

5TH REPORT OF THE
ANIMAL WELFARE ADVISORY COMMITTEE

Meeting held on September 3, 2015, commencing at 5:08 PM, in Committee Room #3, Second Floor, London City Hall.

PRESENT: W. Brown (Chair), K. Ashe, M. Gelinias, V. Lightfoot, K. MacIntosh, P. Newbould, M. Puzanov, M. Toplack and J. Martin (Secretary).

ABSENT: J. Fawcett-Cornish, C. Perquin, D. Simpson and J. Sukadeo.

ALSO PRESENT: J. MacKay.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

II. SCHEDULED ITEMS

2. Tethering/Chaining of Animals By-law

That it BE NOTED that the attached presentation from V. VanLinden, with respect to a potential tethering/chaining of animals by-law, was received; it being noted that a revised proposed by-law from the Animal Alliance of Canada will be presented at a future meeting of the AWAC.

III. CONSENT ITEMS

3. 4th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 4th Report of the Animal Welfare Advisory Committee from its meeting held on May 7, 2015, was received.

IV. SUB-COMMITTEES & WORKING GROUPS

4. Wildlife Sub-Committee

That it BE NOTED that a verbal update from W. Brown, with respect to the wildlife sub-committee, was received.

5. Companion Animals Sub-Committee

That it BE NOTED that membership for the companion animals sub-committee, was established.

V. ITEMS FOR DISCUSSION

6. Tree Trimming and Wildlife Displacement - W. Brown

That it BE NOTED that a verbal presentation from W. Brown with respect to tree trimming and wildlife displacement was received; it being noted that a formal delegation request from F. Morrison will be forthcoming, with respect to this matter.

7. Coyote Watch Canada Update - W. Brown

That the following actions be taken with respect to Coyote Watch Canada:

- a) L. Sampson, Coyote Watch Canada, BE INVITED to a future meeting to make a presentation with respect to coyote issues; and,

- b) the Civic Administration, the London Police Services Response Team and local animal response organizations BE INVITED to attend any scheduled presentation related to a), above.

VI. DEFERRED MATTERS/ADDITIONAL BUSINESS

None.

VII. ADJOURNMENT

The meeting adjourned at 6:45 P.M.

NEXT MEETING DATE: October 1, 2015



CHAINING/ TETHERING

Suggested Bylaw elements to regulate the Humane and Safe keeping of dogs in outdoor areas.

Compiled from city bylaws in Windsor (Canada), Markham (Canada) and an ordinance in San Jose, California (USA)

Include discussion of:

-Rebuttable Presumption,

“A rebuttable presumption is an assumption of fact accepted by the court until disproved. All presumptions can be characterized as rebuttable. It is an assumption that is made in the law that will stand as a fact unless someone comes forward to contest it and prove otherwise.”

-Mississauga’s concern for dogs outside of stores,

-Toronto’s concern for guard dogs at work sites,

- Penning as an alternative to Chaining.

Need to determine if Penning is an acceptable alternative.

Should Penning also be regulated to relieve the social isolation of a backyard dog?

The Windsor, Ontario bylaw:

4. Any person who owns an animal shall:

(1) treat it in a humane manner;

(2) keep it so that,

(a) offensive odours and the transfer of disease are minimized,

(b) a female animal in heat does not attract other animals,

(c) there is a suitable exercise area for each animal, and

(d) the animal cannot readily escape;

(3) provide the necessary food, water, housing and attention as required to keep the animal in good health and free from harm; and

(4) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.

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

(i) Provide it with protection from the elements including harmful temperatures;

(ii) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight of type of coat;

(iii) 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.
(Added B/L 152-2014, August 25, 2014)

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

(i) 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);

(ii) The animal has unrestricted movement within the range of such tether;

(iii) The animal is not tethered for longer than 4 hours per day;

(iv) The animal has access to water, and shelter while tethered; and

(v) The animal cannot injure itself as a result of the tethering. (Added B/L 152 - 2014, August 25, 2014)

Elements from the Markham, Ontario Bylaw

Animals in Markham must be provided with a clean, sanitary environment **and adequate care that meets the physical and behavioural needs of the animal, such as food, water, shelter, warmth, physical exercise, attention and veterinary care.**

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The City can place a pet in temporary protective care for up to five days when the owner cannot, or will not, care for it. During this time, its owner may claim the animal after paying the costs for its stay in protective care; if not claimed, the animal will go to the OSPCA shelter.

