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# Policy Process in Ontario: An Analysis of the Process for the Implementation of a By-Law to Restrict or Limit the Number of Cats in a Household in an Urban Municipality

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Policy Process in Ontario

An Analysis of the Process for the Implementation of a  
By-law to Restrict or Limit the Number of Cats  
In a Household in an Urban Municipality

MPA Research Report

Submitted to

The Local Government Program  
Department of Political Science  
The University of Western Ontario

Lois O'Neill

December, 2009

## **Policy Process in Ontario**

### **An Analysis of the Process for the Implementation of a By-law to Restrict or Limit the Number of Cats In a Household in an Urban Municipality**

This research paper reviews the policy process for the implementation of a By-law to restrict or limit the number of cats in a household in a small urban municipality, specifically the City of Owen Sound. While the issue under consideration is specific in this research paper, the method for the policy process for municipal governments can be applied to all policy issues that are brought forward through a variety of means for deliberation and consideration by a municipal government.

Included in this analysis is the scope of authority provided to a local or municipal government by the Province in relation to the creation and implementation of policy. Relevant political science texts were consulted with regard to the policy process and the analysis of the identified problem to determine if the appropriate methodology was carried out to reach the particular conclusion. External factors influencing the municipal policy making process and their potential affect on the policy process and decision making were reviewed and considered. A number of other small urban municipalities were contacted and surveyed to determine if they had encountered a similar problem and considered implementing a By-law to limit the number of cats in order to complete a comparison of the policy process and implementation. In general it was found that the policy process for the implementation of this type of By-law was alike in all municipalities with the outcome depending on the weight of influence exerted by the external factors and the affect these factors had on the final decision of the municipal government.

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## Chapter 1

### Introduction

“Citizens expect many things from their governments but at the very least they expect intelligent decision making.”<sup>1</sup> (L.A. Pal, 2006) As Canadian citizens we should all be aware that there are three levels of government in Canada: Federal, Provincial and Municipal, with each having their own areas of policy jurisdiction. This particular report will focus on the creation of policies at the municipal or local government level and specifically on the process for the implementation of a By-law to restrict or limit the number of cats in a household in an urban area.

Municipalities in Ontario are under the jurisdiction of the Provincial Government as outlined in the Constitution Act<sup>2</sup> and as such, all authority for their operation and actions are governed by the Province of Ontario. There is a large amount of legislation that has been enacted by the Provincial Government that affects the normal operation of all municipalities through provincial regulations and laws related to planning, zoning, municipal elections, policing, libraries, and traffic controls to name just a few. The one Act that has the largest affect on the day to day operations of all municipalities is the Municipal Act.

The Municipal Act, states that:

“Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this

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<sup>1</sup> Pal, Leslie A. 2006. *Beyond Policy Analysis: Public Issue Management in Turbulent Times*, 3<sup>rd</sup> Edition. Thomson, Nelson. Ch. 1, “Policy Analysis: Concepts and Practice” Pg. 1

<sup>2</sup> Constitution Act 1867, Section 92.8

Act and many other Acts for the purpose of providing good government with respect to those matters”<sup>3</sup>

Outlined in the Act are the spheres of jurisdiction for municipal authority. In general, these spheres of jurisdiction mean that municipalities are responsible for ensuring that the service needs and requirements of the citizens are looked after at the local level by a form of authority or government. Section 11.(1) of the Municipal Act states “municipality may provide any service or thing that the municipality considers necessary or desirable for the public”<sup>4</sup>. More specifically a municipality has been granted authority by the Province in the following areas:

- “1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the municipality.
6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide.
8. Protection of persons and property, including consumer protection.”<sup>5</sup>

The focus of a municipality's authority is on the provision of services to a specific geographical area which enables the Provincial and Federal governments to concentrate on the larger government issues such as income tax, sales tax, health care, employment insurance, etc. Municipalities can-not legally implement or create policies which are beyond their authority, spheres of jurisdiction and decision making powers. The authority to pass a law in a municipality is granted to the elected Council, which does so by enacting policies in the form of By-laws.

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<sup>3</sup> Municipal Act, 2001, S.O. 2001, c.25

<sup>4</sup> Municipal Act 2001, S.O. 2001, c.25, Section 11(1)

<sup>5</sup>Municipal Act 2001, S. O. 2001, c.25, Section 11(2)

The By-laws enacted by a municipal Council under the Municipal Act can govern a wide variety of issues within the boundaries of the municipality such as: highways, including parking and traffic on highways; transportation systems, other than highways; waste management; public utilities; culture, parks, recreation and heritage; drainage and flood control, except storm sewers; structures, including fences and signs; parking, except on highways; animals; economic development services; and, business licensing<sup>6</sup> as authorized by the Province. As with any legislation whether it is enacted by the Federal, Provincial or Municipal government, a process for the enforcement of the law is necessary. At the municipal level, the enforcement of the By-laws is often delegated by Council to the Municipal By-law Enforcement Officer, also known as a Municipal Law Enforcement Officer.

A Municipal Law Enforcement Officer encounters a wide variety of situations and circumstances when attempting to obtain compliance with the By-laws and policies established by the municipal Council. In the majority of cases the Municipal Law Enforcement Officer will carry out an investigation of a By-law or policy violation as a result of a complaint from a member of the public, whether it is an adjacent property owner, concerned citizen, or a member of Council. Complaints usually relate to property standards violations such as long grass, illegal parking, inoperable vehicles, barking dogs, miscellaneous waste materials in a yard, deteriorated condition of a house, apartment building or commercial building, unfenced pools, noise complaints, open fires and numerous other safety related and non-safety related concerns as regulated in the municipal By-laws.

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<sup>6</sup> Municipal Act, 2001, S.O. c25, Section 11(3)



Over the past several years it seems that the number of what is normally considered general or routine complaints, such as those listed above, that are received by the Owen Sound By-law Division has been steadily increasing. Animal complaints to the Owen Sound By-law Division, which were once mostly about barking dogs and dogs running at large, have also increased and now include the feeding of wild animals, animal bites, exotic pets and numerous complaints about cats, both domestic and feral.

For clarification, the definition of feral according to the Encarta Dictionary is “gone wild - describes animals or plants that live or grow in the wild after having been domestically reared or cultivated.”<sup>7</sup> Cats in particular, can become feral after being abandoned or neglected by their human owners. The kittens of these once domesticated cats often demonstrate characteristics usually seen in wild animals, not domestic pets. Despite the efforts of the By-law Division to control the colonies of feral cats through live trapping, spaying and neutering and relocation to rural farms, there is an ever increasing population of feral cats.

A further complication is the concerned citizens who feed the feral animals. While the purpose of these Good Samaritan’s efforts may be to save the cats from starvation, it can lead to over population. The easily accessible food can attract other wild animals such as racoons and skunks, which then leads to further problems and complaints to the By-law Division.

It is believed that there has also been an increase in the domestic cat population but this can be much harder to substantiate as it may not be as obvious as the increase in the feral cat population. Although many municipalities have a registration system for

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<sup>7</sup> Encarta Dictionary, (North America) Electronic Version as accessed through Microsoft Office..

domestic household cats, it is only when there is an identified problem at a particular residence that the true number of animals is known.

