



TO:	CHAIR AND MEMBERS Community and Protective Services Public Participation Meeting Meeting on July 21st, 2014
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	By-law Amendments for Expanded Animal Welfare Initiatives

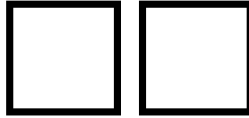
RECOMMENDATION

That on the Recommendation of the Managing Director, Development & Compliance Services and the Chief Building Official, the following actions be taken to amend various City of London by-laws in order to support enhanced animal care strategies and implement City Council’s first principle of “no kill” and open shelter policy:

- a) the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held on July 29th, 2014 to amend By-law No. PH-3, Animal Control to implement the following animal welfare initiatives: increased pet limits for cats; new citizen clause; increased exemption period for licensing of new born animals; allow discretion of licensing fee amnesty periods; add provisions related to microchips as a form of identification for cats in place of cat identification tags; and the inclusion of fostering regulations; and to amend fees and charges related to cat registration fees within Schedule “A” attached to the by-law; and
- b) the attached proposed by-law (Appendix B) **BE INTRODUCED** at the Municipal Council meeting to be held on July 29th , 2014 to amend By-law No. PH-4, Dog Licensing & Control to implement the following animal welfare initiatives: increased pet limits for dogs; new citizen clause; increased exemption period for licensing of new born animals; and allow discretion of licensing fee amnesty periods; redefine “at large” in response to a citizen concern; revised wording regarding muzzling to clarify when a Notice of Caution will be issued, and the inclusion of fostering regulations fostering; and to amend fees and charges related to dog registration licensing fees within Schedule “A” attached to the by-law; and,
- c) the attached proposed by-law (Appendix C) **BE INTRODUCED** at the Municipal Council meeting to be held on July 29th , 2014 to amend By-law No. PH-5, Public Pound By-law to reflect name and position changes due to organizational restructuring, and to update the means of maintaining the Poundkeeper’s records; and,
- d) the information on by-law wording, “owners” and “ownership” versus “guardian” and “guardianship” **BE RECEIVED**; and,
- e) the information on mandatory spay and neuter **BE RECEIVED**.

BACKGROUND

On June 10th, 2014 City Council referred clause 7 of the 12th Report of the Community and Protective Services Committee to a public participation meeting for additional information, including legal advice, related to comments provided by the public and the Animal Welfare Advisory Committee with respect to this matter.



Clause 7 Reads as Follows:

7. That on the recommendation of the Managing Director, Development & Compliance Services and the Chief Building Official, the following actions be taken to amend various City of London by-laws in order to support enhanced animal care strategies and implement City Council's first principle of "no kill" and open shelter policy:

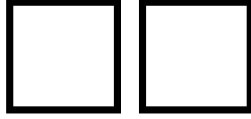
- a) *the proposed by-law, as appended to the staff report dated May 26, 2014, BE INTRODUCED at the Municipal Council meeting to be held on June 10, 2014 to:*
 - i) *amend By-law No. PH-3, Animal Control to implement the following animal welfare initiatives: increased pet limits for cats; new citizen clause; increased exemption period for licensing of new born animals; allow discretion of licensing fee amnesty periods; add provisions related to microchips as a form of identification for cats in place of cat identification tags; and the inclusion of fostering regulations; and*
 - ii) *amend fees and charges related to cat registration fees within Schedule "A" attached to the by-law; and*
- b) *the proposed by-law, as appended to the staff report dated May 26, 2014, BE INTRODUCED at the Municipal Council meeting to be held on June 10, 2014 to amend By-law No. PH-4, Dog Licensing & Control to:*
 - i) *implement the following animal welfare initiatives: increased pet limits for dogs; new citizen clause; increased exemption period for licensing of new born animals; and allow discretion of licensing fee amnesty periods; redefine "at large" in response to a citizen concern; revised wording regarding muzzling to clarify when a Notice of Caution will be issued, and the inclusion of fostering regulations fostering; and*
 - ii) *amend fees and charges related to dog registration licensing fees within Schedule "A" attached to the by-law; and,*
- c) *the proposed by-law, as appended to the staff report dated May 26, 2014, BE INTRODUCED at the Municipal Council meeting to be held on June 10th, 2014 to amend By-law No. PH-5, Public Pound By-law to reflect name and position changes due to organizational restructuring, and to update the means of maintaining the Poundkeeper's records; and,*
- d) *the information on by-law wording, "owners" and "ownership" versus "guardian" and "guardianship" BE RECEIVED; and,*
- e) *the information on mandatory spay and neuter BE RECEIVED;*

PREVIOUS REPORTS

Community and Protective Services Committee and Public Participation Meeting on By-law Amendments for Expanded Animal Welfare Initiatives held May 26th, 2014

ANIMAL CARE STRATEGIES

Communications received by Civic Administration from the public and Animal Welfare Advisory Committee at the public participation meeting held May 26th, 2014 were focused on two main issues: pet limits in multi-unit buildings; and the request for no pet limits to be placed on foster homes operating under approved fostering organizations.



