

Adopted by Council at its meeting held July 9, 2012 [M281-2012]  
/AA  
Windsor, Ontario July 9, 2012

**REPORT NO. 27** of the  
**PUBLIC SAFETY STANDING COMMITTEE**  
of its meeting held May 16, 2012

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**Present:** Councillor Dilkens, Vice Chair  
Councillor Gignac  
Councillor Payne

**Regrets:** Councillor Ron Jones

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Payne

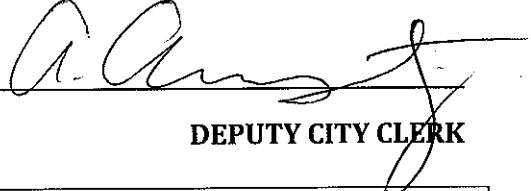
**THAT** the administrative report authored by the City Clerk and Licence Commissioner dated May 1, 2012 entitled "Response to CQ77-2011 – Changes to Licensing By-law 395-2004" **BE RECEIVED** for information.

Carried.

**LIVELINK 15913, ACL2012**

**Clerk's Note:** The report entitled "Response to CQ77-2011 – Changes to Licensing By-law 395-2004" is attached as background information.

  
\_\_\_\_\_  
VICE CHAIRPERSON

  
\_\_\_\_\_  
DEPUTY CITY CLERK

<b>NOTIFICATION :</b>				
Name	Address	Email Address	Telephone	FAX
Melanie Coulter, Executive Director, Windsor Essex County Humane Society		<a href="mailto:melanie@windsorhumane.org">melanie@windsorhumane.org</a>		



**THE CORPORATION OF THE CITY OF WINDSOR**  
**Public Safety Standing Committee – Administrative Report**

**MISSION STATEMENT:**

*"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"*

<b>LiveLink REPORT #: 15913 ACL2012</b>	<b>Report Date: May 1, 2012</b>
<b>Author's Name: Sandra Bradt</b>	<b>Date to Standing Committee: May 16, 2012</b>
<b>Author's Phone: 519 255-6222 ext. 6532</b>	<b>Classification #:</b>
<b>Author's E-mail: sbradt@city.windsor.on.ca</b>	

**To: Public Safety Standing Committee**

**Subject: Response to CQ77-2011 – Changes to Licensing By-law 395-2004**

**1. RECOMMENDATION:** City Wide:  Ward(s): \_\_\_\_\_

THAT Council RECEIVE this report FOR INFORMATION.

**2. EXECUTIVE SUMMARY:**

N/A

**3. BACKGROUND:**

At the December 5, 2011 meeting of City Council, Councillor Payne asked for a report, "on the changes that would be necessary to By-Law 395-2004 to require pet stores to obtain dogs and cats from humane societies, rescue groups and shelters to help reduce the number of animals bred in inhumane conditions in puppy mills and backyard breeding operations."

**4 DISCUSSION:**

To make the changes to By-law 395-2004 outlining where pet shops may acquire their animals is a fairly simple endeavour. However, to quote Craig Daniell, CEO of the British Columbia Society for the Prevention of Cruelty to Animals, "Legislation is only effective if it can be enforced".

Since 1980 pet shops in Windsor are required to have a license to operate. Schedule P1 to By-law 395-2004, attached hereto as Appendix "A", as well as By-law 8156, outlines very strict criteria for the keeping of animals to ensure their well-being. The welfare of animals is also regulated through the Criminal Code of Canada and the Prevention of Cruelty to Animals Act.

In March of 2008 several amendments were made to By-law 395-2004 to further facilitate the well-being of animals and to protect the public. Prior to the issuance or renewal of a pet shop licence an inspection of the shop is conducted. Shops must keep a detailed record of each dog and cat purchased or otherwise obtained. This register must be kept open for inspection by the License Commissioner at any time. If a shopkeeper has reason to believe that animals being offered to him/her were unlawfully obtained, there is a duty to file a report with the police. By-law Enforcement staff review the register as part of their annual inspection prior to licenses being renewed. If after licensing the Humane Society places an order on a premises or finds an animal in distress, these licensees are forwarded to the Licensing Commission for review. The outcome may be a suspension or revocation of their license.

