
TO: CITY MANAGER **DATE:** 2013 October 16

FROM: DIRECTOR OF FINANCE **FILE:** 43000-04

**SUBJECT: PROPOSED ANIMAL CONTROL BYLAW AMENDMENTS TO
REGULATE BURNABY PET STORE OPERATIONS**

PURPOSE: To obtain Council approval to amend the Burnaby Animal Control Bylaw as proposed in this report.

RECOMMENDATION:

1. **THAT** Council adopt the amendments to the Burnaby Animal Control Bylaw 1991 as presented in this report.
2. **THAT** a copy of this report be sent to Kathy Powelson, Executive Director of Paws for Hope Animal Foundation and Val Lofvendahl, of the Reptile Rescue, Adoption and Education Society.

REPORT**1.0 BACKGROUND**

Further to a 2013 September 09 report received by Council, this report addresses proposed amendments to the Burnaby Animal Control Bylaw 1991 in regards to pet store regulations.

2.0 BYLAW CHANGE REQUEST – THE SALE OF ANIMALS IN PET STORES

At the 2012 July 16 Council meeting, Council heard from two delegations supporting a ban of animal sales in pet stores.

Kathy Powelson, Executive Director of Paws for Hope Animal Foundation, spoke in support of a ban of the sale of dogs, cats, and rabbits in Burnaby pet stores to help address the problem of puppy mills and other similar breeding facilities.

Val Lofvendahl, of the Reptile Rescue, Adoption and Education Society in Richmond, spoke in support of a ban on the sale in pet stores of aquatic and semi-aquatic turtles to curb the release of turtles not native to the region.

3.0 CURRENT PET STORE OPERATIONS AND REGULATIONS

There are five pet stores in Burnaby that sell animals. One offers a variety of pets (dogs, cats, birds, fish) and supplies; one offers birds, fish, reptiles, small animals and cats through a rescue society along with a range of animal supplies and services; and the other three offer predominantly fish and a few reptiles, with related supplies. Currently, Burnaby's Animal Control Bylaw has no regulation specific to pet store operations, but generally regulates the keeping of animals in enclosures. Complaints received alleging mistreatments of any animal in a pet store are forwarded to the British Columbia Society for the Prevention of Cruelty to Animals (BCSPCA) for investigation under provincial cruelty legislation.

The support for a Burnaby ban on the sale of animals within pet stores is based on the desire to address disreputable breeders (puppy mills) and animal overpopulation. Consideration for the well-being of the animals and for consumer protection is widely shared. All reports of problem breeders are investigated by the BCSPCA in Burnaby and throughout the Province to ensure the humane treatment of the animals. In Burnaby, breeders are also subject to business licencing, zoning regulation (Agricultural Districts only) and the provisions of the kennel regulation bylaw which applies to breeders of cats and dogs. There are currently no cat or dog breeders licenced to operate in Burnaby.

4.0 BYLAW REVIEW

The bylaw review included a comparison of animal control bylaws from five neighbouring cities (Maple Ridge, New Westminister, Coquitlam, Richmond, and Vancouver) and determined that all but one has some form of regulation for pet stores. The common objective in providing regulations was aimed at offering protection for both the animals that are for sale and the consumer. The City of Richmond is the only one of the five that has banned animal sales (dogs) in pet stores.

In addition to the comparison of neighbouring municipalities' bylaws, both the BCSPCA and the Pet Industry Joint Advisory Council (PIJAC) organization were contacted and their perspectives on pet store regulation were taken into consideration as part of the review. Both of these organizations support greater regulation in respect to pet store operations.

4.1 Complaints about Pet Stores

The following information was provided by the BCSPCA and provides information on pet store complaints received in Burnaby and the resulting investigations.

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Complaints	2008	2009	2010	2011	2012	2013 (YTD)	Total Number
Annual total	7	6	8	15	12	19	67
Orders issued	0	0	2	0	0	3	5
Resolved	5	4	1	7	8	4	29
Unfounded	2	2	5	8	4	12	33

In almost half of the instances (49%) where a complaint was received the follow-up investigation determined that the complaint was without merit. Of the five complaints that resulted in an order being issued, the BCSPCA reports that in every instance the business cooperated and complied with the order and remedied the issue within the prescribed time.

4.2 Shelter Intake and Additional Findings

The decrease in the number of dogs and cats taken in at the Burnaby shelter over the past five years is a positive trend. These decreasing shelter numbers suggest an improvement with respect to the long standing concerns of pet overpopulation.