The concerns surrounding the ever increasing cat population, both feral and domestic, are problems that have recently come to the forefront in the City of Owen Sound and to the attention of Owen Sound Council. While Council did carry out a comprehensive review of the need for a method of control for cats in 1991, no recommendations were brought forward to Council for consideration relating to establishing a limit on the number of cats in a household. Instead By-law 1991-055<sup>8</sup> provides for the registration, regulation and control of cats. The definition of control in By-law 1991-055 is 'care and custody'<sup>9</sup> and there is no reference in the By-law to the number of cats a person can have in their household. By-law 1991-055 requires that every cat be registered, that the animal either be tattooed or wear a City issued tag, establishes a registration fee and outlines the actions that will be taken by the Bylaw Enforcement Officer if a cat is found to be at large and not under the care and control of its owner. In 1991, Council believed that the registration, regulation and control of cats would provide the Municipal Law Enforcement Officers with the needed authority to control the cat population as feral cats were not seen as a problem at that time.

It is an important historical fact to note that for many years municipalities did not have the authority to regulate, restrict or control the number of cats. Queen Victoria was known to have a great affection for cats and it has been surmised that the spread of the Black Plague in Europe was a result of there not being enough cats to control the rat

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<sup>8</sup> By-law 1991-055, The Corporation of the City of Owen Sound, Being A By-law to Provide for the Registration, Regulation and Control of Cats.

<sup>9</sup> By-law 1991-055, The Corporation of the City of Owen Sound, Being A By-law to Provide for the Registration, Regulation and Control of Cats.

population. As a result, until some of the more recent revisions to the Municipal Act, authority was specifically given with regard to the licensing and control of dogs but no authority of any sort was given regarding the control of cats.

The domestic cat as we know it today is not native to North America. Like a number of other species, domestic cats were introduced to North America from Europe in the 1600 and 1700. Cats played an important role on board the ships travelling from Europe to the America's by protecting the cargo from rats and mice and thereby also protecting humans from the various diseases associated with rodents. Cats also arrived with the settlers who brought their cats with them as house pets to the new world. With no natural predators for cats in North America it did not take long for the population to increase. It is estimated that there are now approximately sixty-five million cats living in homes in North America.<sup>10</sup>

On starting this research project it was my hypothesis that there were other municipalities in Ontario that were encountering an increasing domestic and feral cat population and an increasing number of complaints regarding cats, which was resulting in the municipalities recognizing a need for a By-law to limit or restrict the number of cats per household within the limits of their municipality. A survey of similar sized urban municipalities was carried out to determine if these municipalities have found it necessary to enact this type of By-law, how the issue came forward, and the reaction from both the Council and the members of the public to the proposed By-law. Only urban municipalities were contacted as it is recognized that in rural municipalities farmers often have a number of cats on their farms to control the rodent population and

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<sup>10</sup> Fredrick, Audrey. 2007, *A Backward Glance into the History of Cats*, Ezine@rticles, 2007.

placing a limit on the number of cats per household would not be a relevant issue to be considered by the Council in a rural area.

The data was then used to compare the policy process undertaken in the City of Owen Sound and the final result of this process. The review also compared the policy process and method for consideration to the relevant literature regarding the policy process to ensure that the City of Owen Sound was providing intelligent decision making as was expected by the residents of Owen Sound.

## Chapter 2

### The Policy Process

How does an item or idea come forward for consideration by a municipal Council?

According to J. Kingdon (2003, pg.76):

“Ideas come from anywhere, actually, and the critical factor that explains the prominence of an item on the agenda is not its source, but instead the climate in government or the receptivity to ideas of a given type, regardless of source.”<sup>11</sup>

At any given time there are a number of issues pending or waiting in the wings for an opportunity to be brought forward by a local government for review. In Owen Sound the concerns surrounding cats first came forward in 1991 and then again in 2008 as the various problems with the cats continued to increase.

How does a particular issue reach the policy agenda? There are several ways for this to occur. The issue of whether or not there was a need for a municipal By-law or policy with regard to restricting the number of cats that can be kept in a private residence or apartment within the limits of the municipality came forward to the policy agenda as a result of a complaint to the City’s By-law Division about a resident who had over twenty cats living in and around their property which were causing a nuisance for the neighbours.

On a preliminary review, staff discovered that there were several other factors and issues intertwined with the concern regarding cats, and not just in relation to the above complaint. To begin with, Owen Sound Council had previously considered the regulation of cats and a review of this 1991 process was needed as the problem had expanded to

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<sup>11</sup> Kingdon, John. 2003. *Agendas, Alternatives and Public Policies*. 2<sup>nd</sup> ed. (1<sup>st</sup> ed. 1984) New York: Longman. Ch. 4, “Processes: Origins, Rationality, Incrementalism, and Garbage Cans,” 71-89. (pg 76).

now include the feeding of wild animals, animal health, human health, cats running at large, nuisance odours, etc.. Any one of these issues on their own would not have moved this matter to the policy agenda. However, as a combined problem, it had sufficient weight and interest to come forward onto Council's policy agenda. J. Kingdon (2003, pg. 78) described this best when he stated:

"Attempting to pinpoint a single origin is futile. Instead, a complex combination of factors is generally responsible for the movement of a given item into agenda prominence."<sup>12</sup>

While there seemed to be only one complaint that brought this particular policy issue to the attention of the local government for review and possible consideration by Council, it was actually a complex combination of factors that resulted in the item actually moving forward onto the policy agenda. In this case, a single complaint to the By-law Division led to an investigation which identified the need for the involvement of several other City divisions and departments such as Police Services, Building Inspection, Corporate Services and external agencies including Social Services, the Health Unit and the Society for the Prevention of Cruelty to Animals (SPCA). Each group was contacted to provide input and information to Council with regard to the consideration and potential creation of a policy to limit or restrict the number of cats in a household within the limits of the City of Owen Sound.

D. Stone (1989, pg 281-282) explains that there are three strands that contribute individually to an understanding of agenda setting:

- 1) "The identity and characteristics of political actors – leaders, interest groups, professionals, bureaucrats and their attitudes, resources and opportunities to account for the appearance of policy problems and their particular formations at any given time.

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<sup>12</sup> Kingdon, John. 2003. *Agendas, Alternatives and Public Policies*. 2<sup>nd</sup> ed. (1<sup>st</sup> ed. 1984) New York: Longman. Ch. 4, "Processes: Origins, Rationality, Incrementalism, and Garbage Cans," 71-89. (pg 78)

- 2) The nature of the difficulties or harms themselves – for example, whether they are serious or mild, new or recurring, short-term or long-term, health effects or economic effects.
- 3) The deliberate use of language and of symbols in particular as a way of getting an issue onto the public agenda or alternatively, keeping it off.”<sup>13</sup>

On analysis, it can be seen that each of these strands has an effect on how the issue came forward. The attitudes and opinions of the Councillors, bureaucrats, interest groups, residents, agencies, etc., whether or not the issue has a health, social or economic impact and even the description of the problem by the complainant(s) have weight as to how an issue will be viewed by the local government. In addition, the transformation of a complaint or a political problem to the policy agenda is determined by whether the issue for consideration is within the natural realm of fate or accident, or the social world realm of control and intent. While influence has no place in the natural world, it is a major factor in the social world.<sup>14</sup> This problem fell in the realm of the social world.