These changes were brought about after Councillor Halberstadt inquired about requiring pet shops to disclose the origins of the animals (CQ44-2006) in June of 2006 and the question was further amended by the Windsor Licensing Commission who requested investigating a voluntary prohibition on the sale of cats and dogs in pet shops.

After consulting with the Windsor Essex Humane Society, local pet shops, rescue organizations, and the general public, and reviewing the practice of other municipalities, City Council approved Windsor Licensing Commission Report #115, which called for a number of changes to the Licensing By-law. (M344-2007) The original motion, which contained a clause banning new pet shops from selling dogs and cats altogether, but grandfathered existing shops, did not carry. All other changes were adopted by By-law 51-2008.

In response to Councillor Payne's question, staff surveyed some comparable municipalities to determine if any others have restricted the sale of animals in pet shops. The only municipalities found that have adopted standards similar to those being proposed in the question are Richmond B.C. and Toronto. That list of municipalities is attached as Appendix "B".

A study by Ipsos Reid released in 2008, The Business of Urban Animals, found that only 9% of Canadian cats were acquired through a pet store and 5% through breeders. For dogs, 10% were acquired through stores, but 35% through breeders. In Windsor there are five licensed pet shops. Three do not sell cats and dogs and one is considering the possibility for the future. The one shop that does sell dogs and cats has stated that animals are acquired from legitimate sources, not puppy/kitten mills.

It should be noted that, in general, Enforcement activities are complaint driven. In 2011 By-law Enforcement staff completed 8659 investigations. One was for a pet shop and 149 were for Keeping of Animals. From January to April 2012 there have been 2629 investigations completed, with none being for pet shops and 43 for Keeping of Animals.

City Council has put guidelines in place to ensure that animals made available for sale are healthy, well-taken care of and do not originate in puppy or kitten mills. City staff ensure that those guidelines are followed.

## **5. RISK ANALYSIS:**

Currently pet shops must adhere to very strict regulations and be subject to inspections in order to be licensed by the City of Windsor. The City does not license animal shelters and rescues. The by-laws only recognize two animal rescue organizations, when there may be more operating in the City. Such an amendment to the bylaw may also be subject to challenge on the basis of restraint of trade (where the City is limiting the supply chain to a single type – shelters and

rescues – as opposed to legitimate, humane breeders or purebred breeders). Furthermore, the overlap with the criminal law is another potential avenue of challenge – the criminal code currently addresses unnecessary pain, suffering or injury to an animal (s.445.1) and wilful neglect or failure to provide suitable and adequate food, water, shelter or care for a domestic animal or animal in captivity (s.446). In order to be successful against such challenges, the purpose of the amendment must relate to the regulation of the business (pet shops) and not be for some other purpose (decrease in puppy mills).

## 6. FINANCIAL MATTERS:

As no changes to the by-law and enforcement practices are recommended, there are no budget implications.

## 7. CONSULTATIONS:

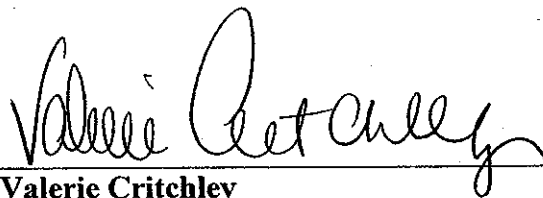
Internal consultations were undertaken with Licensing, Building (By-law Enforcement Unit) and Legal. In addition, the information collected in 2006/2007 and the historical comments received by the Corporation in response to this issue over the years were also reviewed. The municipalities and organizations that were personally and electronically contacted in the course of research for this report are listed below and their comments provided as Attachment "B".

