

## Responsible Pet Ownership Bylaw Review



# Feedback from Concerned Pet Owners and Citizens

Prepared for SPC on Community and Protective Services 2021 May 12

# CONTENT



- General – Recognition, Budget, Enforcement
- Part 1 – Definitions and Interpretation
- Part 2 – Licensing Requirements
  - S.8 (c), S.9(1)(2)
- Part 3 – Owner Responsible for Behavior of Animal
  - S.15(1), S.16(5), S.20(1)(2), S. 22 (1)(2)(4)(7)
- Part 5 – Nuisance Animals
  - S.44, S.47 (e)(g)
- Part 6 – Vicious Animals
  - S.51, S.53, S.56(b), S.57.1(b)(d)
- Part 9 – Enforcement
  - S.82
- Part 10 – Transitional
  - Schedule A Exclusion Excess Animal Permit
  - Schedule C 16(5) Animal left unattended in vehicle

## GENERAL



- Recognition – It is recognized and appreciated that the City did not adopt breed specific legislation, and that stakeholders have been consulted through this process.
- Service and Financial Impacts – The report indicates “no operating budget requests associated” and “all costs associated with bylaw training and enforcement would be absorbed into existing operating budget.” It’s unclear how the City proposes to implement and enforce these new bylaws without additional costs. Further, proposed amendments such as the Chief Bylaw Officer having oversight to label dogs as nuisance or vicious should require significant additional training as this is currently out of the scope of the role and under the purview of the Courts.
- Enforcement – The language within the bylaws will likely create an increase in complaints for such things as noise complaints, making it difficult and time consuming to enforce the bylaws.
- Comparable Communities: Cochrane does not have a dog limit and in discussing with their Peace Officers, number of dogs per household are not contributing to the incidents or complaints received.

## PART 1 – DEFINITIONS AND INTERPRETATIONS



Clause:

Section 2(f) “*Certified Professional Dog Trainer*” means a person specializing in training dogs who is certified by the Certification Council for Professional Dog Trainers

Concern:

- It’s not clear why this certification was chosen, and this clause does not consider dog trainer experience beyond the minimum 300 hours of self reported training required for the CPDT certification.
- It is also noted that “dwelling unit” is not defined in this section and is later used in S.9(2)

## PART 2 – LICENSING REQUIREMENTS



Clause:

S.8(c) Obtain a license on the first day on which the Animal Services Centre is open for business after becoming the Owner of the Animal

Concern:

- This clause does not allow for a grace period for new pet owners to assess the fit of the animal in their home. This is especially important for rescues who have been re-homed.



## PART 2 – LICENSING REQUIREMENTS



### Clause:

S.9(1) A Person must not own more than six (6) dogs and six (6) cats that are more than three months of age.

S.9(2) A Person must not permit more than six (6) dogs and six (6) cats that are more than three months of age to reside in one dwelling unit.

### Concern:

- This clause may impact the city's revenue for licensed animals with a limit of 6.
- It also unfairly targets breeders who may responsibly have more animals on their "dwelling" than the proposed maximum, impacting their ability to continue with breeding practices.
- This clause does not take into consideration owners who own dogs for competition sports with various organizations. These individuals often compete with multiple dogs at a high level in their sports while bringing up young dogs for competition. This will often result in a number of dogs over and above the proposed limit.
- There's no evidence that this licensing approach reduces animal hoarding, smells, or noise.
- The proposed updates to the bylaw do not indicate what the fee for Excess Animal Permits are in the Fee Schedules.

## PART 3 – OWNER RESPONSIBLE FOR BEHAVIOR OF ANIMAL



Clause:

S.15(1) An Owner must not operate a wheeled conveyance such as a bicycle, e-bicycle, skateboard, roller-skates, scooter, e- scooter, Segway, or other similar vehicle on a Pathway, with any Animal on a Leash

Concern:

- While it's recognized that this is not a new update, it's surprising that this is still a bylaw in Calgary when other cities, such as Edmonton don't have this bylaw in place and do not report any issues. Allowing responsible pet owners the ability to exercise an animal on a bicycle with adequate safety measures in place that safely attach the dog to the bicycle will allow responsible pet owners the ability to exercise dogs who may not be good candidates for off-leash parks.