The decision by Owen Sound Council to consider the potential creation of a By-law or policy to limit the number of cats was based on the opinions of the Councillors, pressure from the citizens and interest groups, concern for the well being of the residents, concern for the animals and the method in which the issue came forward. However, public issues are open to factual distortion and competing interpretations. What one Councillor saw as a potentially large problem that required immediate action, another Councillor saw as a one-time event or occurrence where no action was required. This became obvious as the debate and investigation into the matter proceeded. The interests of the citizens varied too, with one group demanding a restriction on the

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<sup>13</sup> Stone, Deborah. 1989. *Political Science Quarterly*. 104:2 “Casual Stories and the Formation of Policy Agendas.” 281-300.

<sup>14</sup> Stone, Deborah. 1989. *Political Science Quarterly*. 104:2 “Casual Stories and the Formation of Policy Agendas.” 281-300.

number of cats to alleviate the various existing and perceived problems and another insisting that there was no problem and it was not fair to limit the number of cats as it would lead to additional problems such as more animal abandonment, which they were trying to prevent.

Herbert Simon explains that people have only a limited capacity for processing large amounts of information and new pieces of data are constantly entering into the picture. The natural tendency is to focus short term on those particular items that manage to gain our attention<sup>15</sup>. In consideration of a new policy, it can first appear to be an issue where a simple solution can be reached quickly and staff are charged with gathering the information and preparing a recommendation for Council. In this case, staff were directed to contact other municipalities for information regarding limitation By-laws in other municipalities and to provide a recommendation on the maximum number of cats that should be permitted in a household. As staff carried out the analysis of how to implement a By-law or policy as directed, it was soon discovered that the issue was more complex than originally thought as the different aspects and potential effects of a policy were uncovered.

Staff discovered that there was limited information available from other municipalities and the comments from the various external agencies such as Social Services, the Health Unit, and the Society for the Prevention of Cruelty to Animals added other facets to the issue and the volume of material to be considered for the policy. At the same time, while staff was carrying out the review, pressure was constantly being placed on the Councillors from citizens who wanted the number of cats restricted and from those

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<sup>15</sup> Simon, Herbert A. 1985. *American Political Science Review*, Human Nature in Politics: The Dialogue of Psychology with Political Science. 79. 293-304.



that did not. Very quickly, what was once seen to have had an easy solution was suddenly an extremely complicated and controversial matter where there was no simple solution. The need for public meetings in order to consult with the citizens of Owen Sound and other members of the public was identified. These meetings were to be held prior to Council providing any policy direction regarding limiting or restricting the number of cats in a household.

Public input was deemed to be an integral part of the decision on how to develop a By-law. Council realized that this would be difficult to do only at the Council meetings. In order to assist in the analysis of the information collected, Council formed a special committee, the By-law Committee, to manage the data analysis. This committee was comprised of four members of Council and supported by the Director of Corporate Services and the Deputy Clerk/Manager of the By-law Division. This committee met at least once a month and was responsible for reviewing all the information provided from both the internal and the external sources, receiving deputations and recording all comments from the public. Through this committee to Council a number of options were reviewed and considered including a request from a group of citizens for the licensing of cat hostels or hospices at private residences in residential areas.

The purpose of a cat hostel or hospice would be to care for lost, abandoned or neglected cats and only a limited number of cats would be permitted at these facilities. The hospice or hostel would be similar to an animal shelter as defined in the City of Owen Sound Zoning By-law 1985-80,<sup>16</sup> as amended. An animal shelter is a lot and/or building or part thereof used for the care of lost, abandoned or neglected animals where animals

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<sup>16</sup> City of Owen Sound, Zoning By-law 1985-80, as amended.

are kept for care and are housed entirely within an enclosed building<sup>17</sup>. However, also in accordance with the City of Owen Sound Zoning By-law, 1985-80, as amended, kennels and animals shelters are permitted in manufacturing, agricultural and rural zones only. This restriction would not allow any person to operate a cat hostel or hospice in their home and a Zoning By-law amendment would be required if this use was permitted in residential areas. Amending the Zoning By-law to permit this use was not supported by the Committee or by Council.

Several public meetings were also held as part of the Council meetings in order that all of Council could listen to both sides of the issue before the matter came forward at a Council meeting for formal debate and a final decision.

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<sup>17</sup> City of Owen Sound, Zoning By-law 1985-80, as amended.

### **Chapter 3**

#### **Constraints on Policy Making**

As stated in Chapter 2, there can be a number of factors that affect the creation of policy in a municipality. The most obvious of these is the restrictions and limitations placed on a municipality by the Provincial Government. Any By-law or policy implemented or considered for implementation by a municipal government must be *intra vires*, or within the scope of their powers as outlined in the Provincial legislation. If it is suspected that this is not the case, the municipality can face a legal challenge and the By-law would be legally quashed. By-laws and policies can also be superseded by upper tier, Provincial or Federal legislation. For example, many municipalities in Ontario enacted By-laws to prohibit smoking and to restrict the cosmetic use of pesticides. These By-laws became null and void when the Provincial Government enacted provincial legislation to prohibit smoking and to ban the cosmetic use of pesticides.

When it has been determined that a municipality does have the authority to implement a By-law or policy the next important factor for consideration is whether or not the municipality has the financial and staff resources to be able to enforce the By-law or policy. If a municipality approves the implementation of a policy or By-law knowing that they do not have the resources necessary to enforce the policy or By-law, it once again can result in a legal challenge, which could result in the By-law being quashed. This is an important consideration especially if the By-law relates to a safety issue such as the need for a fence around a pool. If the municipality passes this type of By-law but does not have any staff to enforce the By-law and a person drowns in an unfenced pool, the municipality would be included in the lawsuit for not enforcing their By-laws, in which case the municipality could be found liable. This is a concern that has been discussed

numerous times by Owen Sound Council especially when considering the creation of a new regulatory By-law.

The next level of constraints on policy making relate to socio-economic conditions such as demographics, the economic climate in the municipality, interest groups and the current ideology and values. The following is based on the description of the socio-economic constraints provided by C. R. Tindal and S. N. Tindal in *Local Government in Canada*<sup>18</sup>.

Demographics can change the municipal policy focus as the development of policy is based on the wants and needs of society. The size of a municipality will direct the type of policies it will create as the needs of a municipality with a rural population of 10,000 can be very different from an urban municipality with a population of 250,000. The amount of development and the growth rate also affect Council decisions. In a municipality where the population is increasing rapidly the consideration of policies relating to land use planning and service provision would be a greater priority than in a municipality where the population has not changed and there is no new development. The density of the population is also a factor. City's often have a large concentration of residents in a small area and Council must give more consideration to public transit and roadway design than a rural municipality where the residents are spread over a wide geographic area. The age distribution and ethnic makeup of a municipality will affect the policies created by the municipality. For example, a community with an average age of 30 has a much different set of wants and needs from their municipal government than a community with an average age of 50.

