

Memo



Date: August 30, 2011
File: SR 179162
To: City Manager
From: City Clerk
Subject: Regulating the Sale of Cats by Pet Stores

Recommendation:

THAT Council receives, for information, the report of the City Clerk dated August 30, 2011, with respect to regulating the sale of cats by pet stores.

Purpose:

To provide Council with information regarding the ability to regulate the sale of cats by pet stores located within the City and to identify the implications should such a regulation be implemented.

Background:

Following receipt and consideration of correspondence from the Glenmore Valley Community Association, Council directed staff to investigate the implications of a cat bylaw that restricts the selling of cats unless they are spayed or neutered and to provide Council with information on how other municipalities that have adopted similar bylaws address enforcement.

Municipalities in BC have wide-ranging powers regarding the regulation of both business and animals. The business regulation powers were tested in a recent Supreme Court of British Columbia decision, *International Bio Research v Richmond (City)*, 2011 BCSC 471. The City of Richmond adopted a bylaw prohibiting the sale of dogs in retail pet stores; this was challenged by the impacted pet stores. The court decision confirmed municipalities have the authority to regulate business so long as there is a proper municipal purpose supporting the regulation.

There are few local governments in British Columbia that regulate cats, and how cats are actually regulated varies. Regulations include requiring cats have some sort of identification or licence, fines for permitting cats-at-large that are not spayed or neutered, or not permitting cats-at-large at all.

Correspondence received to date has listed feral cats, cats-at-large and the benefits of cat licencing as reasons why Council should adopt cat regulations. Council direction to staff was more limited in scope, and focused on retail pet store sales only. There are three known stores in Kelowna that would be impacted by a bylaw restricting the selling of cats unless the animal had been spayed or neutered. It is not known how much of the market retail pet stores account for, although it appears the total purchased from retail pet stores is a minority of overall cat sales. Other ways to obtain cats is via breeders, classified ads, word of mouth, etc. These sellers would not be subject to a spay - neuter requirement.

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Internal Circulation:

Director, Corporate Services

Legal/Statutory Authority:

Community Charter, section 8(3)(k) - authority to regulate, prohibit and impose requirements in relation to animals;

Community Charter, section 8(6) - authority to regulate in relation to business;

Community Charter, section 15 - licencing and standards authority [in this case with respect to business].

Legal/Statutory Procedural Requirements:

The authority to regulate business and/or animals must be done by bylaw. Before adopting a bylaw that regulates business, Council must give reasonable notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

Personnel Implications:

Based on the example of the bylaw provisions prohibiting the sale of rabbits from Kelowna pet stores that have not been spayed or neutered, it is anticipated a similar regulation pertaining to cats would be self-regulating and have little impact on existing Bylaw enforcement staff workloads.

External Agency/Public Comments:

The Glenmore Valley Residents Association has provided staff with a large volume of research that they have undertaken over the past few years regarding the regulating of cats.

Since 2008, Council has received 22 letters from members of the public and 3 from veterinary business supporting the increased regulation of cats and one letter of opposition to the concept of regulating cats. Most of this correspondence has been in favour of various cat regulations, including likening, the regulation of cats-at-large when off an owners' property, and regulating the feral cat population.

Considerations not applicable to this report:

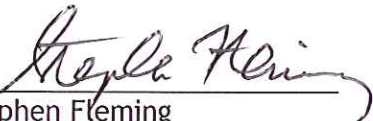
Existing Policy:

Financial/Budgetary Considerations:

Communications Comments:

Alternate Recommendation:

Submitted by:



Stephen Fleming
City Clerk

Approved for inclusion:



R. Mayne Director, Corporate Services