



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 6, 2014
SUBJECT/REPORT NO:	Amendments to Responsible Animal Ownership By-law 12-031 (PED09303(d)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Karen Edwards (905) 546-2424 Ext. 1789
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Responsible Animal Ownership By-law 12-031 be amended to permit businesses/facilities to display prohibited animals for educational purposes provided that:
- (i) the property is zoned for the use;
 - (ii) the business/facility shares no common wall or HVAC system with any other use;
 - (iii) the business is not a pet store (does not offer animals for sale);
 - (iv) the primary purpose of the business/facility is the display of animals and it is accredited by Canada's Accredited Zoos and Aquariums;
- (b) In accordance with Recommendation (a) above, the proposed by-law attached as Appendix "B" to Report PED09303(d)), which amends the Responsible Animal Ownership By-law 12-031 and which has been prepared in a form satisfactory to the City Solicitor be enacted;
- (c) That the item respecting "Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)" be removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

This Report is in response to the City Council direction to report back to the Planning Committee regarding the feasibility of identifying criteria and process guiding consideration of amendments to the prohibition of exotic animals contained in the Responsible Animal Ownership By-law.

The proposed amendments will permit a business/facility to display prohibited animals for educational purposes under conditions detailed in this Report, and provided that accreditation from Canada's Accredited Zoos and Aquariums (CAZA) is attained and maintained. Accreditation from CAZA is the standard practice for Ontario municipalities which allow the keeping and displaying of prohibited animals for educational purposes. All CAZA accredited facilities are inspected by the Ontario Society of the Prevention of Cruelty to Animals (OSPCA) twice each year.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

Messrs. Paul Goulet and Steve Featherstone of Little Ray's Reptile Zoo (Hamilton) Inc., appeared at Planning Committee on September 4, 2013 seeking an exemption to the Prohibited Animals Section of the Responsible Animal Ownership By-law. Planning Committee received, but took no further action on the request.

On November 20, 2013, the General Issues Committee received a presentation by Messrs. Featherstone and Goulet, requesting that the Responsible Animal Ownership By-law be amended to allow their facility to house animals which are prohibited under the By-law.

In approving General Issues Committee Report 13-024 on November 27, 2013, City Council approved the following:

"6. Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process

Whereas Hamilton's Responsible Animal Ownership By-law prohibits certain exotic animals in the City;

And Whereas the By-law contains a finite list of organizations/premises to which the By-law does not apply;

And Whereas it may be desirable that there be criteria and a process to guide decisions around allowing additional premises to be considered for exemption from the prohibition against exotic animals.

Therefore be it resolved:

That staff be directed to report back to the Planning Committee no later than the end of February, 2014 regarding the feasibility of identifying criteria and process guiding consideration of amendments to the prohibition of exotic animals contained in the Responsible Animal Ownership By-law.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and Public Health Services were consulted as was Zoocheck Canada, Canada's Accredited Zoos and Aquariums (CAZA) and the Hamilton-Burlington Society of the Prevention of Cruelty to Animals (HBSPCA).

Staff consulted with the Proprietor of Little Ray's Reptile Zoo (Mr. Steve Featherstone) on April 3, 2014. Mr. Featherstone advised that he concurs with all recommendations except for the requirement that businesses/facilities that display prohibited animals for educational purposes have no common wall with any other use. Mr. Featherstone further advised that an application for his business has been submitted to CAZA and the earliest opportunity to receive accreditation will be October 2014.

According to their website, CAZA promotes the welfare of, and encourages the advancement and improvement of, zoological parks, aquariums and related animal exhibits in Canada as humane agencies of recreation, education, conservation, and science. CAZA staffs at least one veterinarian and zoology expert to audit all aspects of an operation including animal care, enrichment, nutrition, conservation, research, education, security, public safety, financial stability and administration.

Zoocheck Canada is an animal protection charity that promotes and protects the interests and well-being of wild animals in the wild and in captivity. Councillor Brian McHattie facilitated a meeting with staff and Zoocheck representatives who are concerned about possible amendments to the by-law that would permit prohibited animals to be kept in the City.

Staff consulted with the HBSPCA and was advised that there is a program to inspect CAZA facilities twice each year to ensure risk management and animal welfare protocols are followed. The OSPCA will also continue to respond to complaints regarding animal welfare as received from concerned parties.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Following much stakeholder and public consultation, City Council approved the Responsible Animal Ownership By-law on February 8, 2012. This By-law allows for the keeping of some types of animals which were previously prohibited under the former by-laws of the amalgamated City.