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<sup>18</sup> C. Richard Tindal and Susan Nobes Tindal (2004), *Local Government in Canada*, 6<sup>th</sup> Edition, Thomson Nelson, Chapter 10, Municipal Policy Making, Pg 342-346.

The economic climate, both internal and external, will influence the policy making in a municipality. A community where the largest employer has just closed its doors is not about to make any decisions that will require a large financial commitment from the tax base. After the economic down turn last fall, many municipal Councils were hesitant to start any large projects for fear there would not be sufficient revenues available to cover the cost of these projects. The municipal Council must always keep in mind that their main source of revenue is from taxation and this is not a limitless source. In times of financial concern, municipalities are expected to lower costs yet provide the same level of service in order that there is no financial impact or visible affect on the residents.

Throughout the history of government in Canada there have been various interest groups and organizations which have been dissatisfied with the way the government operated and disagreed with the decisions it had made. These groups and organizations would then attempt to influence the decisions being made by putting pressure on the government officials. This is still the case today as municipalities are constantly pressured by various interest groups and organizations in an attempt to influence policy making. Resident groups, special interest groups, business associations, developers, advocacy groups and cultural groups, all have issues that they want brought to the forefront for consideration in relation to policy making. C. R. Tindal and S. N. Tindal state:

“Municipalities are more than neutral arbitrators responding to the myriad of groups pressuring them for a response, but the policies that they adopt are likely to be influenced by the particular configuration of interest groups operations within their area.”<sup>19</sup>

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<sup>19</sup> C. Richard Tindal and Susan Nobes Tindal (2004), *Local Government in Canada*, 6<sup>th</sup> Edition, Thomson Nelson, Chapter 10, Municipal Policy Making, Pg 345.

This can again be seen when the City of Owen Sound was considering implementing a policy on restricting the number of cats as a number of interest groups immediately stepped forward to voice their support and opposition. Individual citizens wrote letters and telephoned the Councillors, the local Veterinary Association voiced their concerns, several loosely organized citizens groups expressed concern to the By-law Committee and Council regarding animal health and in meetings with City staff and the By-law Committee, the contractor for the local animal shelter brought forward their thoughts and opinions as to what action should be taken regarding the cat population.

A further constraint on policy making at the local government level is the ideology and values at the time. As noted above, municipal governments are a venue that citizens can easily access in order to voice their concerns on issues of municipal concern and even on a broader Provincial and Federal scale. For example, referencing again the Provincial legislation respecting smoking and the cosmetic use of pesticides, these two issues began at the grassroots with citizens pressuring their local governments to take action. In so doing, the municipalities in turn placed pressure on the Provincial government which eventually led to the enactment of Province wide legislation. Not all issues are this fortunate. If the upper levels of government do not support the same ideology as the municipalities, the process can also work in reverse with the Province enacting legislation in opposition to that which is requested by a local government in order to meet the needs of society as a whole.

The municipal structure itself can be a constraint on the creation and implementation of policy. Policy making can be strongly influenced by the political leaders at a particular time. Council and the Mayor are elected on their own merit. Unlike the elected representatives at the Provincial and Federal government level, municipal politicians do

not belong to political parties. As a result, each Councillor and the Mayor has the ability to make their own choice whether or not to support a policy or By-law that has come forward for Council's consideration. Councillors are themselves influenced by their own morals, values, ethics and opinions when considering what is best for the residents of their community who elected them. Depending on the election cycle, the desire for re-election can also have an effect on a Councillor's individual decision. Rarely do Councillors support a highly controversial policy during an election year for fear it may harm their chance of re-election.

Strong leadership, often through the Mayor or head of Council has the potential to lead the policy making in a particular direction. Council unity is often a result of this type of leadership and Councillors are more likely to support a strong head of Council. Weak leadership can have the opposite effect of not being able to push the issues through where and when necessary. The City of Owen Sound has a Mayor who provides strong leadership. From the beginning she was quite vocal in expressing her opinion that she was not in favour of restricting the number of cats per household, but it can-not be confirmed that this strong leadership had an impact on the final decision of Council regarding a limitation or restriction on cats.

Even the bureaucrats, while not the decision makers, can have an influence on the policy making of the local government. The senior management team is usually responsible for collecting and analysing the data that is provided to a committee of Council or Council itself along with a recommendation or suggested course of action. As in most municipalities, staff can have a variety of issues that Council has directed them to investigate and they are limited in the time they can devote to each of these projects which may affect the amount of information available for consideration. Even the

manner in which information is collected and the personal opinion of the bureaucrat can impact the direction of the recommended solution or course of action. By limiting, filtering or not providing all the information, the bureaucrat can have a level of influence on the policy making. Due to the controversy and emotional sensitivity regarding limited the number of cats, staff endeavoured to collect as much information as possible and all material was provided to both the By-law Committee and to members of Council for their consideration.



## Chapter 4

### Analysis of the Perceived Problem

What was the problem or perceived problem? It seems to be the general opinion of staff and Council when this review began that having one or two or even three domestic cats in a home or apartment was not a problem as long as the pet owner was responsible and ensured the animals were properly cared for. This was one of the issues considered in 1991 when Owen Sound Council implemented a By-law requiring that all cats be registered and the owners obtain a onetime licence. The licence fee was not just a way to generate revenue, as was assumed by a number of citizens, since the administrative costs far outweigh the revenue generated. But, unfortunately, it was discovered that despite the 1991 By-law, responsible pet ownership could not be legislated.

Problems begin to occur when the number of cats in a household grows substantially. Whether through uncontrolled breeding, adoption of stray animals, loneliness and a need for companionship or simply a love of cats, the number of animals can reach a point where the owner is unable to care for them properly but is too attached to the animals to get rid of any of them. In other circumstances the owner may not want the extra animals but they are not able or willing to pay the surrender fee at the animal shelter. This can lead to two very different types of problems which can become municipal issues: hoarding of the animals or the abandonment of the animals to fend for themselves.

Hoarding occurs in many forms and can include items such as newspapers, magazines, small appliances, car parts, antiques or any combination of a wide variety of items. For

the most part hoarding is not offensive to neighbours unless waste starts piling up in the yard. Quite often when this occurs in an urban municipality, the Municipal Law Enforcement Officer is called in to request that the property owner clean up the property. If this is not done in a timely manner, as outlined in the regulatory By-law, further action is often necessary including the municipality stepping in and arranging for a yard cleanup with the costs for this work being added to the property taxes. In Owen Sound, the By-law Division finds it necessary to act in this manner approximately ten (10) times a year with the average time required being one day and the cost varying from \$2,000 to \$5,000 to complete a yard cleanup.

Animal hoarding, especially of cats, can be a substantial problem in an urban municipality due to the close proximity of other houses. Having a large number of cats can very quickly become offensive to the neighbours due to ammonia odours, yowling of cats in heat, uncontrolled cat breeding further increasing the number of animals, animal waste, animals running at large, cat food attracting other animals such as skunks, racoons, rats and mice, and animal health concerns i.e. rabies and distemper, can be just some of the potential problems.