## 8. CONCLUSION:

To amend By-law 395-2004 to require pet stores to acquire dogs and cats solely from the humane society, rescue groups, or shelters would require a small amount of staff time and approval by City Council. The challenge is to write the amendments to create a level playing field for all and to allocate the resources necessary to enforce the regulations. Past Councils have already taken steps to regulate the sale of dogs and cats in the City of Windsor to restrict puppy mills and ensure that animals made available for sale are procured through legitimate sources. With such oversight in place and the fact that a by-law change would currently affect only one supplier, Administration does not recommend any changes at this time.



**Sandra Bradt**  
Corporate Policy Coordinator (A)



**Valerie Critchley**  
City Clerk and Licence Commissioner



**Gary Cian**  
Manager of Policy, Licensing & Gaming/  
Deputy License Commissioner

SB

**APPENDICES:****Appendix "A" – Schedule P1 to By-law 395-2004****Appendix "B" – Survey of comparable municipalities re: Ban on Sale of Animals****DEPARTMENTS/OTHERS CONSULTED:**

**Toronto**  
**Chatham-Kent**  
**London**  
**Vaughan**  
**Oshawa**  
**Clarington**  
**Markham**  
**Thunder Bay**  
**Burlington**  
**Sudbury**  
**Oakville**  
**Barrie**  
**Hamilton**  
**Richmond, BC**  
**Langley, BC**  
**Calgary, AB**

**NOTIFICATION :**

<b>Name</b>	<b>Address</b>	<b>Email Address</b>	<b>Telephone</b>	<b>FAX</b>
Melanie Coulter, Executive Director, Windsor Essex County Humane Society	1375 Provincial Road, Windsor, ON N8W 5V8	melanie@windsorhumane.org	519-966-5751	519-966-2546

PET SHOPS

1. Every application for a keeper's licence shall be submitted by Licence Commissioner to the Windsor/Essex County Humane Society for an inspection, and any report received by the Licence Commissioner in response thereto shall be considered in the determination of whether or not the licence should be issued or refused in accordance with this schedule.
2. The Licence Commissioner may require, at any time, an applicant or licensee to file a letter from the Inspector of the Windsor/Essex County Humane Society containing a report of an inspection carried out by him stating whether or not every Pet Shop used or intended to be used for the sale of animals or birds is adequate with respect to construction, size, number of animals that occupy or are intended to occupy the pet shop, drainage, sanitation and cleanliness and that the pet shop is sprayed with chemicals or equipped with other devices to repel and control fleas, flies and rodents and that the pet shop is deodorized by suitable deodorant.
3. Every keeper shall comply with and ensure compliance with the following requirements in the operation of the pet shop kept by him or her:
  - (1) Every licensee who operates a licensed pet shop shall keep his or her licence prominently displayed in the interior of such pet shop at all times during the currency of the licence.
  - (2) The pet shop shall be maintained at all times in a sanitary, well ventilated, clean condition, and free from offensive odours.
  - (3) Every animal and bird shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type or species of animal or bird housed therein.
  - (4) Where the quarters used for the housing of any animal or bird form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean.
  - (5) Every cage or other container used for the keeping or housing of any animal or bird shall:
    - (a) Be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position.
    - (b) In the case of a cage or other container used to keep or house only birds, have a removable metal or other impermeable bottom which shall be cleaned daily.
    - (c) In the case of all other cages or containers, have a floor of either solid or wire mesh construction or any combination thereof, provided that:
      - (i) All spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;
      - (ii) Any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
      - (iii) Such floor shall be of sufficient strength to support the weight of any such animal.
    - (d) Be equipped with receptacles for food and for water, so mounted or situated that they cannot be easily overturned or contaminated and be constructed in such a way that it is not injurious to the animal.

