

RECOMMENDATION:

The Animal Welfare Advisory Committee (AWAC) recommends amending the Animal Control By-law PH-3 by deleting section 3.6. The bylaw prohibits the keeping of specified animals, and regulates the keeping of other animals, within the municipality. Section 3.6 provides an exemption to the bylaw for “animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.”

ANALYSIS:

The Animal Control By-law ranks animals in seven classes, and prohibits the keeping of some of them:

Class 1 animals are cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep. Class 1 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 2 animals are chicken, goose, turkey, duck and any domestic fowl. Class 2 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 3 animals are homing, pouter, racing or tumbler pigeons. No more than 40 banded Class 3 animals may be kept during winter, and no more than 60 banded Class 3 animals may be kept during summer. There are regulations that apply to the keeping and flight times of these animals.

Class 4 animals are domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle. A maximum of two of these animals may be kept, with the exception of domestic cats. The number of cats that may be kept varies depending on the number of dogs kept and the type of dwelling unit.

Class 5 animals are non-venomous snakes, non-venomous lizards and non-venomous spiders. No more than two Class 5 animals are permitted in any dwelling unit or on any premises. Non-venomous snakes over 60.9 cm (24 inches), and non-venomous lizards over 30.48 cm (12 inches), are prohibited.

Class 6 animals are domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks. A maximum of two Class 6 animals may be kept.

Class 7 animals are defined to mean “any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.” The keeping of Class 7 animals within the municipal boundaries is prohibited.

Part 3 of the By-law provides specific exemptions for the following:

- London Animal Care Centre
- London Humane Society
- Public pound
- Animal hospital – clinic - kennel
- Pet shop
- Public park - zoo - fair - exhibition - circus - licensed
- Research facility - registered
- Agricultural - land - premises
- Feral Cat Colony
- City of London Cat Adoption Centre

The AWAC recommendation concerns Section 3.6 of the By-law, which provides: “This by-law shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.”

The AWAC is recommending that Section 3.6 be deleted in its entirety so that the exemption from the by-law for public park, zoo, fair, exhibition and circus is removed.

REASONS FOR THE RECOMMENDATION:

Changing Times: Over the past decade the City has made steady progress toward becoming a more enlightened and compassionate city for animals. Regulations concerning the keeping of domestic cats have been updated, the treatment of feral cats has become more humane, and humane protocols for handling human-wildlife conflicts have been adopted.

The controversial Lickety Split Zoo is gone and, in 2012, City Council and staff recognized that the accommodation provided for many of the animals at Storybook Gardens was not sufficient to meet the animals’ needs, and took the responsible step of closing the zoo and re-homing the animals to sanctuaries and other appropriate facilities elsewhere. There are currently no public or private zoos operating within London municipal boundaries. This is in keeping with a shift in societal attitudes toward animals.

Exemption Makes No Sense Today: The exemption as it is currently written provides a blanket exemption to a broad range of both small and large animal enterprises which allows them to conduct their activities with prohibited animals in the City of London unfettered by oversight or control. For example, anyone, regardless of expertise, experience or financial wherewithal can start a zoo or zoo-type display in the City. In addition, Mobile Live Animal Programs (MLAPs), which are exploding in number, can operate with impunity. Even the holding of a simple City of London business license could trigger exemption 3.6 as it is presently written, and under the present by-law there is a decent defence (to a prosecution for a Bylaw violation) argument that the holding of *any municipal license*, of *any description*, from *anywhere* (ie. from any other municipality anywhere), by an animal enterprise would also trigger 3.6. That does not make sense from either a policy or jurisdictional perspective.

No Provincial Oversight: In Ontario, there are no comprehensive laws governing the keeping of exotic wild animals in captivity. No provincial permit is required to operate a zoo, zoo-type facility, mobile animal operation or to keep exotic wild animals and there are no requirements for experience, expertise, training and finances, no comprehensive standards for animal housing

and husbandry or standards for human health and safety, no Ontario government inspection regime and no convenient way for anyone to close down an animal enterprise. This death of laws, regulations and rules at the provincial level means the onus to provide oversight and to deal with problems lies with individual municipalities who are ill-equipped to deal with exotic wild animals.