Owen Sound is a smaller urban municipality with a population of 22,000. In this municipality over the past few years there have been a number of situations discovered where an excessive number of cats has become a problem. For example, there is a resident in a fairly affluent neighbourhood who owns and feeds at least 23 cats. These animals are fed inside and outside, are not spayed or neutered, do not have any vaccinations for rabies or other known feline diseases and have free run of the home, yard and neighbourhood. In another instance there was an apartment above a restaurant where 17 cats and kittens, all in extremely poor health, were discovered after

the tenant left town. There are also numerous residents that are feeding large numbers of feral and stray cats at their homes, in public parks and on private property within the City of Owen Sound.

Unfortunately, it is difficult for a municipality to be aware of these types of situations until they are reported to municipal staff and/or Councillors. When this does occur, the person who filed the complaint is usually expecting immediate action from the municipality to rectify the problem. If the municipality does not have the appropriate By-laws or policies in place to deal with these types of situations, it can be very difficult for the municipality to take any sort of action to alleviate the concerns of the citizens. Council must then consider whether or not there is a need for the implementation of a policy.

There are a number of models described in various political science text books and articles regarding the subject of decision making and policy creation by government entities including the comprehensive or rational decision making process. J. Kingdon states it best in my opinion, when describing what should occur during the process of decision making:

“If policy makers were operating according to a rational, comprehensive model, they would first define their goals rather clearly and set the levels of achievement of those goals that would satisfy them. Then they would canvas many (ideally all) alternatives that might achieve these goals. They would compare the alternatives systematically, assessing their costs and benefits and then they would choose the alternatives that would achieve their goals at the least cost”<sup>20</sup>

While this does sound practical and logical, municipalities do not have the resources or the time to carry out this type of intensive review prior to determining a course of action

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<sup>20</sup> Kingdon, John. 2003. *Agendas, Alternatives and Public Policies*. 2<sup>nd</sup> ed. (1<sup>st</sup> ed. 1984) New York: Longman. Ch. 4, “Processes: Origins, Rationality, Incrementalism, and Garbage Cans,” 71-89.

on a policy matter. As stated above, the citizen or citizens with the complaint are looking for immediate action to remedy the identified problem. Instead, what occurs in most municipalities is more in line with the incremental model which relates to small adjustments to existing policies rather than a full analysis and the potential recognition of a need for a large policy change and the potential for controversy on a much larger scale.

Similarly, Charles Lindblom describes the actions of government as the “Science of Muddling Through”<sup>21</sup>. He compares policy creation to a tree in that a government could either look at the entire problem by starting at the bottom or root and working up or by just looking at the branch and only considering part of the problem. With the root methodology the government would begin by knowing what the final goal is to be and then searching all alternatives to determine the best method to achieve this goal. The branch methodology does not search for alternatives. Instead the government would just use the information currently available and based on this partial information select what is believed to be the best solution. Mr. Lindblom further describes the two types of decision making in the chart on the follow page:

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<sup>21</sup> Lindblom, Charles. 1959. *Public Administration Review*. “The Science of Muddling Through.” 19:2. 79-88.

Chart 1

## Rational Comprehensive vs. Successive Limited Comparison

<b>Rational Comprehensive (root)</b>	<b>Successive Limited Comparison (Branch)</b>
Clarification of values or objectives directly from and usually prerequisite to empirical analysis of alternative policies.	Selection of value goals and empirical analysis of the needed action are not distinct from one another but are closely intertwined.
Policy formation is therefore approached through means-ends analysis: First the ends are isolated, then the means to achieve them are sought.	Since means and ends are not distinct, means-end analysis is often inappropriate or limited.
The test of a "good" policy is that it can be shown to be the most appropriate means to desired ends.	The test of a "good" policy is typically that various analysts find themselves directly agreeing on a policy (without their agreeing that it is the most appropriate means to an agreed objective).
Analysis is comprehensive: every important relevant factor is taken into account.	Analysis is drastically limited: <ul style="list-style-type: none"> <li>i) Important possible outcomes are neglected.</li> <li>ii) Important alternative potential policies are neglected.</li> <li>iii) Important affected values are neglected.</li> </ul>
Theory is often heavily relied upon.	A succession of comparisons greatly reduces or eliminates reliance on theory. <sup>22</sup>

In analysing what municipalities actually do, even in 1959, Lindblom identified the 'branch' process as the method being used by most governments for problem analysis. The City of Owen Sound, like most other municipalities, did not have the time or the resources or the expertise to start at the very beginning of the issue and explore every possible avenue and root to obtain the best solution. Instead, the only available choice was to use the current data and resources available which included, contacting other municipalities, reviewing legislation, hosting public meetings and collecting input from the public to determine what sort of policy should be implemented and what could be implemented in the shortest time frame to meet the needs of the citizens.

<sup>22</sup> Lindblom, Charles. 1959. *Public Administration Review*. "The Science of Muddling Through." 19:2. 79-88.

Consulting other municipalities to see what they have done in similar circumstances is a common practice. Various municipal organizations such as the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), Ontario Municipal Managers Association (OMMA) and Association of Municipalities of Ontario (AMO) have members only forums set up on their websites where members can post questions and respond to questions from other municipalities on any issues. For example in November 2008, a member of the Association of Municipal Managers, Clerks and Treasurers posted a questions enquiring if any other municipality had a By-law regulating cats or if they had implemented any other initiatives, programs, or options to control cats. Two other municipalities responded one with a sample By-law and the other with suggestions on placing conditions on cat owners rather than restricting the number of cats.

It is also necessary to review relevant legislation such as the Municipal Act<sup>23</sup> to confirm that the municipality has the legal jurisdiction to implement a By-law to limit or restrict the number of cats. As mentioned before, this was an authority that was previously unavailable to municipalities. Some of the Provincial ministries such as The Ministry of Municipal Affairs and Housing have municipal advisors which can sometimes provide additional information regarding issues of municipal concern especially if they are aware of other municipalities who have or are considering a similar matter. Consulting with other relevant exterior organizations, in this case the Society for the Prevention of Cruelty to Animals (SPCA) provided a short cut to the necessary information regarding whether or not this has occurred before, what happened in these similar situations and what was the final outcome. In relation to the consideration of a By-law to restrict the number of cats, the SPCA was considered the most appropriate organization due to their knowledge of animal care and abuse. The SPCA was given authority in 1919 by the

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<sup>23</sup> Municipal Act 2001, R.S.O. c.25

Provincial government through the Ontario SPCA Act<sup>24</sup>, to investigate situations involving animal abuse. This Act was repealed in 1955 and replaced with new legislation in 1990 with the most recent updates being passed by the Province in 2008. This legislation provides SPCA inspectors and agents with the power to enter property, to carry out investigations and gave broader powers to remove animals that were believed to be in distress or in need of care and attention<sup>25</sup>. Finally, consultation with the citizens provides the views of the public and hopefully the community as a whole, prior to the implementation of a policy.