The following points were noted as a result of the review:

1. Animals for sale in pet stores make up a small percentage of animals available for purchase. The Burnaby store held 30 dogs and 20 cats for sale at the time of a recent staff visit. Comparatively, a search of one internet based sales service found postings offering 1011 dogs and 497 cats in Metro Vancouver and 2247 dogs and 1484 cats Province wide.
2. There is a lack of standards for breeders at provincial, national, and international levels. However, pet stores can be held accountable for their actions by provincial cruelty legislation and local bylaw regulation. Where reasonable cause exists, a business licence can be suspended or cancelled.
3. Pet stores provide an open and accessible option for people looking for a pet and can provide information and advice not only at the point of sale, but also once a pet is at home.
4. In order to prevent rabbit overpopulation problems experienced in other cities, only spayed and neutered rabbits should be permitted to be sold in Burnaby.
5. In an effort to protect wetland environments, the sale of turtles from pet stores should be prohibited.

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5.0 RECOMMENDATIONS

The review of the Burnaby Animal Control Bylaw in regards to pet store regulations found the bylaw should be amended to reflect current standards similar to those found in neighbouring cities. The bylaw amendments proposed in this report are intended to address existing gaps and enhance the City's animal control program. It is proposed that Burnaby implement pet store regulations to help ensure a common standard of care for the animals and to help protect the interests of the consumer. The proposed Pet Store Regulations are detailed in Attachments 1 and 2.

The Community Charter requires that proposed changes to business regulation be published as notification of intention. The notice is to provide an opportunity for those persons who consider themselves affected by the bylaw changes to make representation to Council.

It is recommended that Council adopt amendments to the Burnaby Animal Control Bylaw as presented in this report; and that a copy of this report be sent to Ms. Kathy Powelson and Ms. Val Lofvendahl. Notification of intention will be published in a local newspaper and on the City's web portal www.Burnaby.ca to invite written comments to staff over a two week period.

Received comments will be compiled for presentation to Council.



Denise Jorgenson
DIRECTOR FINANCE

DJ:DL/ab

Attachments: #1 – Pet Store Regulations
#2 – List of Prohibited Animals

Copied to: City Manager
City Solicitor
BCSPCA Provincial Office - Vancouver

Pet Store Regulations

1. No owner or employee of a pet store shall be convicted of an animal cruelty offence.
2. Pet store licensee must:
 - A. Ensure each animal has sufficient water, food, shelter, warmth, lighting, cleaning, sanitation, exercise, grooming, veterinary checks and any other care required to maintain the health, safety and well-being of the animal.
 - B. Ensure each enclosure is in good repair, clean, disinfected, free of odors, free of waste, properly ventilated, suitably lit, have impermeable flooring and appropriate in size for normal postural and behavioural movement.
 - C. Prohibit handling of an animal unless supervised by an employee.
 - D. Ensure each rabbit sold is spayed or neutered prior to sale.
 - E. Provide immediate veterinary care to all animals that exhibit injury or illness and provide segregation from other animals and people as directed.
 - F. Not sell or display any animals on the prohibited animal list or turtles.
 - G. Keep a registry of all animal transactions including: date of acquisition, sale or other disposition; name and address of breeder (for animals other than fish) and supplier, if different; description, gender, colouring, tattoo, microchip or other identifying marking; hold each transaction record for six months; make records available to the Animal Shelter Manager, Chief Licence Inspector, Police Chief or designates.
 - H. Provide a record of sale to the purchaser that includes: date of sale, animal description, name and address of pet store and transaction details.
 - I. Provide the purchaser at the time of sale: detailed description of animal including species, age, gender, breed, colour, markings, tattoo, micro-chip, veterinary history, record of all vaccinations, in the case of a rabbit with proof of spayed/neutered, and the name and address of the breeder and supplier.
 - J. Provide the purchaser at the time of sale written instructions on care requirements to maintain health and well-being of the animal, including feeding and treatments, handling techniques, living environment and exercise needs.
 - K. Provide the purchaser at the time of sale, information on the benefits of animal sterilization.
 - L. Not permit any dog or cat to be displayed for sale within the premises for a period greater than twelve (12) weeks.
 - M. Permit inspection of the premises, or any animal contained within the premises, at all reasonable times by the Animal Shelter Manager, Chief Licence Inspector, Police Chief or their designates to ensure that all provisions contained within the bylaw are being complied with.

List of Prohibited Animals

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenarthra (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all venomous and poisonous invertebrates (black widow spiders, tarantulas)
- all ungulates, except the bison and domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
- all hyaenidae (hyenas)
- all hyracoidean (hyraxes)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacean (whales, porpoises, dolphins)
- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit