOR
COUNCIL SERVICES

MAY 09 2014

RECEIVED

To: Mayor and Members of City Council
From: Bill Tetler, Acting Manager of By-law Enforcement
Susan Hirota, Legal Counsel
Date: May 5, 2014
Subject: Supplementary Memo Re: Response to CQ5-2014—Review of Municipal By-laws Related to Animal and Pet Welfare, Protection of Pets in Extreme Weather Conditions and CQ6-2014—Feasibility of Dog Tethering

At its April 23, 2014 meeting, the Environment, Transportation & Public Safety Standing Committee had questions regarding legislative authority and enforcement of the proposed amendment. The Committee recommendation is that the report authored by the Corporate Policy Coordinator dated April 1, 2014 entitled "*Response to CQ5-2014 – review of municipal By-laws related to animal and pet welfare, protection of pets in extreme weather conditions and CQ6-2014 – feasibility of dog tethering provisions*" be received, and further that, By-Law 8156 be amended to include the following sections:

Section (4a):

"Any person who owns an animal that is customarily kept outside shall at all times:

- 1) Provide it with protection from the elements including harmful temperatures;*
- 2) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight and type of coat;*
- 3) Provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position."*

Section (4b):

"No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:

- 1) The tether is of appropriate length for the species tethered; i.e. 5 times the length of the dog from the nose to the base of the tail except for small dogs (should be a minimum of 3 metres);*
 - 2) The animal has unrestricted movement within the range of such tether;*
 - 3) The animal is not tethered for longer than 4 hours per day;*
 - 4) The animal has access to water, and shelter while tethered; and*
 - 5) The animal cannot injure itself as a result of the tethering."*
- Carried.*

The purpose of this memo is to clarify the information requested by the Committee.

Anticipated Complaints & Impact on Enforcement:

To enforce the suggestions made by the Windsor/Essex County Humane Society (WECHS), a By-Law Enforcement Officer and/or an Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Agent would have to watch the dog for 4 hours straight or rely on a neighbor to provide statement/evidence of the animal being tethered for 4 hours straight to be able to lay a charge in Provincial Offences Court.

By-Law Enforcement Officers are not trained (dog handling) or properly equipped (bite sticks, animal control poles) to physically handle dogs for measurement as outlined in section 4(b) (1) which states "*the tether is appropriate length for the species tethered; i.e. 5 times the length of the dog from the nose to the base of the tail.*"

This type of enforcement being proposed requires "on demand service", which the By-Law Enforcement Unit cannot provide at this time due to staffing constraints. The By-Law Enforcement unit consists of 12 full time Officers responding to numerous By-Law complaints and Licensing Investigations. In 2013, the total number of complaints investigated by By-Law Enforcement was 9,971. Dirty Yard, Dog Control and Licensing were the top 3 complaint categories in 2013. It is estimated that the total number of tethering complaints the City could receive would be approximately 60 annually.

Operational impacts would also occur at 311 as citizens would be utilizing this service to file tethering complaints, which then would be sent over to the Building Department By-Law Enforcement Unit for investigation. Although the WECHS stated they would enforce this provision of the By-Law the City has an obligation to enforce our own Municipal By-Laws. The current contract between the City and Humane Society includes a provision for "animal cruelty investigation" by the Humane Society. If Council amends the by-law(s) it would be within the City's best interest to include an addendum to the existing Agreement noting that the Humane Society will be responsible to enforce the proposed amendment to By-law 8156 (keeping of animals)

Given the resource capacity issues resources ought to be directed towards education, in order to prevent these types of complaints from occurring.

Legal Process & Prosecution:

The *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, C. O.36 (*OSPCA Act*) makes it an offence for a person to cause an animal to be in "distress". Under the *OSPCA Act* distress means "the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect".

If extended tethering of a dog causes "distress" as defined by the *OSPCA Act*, Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Agents from the Windsor/Essex County Humane Society (WECHS) have the ability to lay a charge under the *OSPCA Act*.

The *OSPCA Act* also requires owners and custodians of animals to comply with prescribed standards of care set out in O. Reg. 60/09 (see the Discussion section of the Report). Many of the proposed amendments to By-law 8156 (Keeping of Animals) suggested by the WECHS already exist in O. Reg. 60/09 (protection from the elements, shelter requirements, access to water and shelter while tethered). Offenders who violate the prescribed standards of care could be charged by OSPCA Agents of the WECHS under the *OSPCA Act*.

The Windsor Crown Attorney's Office prosecutes charges under the *OSPCA Act* as well as charges under the *Criminal Code*, R.S.C. 1985, c. C-46 that relate to animal cruelty.

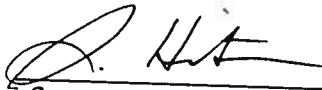
If the proposed amendments are made to By-law 8156 (Keeping of Animals) they would apply to *all* animals and not just dogs ("animal" is defined in By-law 8156 to mean "any live non-human vertebrate or invertebrate" and includes a "bird, reptile, an animal raised for commercial purposes and an animal kept as a working animal, pet or for hobby purposes such as breeding, showing or sporting").

Amendments would also be required to By-law 245-2004 (Registration, Licensing and Dog Control) that currently requires guardians to keep dogs from leaving their properties by means of an enclosure, a fence or *physical restraint by a chain or other similar means*.

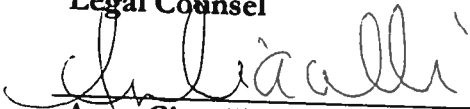
Charges under By-law 8156 (Keeping of Animals) are dealt with in the Provincial Offences Court and are prosecuted by the legal counsel in the City Solicitor's Office. The City Solicitor's Office is responsible for By-Law and Building Code prosecutions in addition to other duties. In each of 2012 and 2013 there were approximately 850 charges that resulted in prosecutions (inclusive of parking prosecutions which are now primarily dealt with by the administrative monetary penalty system and not by prosecution).

The proposed amendment to impose a limit of 4 hours on the tethering of animals will require a witness to testify in court that the animal was tethered for more than 4 hours on a given day. Anecdotal accounts will not suffice. Sworn evidence under oath or solemn affirmation will have to be provided as to when the observations began and ended on the offence date. A Justice of the Peace will have to be satisfied that the animal was tethered for more than 4 hours on that date on the standard of proof beyond a reasonable doubt. This will require the deployment of Enforcement Officers and/or OSPCA Agent, whether from the WECHS or from the City's own resources, for a minimum of 4 hours on a given day.

While it is anticipated that neighbors will call in the initial complaint, they are often unwilling to provide a formal statement (necessary for the prosecution to meet its disclosure obligations) or to take the day off work to testify in court. It is likely that the evidence will have to come from an Enforcement Officer or OSPCA Agent rather than a civilian witness.



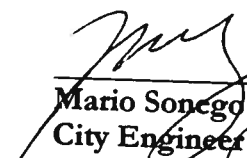
Susan Hirota
Legal Counsel



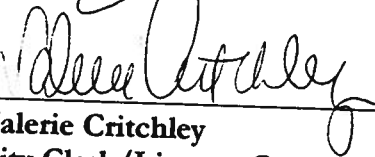
Anna Ciacelli
Corporate Policy Coordinator (A)



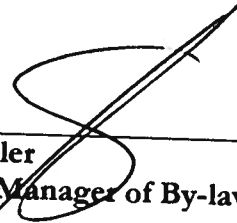
Gary Cian
Manager of Licensing & Gaming,
Deputy License Commissioner



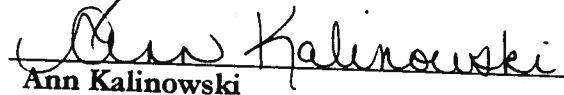
Mario Sonogo
City Engineer



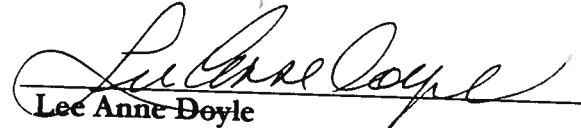
Valerie Critchley
City Clerk/Licence Commissioner



Bill Tetler
Acting Manager of By-law Enforcement



Ann Kalinowski
Manager of By-law Enforcement



Lee Anne Doyle
Executive Director of Building/Chief
Building Official



Shelby Askin-Mager
City Solicitor



Helga Reidel
Chief Administrative Officer

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX
Windsor-Essex County Humane Society	1375 Provincial Rd. Windsor, ON N8W 5V8	info@windsorhumane.org	519-966-5751	

MAY 20 2014

RESPONSE TO ADMIN. REPORT
RE AMENDMENT TO B/L 8156

The following is a response to Admin. Report #193 dated May 20th 2014 re the proposed Amendment to B/L 8156 re Dog Tethering using the same headings as in the report.

Anticipated Complaints and Impact
On Enforcement

CITY OF WINDSOR
COUNCIL SERVICES

MAY 15 2014

The comments in this section apparently anticipate the City itself being involved in enforcement which was never the intention. All complaints would go directly to the Humane Society whose officers are trained and equipped to deal with animal abuse complaints. The Society has already stated that they are prepared to enforce the proposed Amendment and the Agreement with the Humane Society could be amended accordingly if Council so desires.

RECEIVED

The above noted section also refers to “education” but fails to mention how this would be done in practice. (In general terms the mere publicity of the proposed bylaw would likely “educate” the public.)