Part 10 (Prohibited Animals) of the Responsible Animal Ownership By-law a copy of which is attached as Appendix "A" to Report PED09303(d)), prohibits the keeping of certain animals. However, the By-law provisions do not apply to:

- (1) the premises of a pound;
- (2) premises used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
- (3) a supply facility licensed in accordance with the Animals for Research Act;
- (4) a research facility registered in accordance with the Animals for Research Act;
- (5) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the Veterinarians Act;
- (6) a university or college;
- (7) livestock, except where livestock is at large as set out in sections 7.1 and 7.3;
- (8) a horse boarded or trained as part or all of an agricultural use on premises zoned under a City Zoning By-law permitting such a use, except where a horse is at large as set out in sections 7.1 and 7.3;
- (9) bees;
- (10) any display held by an agricultural or horticultural organization incorporated under the Agriculture and Horticultural Act including but not limited to a fair, exhibition or competition held by the Binbrook Agricultural Society, Rockton Agricultural Society or Ancaster Agricultural Society;
- (11) a temporary public display of animals including a circus, carnival or classroom display;
- (12) the aviary located at 85 Oak Knoll Drive in Churchill Park or as it may be relocated to other City premises;
- (13) the African Lion Safari located at 1386 Cooper Road;
- (14) Flamboro Downs located at 967 Highway # 5 West; or,
- (15) The Mountsberg Wildlife Centre located at 2259 Milborough Line.

The proprietors of Little Ray's Reptile Zoo (Hamilton) Inc., are seeking to be excluded from the By-law or an exemption which will allow them to keep and display prohibited animals for educational purposes.

A recent survey has found that at least ten other Ontario municipalities (Toronto, Ottawa, Pickering, Oshawa, Milton, Grimsby, Markham, Burlington, Peterborough and Greater Napanee) provide exemptions under their by-laws for businesses/facilities that display prohibited animals provided that they are accredited with CAZA.

**SUBJECT: Amendments to Responsible Animal Ownership By-law 12-031
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In accordance with the Council direction to report back to the Planning Committee "...regarding the feasibility of identifying criteria and process guiding consideration of amendments to the prohibition of exotic animals contained in the Responsible Animal Ownership By-law.", staff have developed the following conditions under which prohibited animals might be kept:

- (a) the property is zoned for the use;
- (b) the business/facility shares no common wall or HVAC system with any other use;
- (c) the business is not a pet store (does not offer animals for sale);
- (d) the primary purpose of the business/facility is the display of animals and it is accredited by CAZA.

There is no zoological and/or herpetological qualified person on staff, which is a very specialized field of expertise. Therefore, it will be necessary to rely on CAZA to effectively monitor animal care and public safety through periodic inspections and in response to complaints, as other Ontario municipalities do. Any facility found to be keeping or displaying prohibited animals without CAZA accreditation would be subject to appropriate enforcement action by City staff under the Responsible Animal Ownership By-Law.

Businesses accredited by CAZA must maintain the organization's standards. Inspections are made by CAZA every five years. If, during the period between inspections, a concern regarding to the operation of the business such as care and security of the animals is raised about any aspect of a member business, CAZA's Accreditation Commission or Ethics Committee may conduct an interim review.

The Province of Ontario with the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) implemented a program in October 2013 to inspect all CAZA Accredited facilities twice each year. They will be inspecting all aspects of the facilities to ensure risk management and animal welfare best practices are followed.

Zoocheck Canada has concerns related the public safety and health risks associated with handling animals.

Public Health Services recommends that businesses/facilities keeping prohibited animals implement health protection protocols to guard participants, visitors, and staff from potential health concerns such as salmonella, rabies, or other potential pathogens that may cause illness to those exposed. While such safety protocols are required by CAZA, these would be subject only to the five year CAZA inspections, and there are no Public Health Services staff resources available to inspect these facilities to monitor adherence to this requirement.

The proposed amendments will permit a business to display prohibited animals for educational purposes related to the main function of the business (not including venomous or poisonous animals) provided that the property is zoned for the use; the

business is not a pet store (does not offer animals for sale); the business shares no common wall or HVAC system with any other use; and the business has attained and maintains accreditation from CAZA.

ALTERNATIVES FOR CONSIDERATION

- (a) Consideration could be given to removing or adding conditions under which businesses/facilities would be permitted to keep and display prohibited animals for educational purposes.
- (b) That the by-law be amended to permit businesses/facilities to display prohibited animals for educational purposes with the only requirement being accreditation by CAZA, as it done by other Ontario municipalities.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED09303(d) - Section 10 (Prohibited Animals) of the Responsible Animal Ownership By-law 12-031

Appendix “B” to Report PED09303(d) - Draft By-law to Amend the Responsible Animal Ownership By-law 12-031

KE/MH/dt