

A By-law to limit tethering/chaining of animals, and regulation of outdoor housing

For discussion:

In 2014 AWAC began discussion on a by-law to ease the misery of isolated 'backyard dogs' – dogs made to live for extending periods of time chained up without companionship or activity. Several American jurisdictions have passed regulations that limit the time that a dog can be chained, or ban it outright. These kinds of regulations are beginning to be addressed in Canadian communities.

In 2014 Mississauga, Ontario passed a bylaw that limits the amount of time that dogs can be tethered/chained outdoors to no more than 4 hours in any 24 hour period.

http://www7.mississauga.ca/documents/bylaws/Animal_Care_&_Control.pdf

The Mississauga by-law states that:

"3) no person shall tether a dog unless the person is outside with the dog at all times or the dog is in plain view at all times. (230-14)"

This means that the dog owner may not leave his/her home and leave a dog tethered outside. The intention of this was to discourage the practice of keeping 'backyard dogs' that are not treated as companion and social animals.

The by-law also tried to address dogs left outside, even if behind fencing, and recognized that even if taken off of a chain but penned behind fencing that a dog could still be suffering due to isolation, lack of exercise etc.

Therefore the by-law also states:

"23.3

An animal shall be released from a dog pen for a minimum of four (4) cumulative hours in any 24 hour time period during which time the animal shall not be tethered.

This time restriction shall not apply where a dog is subject to: (i) a Muzzle Order under section 35 of the By-law or (ii) a provincial court order, should either provide for tethering restrictions. (230-14, 277-14)

23.4

Any person can apply for an exemption to the dog pen requirement in section 23.3 of this By-law by filing an application with the Commissioner as further outlined in Schedule "D" of this By-law. (230-14)"

The four hours outside of a pen and not tethered is meant to encourage walking the dog, bringing the dog into the home, or having the dog in the direct care of the pet owner/guardian.

While crafting a London by-law that would be designed to relief the misery of the 'backyard' dog another way of addressing the concern that penning not be used as a substitute for tethering might be a provision that:

- All dogs must be brought into the living area of the home of the owner/guardian from dawn to dusk.

Further, the current cold weather reminds us that the Standards of Care that are part of the OSPCA Act are a minimum standard only, and in the case of an elderly or unwell dog, or a short-coated or small breed dog; that a dog house/shelter that meets the standard of the OSPAC Act can still allow a dog to suffer when not brought into a heated area during cold weather. As well, dogs that prefer cold weather such as Husky types or Great Pyranees etc. can suffer during hot weather, even if provided the type of housing mandated under the OSPCA Act.

Therefore, it is necessary for municipalities to create stricter regulations in order to empower animal control/welfare agents to act on behalf of dogs made to endure outdoor conditions that are inappropriate for them.

An exemption from the weather-related section of the by-law can be sought in cases of breeds known to prefer cold temperatures such as Huskies and Great Pyrenees. The provision of this exemption would need to be granted according to the discretion of a Veterinarian directly employed by the City.

I believe that it would be necessary to have the exemption be determined by a City Veterinarian as opposed to any other veterinarian as there are veterinarians who work for back-yard breeders and puppy millers that may be willing to sign such exemptions when not in the best interest of the animal.

More on a possible London by-law:

During a meeting of members of the Companion Animal sub-committee we agreed with the Mississauga regulation that a dog can only be tethered for no more than four (4) hours during a 24 hour period.

We suggested that a dog (or possibly simply state 'animals') must be released from a pen for at least 8 hours in a 24 hour period.

We agreed that an exemption should be available in cases of specialized breeds regarding the weather-related regulation, but this exemption does not allow a dog of any breed to be kept penned or tethered without companionship, exercise or enrichment. The exemption would address the relief from weather requirement only.

Therefore, a London by-law might read:

--No animal shall be tethered or chained to any object for more than 4 hours during any 24 hour period.

--Regulate length of allowed tether refer to established regulations that regulate the length of the tether allowed, so that the dog can move about freely.

-- A tethered or penned animal that is outside for more than one hour (1) during any 24 hour period must be provided with an insulated four-sided house/shelter that is elevated off of the ground enough to be free of snow or water at all times. Bedding must be provided during fall and winter months. Straw bedding is preferred and all bedding must be kept clean and dry. The size of the house/shelter must be appropriate for the size and breed of animal, ensuring that the animal can move around, stand up and turn around and extend his/her body comfortably; yet be small enough during cold weather so that the animal can generate enough body heat to be comfortable. It must be possible for the animal to remain dry during rain or snow either through the provision of a door flap or the design of the shelter.

Penning – choose one:

-- An animal shall be released from an outdoor pen for a minimum of eight (8) cumulative hours in any 24 hour time period during which time the animal shall not be tethered.

- All animals must be brought into the living area of the home of the owner/guardian from dawn to dusk.

- All animals, including dogs and rabbits, must be brought indoors to a heated area whenever the temperature is below zero, regardless of the type of outdoor housing provided. Further, during cold weather, even during temperatures that are above freezing, if the animal is displaying signs of recognizable distress; such as howling, barking, shivering, lifting paws up for relief from the cold substrate, or signs of distress as could be determined by any reasonable person then that animal must be brought into a heated area for relief.

- During extremely hot weather when temperatures are above (?) any animal housed outdoors must be provided with a shaded area other than the four-sided shelter so that the animal is able to find shade without having to endure the heat of the enclosed shelter. If the animal is seen to be exhibiting signs of recognizable distress such as excessive panting or listless behaviour, as could be determined by any reasonable person, that animal must be brought into a cooler area where the animal will find relief.

-- Exemptions: An exemption from the weather-related section of the by-law can be sought in cases of breeds known to prefer cold temperatures such as Huskies and Great Pyrenees. The provision of this exemption would need to be granted according to the discretion of a Veterinarian directly employed by the City.

-- The weather-related exemption does not allow a dog of any breed to be kept penned or tethered without companionship, exercise or enrichment. The exemption would address the relief from weather requirement only.