But, as stated in the above chart comparing the rational comprehensive model (root methodology) and the successive limited comparison (branch methodology), even with the above information, the analysis is limited. The municipality does not have an opportunity to truly review the potential outcomes of all the various possible actions, if there are other alternatives and if there is other less obvious information that should be reviewed in relation to the problem currently under review. While the staff responsible for collecting data and providing an analysis to the By-law Committee and Council believed they carried out a detailed review, additional information came forward after the completion of the analysis from a number of previously unidentified sources which could have influenced the decision of Council. Since Council had already made their policy decision and due to the large amount of public controversy there seemed to be surrounding this matter, there was no desire by Owen Sound Council to reconsider their decision despite this new information.

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<sup>24</sup> Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990 c.O.36

<sup>25</sup> Ontario SPCA Website, <http://www.ontariospac.ca/5-history.shtml>

## **Chapter 5**

### **Policy Consideration and Implementation**

The implementation or even the consideration of a By-law or policy to limit or restrict the number of cats, dogs or any household pet in any municipality, has the potential to be a highly contentious issue due to the deep affection that owners often feel for their pets. This is exactly what happened in Owen Sound. While one group of residents were becoming desperate for Council to take action and do something to deal with the cat problem, another group was placing pressure on Council to make it easier to care for large numbers of cats. As described in Chapter 2, it was even requested that Council amend the Zoning By-law to allow for cat hostels or hospices in residential areas in order to provide care for abandoned and sick animals. Another group demanded signage in City parks to deter people from abandoning animals. This same group also asked that the Municipal Law Enforcement Officers be instructed to not charge people who were feeding the stray and abandoned cats in these public parks despite the fact this was prohibited under a City By-law.

Despite their best efforts to listen to both sides of the argument, Council was ill prepared to deal with the public outcry that occurred when considering this policy. Council found it to be a very difficult decision to determine what the appropriate By-law or policy should be to appease both the pet owners and the complainants. The By-law Committee recommended to Council that the existing By-law 1991-055, being 'A By-law to Provide for the Registration, Regulation and Control of Cats' be amended for the purpose of limiting the number of cats per household in the City of Owen Sound. The amendment was to read as follows:



“No person shall keep or permit any other person to keep in or upon any lands, premises, or dwelling unit at any time, more than three (3) cats except the owner of a litter may keep in or upon said lands, building or premises the litter so born until each cat has attained the age of twelve (12) weeks.

Every owner of any cat in excess of the maximum number of three (3) cats, that is properly registered on or before the effective date of this By-law, shall be exempt from the above and the owner permitted to keep such animal, provided that all registered cats are micro-chipped or otherwise suitably identified. Any owner with cats that qualify for this exemption must identify that they have more than the maximum number of three (3) cats and may be subject to an annual inspection if deemed necessary by the City.”<sup>26</sup>

The final decision, after much deliberation, and last minute consideration to change the number of cats allowed to five (5), was made when Council defeated the proposed By-law by a vote of 5 to 4. After nearly two years of investigation, review and debate regarding limiting the number of cats per household, the decision by Owen Sound Council was to maintain the status quo, leaving some residents happy with the outcome and others frustrated with the political process.

Owen Sound Council during this review did not hesitate to approve a By-law to prohibit the feeding of any and all wild animals within the City limits, which included feral cats. The purpose of this By-law was to deter and stop the feeding of wild animals and feral cats in three ways:

1. Prohibit the feeding of abandoned and feral cats on commercial private property (i.e. feed mills).
2. Prohibit the feeding of stray and feral cats outside in residential areas due to the potential to attract other wild animals.

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<sup>26</sup> By-law 2009-024, Being 'A By-law to Amend By-law 1991-055, being "A By-law to Provide for the Registration, Regulation and Control of Cats" for the Purpose of Limiting the Number of Cats Per Household in the City of Owen Sound' Not approved by Council.

3. Prohibit the feeding of feral cats in public parks so that By-law Enforcement could capture the cats for medical treatment and relocation.

No problems were encountered with the enforcement of the feeding of wild animals including feral cats on private property or in residential areas. However, difficulties arose when attempting to charge a number of people for feeding the feral cats on public property in one particular area of the City. For several months a number of citizens had been placing dry and canned cat food in trays inside a small brick building located on City property. The availability of a constant food source encouraged the cats to make the building their permanent residence and the number of cats grew as more animals moved into the building. Very quickly the smell of animal waste became unbearable to anyone walking near the building and a number of complaints were received by the By-law Division.

The City of Owen Sound's Municipal Law Enforcement Officers use only live traps to capture stray and feral cats. Live traps use food to attract the animal to the trap. In order for a live trap to be effective, the animal must be in search of food. Since the feral cats already had a limitless supply of food, no animals were being captured and the population of cats continued to grow. As a courtesy the Municipal Law Enforcement Officer issued a warning to the people feeding the feral cats advising that they would be charged if they continued to violate the By-law. Within hours of receiving this warning, the Mayor was contacted and a meeting was arranged. At this meeting, which was also attended by the Director of Corporate Services, an agreement was reached whereby the cats would not be fed only for a few days at a time in order that the Enforcement Officers could capture some of the animals. Charges would not be laid under the Feeding of

citizens were pleased with the outcome, the Municipal Law Enforcement staff were frustrated when they received direction not to enforce the By-law as it was intended.

The defeat of the By-law to limit the number of cats and the direction not to enforce the feeding of feral cats has resulted in the cat problem still existing in Owen Sound. The question, after this long and somewhat frustrating process is: Is this similar to what has occurred elsewhere in Ontario when other Councils considered limiting or restricting the number of cats in a household? To obtain information in this regard a survey (Attached as Appendix '2') was distributed to twenty one urban municipalities in Ontario (Attached as Appendix '1') with questions designed to provide further information than was previously requested in the initial review of other municipal By-laws regarding cats. Specifically, had they found it necessary to consider enacting a By-law to limit the number of cats per household; when and how the issue came forward; the reaction from both Council and the members of the public; the final result; and, if the municipality had found it necessary to enforce the By-law since implementation?

A total of twelve responses were received from the twenty one municipalities for a return rate of 57%. The population size of eighteen of the urban municipalities varied from 5,000 to 50,000 with the average population size being around 23,000. The larger municipalities of Sarnia, Oshawa and Peterborough were also included in the survey as they were municipalities which were known to have a By-law to restrict the number of cats and it was believed they would be able to provide additional insight into the process.

Of the twelve municipalities that responded, ten were small urban and two were large urban. Five of the municipalities currently have a By-law to limit the number of cats, two were considering implementing a By-law and three indicated they had considered a By-

law of this type in the past. It should be noted that there are a number of other municipalities that either have a By-law or are considering one that did not respond and this data is not included. The Municipal Law Enforcement Association of Ontario was contacted to determine if they provide their members with information regarding cat By-laws and their response was that they have not found a need to provide information to their members and it is up to the individual municipality to determine the need for a By-law.