1. Pet Limits and residential structure types

Pet Limit Strategy Details: Currently the City of London has an Animal Control By-law PH-3, and a Dog Licensing and Control By-law PH-4 which stipulate the limits on the number of cats and dogs per dwelling. The current regulation applicable to cats is as follows: within a dwelling each adult may have not more than 2 cats. The current regulation applicable to dogs is no more than 3 dogs per dwelling unit. Therefore, if two persons, of at least 18 years of age, resided together in a dwelling unit, the maximum number of cats permitted would be 4; and the maximum number of dogs permitted would be 3.

If Council wishes to limit the number of dogs or cats to be permitted in a dwelling unit where there is more than one dwelling unit on a parcel of land (e.g. semis, duplexes, triplexes, fourplexes, rowhouses, apartments), then it is likely Council has the authority to do so, as long as they have a municipal purpose for doing so. The City has the authority to discriminate in its by-laws, pursuant to section 8(4) of the *Municipal Act, 2001* which provides: “Without limiting the generality of subsections (1), (2) and (3) and except as otherwise provided, a by-law under this Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate.” As long as the “differentiation” or “discrimination” does not violate other law, such as the Human Rights Code or the Charter, then it is a valid exercise of the Council’s by-law making power. Clearly there would be discrimination or differentiation in a proposed by-law that regulated the number of animals one could own based on the distinction of whether the property had one dwelling unit, or more than one dwelling unit; but as long as it does not violate other law, it is valid.

Civic Administration recommends that the number of permitted licensed cats and dogs be differentiated based on residential structure type. For singles detached dwellings, no change is being put forth to the previous recommendation of eight cats and dogs, with no more than three dogs. Generally, single detached dwellings have larger living areas and yard space than multiple unit dwellings. Nuisance factors such as noise can be better controlled and contained in single detached dwellings. For all other dwelling types the recommendation of Civic Administration on limits for cats and dogs is three of any combination. This would be a reasonable limit in multi unit buildings taking into consideration animal nuisance complaints.

2. Fostering of Animals

Fostering Strategy Details: Fostering is an important component of animal welfare services because not all animals are initially ready for adoption. Dedicated foster volunteers assist with animals that are not ready for adoption for a variety of reasons including: too young to be adopted; ill, injured, showing signs of shelter stress; or behavioural reasons. Foster volunteers temporarily care for animals in their home until the animals are ready to be adopted. Sometimes animals require temporary placement for safe keeping while their owners are escaping domestic violence situations, are temporarily hospitalized or are faced with emergency relocation where the pet cannot be accommodated. The goal of a Foster Program is to provide the animals with an opportunity for a happy and healthy future in permanent home; or to be able to return to their permanent home in a healthy condition.

The Animal Welfare Advisory Committee and fostering organizations have expressed concerns with recommendation put forth in the report to Community and Protective Services on May 26th, 2014 by Civic Administration to limit the number of cats and/or dogs permitted within foster homes.

Civic Administration is recommending by-law amendments previously presented to CPSC on May 26, 2014 to promote rescue associated fostering of cats and dogs which would propose to allow fosterers to temporarily house up to ten cats and dogs, with a maximum limit of four dogs at any one time. In keeping with the differentiation of residential structure types, the limit of fostering in multiple unit buildings will be limited to a combination of three cats and dogs. Civic Administration does not recommend unlimited numbers/animals in foster houses due to anticipated nuisance issues. Civic Administration believes that the recommendations represent a reasonable balance of limits of companion animals in residential settings and citizens’ rights to reasonable enjoyment of property and quality of life.

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CONCLUSION

Through extensive research, municipal comparisons, a public participation survey, and the exchange of information through a previous public participation meeting, and in consultation with community partners including: the Animal Welfare Advisory Committee, Rescue representatives, London Humane Society, and London Animal Care Centre, Civic Administration is recommending a number of by-law amendments to implement and support the new enhanced animal welfare program. It is through these strategies and the proposed by-law amendments that Civic Administration, in collaboration with all the partnered organizations, intends to build upon the foundation of the expanded of animal services program which will allow the City of London to achieve vision of a city where all pets have a caring, respectful and responsible home, and euthanasia is reduced thus fulfilling London's "no kill" open shelter principle.

It is the recommendation of Civic Administration that the proposed date for the by-law amendments of By-law PH-3 and PH-4 to come into force be October 1, 2014 to allow for public education and set fine application. The proposed date effective date for By-law PH-5 would be upon passing as the amendments to By-law PH-5 address administrative changes.

PREPARED BY:	PREPARED BY:
R. OKE, ANIMAL WELFARE COORDINATOR	H. CHAPMAN, MANAGER MUNICIPAL LAW ENFORCEMENT SERVICES
CONCURRED BY:	RECOMMENDED BY:
O. KATOLYK, CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

cc: L. Marshall, City Solicitor's Office

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APPENDIX A

Draft amendments to PH-3

APPENDIX B

Draft amendments to PH-4

APPENDIX C

Draft amendments to PH-5

APPENDIX D

Red line Consolidated PH-3 By-law

APPENDIX E

Red line Consolidated PH-4 By-law

APPENDIX F

Red line Consolidated PH-5 By-law

APPENDIX G

Two Part License Registration for Cats/Dogs Adopted via Fosters