

By-law No. PH-3-14 _____

A By-law to amend By-law PH-3 entitled, "A by-law to provide for the regulation, restriction and prohibition of the keeping of animals in the City of London".

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Part IV of the *Municipal Act, 2001* provides for a system of licences with respect to any activity, matter or thing for which a by-law may be passed, and "licence" is defined in the Act to include a permit, an approval, a registration and any other type of permission;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting "economic, social and environmental well-being of the municipality", "health, safety and well-being of persons", "protection of persons and property", and "animals";

AND WHEREAS the municipality considers it appropriate to differentiate between owners of cats living on a parcel of land containing one dwelling unit, and owners of cats living on a parcel of land containing more than one dwelling unit, on the basis of potential nuisance concerns;

NOW THEREFORE the Council of The Corporation of the City of London enacts as follows:

1. Section 1.1 of the By-law Index of By-law PH-3 is amended by inserting the phrase "Approved Foster Organization – defined" after "Animal Control Officer – defined".
2. Section 1.1 of the By-law Index of By-law PH-3 is amended by inserting the phrase "City Representative – defined" after "City – defined".
3. Section 1.1 of the By-law Index of By-law PH-3 is amended by inserting the phrase "Foster Home – defined" and "Fostering Cat Owner – defined" after "Dwelling Unit – defined".
4. Section 1.1 of the By-law Index of By-law PH-3 is amended by inserting the phrase "Microchip – defined" after "Keeps – defined".
5. The By-law Index of By-law PH-3 is amended by inserting "3.10 Feral Cat Colony" and "3.11 City of London Cat Adoption Centre" after "3.9 Pet shop – prohibition animals – dispose".
6. The By-law Index of By-law PH-3 is amended by replacing the phrase "4.1 Animals - keeping - more than 2 per dwelling" with the phrase "4.1 Animals – maximum 2 per dwelling".
7. The By-law Index of By-law PH-3 is amended by inserting "4.1.1 Domestic cats – maximum" after "4.1 Animals – maximum 2 per dwelling".
8. The By-law Index of By-law PH-3 for Part 10 Class 4 Animals is amended by deleting the phrase "10.2 Newborns - keeping - maximum - 2 months" and replacing it with the following:

10.2(1) Maximum – Domestic Cats – Not Spayed/Neutered

- 10.2(2) Maximum – Domestic Cats – Spayed/Neutered
- 10.2(3) Maximum – Domestic Cats – Foster Home
- 10.2(4) Maximum – Domestic Cats – More than 1 Dwelling Unit
- 10.3 Maximum – Domestic Cats – Moved from another Municipality
- 10.4 Newborns – keeping – maximum 2 months
- 10.5 Newborns – domestic cats – keeping – maximum 6 months

9. The By-law Index of By-law PH-3 is amended by deleting the Index for “Part 11 Domestic Cats” and replacing it with a new Index for Part 11 as follows:

**Part 11
DOMESTIC CATS**

- 11.1 Poundkeeper appointed – Cat Registry
- 11.1.1 City Clerk – Maintain Record of Approved Foster Organizations
- 11.2 Registration – Information - Requirements
- 11.3 Application – forthwith – upon ownership – cats under 6 months exempt
- 11.4 Application – registration – description - fee
- 11.5 Tag – serial number – issued – upon payment of fee
- 11.6 Expiry – annual – December 31
- 11.7 Notice to Poundkeeper – death – change of ownership
- 11.8 Transfer – of Tag – conditions
- 11.9 Tag – affixed- securely – to cat – at all times – exceptions – microchipped – farm – less than 6 months of age
- 11.10 Tag – replacement – where lost
- 11.11 Pet Shops – purchasers – cats – Inform of registration requirements
- 11.12 Foster Cat Owner – Approved Rescue Organization – Registration Exemption
- 11.13 Foster – No Tag
- 11.14 Transfer of Ownership – from Foster to new owner – inform of registration requirements
- 11.15 Fostered Cat – Spayed/Neutered
- 11.16 Fee Amnesty – programs to encourage registration