The municipalities with a By-law limiting the number of cats implemented their restrictions in a variety of ways. Some placed a specific limit on the number of cats in a household or dwelling while others placed a limit on the total number of cats and/or dogs that were permitted. When Owen Sound was considering its own By-law the maximum number of cats that was suggested was three. In comparison to the other municipal By-laws, the limit on the number of cats varied from as few as two to as many as six. The limit on the number of cats did not vary based on the type of housing as all restrictions were based on household or dwelling unit with the exception of one municipality where the limit varied depending on whether it was multi-unit residential or single family residential.

All of the By-laws required that the owner register their cats in order that the municipality could track the number of cats in a residence. To alleviate the concerns of the citizens who had more than the limit of cats when the By-law was enacted, these animals, as long as they were registered, were 'grandparented' so that the owners did not have to dispose of their pets, which was similar to the conditions outlined in the Draft By-law for the City of Owen Sound. These registered animals could remain in the home but could not be replaced if they were removed from the household, specifically by death or by

being relocated. For many municipalities it was identified that a grandparenting clause was necessary to appease the citizens, especially those with more than the permitted number of cats. However, caution was raised by several municipalities when the reason for the implementation of a By-law was to eliminate the hoarding of animals usually in relation to one particular household. If these animals were registered prior to the effective date of the By-law, the By-law could not be enforced and the owner would not be required to remove some of the cats. This was the situation which would have occurred at the identified problem residence in Owen Sound as all of the cats were legally registered. With a By-law that included a grandparenting clause, it would only prevent new situations where the number of cats might become a problem.

During the analysis of the data collected in the survey it was interesting to note that the majority of the municipalities do not perceive that there is a problem with the number of cats per household in the municipality, with an average number of registered cats in a household being less than four. The need for a By-law or policy was not related to the average number of cats that the residents had. Overall, it seems that where a municipality had implemented a By-law to restrict the number of cats, the reason for implementation, where provided, was the result of a problem with one person hoarding cats or a request from Council to update an existing By-law. A number of municipalities advised that Council's discussions regarding the creation of a cat restriction By-law were very emotional with what seemed like an equal number of citizens in favour and opposed to the By-law, which again was similar to what was encountered in Owen Sound. While not all questionnaires were complete, those that did provide information regarding enforcement advised that it had only been necessary to enforce the By-law where a particular problem had been identified, which had resulted in the creation of the By-law in the first place.

A current problem that was noted by a number of the municipalities was an increase in the number of stray, abandoned and feral cats and the problems associated with these animals. Specifically, concern was raised regarding irresponsible pet owners who did not spay or neuter their pets and would abandon a pregnant female cat and/or the kittens, usually on municipal property. As mentioned previously, other citizens out of concern for these abandoned animals were setting out food for them which was leading to a further increase in the population. Complaints were being received from other citizens regarding odours from animal waste and health concerns for both the animals and the public with the expectation that the municipality would act to alleviate the problem. This was also surprisingly similar to what had occurred in Owen Sound.

Municipalities are being pressured to humanly capture the animals, care for them, provide medical care including spaying or neutering and have municipal or contract facilities available for the cats to be adopted or as a last resort euthanized. This can add a substantial cost to the municipal budget. Again, referencing Owen Sound, there were 281 cats at the City's Animal Shelter in 2008. Of this number 130 were strays. That equates to 46% of the animals. All animals are checked by a vet, medical care is provided where needed and the animals are spayed or neutered before being made available for adoption. These costs are much higher than the \$35 the City receives when an animal is adopted. Only 50% of these cats are adopted with the remainder being given away to rural farmers. Overall it seems that in all municipalities who responded to the survey the number of responsible cat owners are being overshadowed by the number of irresponsible cat owners as the number of stray, abandoned and feral cats continues to increase.

## **Chapter 6**

### **Moving Forward**

Is a restriction or limit on the number of cats the answer to the problem with domestic and feral cats in an urban municipality? This is a difficult question that does not seem to have a clear or easy answer. While a restriction on the number of cats will control the number of cats in a residential household, it also has the potential to lead to an increase in the number of feral cats as some pet owners will abandon their cats in an attempt to comply with the By-law. In Owen Sound the By-law Enforcement Officers have seen an increase in the number of stray and abandoned cats since City Council began considering a By-law to limit the number of cats. While this increase can-not be proven to be linked to the proposed By-law it does seem to be coincidental. Abandonment is by far cheaper than paying the surrender fee charged by the local animal shelter or trying to find another home for the animal.

When considering the implementation of a By-law to limit the number of cats the focus of Owen Sound Council was just on cats. A separate By-law was already in place to limit the number of dogs that a citizen could have in their residence to three. Similar to many other municipalities, a citizen could have more than the established limit of dogs but this was subject to further restrictions. An inventive solution that a number of the municipalities surveyed had implemented, rather than specifically limiting just the number of cats in a household, was to limit the total number of pets, specifically the number of cats and/or dogs. The common limit to the number of pets is four. By creating this type of By-law the municipality did not show favouritism to either type of household pet, which seemed to be a common accusation during consideration of the implementation of a cat restriction, yet still placed a control on the number of animals.

As is the desired outcome when considering any By-law it provides clearly regulated limits and puts in place tools for the Municipal Law Enforcement Officer to use if a situation is identified. This was not an option that was investigated by Owen Sound.

A common component to the municipal cat restriction By-laws that have been enacted is to require that cat owners keep their pets under control. Cat owners are required to register and license their cat and the animal must wear a collar, have an identification tattoo or be microchipped. Cat owners are encouraged to keep their cat indoors. However, if the animal does go outside it is to be leashed and accompanied by its owner. Irresponsible cat owners who allow their animals outdoors for the purpose of hunting or just 'out for a run' often do not realize or choose to ignore the inconvenience this can cause for their neighbours at bird feeders, in flowerbeds and in play areas such as sandboxes. While Owen Sound does have a By-law requiring that cats be registered and kept under control, it can be difficult to enforce. A concerned neighbour may file a complaint with the By-law Division respecting a neighbour's cat that is causing a problem, but it is very difficult for the Municipal By-law Enforcement Officer to identify who owns the animal as cats often travel a surprisingly far distance from their home. Capturing a well fed domestic house cat as a stray can be extremely difficult for By-law Enforcement. Education of the public regarding responsible pet ownership, including information regarding licensing, controlling your pet and having your pet spayed or neutered, may be an additional less costly method of controlling the cat problem.

A municipal Council that starts an investigation into the creation of a By-law to restrict the number of cats very quickly becomes aware of the sensitive nature and emotional attachment people can have to their pets. This is where the investigation into alternatives solutions and other methods of controlling the number of cats becomes an



integral part of the policy process. Alternatives such as limiting the total number of pets and public education as mentioned above or other methods of control outside a restrictive By-law should be considered. For example, it may be more palatable to the citizens for a municipality to implement an animal care By-law. This type of By-law would enable the Municipal Law Enforcement Officer to monitor homes when an animal care concern is identified to ensure that proper care is being given to the pets. It would also give the Officer the authority to act when complaints are received and it is deemed that the number of cats in a household is out of control.

