



ANIMAL BY-LAWS CREATE CONTROVERSY

From dangerous dogs to feral cat colonies, backyard chickens to bees



There are millions of cats and dogs in Canada – over 16 million to be exact. With 13 million households in Canada, you can safely assume that nearly every Canadian will be responsible for caring for a pet at some point in their lifetime.

What does this mean for our communities? Animals are a unique challenge for every municipality. They have less rights than people, but they are offered more protections than property. They have the ability to feel, but not to reason. This means that any by-laws written to address conflicts with animal behaviour must be written to address human obligations toward animals.

Municipal Responsibilities

We have enough evidence in 2017 to understand animal behaviour in a way we never have before. We understand that aggressive dogs are temperamental because of where and how they were raised, not because of how they look. We understand that free-roaming cats are not and have never been “native” to Canada and that their plight is our own responsibility. We also understand that wild animals that are imported to Canada as pets often struggle in our northern climate, especially when they become loose.

Provincial law is often lacking in how to address some of these issues, leaving

municipalities to take on the responsibility. This is especially true when an animal is stray in the community, or is creating a problem for a neighbour.

Then, we come to the crux of the issue: animal by-laws are controversial because they are in place to mitigate conflict; and, subsequently, they impinge on people’s perceived freedoms.

One person might feel that it is unnecessary to have by-laws about keeping their well-trained dog on a leash in public. However, another citizen might feel that there are already too many public spaces where dogs are allowed and want more park space where dogs are prohibited all together.

Addressing Conflict on Animal Issues

At the British Columbia Society for the Prevention of Cruelty to Animals, we have received both these types of calls; and local municipalities are tasked with finding the balance. After working with a number of municipalities to solve some community problems, here are some suggestions of how to approach a new conflict in the community.

After identifying the problem and thinking about possible solutions (i.e., policy outcomes), ask these questions:

- Who is affected by the current problem? What proportion of the population does this account for? Are vulnerable groups affected (elderly, disabled, mi-

norities, people in systemic poverty, women, children)?

- Would anyone who is “doing the right thing” be unintentionally targeted by the proposed solution? How could this be avoided?
- Is animal wellbeing compromised by the possible solution?

If vulnerable groups, responsible pet caregivers, and the animals themselves are negatively affected by a policy outcome, consider an alternative. These kinds of solutions end up becoming extremely costly for the municipality, both in terms of legislative challenges and time resources. Be wary of statistics, as they can be manipulated or presented in a way that is deceptive. For example, looking at the number of dog bites per breed doesn’t take into account the proportions of how many dogs of that breed are in the general community. If they haven’t made dog bites reportable at hospitals and doctor’s offices, the number of incidents may also be skewed.

So, what are some solutions to the most common issues out there that work for everyone?

AMY MORRIS has a Master’s of Public Policy from Simon Fraser University and works at the British Columbia Society for the Prevention of Cruelty to Animals. She works with municipalities across British Columbia to update their animal by-laws. She also develops policies to end poor breeding and socialization of dogs in order to decrease aggression in our communities. She can be reached at <amorris@spca.bc.ca>.

Contact the author to receive a copy of BC SPCA’s Model Animal Responsibility by-law for municipalities.

Dangerous dogs

Why it is controversial – Municipalities have historically taken the approach of banning certain breeds of dogs. Rottweilers, Dobermans, German Shepherds, and “big-headed” breeds like Pit Bull Terriers and Mastiffs have been on the receiving end of these bans. When breeds are banned that are commonly trained to be aggressive, people start breeding and training a different breed to be aggressive and dog bites don’t decrease. Responsible dog owners have carefully selected and trained their dogs to be good canine citizens, then end up being penalized for their dog’s appearance, not behaviour.

The balanced policy approach – Municipal by-laws can address the true sources of aggression. Adopting by-laws where people who experience any kind of aggression from another dog such as stalking, bearing teeth, growling, and biting are able to easily report it. Taking a staged approach to labeling dogs allows the owner of the offending dog to see an animal behaviour expert and work on remediation. Mandating dogs that display aggressive behaviour to be spayed or neutered and microchipped, also helps with reducing aggression and keeping track of the offending dog – especially if the person changes municipalities. Examples: New Westminster, B.C. and Surrey, B.C.

Feral cats

Why it is controversial – Some people love cats; other people hate them. Why? They carry viruses and poop in

gardens, but can also be extremely loyal, affectionate creatures. Historical approaches include trapping and killing the cats, or completely ignoring the problem and hoping it goes away on its own. Usually it doesn’t. Also, some municipalities try to fine people who feed cats.

The balanced policy approach – Adopting by-laws that allow existing feral cat colonies to stay, only if they are spayed and neutered and there is a caregiver responsible for them. Research on culling demonstrates that when cats are removed from an area, new cats will move in. Completely ignoring the problem means that cats will continue to suffer in perpetuity (and complaints from neighbours about poop will continue to roll in). A small investment in spay/neuter programs, a community cat litter box, feeding station, and shelter goes a long way in keeping everyone happy in the community. Municipalities can also address owned cats by making laws that require mandatory permanent identification and registration, so it is easier to identify an owned cat. Examples: Toronto, Ontario and Ottawa, Ontario.

Backyard chickens

Why it is controversial – Hens can make noise, live outdoors, and can jump fences. Also, sometimes people accidentally get roosters instead of hens, and they make even more noise! Some people are also concerned about disease transmission.

The balanced policy approach – Create housing standards that really address the minimum needs of chickens. Prohibit

the keeping of roosters, and limit the number of hens any one household can have depending on the size of the land parcel (four is a good maximum). People who go through the amount of work it takes to meet the by-law will be those that provide adequate care to their chickens. Example: Vancouver, B.C.

Bee-keeping

Why it is controversial – Bees can sting and also swarm trees. They can be difficult to manage and people have allergies.

The balanced policy approach – Bees are a natural part of our environment and are dying out. Mandate bee-keeping courses and limit the number of beehives depending on the size of the land parcel. Make sure that apiary entrances face away from other properties and create a specific distance they must be away from other properties. Make sure there is water on the property for the bees. Example: Maple Ridge, B.C. and Vancouver, B.C.

Keep in Mind

It can be a challenge to stay on top of current trends, but it helps to look at the leadership already demonstrated in communities across Canada. Municipalities will find it hard to escape having a significant role in managing conflict on animal issues. However, by taking a thoughtful, balanced approach, they can help ensure there is not also more clarity, but also better policy outcomes around these issues when they arise. **MW**

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