## PART 3 – OWNER RESPONSIBLE FOR BEHAVIOR OF ANIMAL



### Clause:

S.16(5) Notwithstanding subsection 4(b), the Owner of an Animal must not leave an Animal unattended in a motor vehicle when the temperature outdoors is below minus 15 (fifteen) Celsius or above plus 15 (fifteen) degrees Celsius.

### Concern:

- This clause does not appear to consider any individual scenario or allow responsible pet owners the ability to manage their animals based on their individual needs. Breeds such as Siberian Huskies and Samoyeds would have no issue in -15C temperatures, alternatively, other breeds may not have any issues in +15C temperatures. Further, ventilation, shade cloths, blankets, water available etc. are all mitigation strategies that can safely allow animals to be left in a vehicle.
- This clause causes significant issues for responsible pet owners attending any dog event where crating is required in the vehicle.
- This clause does not consider an exemption for police dogs who often remain in the police vehicles unattended with mitigating actions in place to assure the safety of the dogs.



## PART 3 – OWNER RESPONSIBLE FOR BEHAVIOR OF ANIMAL



### Clause:

S.20(1) The Owner of an Animal must ensure that such Animal does not bark, howl, or otherwise make or cause a noise which disturbs any Person.

S.20(2) Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by a Court hearing a prosecution pursuant to this section of the Bylaw.

### Concern:

- This clause could increase litigation because property right's override bylaw, and it would have to be proven beyond a reasonable doubt that there is an issue with the noise.
- This clause leaves the definition of noise up to personal interpretation and does not provide criteria to thwart unnecessary complaints to bylaw.
- Finally, in Section 5 and 6 of this proposed bylaw, the Chief Bylaw Officer is given jurisdiction to label a dog a nuisance or vicious and this clause contradicts these sections by indicating that noise shall be a fact determined by the Court.

## PART 3 – OWNER RESPONSIBLE FOR BEHAVIOR OF ANIMAL



Clause:

S. 22 The *Owner* of an Animal must ensure that such Animal does not:

- (1) Bite, bark at, or chase stock, Animals, bicycles, automobiles, or other vehicles
- (2) chase or otherwise threaten a Person or Persons, whether on the property of the Owner or not
- (4) do any act that injures a Person or Persons, whether on the property of the Owner or not
- (7) Attack another Animal causing Severe Injury, whether on the property of the Owner or not

Concern:

- These clauses do not consider the territorial nature of animals. Most dogs will bark or act threateningly towards an intruder on their own property, whether human or another animal.

## PART 5 – NUISANCE ANIMALS



Clause:

S.44 The Chief Bylaw Officer may designate an Animal to be a Nuisance Animal....

Concern:

- This clause changes the jurisdiction of designating an Animal a Nuisance from the Provincial Court to the Chief Bylaw Officer. This approach does not favor an objective process and could allow for personal opinion and judgement to make decisions around an Animals future.

## PART 5 – NUISANCE ANIMALS



### Clause:

S.47 The Chief Bylaw Officer may impose one or more of the following conditions on an Owner of a Nuisance Animal:

(e) Require the Owner to retain the services of a Certified Professional Dog Trainer to provide the Owner with a specific type of education and training, for a specified number of hours, and require that the Owner provide proof of completion of such education and training hours;

### Concern:

- As previously indicated in this presentation, Certified Professional Dog Trainer as defined in the proposed bylaw is a narrow definition and does not account for or consider trainer experience with nuisance or vicious animals.
- In addition, the education required for a CPDT is only 300 hours, a 180 question multiple choice test which only allocates 5% of the test to training equipment, tools which could be used to manage nuisance or vicious dogs and does not consider any behavior management strategies in the curriculum.