10. The By-law Index of By-law PH-3 is amended by inserting a new Part 14A as follows:

**Part 14A
ALL CLASSES OF ANIMALS**

- 14A.1 Owner – comply with statutory requirements – OSPCA Act

11. Section 1.1 of By-law PH-3 is amended by inserting the following new definition of "Approved Foster Organization" after the definition of "Animal Control Officer" as follows:

Approved Foster Organization - defined

"Approved Foster Organization" shall mean an organization that rescues and fosters domestic cats and that has been approved in writing for the purposes of this by-law by the City Representative, and whose approved status has not been revoked by the City Representative.

12. Section 1.1 of By-law PH-3 is amended by inserting the following new definition of "City Representative" after the definition of "City" as follows:

City Representative - defined

"City Representative" shall mean the City's 'Managing Director, Development and Compliance Services & Chief Building Official', or his or her written designate.

13. Section 1.1 of By-law PH-3 is amended by inserting the following new definition of "Foster Home" and "Fostering Cat Owner" after the definition of "Dwelling Unit" as follows:

Foster Home - defined

"Foster Home" shall mean the dwelling unit of an individual who has been approved in writing by an Approved Foster Organization to foster domestic cats on a temporary basis until a permanent owner can be found.

Fostering Cat Owner - defined

"Fostering Cat Owner" shall mean the individual who has been approved in writing by an Approved Foster Organization to foster domestic cats in a Foster Home and who owns, keeps, possesses, harbours or acts as a guardian of the domestic cat on a temporary basis until a permanent owner can be found. The Fostering Cat Owner shall be considered the owner of the cat under this by-law while the cat is under their care.

14. Section 1.1 of By-law PH-3 is amended by inserting the following new definition of "microchip" after the definition of "keeps" as follows:

Microchip - defined

"microchip" shall mean an object which may be permanently implanted in a cat by injection or surgical procedure, which is programmed to store a unique and permanent identification number and is capable of using radio-frequency signals to relay the stored information to a scanning device.

15. Section 1.1 of By-law PH-3 is amended by deleting the definition of "owner" and replacing it with a new definition of "owner" as follows:

"owner" includes any person who owns, keeps, possess, harbours or acts as a guardian of an animal for any length of time, whether or not that person has a registration for the animal, and, where the owner is a minor, the person responsible for the custody of the minor. "Own" shall have a corresponding meaning.

16. Section 3.1 of By-law PH-3 is amended by deleting the phrase "Animal Care and Control Centre (London)" wherever it appears and replacing it with the phrase "London Animal Care Centre".

17. Part 3 of By-law PH-3 is amended by inserting new sections 3.10 and 3.11 as follows:

3.10 Feral Cat Colony

The provisions of this by-law shall not apply to a feral cat colony if all of the cats have been spayed/neutered, vaccinated and ear-tipped, and if the City Representative has identified the feral cat colony as a feral cat colony to which this by-law does not apply.

3.11 City of London Cat Adoption Centre

The provisions of this by-law shall not apply to premises maintained and operated by or on behalf of the City for its Cat Adoption Centre.

18. Section 4.1 of By-law PH-3 is amended by deleting it and replacing it with a new section 4.1, as follows:

4.1 Animals – maximum 2 per dwelling

Subject to subsection 4.1.1, no person shall keep more than two animals in a dwelling unit or on any premises, regardless of the ownership of the animals.

19. By-law PH-3 is amended by inserting a new section 4.1.1 after section 4.1, as follows:

4.1.1 Domestic cats - maximum

The provisions of section 10.2 and not section 4.1 of this by-law shall apply with respect to the number of domestic cats that may be kept in a dwelling unit or on any premises.