It is important to keep in mind that any review or consideration of changing an existing municipal By-law or implement a new municipal By-law, such as an animal care By-law, would be subject to the same analysis and public review as was undertaken when considering the implementation of a By-law to limit the number of cats in a household. It is not foreseen that Owen Sound Council will be considering any amendments or the implementation of any new By-laws respecting any domestic pets as part of their policy agenda anytime soon. However, municipal staff will continue to monitor what is occurring in other municipalities across Ontario in this regard in order to be prepared should this policy issue come forward again for consideration.

Based on the information provided by the municipalities who responded to the survey, the majority have had some discussions on the various problems related to the increasing cat population and whether or not to implement a By-law limiting the number of cats per household. Unfortunately the information provided by the municipalities in this survey was not as clear and concise as had been hoped would be provided. Only partial information was provided on how the issue of a need for a cat restriction By-law came forward, the final outcome and whether or not the citizens were consulted as part

of this process. It is important to note that none of the municipalities indicated that their By-law had been challenged or that it had not been effective in alleviating the problem for which it was introduced, which is the desired result for any municipal By-law.

The analysis of the need for a By-law regarding cats carried out by the various municipalities did not seem to include the full analysis of the problem as outlined by Charles Lindblom in his rational comprehensive model<sup>27</sup>. They did not have the time or resources to carry out a comprehensive means-end analysis. In other words, they did not identify exactly what the ideal outcome would be and did not investigate all alternatives to achieve that desired outcome. As a result, it can-not be proven that the solution selected by any of the municipalities was the most appropriate policy for dealing with the identified problem as none of the municipalities were able to take into account all possible relevant factors prior to selecting their policy direction.

According to the data collected in the survey, other municipalities carried out their investigation similar to what was done in Owen Sound, by only reviewed the current data available from sources such as current legislation, other municipalities and input from the public. It could not be determined if other alternatives were investigated. This describes Charles Lindblom's successive limited comparison<sup>28</sup> which involves only a partial analysis and neglects some of the possible outcomes, alternatives and values that should or could have been considered.

For any municipality considering a change in policy or the creation of a new policy municipal staff are responsible for the investigation and providing the appropriate

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<sup>27</sup> Lindblom, Charles. 1959. *Public Administration Review*. "The Science of Muddling Through." 19:2. 79-88.

<sup>28</sup> Lindblom, Charles. 1959. *Public Administration Review*. "The Science of Muddling Through." 19:2. 79-88.

information and a knowledgeable recommendation to Council for their consideration. Staff time and resources can be severely limited due to the number of issues that can be under consideration by Council. Neither Council nor the members of the public are will to wait months or years while a full rational comprehensive investigation is carried out. Issues that have moved forward to the policy agenda require a timely solution, preferably within the term of the current Council, in order that Council can determine what solution is preferred by the majority of the citizen and implement what they believe to be the most appropriate, and usually the least controversial, policy.

In the majority of policy decisions, the creation of policy and the implementation of the policy are seen by the citizens as a necessary part of the government process and policies are implemented without any question or comment. Overall, citizens believe that the decisions made by their local government are appropriate for the municipality and not much attention is paid to these decisions. However, when Owen Sound Council was considering the creation of a policy regarding limiting the number of cats this was not the case, as a number of citizens felt that even considering this policy decision was not appropriate while another group believed it was very necessary which resulted in Council questioning how to proceed and what decision to make. Owen Sound Council's final decision to do nothing was their policy decision. The citizens who did not agree were the minority and they could not or did not have the desire to place further place pressure on Council to change their decision.

Leslie Pal defines public policy as a course of action or inaction chosen by public authorities to address a given problem<sup>29</sup>. Once the course of action has been chosen,

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<sup>29</sup> Pal, Leslie A. 2006. *Beyond Policy Analysis: Public Issue Management in Turbulent Times*, 3<sup>rd</sup> Edition. Thomson, Nelson. Ch. 1, "Policy Analysis: Concepts and Practice"

approved and implemented it seems there is often limited or very little opposition, as was the case in Owen Sound. The other municipalities that have implemented a By-law restricting or limiting the number of cats did not indicate that there had been any problems with their By-law or the enforcement of their By-law. This would indicate to me that the appropriate course of action had been taken for each of these municipalities.

Would this have been the case in Owen Sound if the proposed By-law had been approved by Council? I can-not say, except that the course of action taken by Owen Sound Council seems to have been appropriate for Owen Sound at this time. Quite often when an issue is considered by a Council and the policy decision is to take no action, the issue will come forward once again to a future Council for consideration. When this does occur, it is possible that the policy decision will be different and a By-law would be implemented to limit the number of cats. There are some indications from the survey data collected that the consideration of the implementation of policies surrounding cats may be coming forward again in a number of these smaller urban municipalities especially as the feral cat population continues to increase along with the various problems and concerns surrounding this matter.

The policy process for the implementation of a By-law to restrict or limit the number of cats in a household in an urban municipality that was undertaken by the municipalities that responded to the survey seemed to be similar. It was carried out in accordance with the authority granted to them by the Province and within the scope of their abilities based on resource limitations. The municipalities used their abilities as best they could to analyse the identified problem in order to come up with a solution that reflected the decision making expected by their citizens. Was it the best process undertaken and the

best decision made? For each individual municipality, that is for their own interpretation and the interpretation of their citizens.

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## Appendix #1

### Municipalities Surveyed and Response Rate

Municipality	Response Received	
	Yes	No
City of Kawartha Lakes (Lindsay)	X	
Orangeville	X	
Kincardine		X
Stratford	X	
Town of LaSalle	X	
Thorold		X
Sarnia	X	
Brockville		X
Welland		X
Oshawa	X	
Orillia	X	
Cobourg	X	
Goderich	X	
Collingwood		X
Owen Sound	X	
Timmons		X
Tilsonburg		X
Amherstburg		X
Woodstock		X
Peterborough	X	
Sioux Lookout	X	

## Appendix#2

### Survey Questions

1. Do you have a By-law requiring the registration of cats?  yes  no
2. If so, is it:  lifetime  annual  other.
3. Average number of cats per household in your municipality? \_\_\_\_\_
4. Do you perceive that the number of cats per household is a problem in your municipality?  yes  no Why?
5. Do you have a policy or By-law to restrict the number of cats that can reside per household?  yes (please provide a copy)  no
6. If not, have you ever considered one?  yes  no
7. Why was it not implemented?
8. When did the restriction on cats first come forward for discussion?
9. When was the By-law/policy approved?
10. Was there a specific incident that put this on the municipal agenda?  
 yes (please describe below)  no
11. Have you needed to enforce the By-law/policy?  yes  no
12. When Council considered creating this policy was input sought from the public?  
 yes  no
13. What was the reaction from the public?
14. Was the final decision of Council influenced by the public opinion?  
 yes  no Explain:
15. What alternative policies or By-laws does your municipality have in place that are used to approach the problem with what is perceived as an excessive number of cats in a household?
16. Why did your municipality choose this course of action?



17. If you currently do not have a policy or By-law restricting the number of cats per household, do you foresee the need for this type of policy in the future? \_\_\_ yes  
\_\_\_ no. Why?
18. Additional Comments: