

RE: PROPOSED AMENDMENTS TO THE BURNABY ZONING BY-LAW, AND KENNEL BY-LAW TO INCREASE THE NUMBER OF CATS THAT ARE PERMITTED TO BE KEPT WITHIN A DWELLING FROM TWO TO FOUR

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1988 November 22

FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 02.240 02.230

SUBJECT: PROPOSED AMENDMENTS TO THE BURNABY ZONING BY-LAW, AND KENNEL BY-LAW TO INCREASE THE NUMBER OF CATS THAT ARE PERMITTED TO BE KEPT WITHIN A DWELLING FROM TWO TO FOUR

PURPOSE: To examine the feasibility and ramifications of increasing the number of cats permitted per household from two to four, and suggest appropriate amendments to the Burnaby Zoning By-law and Kennel By-law.

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RECOMMENDATION:

1. THAT staff be authorized to initiate the necessary amendments to amend the Burnaby Zoning By-law and Kennel By-law to increase the number of cats permitted per dwelling unit from two to four.

R E P O R T

1.0 BACKGROUND

At the regular meeting of 1988 October 17, Municipal Council received a report regarding a review of animal control and licencing regulations in Burnaby. Arising out of discussion of that report, Council requested staff to bring forward a report on the feasibility and ramifications of increasing the number of cats permitted per household to four, and any amendments required to additional municipal by-laws.

The purpose of this report is to examine the issue and indicate required amendments to the Zoning By-law and Kennel By-law.

2.0 COMMENTS OF TAX AND LICENCE DIRECTOR

The Tax and Licence Director reports that from the period 1987 January 01 to 1988 August 31, the Burnaby S.P.C.A. recorded 34 complaints regarding cats. During the same period, the Licence Department recorded 17 complaints regarding cats. These complaints can generally be classified in one of three ways:

1. Complaints regarding too many cats. This type of complaint usually relates to the keeping of large numbers of cats well in excess of four.
2. Complaints regarding a neglected or mistreated animal(s). These complaints relate to the care, feeding and shelter that animals are receiving.
3. Complaints about a specific animal, such as a neighbour's cat that is causing a nuisance.

The Tax and Licence Director also notes that when cats are properly fed, cared for and controlled, they are not a nuisance nor a problem and seldom come to our attention. However, even a single cat that is not properly cared for and controlled can be a neighbourhood pest, and the focus of considerable attention. The proposed amendments could result in the keeping of up to a combined total of 6 cats and dogs, and an unlimited number of small animals (hamsters, etc.) and birds. From an enforcement point of view, it would be easier to reduce the impact an irresponsible pet owner can have on the community by limiting the number of animals that owner can legally keep.

3.0 COMMENTS OF THE ENVIRONMENTAL HEALTH DIVISION

The Environmental Health Division comments that cats, like all other types of animals, can spread food born types of illnesses as well as other parasitic infections. However, there have been no known incidents in Burnaby from cats that they are aware of.

The Environmental Health Division also notes that it may be inconsistent to tighten up requirements for dog owners through the pursuit of changes to the Municipal Act that would make animal waste clean-up regulations more enforceable, while at the same time increasing the number of cats which may result in contamination of the neighbours' gardens and sandboxes.

4.0 REGULATIONS OF OTHER JURISDICTIONS

Other municipalities in Greater Vancouver were contacted and asked about their regulations regarding the keeping of cats in residential dwellings.

The municipalities of Surrey, Richmond, Port Coquitlam, Port Moody, District of North Vancouver, City of Langley, District of Langley, New Westminster and West Vancouver do not have regulations in their zoning bylaws or animal control bylaws that regulate the number of cats in a residential dwelling unit.

In Coquitlam, the keeping of four or more cats is considered to be a "kennel", therefore a maximum of 3 cats can be kept in a residential dwelling.

The City of Vancouver, The City of North Vancouver and Delta limit the aggregate number of domestic animals per household to six.

5.0 CHANGES TO THE BURNABY ZONING BY-LAW AND KENNEL BY-LAW

It is possible to increase the number of cats permitted per residential dwelling by amending the Zoning By-law and the Kennel By-law.

In terms of the Zoning By-law, the only required change would be an amendment to the definition of a "Kennel". Presently a kennel is defined as:

"Kennel" means any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose whatsoever, and shall specifically include any building or part thereof in which 2 or more dogs are kept for breeding purposes. A dog or cat means a member of the canine or feline species which is 2 or more months in age.

The required change, if the number of cats permitted to be kept in a dwelling were increased to four, is shown highlighted below:

"Kennel" means any building, structure, compound, group of pens or cages or property in which or where 3 or more dogs or 5 or more cats are or are intended to be trained.....

The "Burnaby Kennel Regulation By-Law 1960" would also need to be altered if the change as proposed occurs. Section 2 of the Kennel By-law contains the following definition of "Cat Kennel":

"Cat Kennel" means any building, structure, compound, group of pens or cages on property in which or where three or more cats are or are intended to be trained, cared for, bred, boarded, or kept for any purpose whatsoever.


The required change to this definition is also shown in highlighted form below:

"Cat Kennel" means any building, structure, compound, group of pens or cages or property in which or where five or more cats are or are intended to be trained....

6.0 CONCLUSION

Considering the comments of the Tax and Licence Director and the Environmental Health Division, and after discussing this issue with other municipalities, staff feel that the impact of raising the limit on the number of cats that can be kept in a dwelling from two to four would be minimal. It is therefore recommended that staff be authorized to initiate the necessary changes to the Burnaby Zoning By-law and Kennel By-law to increase the limit on cats in a dwelling unit to four.

Amf.
BG/mcb



A.L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

cc: Chief Public Health Inspector
Tax & Licence Director