20. Part 10 of By-law PH-3 is amended by deleting it in its entirety and replacing it with a new Part 10, as follows:

Part 10 CLASS 4 ANIMALS

10.1 Maximum – 2 animals – in one dwelling unit

No person shall keep more than two Class 4 animals in any one dwelling unit or on any premises, regardless of the ownership of the animals.

10.2(1) Maximum - Domestic Cats – Not Spayed/Neutered

Despite section 10.1, no person shall keep more than the following number of domestic cats in a dwelling unit or on any premises regardless of the ownership of the animals, if any of the domestic cats or dogs are not spayed/neutered and vaccinated:

- (i) where there are no dogs, a maximum of three domestic cats;
- (ii) where there is one dog, a maximum of two domestic cats;
- (iii) where there are two dogs, a maximum of one domestic cat;
- (iv) where there are three dogs, no domestic cats.

10.2(2) Maximum - Domestic Cats – Spayed/Neutered

Despite section 10.1, no person shall keep more than the following number of domestic cats in a dwelling unit or on any premises, in combination with the listed numbers of dogs, regardless of the ownership of the animals, if all of the domestic cats or dogs are spayed/neutered and vaccinated:

- (i) where there are no dogs, a maximum of eight domestic cats;
- (ii) where there is one dog, a maximum of seven domestic cats;
- (iii) where there are two dogs, a maximum of six domestic cats;
- (iv) where there are three dogs, a maximum of five domestic cats.

10.2(3) Maximum – Domestic Cats – Foster Home

Despite section 10.1 and section 10.2(1) or 10.2(2), no person shall keep more than the following number of domestic cats in a Foster Home, in combination with the listed number of dogs, regardless of the ownership of the animals:

- (i) where there are no dogs, a maximum of ten domestic cats;
- (ii) where there is one dog, a maximum of nine domestic cats;
- (iii) where there are two dogs, a maximum of eight domestic cats;
- (iv) where there are three dogs, a maximum of seven domestic cats;
- (v) where there are four dogs, a maximum of six domestic cats.

10.2(4) Maximum – Domestic Cats – More than 1 Dwelling Unit

Despite subsections 10.2(1), (2) and (3), where there is more than one dwelling unit on a parcel of land, no person shall keep more than the following number of domestic cats on a parcel of land containing more than one dwelling unit, in combination with the listed number of dogs, regardless of the ownership of the animals:

- (i) where there are no dogs, a maximum of three domestic cats;
- (ii) where there is one dog, a maximum of two domestic cats;
- (iii) where there are two dogs, a maximum of one domestic cats;
- (iv) where there are three dogs, no domestic cats.

10.3 Maximum – Domestic Cats – Moved from another Municipality

Despite sections 10.1 and 10.2, any individual who moves to the City of London from another municipality and has more than the allowed number of domestic cats as set out in section 10.2, may continue to keep those domestic cats until the domestic cats are no longer in the owner's possession, subject to the owner providing proof of a current valid licence, registration or tag for the domestic cats from the other municipality if that municipality required same, and subject to the owner providing proof that all the cats have been spayed/neutered and vaccinated.

10.4 Newborns – keeping – maximum 2 months

Despite section 10.1, the young of any class 4 animal may be kept for a period not exceeding 2 months after birth.

10.5 Newborns – domestic cats – keeping – maximum 6 months

Despite sections 10.1 and 10.2, the young of a domestic cat may be kept for a period not exceeding 6 months after birth.

21. By-law PH-3 is amended by deleting Part 11 in its entirety and adding a new Part 11 as follows:

Part 11 DOMESTIC CATS

11.1 Poundkeeper appointed - Cat Registry

The Council appoints and authorizes the Poundkeeper as the registry keeper for domestic cat identification, and the domestic cat identification tag issuer, on behalf of the City.

11.1.1 City Clerk – Maintain Record of Approved Foster Organizations

The City Clerk shall maintain a record of all Approved Foster Organizations as approved in writing by the City Representative. The record shall be available for public inspection at the office of the City Clerk during normal business hours.