- (6) Water shall be provided daily to every animal or bird in sufficient quantity to maintain at all times a potable supply available to such bird or animal.
  - (7) Animals and birds shall be fed periodically each day in accordance with the particular food requirements of each type or species of animal or bird kept in the said pet shop.
  - (8) Light in the premises shall be sufficient to permit observation of all birds and animals kept there.
  - (9) Each cage containing birds shall be of sufficient size and dimensions to enable all birds to have sufficient perch space to permit full extension of their wings in every direction.
  - (10) All cages, tanks, containers or other enclosures in which animals or birds are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with such birds or animals by the general public.
  - (11) No more than 20 budgerigars or canaries or 25 finches, nor any combination of more than 25 such birds, shall be contained in a single cage with dimensions smaller than 76.2 centimetres (30 inches) by 40.6 centimetres (16 inches) by 78.7 centimetres (30 inches).
  - (12) No more than 15 budgerigars or canaries or 20 finches nor any combination of more than 20 such birds shall be contained in a single cage with dimensions smaller than 61 centimetres (24 inches) by 35.6 centimetres (14 inches) by 61 centimetres (24 inches).
  - (13) Appropriate steps will be taken for the protection of the animals or birds in case of fire.
  - (14) A suitable exercise area for animals shall be provided and shall be kept in a safe and sanitary condition. **(Added by By-law # 51-2008, March 31, 2008)**
4. The keeper shall ensure that all persons responsible for the care, feeding or cleaning of birds or animals are adequately instructed and supervised in the handling and care of all such birds and animals.
  5. No keeper shall:
    - (1) Keep his or her stock of animals or birds in crowded quarters or cages.
    - (2) Sell any diseased animal or bird. The following shall deem an animal unfit for sale or release:
      - (a) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.
      - (b) Obvious signs of nutritional deficiencies, including rickets or emaciation.
      - (c) Obvious signs of severe parasitism severe enough to be influencing the general health of the animal.
      - (d) Obvious fractures or congenital abnormalities affecting the general health of the animal.
    - (3) Display any animal or bird in a shop or display window except at the rear of such window out of draughts and rays of the sun.
    - (4) Sell or keep for sale any wild animal or bird or reptile.



6. Every keeper shall ensure that any animal or bird indicating signs of sickness or disease is examined and appropriately treated within 24 hours of the onset of illness by a veterinarian or other qualified person experienced in the care and treatment of the species concerned and that such animal or bird is kept in a quarantine area, separate from all other birds and animals until such illness has been cured.
7. No keeper shall sell, permit to be sold, offer for sale or give away any mammal before it has reached the normal weaning age, based on known requirements of that particular species.
8. Incompatible animals of different species shall not be confined or displayed in the same cage.
9. Whenever a keeper sells or otherwise disposes of a dog or cat, he or she shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description, including colour and placing of markings, if any, of the dog or cat, and an up-to-date certificate of health from a veterinarian with respect to such dog or cat.
10. Register concerning dogs to be kept as follows:
  - (1) Every keeper shall keep a register in which shall be entered in the English language, written in ink, in a plain, legible hand, a record of each dog and cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into such keeper's possession, and shall include, in addition to the date of a purchase, a full description of the dog or cat, together with the name, address and description of the person from whom it was purchased or otherwise obtained. The keeper shall retain the register in respect of each such transaction for the period of 12 months thereafter. **(Amended by By-law #51-2008, March 31, 2008)**
  - (2) Every keeper shall ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by the Licence Commissioner, at all times during business hours and shall make it available to be removed at any time for inspection or for use in the courts, if necessary. The keeper shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from his or her premises for this reason.
11. Every keeper shall make every reasonable effort to obtain the name, address and description of anyone offering him or her any dog or cat which he or she has cause or reason to suspect has been stolen or otherwise unlawfully obtained, and he or she shall report the facts promptly to the nearest police station. **(Amended by By-law #51-2008, March 31, 2008)**
12. The Medical Officer of Health or his or her designate, the Licence Commissioner and any other person authorized by the Commissioner or his or her designate may inspect any shop or place where animals or birds for use as pets are sold or kept for sale.
  - (1) Prior to the issuance or renewal of any licence under this Schedule, the Licence Commissioner or his or her designate shall inspect the shop or place where animals or birds for use as pets are sold or kept for sale and shall complete an Inspection Form, in the form and manner specified by the Licence Commissioner, which shall part form of the licence application or licence renewal application. **(Added by By-law #51-2008, March 31, 2008)**
13. A keeper shall ensure that whenever he or she is absent from the pet shop or from the part of the premises used for the keeping or housing of animals or birds, during the business hours of such shop, there is an attendant in charge of and responsible for the care and safe keeping of his or her pet stock.
14. No keeper shall:
  - (1) Sell or permit the sale of any dyed chick or other dyed live poultry;
  - (2) Sell or permit the sale of any chick, duckling or other live poultry in quantities