The shelter assumes total responsibility for such animals, provides veterinary care if necessary, and has the right to put the animal to death if it's not claimed or is too ill or injured to survive. It will be kept for at least five days (not including federal or provincial holidays). The owner must pay all costs incurred at the Pound before the pet can be taken home.

Elements from the San Jose, California Bylaw (Ordinance)

Part 1 - CARE AND KEEP OF ANIMALS

A. Any animal maintained outdoors must have adequate shade and shelter such that the animal can protect itself from the direct rays of the sun when the sunlight is likely to cause overheating or discomfort, and the animal can remain dry during the rain;

B. The shelter for any animal must be:

Accessible to the animal at all times;

2. Situated to prevent exposing the animal to unreasonably loud noise, or teasing, abuse or injury by another animal or person;

3. Constructed with at least five (5) sides including a roof and floor. The floor must be raised off the ground; be free of cracks, depressions and rough areas where insects, vermin or eggs for internal parasites may lodge; and protect the animal's legs and feet from injury;

4. Of adequate size inside and outside the shelter to allow the animal to stand up, sit, turn around freely or lie down in a normal position; defecate or urinate away from its confinement; and safely interact with any other animal;

5. Adequately lighted to provide regular diurnal lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and care of the animal;

6. Supplied with clean and dry bedding material or other means of protection from the weather elements to maintain the shelter at a temperature that is not harmful to the health of the animal;

7. Cleaned and maintained in a manner designed to insure sanitary conditions and to control for insects, ectoparasites, and other pests. Carcasses, debris, food waste, and excreta must be removed from the shelter as often as necessary to minimize unreasonably obnoxious odor, allergen, pests, and the risk of disease. If the animal is confined within the shelter during cleaning, the animal may not be exposed to any cleaning agents or water. Rugs, blankets, or other bedding material must be kept clean and dry.

(Ords. 28079, 28392.)

7.20.030 - Water requirement.

A. The animal must have access to clean potable water at all times unless restricted for veterinary care.

B. If the water is kept in a container, the container must be designed to prevent tipping and spilling of the water or be secured to either a solid structure or the ground.

C. Water containers must be clean and must be emptied and refilled with fresh water every twenty-four (24) hours or alternatively if the water is provided by an automatic or demand device, the water supply connected to the device must function twenty-four (24) hours a day.

(Ord. 28079.)

7.20.040 - Food and feeding requirements.

A. The animal must be provided food that is wholesome and contains sufficient quantity and nutritive value to maintain a healthy body weight and meet the normal daily requirements for the condition and size of the animal.

B. The food receptacle must be accessible to the animal and placed in a location to minimize contamination from excreta and insects. Feeding pans must be durable and kept clean. Disposable food receptacles may be used and must be discarded after each feeding. Self-feeders may be used for dry food and must be sanitized regularly to prevent molding, deterioration, or the dense compaction of food.

C. Spoiled or contaminated food must be disposed of in a sanitary manner.

(Ord. 28079.)

7.20.050 - Veterinary treatment requirement.

The animal must receive veterinary treatment from a veterinarian licensed by the State of California when such treatment is necessary to alleviate the animal's suffering or prevent the transmission of disease.

(Ord. 28079.)

7.20.060 - **Exercise requirement.**

The animal must be provided the opportunity to exercise in order to maintain normal muscle tone and mass for the age, size, and condition of the animal.

(Ord. 28079.)

7.20.080 - Dog confinement requirement.

A. No dog may be tethered, fastened, chained, tied, or restrained to a shelter, tree, fence, or any other stationary object, except in accordance with Penal Code Section 597t, as may be amended.

B. If a dog is confined in compliance with Subsection A., the dog owner/guardian and person with a right to control the dog may:

1. Attach a dog to a running line, pulley, or trolley system except no dog may be tethered to a running line, pulley, or trolley system by means of a choke collar or pinch collar;

2. Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a camping or recreational area;

3. Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period;

4. Tether, fasten, chain, or tie a dog while engaged in or actively training for, an activity that is conducted pursuant to a valid license issued by the State of California if the activity for which the license is issued is associated with the use or presence of a dog. Nothing in Section 7.20.080.B.4 prohibits a person from restraining a dog while participating in

activities or using accommodations that are reasonably associated with the licensed activity;

5. Tether, fasten, chain, or tie a dog while actively engaged in conduct that is directly related to the business of shepherding or herding cattle or livestock, or directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.