11.2 Registration – Information - Requirements

The Poundkeeper is designated to keep a registry on behalf of the City showing the following cat registration information:

- (i) name and address of cat owner;
- (ii) description of the cat (including colour, breed, name, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, date of birth if known);
- (iii) date of registration;
- (iv) amount of fee paid upon registration; and
- (v) serial number of tag, if issued.

The Poundkeeper shall at all times produce the registry for inspection when required to do so by the City Representative.

11.3 Application – forthwith – upon ownership – cats under 6 months exempt

(a) All domestic cat owners shall make application for registration of each of their cats to the Poundkeeper forthwith upon commencing ownership of the cat.

(b) A domestic cat owner is exempt from the requirement in section 11.3(a) if the cat is less than 6 months of age.

11.4 Application – registration – description - fee

Every application for cat registration shall be accompanied by the following:

- (i) name and address of cat owner;
- (ii) description of the cat (including colour, breed, name, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, date of birth if known);
- (iii) proof of sterilization and/or microchipping if applicable; and
- (iv) the applicable fee as set out in Schedule “A”.

11.5 Tag – serial number – issued – upon payment of fee

Upon payment of the applicable fee, the owner shall be furnished with a cat tag bearing the serial number, the year for which it was issued and the words “City of London”.

11.6 Expiry – annual – December 31

A registration of a cat and the cat tag expires on the thirty-first day of December of the year for which it was registered, and the registration must be renewed yearly.

11.7 Notice to Poundkeeper – death – change of ownership

A cat owner shall notify the Poundkeeper forthwith upon the death or change of ownership of a cat so registered.

11.8 Transfer – of Tag - conditions

A tag may be transferred after notification under section 11.7 and payment of the applicable fee upon the following occurrences:

- (a) transfer in ownership of a cat during any registration year;
- (b) replacement of cat upon death of registered cat;
- (c) transfer of current year licence or registration from any municipality.

11.9 Tag – affixed – securely – to cat – at all times– exceptions – microchipped – farm – less than 6 months of age

(a) The tag shall be fixed securely on the cat for which it was issued at all times until such time as the tag is renewed or replaced.

(b) Despite subsection (a), the following domestic cats are exempt from the requirement to have a tag affixed:

- (i) cats that are microchipped; or
- (ii) cats kept on a farm (and for the purposes of this section, “farm” means lands and buildings primarily used for agricultural purposes including the cultivating of the soil, production of crops or the raising of livestock); or
- (iii) cats that are less than 6 months of age.

11.10 Tag – replacement – where lost

Where a tag has been lost, an application shall be made to the Poundkeeper for a replacement tag, for a fee. The application shall be accompanied by proof that the current year’s registration fee has been paid.

11.11 Pet Shops – purchasers – cats – Inform of registration requirements

Every pet shop keeper shall inform a purchaser of a cat of the requirement to register the cat under this by-law.

11.12 Fostering Cat Owner – Approved Rescue Organization - Registration Exemption

Despite section 11.3, a Fostering Cat Owner and an Approved Foster Organization are exempt from the requirement to apply for registration of a cat with respect to cats from an Approved Foster Organization.

11.13 Foster – No Tag

Sections 11.5 through 11.10 shall not apply with respect to Approved Foster Organizations or Fostering Cat Owners with respect to cats from an Approved Foster Organization.

11.14 Transfer of ownership- from Foster to new owner – inform of registration requirements

(a) In the event the ownership of the fostered cat is transferred from the Fostering Cat Owner or an Approved Foster Organization to a new owner, the Fostering Cat Owner and/or the Approved Foster Organization shall inform the new owner of the requirement to register the cat under this by-law.

(b) Where the ownership of the fostered cat is transferred from a Fostering Cat Owner or an Approved Foster Organization to a new owner, the new owner shall forthwith apply to the Poundkeeper for registration of the cat under this by-law.

(c) Where the ownership of the fostered cat is transferred from a Fostering Cat Owner or an Approved Foster Organization to a new owner, there shall be no fee for the remainder of the year in which the registration was applied for, and no fee for the first annual renewal of a registration. Thereafter, the normal registration fees shall apply.

11.15 Fostered Cat – Spayed/Neutered

Fostering Cat Owners and Approved Foster Organizations shall ensure that the cat is spayed or neutered and has received all recommended and required vaccinations prior to any transfer of ownership where there is no unacceptable medical risk to the cat to do so.

11.16 Fee Amnesty – programs to encourage registration

The City Representative is authorized to waive the payment of any fee under this by-law with respect to a program that encourages registrations, or renewals of registrations, and the City Representative shall annually report to Council on all such waivers of fees.

22. By-law PH-3 is amended by inserting a new Part 14A as follows:

**Part 14A
ALL CLASSES OF ANIMALS**

14A.1 Owner – comply with statutory requirements – OSPCA ACT

Every owner of an animal shall comply with all statutory and regulatory requirements applicable to the ownership of the animal, including the *Ontario Society for the Prevention of Cruelty to Animals Act* and its Regulations.

23. Section 15.1 of By-law PH-3 is amended by inserting the phrase “, City Representative,” after the phrase “The Poundkeeper”.

24. Schedule “A” of By-law PH-3 is amended by repealing it and replacing it with the new Schedule “A”, attached.

25. This amending by-law shall come into force and effect on October 1, 2014.

PASSED in Open Council on July 29, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

First reading – July 29, 2014
Second reading – July 29, 2014
Third reading – July 29, 2014

SCHEDULE "A"
Fees and Charges

REGISTRATION - CATS

Fees

First Registration:

(a)	New cat obtained January 1 st through June 30 th (in dwelling unit regardless of ownership):	
	i Complete (intact) cat	\$45.00
	ii Spayed/neutered cat	\$20.00
	iii Spayed/neutered & microchipped cat	\$15.00
	iv late applications (received after June 30 th for cats obtained January 1 st through June 30 th) are subject to an additional fee of:	\$ 2.00
(b)	New cat obtained July 1 st through December 31 st (in dwelling unit regardless of ownership):	
	i Complete (intact) cat	\$30.00
	ii Spayed/neutered cat	\$12.00
	iii Spayed/neutered & microchipped cat	\$10.00
(c)	New cat obtained from an Approved Fostering Organization (for remainder of year)	\$ 0.00

Renewal of a Registration:

(d)	Renewal applications received January 1 to February 28 (in dwelling unit regardless of ownership):	
	i Complete (intact) cat	\$45.00
	ii Spayed/neutered cat	\$20.00
	iii Spayed/neutered & microchipped cat	\$15.00
(e)	New cat obtained from an Approved Fostering Organization (for first renewal only)	\$ 0.00

Late Renewal of a Registration:

For late renewal applications received from:

(f)	January 1 to February 28	(same as renewal fees (d) above)
(g)	March 1 st to May 31 st	(add \$2.00 to renewal fees in (d) above)
(h)	June 1 st to December 31 st	(add \$4.00 to renewal fees in (d) above)

Seniors (65)

(i)	For seniors aged sixty-five or over	(subtract \$5.00 from all registration or renewal fees)
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Miscellaneous:

(j)	Replacement tag	\$1.50
(k)	Transfer	\$1.50
(l)	Not Sufficient Fund Cheque	\$9.56 plus bank charges

NOTE:

1. The fees and charges imposed by this by-law are due and payable:
 - (a) at the time of the transaction for which the fee or charge is imposed; or
 - (b) if subsection 1(a) is not applicable, upon the due date specified in any invoice issued by The Corporation of the City of London or its contractor to any person or party in connection with a fee or charge imposed by this by-law.

2. The fees, charges and penalties imposed by this by-law can be paid:
 - (a) at City Hall by debit, cash, or cheque;
 - (b) at the Licence Agent by cash, cheque, debit, or credit card
 - (c) any other method as determined by the City.