fewer than 12 per sale; or

(3) Sell, give away or otherwise dispose of any chick, duckling or other live poultry as a bonus to a sale of, or as part of a sale of, any other goods, products or services.

15. Every Pet Shop in which exotic animals are kept shall provide a sign, clearly visible to the general public, stating that such exotic animals are for display purposes only and are not for sale. The said sign shall be affixed to the cage or enclosure in which the exotic animal is kept, or if such is not practical, the sign shall be within the immediate proximity of the said cage or enclosure.
16. No keeper shall sell a prohibited dog as defined in the Dog Control By-law.
17. Every licensee of a Pet Shop must enter into a written agreement with at least one Veterinarian to facilitate emergency veterinary treatment and humane euthanasia of any animals kept for sale or display by the Pet Shop, and any such agreement must be made available to the Licence Commissioner, or his or her designate, upon request. **(Added by By-law #51-2008, March 31, 2008)**
18. Where the Windsor Essex County Humane Society places an order on the premises of a Pet Shop or makes a finding of an animal in distress at a Pet Shop and provides such information to the Licence Commissioner, the Licence Commissioner shall provide a report of such information to the Licensing Commission and shall recommend the suspension or revocation of the Pet Shop Licence, in accordance with the procedures set out in Section 3 of By-law 395-2004. **(Added by By-law #51-2008, March 31, 2008)**

## APPENDIX "B"

Restrictions on Sale of Dogs and Cats in Pet Shops			
Community	No	Yes	Comments
Toronto		✓	B/L dictates retailers who sell more than 10 dogs/year must obtain animals from specified sources – municipal animal shelters, registered humane societies, registered shelters/rescue groups or people who surrender pets at no charge. The B/L is not specific but allusions are made to the City needing to license/regulate those sources.
Richmond, BC		✓	B/L only bans sale of dogs and rabbits, cats excluded
Langley, BC			Motion to examine Richmond b/l was reportedly adopted by Council, but could not find official documentation of motion or outcome.
Calgary	✓		No legislation, but grassroots organization did stop one retailer from selling
Chatham-Kent	✓		
London	✓		No ban yet, but will be reviewing all barriers to animal welfare in future. Notes far more breeders online than in stores. Only 1 or 2 stores that sell animals acquired outside of H.S., shelters & rescues
Vaughan	✓		Raises issue that shelters and rescues can't vouch for animal origins either
Oshawa	✓		
Clarington	✓		
Markham	✓		
Thunder Bay	✓		
Burlington	✓		Only 1 store selling dogs
Sudbury	✓		B/L exempts pet shops altogether
Oakville	✓		No such regulation, but respondent agreed it was a reasonable limitation to consider.
Barrie	✓		OSPCA states problem is not stores, but rather irresponsible breeders selling unhealthy pets. They are working on a breeders' code of practice.
Hamilton	✓		Hamilton finds that most of their stores already acquire animals from shelters and rescues.

