

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2018 May 07

FROM: DIRECTOR PUBLIC SAFETY AND
COMMUNITY SERVICES

**SUBJECT: PROPOSED AMENDMENTS TO THE BURNABY ANIMAL CONTROL
BYLAW 1991, THE BURNABY BUSINESS LICENCE BYLAW 2017
AND THE BURNABY BYLAW ENFORCEMENT BYLAW 2009**

PURPOSE: To recommend that Council amend the Burnaby Animal Control Bylaw 1991 in order to regulate Pet Store businesses under the Burnaby Business Licence Bylaw 2017, and to prohibit the sale of dogs and cats within pet stores.

RECOMMENDATIONS:

1. **THAT** Council direct the City Solicitor to bring forward bylaws to amend:
 - (a) Burnaby Animal Control Bylaw 1991;
 - (b) Burnaby Business Licence Bylaw 2017; and
 - (c) Burnaby Bylaw Notice Enforcement Bylaw 2009,in accordance with this report.
2. **THAT** notice of the above amendment bylaws be advertised in the local newspaper for two consecutive weeks after first readings of the bylaws.

REPORT**1.0 BACKGROUND**

Since the adoption of the Burnaby Business Licence Bylaw 2017, staff continue to review various bylaws that contain business regulations in an effort to consolidate business regulations under the new Burnaby Business Licence Bylaw. The consolidation of multiple business regulations under a single bylaw provides business owners with a clearer understanding of their bylaw requirements. The proposed bylaw amendments also align with the objectives of the City's Corporate Strategic Plan by fostering open and transparent communication with the business community.

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A review of the business regulations concerning Pet Store businesses contained in the Burnaby Animal Control Bylaw 1991 has now been completed. As a result of the review it is recommended that these regulations now be included in the Business Licence Bylaw 2017. It is also recommended that Council prohibit the sale of dogs and cats in retail pet stores as discussed in this report.

2.0 POLICY SECTION

The review of the pet store business regulations and resulting bylaw amendments are aligned with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

A Connected Community

- Partnership with businesses

A Healthy Community

- Healthy environment

3.0 PET STORE BUSINESS REGULATIONS

The intent of the Burnaby Animal Control Bylaw is to ensure responsible animal ownership and to provide regulation to protect both pets and the general public. Currently the bylaw is made up of the following nine primary components:

1. Animal Welfare
2. Bylaw Administration
3. Animal Control
4. Licences and Fees
5. Animal Nuisance
6. Seizure and Impoundment
7. Vicious Dogs
8. Pet Store Regulations
9. Enforcement and Penalties

Pet Store regulations were added to the Burnaby Animal Control Bylaw in 2013 in order to ensure the humane treatment of all animals offered for sale in pet stores. Unlike the other bylaw components, the pet store provisions are regulations in respect to business operations. It is recommended that pet store regulations be now contained in the new Burnaby Business Licence Bylaw.

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4.0 PROHIBITING THE SALE OF CATS AND DOGS

Shifting social attitudes towards the practice of selling cats and dogs within retail locations has resulted in many members of the public requesting the City take steps to prevent this activity. Complaints typically relate to the growing number of unwanted dogs and cats held in municipal and regional animal shelters and/or the sourcing of dogs and cats by pet stores from unqualified commercial breeding facilities (puppy mills).

In response to similar complaints, the cities of Richmond (2010), Toronto (2011), New Westminster (2012), Ottawa (2016), Delta (2017), Vancouver (2017) and other North American municipalities have passed bylaws restricting the sale of cats and dogs in pet stores. A few of these municipalities permit pet store operators to facilitate "adoption services" provided the animals have been acquired from an animal shelter or a recognized rescue society.

In early 2017 the sole retail pet store offering cats and dogs for sale ceased operations in Burnaby. Presently there are 15 businesses in Burnaby that offer various selections of retail goods related to animals. Six of these businesses sell small animals including birds, fish, hamsters and reptiles. Four of the businesses provide adoption services through partnerships with animal rescue organizations. Based on a survey of these four businesses, adoption fees for cats were generally around \$225 and dogs varied from \$600 - \$800 depending on the breed and age. The operators advise that these costs are required to cover shots, vaccines, and spaying or neutering of the animals prior to adoptions.

5.0 PROPOSED AMENDMENTS

Staff proposes that concurrent to consolidating the Pet Store regulations into the Business Licence Bylaw 2017, Council amend the regulations to prohibit the sale of dogs and cats, and only permit pet store operators to provide cats or dogs for adoption at the store. Adoptions would only be permitted in cases where the operator can provide proof the animal has been obtained from: a) a municipal animal shelter; or b) an animal shelter or rescue organization that is a registered charity or society registered under the BC Societies Act, other than a member-funded society. The proposed amendments will not permit pet store operators to charge a fee for adoption that is greater than the cost of feeding, keeping, veterinary care, or other incidental cost incurred by the pet store operator while the cat or dog was in their care.

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In order to move the Pet Store regulations from the Animal Control Bylaw to the Business Licence Bylaw and implement the recommended restrictions on the sale of dogs and cats in pet stores, the following amendments are proposed:

Animal Control Bylaw

- repeal definition of “pet store”
- repeal section 15C, which contains the pet store regulations

Business Licence Bylaw

- add a schedule relating to Pet Stores, similar to the regulations currently in section 15C of the Animal Control Bylaw
- add dogs and cats to the list of animals that pet stores are prohibited from selling and provide an exception for dogs and cats offered for adoption through a municipal shelter or animal shelter that is a registered charity or society

Bylaw Notice Enforcement Bylaw

- repeal all penalties for contraventions of Pet Store regulations under Animal Control Bylaw
- add penalties for new Pet Store regulations under Business Licence Bylaw

Staff recommends that Council authorize the City Solicitor to bring forward the above amendments to:

- (a) Burnaby Animal Control Bylaw 1991;
- (b) Burnaby Business Licence Bylaw 2017; and
- (c) Burnaby Bylaw Notice Enforcement Bylaw 2009.

The Community Charter requires that before adopting a bylaw in regards to business regulations, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council. In order to ensure all interested parties are provided sufficient notification, notice of the proposed amendment bylaw will be advertised in the local newspaper for two consecutive weeks after first readings of the above bylaws. The notice will provide 14 days to make written submissions. All responses will be collected and provided to Council prior to further readings and adoption of the amendment bylaws.

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Copied to: Director of Finance
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