#### What will I be tested on?

Instruction skills = 48%

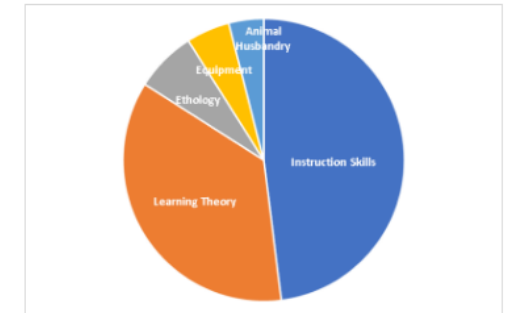
Learning Theory = 36%

Ethology = 7%

Equipment = 5%

Animal Husbandry = 4%

\*Retrieved from the CCPDT Website



## PART 5 – NUISANCE ANIMALS



### Clause:

S.47 The Chief Bylaw Officer may impose one or more of the following conditions on an Owner of a Nuisance Animal:

(g) Any other additional condition that is similar to the above, and in the opinion of the Chief Bylaw Officer is reasonably necessary to reduce the nuisance posed by such Nuisance Animal.

### Concern:

- This clause is vague and allows for subjectivity when assigning conditions to an Owner of a nuisance animal.



## PART 6 – VICIOUS ANIMALS



### Clause:

S.51 The Chief Bylaw Officer may designate an Animal to be a Vicious Animal...

S.53 The Chief Bylaw Officer may order the Owner of an Animal alleged to be a Vicious Animal to surrender the Animal to an Officer to be impounded at the Animal Services Centre pending the outcome of the Chief Bylaw Officer's decision on whether the Animal should be designated a Vicious Animal and any related appeal.

### Concern:

- This clause changes the jurisdiction of designating an Animal Vicious from the Provincial Court to the Chief Bylaw Officer. This approach does not favor an objective process and could allow for personal opinion and judgement to make decisions around an Animals future.

## PART 6 – VICIOUS ANIMALS



Clause:

S.56(b) if the Animal is in an unaltered state, within 10 (ten) days of receiving the notice of the designation, have the Vicious Animal neutered or spayed at the Owner's expense;

Concern:

- Altering an animal is an unnecessary action to any act defined in S.51 and there is little evidence to support altering as a means to fixing unwanted behaviors.
- Some studies indicate that aggression can be made worse after sexual alteration.

## PART 6 – VICIOUS ANIMALS



### Clause:

S.57.1 The Chief Bylaw Officer may impose one or more of the following conditions on the Owner of a Vicious Animal:

- (b) Require the Owner to retain the services of a Certified Professional Dog Trainer to provide the Owner with a specific type of education and training, for a specified number of hours, and require that the Owner provide proof of completion of such education and training hours;
- (d) Any other additional condition that is similar to the above, and in the opinion of the Chief Bylaw Officer is reasonably necessary to ensure the health and safety of Persons in the City.

### Concern:

- As expressed under Part 5 Nuisance Animals

## PART 9 - ENFORCEMENT



### Clause:

S.82 The early payment and specified fines in Schedule “C” in respect of a contravention of Sections 11(1) and 22(1)-(9) of this Bylaw are increased by one hundred dollars (\$100.00) where the Animal involved in the offence was unaltered.

### Concern:

This clause unfairly targets responsible breeders who's animals may have been found in contravention of Sections 11(1) and 22(1)-(9) of this proposed Bylaw.

## PART 10 - TRANSITIONAL



Clause:

Schedule A Exclusion of Excess Animal Permit

Schedule C

Concern:

- The exclusion of the Excess Animal Permit from the fee schedule gives question to how available this will be to responsible animal owners, and what the cost will be.
- The fees indicated in Schedule C 16(5) unfairly targets responsible animal owners who safely contain their dogs in a vehicle in weather above 15C or below -15C regardless of the mitigating actions such as ventilation, sun shades, blankets, fans etc. and does not take into account the breed of the dogs, or the visual observation of signs of stress.
- The fees in Schedule C appear do not appear to represent the severity of the offence ie: failure to clean up after an animal is a higher fee than an animal that causes injury to a person