Legal Process & Prosecution

2

This section of the Report also refers to animals other than dogs but we are not aware of reptiles or birds being chained up for long periods ! The Report refers to Ontario Regs. which contain no limit on the time a dog can be chained up and are therefore ineffectual in preventing the present abuse.

The Report also indicates that amendments would be required to By-Law 245-2004.

However ,these would not be necessary as chaining is not prohibited under the proposed By-Law,only continuous chaining.

The Report refers to court action etc. The Humane Society would enforce the proposed bylaw by ticketing , not laying of charges. As a result the City Solicitor's Office would only become involved when a ticket is appealed which judging by the Town of Essex experience with such a by-law would be very rare. In practice administering such an Amendment will typically result in dog owners agreeing to conform with the Amendment or in some cases giving up the animal for adoption.

Finally the Report indicates that an officer would

be required to observe a dog being tied up for the entire four hours .However, as previously indicated the Humane Society has agreed to enforce the provisions in the Amendment so no Municipal Officer's time would be required. In addition there are other ways to prove the length of time an animal was chained such as neighbour observation or even an owner admission which apparently does happen.

In general terms, the Administrative Report raises issues which are either irrelevant or inapplicable and is silent on the very real need for such an Amendment to deal with the serious animal abuse presently taking place in the City through chaining of dogs for extended periods.

Councillor Hilary Payne May 12th 2014

APPENDIX

Administration has subsequently raised two further issues as follows

Changes to the Dog Control By/Law Would Be required as a Result of The Amendment to B/L 8156

Ms. Coulter of the Humane Society comments as follows

“ It's not clear why the containment sections of the Dog Control By Law would need to be amended .These sections provide options for containment and these options include chaining which is still allowed under the proposed Amendment. The leash definition is likewise different from a tether and not in conflict with the proposed Amendment .The definition of control only appears to come into play when a dog is not on the property of the guardian .As such it would also not appear to be impacted by the proposed Amendment “

Enforcement by Ticket Requires The 2 Preparation of Short Form Wording

Ms Coulter comments as follows :

“ Correct, but no reason to believe that would be an issue. The Short Form Wording for the Town of Essex tethering limit was approved without issue “

I have also received the following reasons for the 3
Amendment from the Humane Society:

Why does the Humane Society want a by-law against tethering?

Provincial and Federal Legislation isn't sufficient

There are provisions under the OSPCA Act regulating tethering dogs outside. However, those only include limits on the length of the chain, and require that food, shelter, and water be provided. There are no time limits under the provincial law.

Community sentiment is that tethering of dogs should be limited. Many people feel that even the proposed by-law doesn't go far enough, but at least it is a step in the right direction. Limits of 2, 3, or 4 hours are far better than no limit at all.

Although tethering limits are less common in Canada than in the US, they are starting to be more common. The Town of Essex implemented a 12 hour tethering limit late in 2013, and Norfolk County also implemented a tethering time limit early in 2014. Burnaby, BC limits the tethering of unattended dogs to one hour a day. More than a dozen other BC municipalities also limit tethering by time. In the US, more than 75 municipalities (including Miami, Florida and Dallas, Texas) prohibit the chaining of unattended dogs entirely, and over a hundred more (including Raleigh, NC and NYC) limit tethering by time.

Chaining is Bad for Dogs

Dogs are pack animals, and a lonely life on a chain can be slow torture for them, especially when it extends for months or years. As noted by the BC SPCA "Dogs are social beings who crave and thrive on companionship and interaction with other people and animals. Left for hours, days, months and even years on a chain, dogs suffer immense psychological damage. They can become aggressive,

anxious and neurotic through lack of socialization.”.

Chained dogs tend to be – or lead to – the more severe neglect or abuse situations that the Humane Society investigates. Dogs that are chained for long periods of time are often ignored, and can suffer from chronic neglect or lack of veterinary care.

Animal welfare organizations are not the only ones who maintain that extended tethering is inhumane. Even the US Department of Agriculture has stated that “continuous confinement of dogs by a tether is inhumane”.

Chaining is Bad for the Community

A 1994 study authored by two CDC (Centers for Disease Control) physicians found that chained dogs were 2.8 times more likely to attack than dogs who were not tethered.

Of 50 children aged 1 or older who were killed by dogs in the US from 1979 to 1988, 28 percent had “wandered too close to a chained dog”. Nearly 30% of the 38 children aged 1 to 9 killed by dogs in the US between 1989 and 1994 died after “wandering too close to a chained dog”.

Dogs that are tethered for long periods of time are also more likely to bark, and cause noise issues with neighbours. Dealing with these complaints takes up valuable police and by-law officer time.

Melanie Coulter, LL.B., J.D., M.Sc.

Executive Director

Windsor-Essex County Humane Society

Phone: 519-966-5751, ext. 14

Councillor Hilary Payne May /14