Lack of Municipal Expertise and Resources: At the present time, City staff are responsible for providing oversight of exotic wild animals in the City and responding to issues associated with their keeping or presence within City boundaries. However, City staff are not properly trained in how to assess exotic wild animal situations including, but not limited to, human health and safety practices, animal containment safety features, exotic wild animal husbandry, care and management, assessing animal welfare, etc. In addition, many zoos now operate offsite live animal programs that can number in the dozens or hundreds of events annually, an activity municipal agencies have no real capacity to monitor. There has also been a growth in the number of Mobile Live Animal Programs that travel throughout the province and it is not reasonable to expect City staff to provide appropriate levels of oversight for these transient operations as well. The requisite expertise and capacity is not in place.

Animal Welfare: Across the province, more than 45 unregulated zoos and more than 70 Mobile Live Animal Programs are in business, while hundreds of private citizens keep a broad range of exotic wild animals for personal amusement purposes. With no comprehensive laws in place governing exotic wild animal housing, husbandry, care and safety, many animals are subjected to conditions in which their biological, behavioural and social needs are not met. Undersized cages and enclosures, barren living spaces, lack of appropriate environmental conditions, such as temperature, humidity and light, lack of shelter and privacy, poor quality food and unsafe housing are not uncommon in Ontario. That has led to many animals enduring physical health issues, as well as psychological issues, such as boredom, anxiety, frustration and other negative emotional states, which lead to animal suffering.

Claims have been made that the Ontario SPCA can deal with any problems but they lack the internal expertise and resources to do so. In fact, the OSPCA recently called on the Ontario government to pass new legislation to deal with this issue. Canada's Accredited Zoos and Aquariums has also been suggested as a potential vehicle for dealing with this issue but they are a private, industry group and not a regulatory body. They operate without public transparency and, with just two staff members, do not have the capacity to properly monitor the daily activities of their members. CAZA's accreditation inspections are infrequent and it should be noted that many accredited member institutions have been subject to allegations of abuse, investigations and even charges throughout the years.

Human Health and Safety: There are two primary kinds of dangers posed by exotic wild animals: 1) physical attack and, 2) zoonoses (disease).

Many animals are large, powerful and are equipped with features, such as sharp teeth, claws or venom that make them potentially dangerous to humans. Many of these animals, including exotic cats, primates and large reptiles, are found in Ontario animal facilities where they are poorly housed and secured. Mobile Live Animal Programs also utilize some of these animals and bring them to daycares, schools, senior's homes and other events. For example, one accredited zoo conducting offsite programs brought large constricting snakes to birthday parties and wrapped them around the waists of young children so photos could be taken.

Most exotic wild animals also harbour diseases that can be transferred to humans (called zoonoses). Particular animals, such as reptiles, amphibians, birds and young ruminants, have long been known to shed proportionately more potentially pathogenic organisms than other animals. The best known is Salmonella. Some zoos and most Mobile Live Animal Programs feature contact with wild exotic animals as a key selling point for obtaining bookings. They allow the public, including at-risk groups such as young children, pregnant women, immunocompromised individuals and the elderly to contact these animals, even though most public health agencies advise against it, or recommend very stringent disease mitigation measures be in place.

Dubious Education and Rescue: All too often, children, after seeing the animals being displayed and possibly hearing a presentation from the staff, do not develop empathy toward animals. The peer-reviewed literature is populated by papers that show the educational claims of animal enterprise businesses are questionable, at best. Rather, they learn that animals are objects for their pleasure and amusement, and they ask their parent to purchase such an animal for them as a pet. Some zoos even sell cages, tanks and other equipment, reinforcing the idea that wild exotic animals make suitable pets. Most wild exotic animals die long before reaching the upper limits of their potential lifespans. For example, experts suggest that more than 75% of reptiles die within 24 months after being purchased. For some, when the novelty wears off, the animal might be disposed of by releasing into the wild, or perhaps given to a rescue group to find another home. In some cases the former pet is dropped off at London Animal Care Centre, where the cost of handling the animal is paid by the City. Some animal enterprises claim to be rescues and to serve a useful function by assisting municipalities, but the numbers of animals dealt with tend to be small.

For all these reasons, and after careful study and deliberation, the AWAC has concluded that the exemption to the by-law provided by section 3.6 has become an anachronism, is of no present or future value, and should be deleted.