



<b>TO:</b>	<b>CHAIR AND MEMBERS Community and Protective Services Meeting on September 22nd, 2014</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>By-law Amendments for Expanded Animal Welfare Initiatives</b>

<b>RECOMMENDATION</b>
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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:

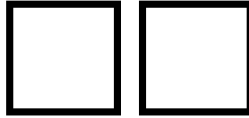
- a) the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting to be held September 30th, 2014 to amend By-law No. PH-3, Animal Control to implement the following animal welfare initiatives: pet limits for cats; new citizen clause; increased exemption period for licensing 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 September 30th , 2014 to amend By-law No. PH-4, Dog Licensing & Control to implement the following animal welfare initiatives: 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.

<b>BACKGROUND</b>
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*Municipal Council, at its session held July 29, 2014 resolved:*

*12. That, on the recommendation of the Managing Director, Development & Compliance Services and 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-laws to amend By-law PH-3, Animal Control and By-law No. PH-4, Dog Licensing and Control By-law, as referenced in the original parts a) and b) of clause 12 of the 14th Report of the Community and Protective Services Committee (CPSC), from its meeting held on July 21, 2014, BE REFERRED back to the CPSC for further discussion and refinement of the revised proposed by-laws with respect to pet ownership limits, on the understanding that the Civic Administration will incorporate any revisions recommended by the CPSC as it relates to pet ownership limits into further revised by-laws for the consideration of the Municipal Council that shall also include the following revisions approved by the Municipal Council at its meeting held on July 29, 2014:*



- i) *a complete exemption from pet limits for London foster homes that have been approved by one of the rescue organizations recognized by the City of London;*
- ii) *a provision that pets lawfully owned prior to the passing of the proposed amendments contained in the proposed further revised by-laws would not be affected by the proposed pet ownership limits; and*

*it being noted that no further public participation meeting will be held in connection with this matter;”*

- b) *the proposed by-law, Appendix C to the staff report dated July 21, 2014, BE INTRODUCED at the Municipal Council meeting to be held on July 29, 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;*
- c) *the information on by-law wording related to “owners” and “ownership” versus “guardian” and “guardianship” BE RECEIVED; and,*
- d) *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 26<sup>th</sup>, 2014

Community and Protective Services Committee and Public Participation Meeting on By-law Amendments for Expanded Animal Welfare Initiatives held July 21<sup>st</sup>, 2014

**ANIMAL CARE STRATEGIES**

For reference purposes only, consolidated versions of the Animal Control by-laws have been included as appendices to this report. The consolidated version of By-law PH-3 is attached as (Appendix C) and the consolidated version of By-law PH-4 is attached as (Appendix D).

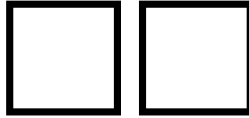
Communications received by Civic Administration from the public and Animal Welfare Advisory Committee at the public participation meetings held May 26<sup>th</sup> and July 21<sup>st</sup>, 2014 were focused on two main issues: pet limits in multi-unit buildings; and the request for no pet limits to be placed on foster homes operating under approved fostering organizations. The Foster regulations pertaining to pet limits were resolved by Council on July 29<sup>th</sup>, 2014.

**1. Pet Limits for single detached dwellings and in residential buildings containing more than one dwelling unit**

**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.

In consultation with the City Solicitor’s Office Civic Administration provides the following:

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, some condos, 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.

**Recommendation:** Civic Administration recommends that the number of permitted licensed cats and dogs be differentiated based on residential structure type. For single detached dwellings, no change is being put forth to the previous recommendations of a combination of eight cats and dogs, with no more than three dogs, provided all cats and dogs in that dwelling are spayed or neutered. For all other dwelling types the recommendation of Civic Administration has taken into consideration the comments of the London Property Management Association and the Animal Welfare Advisory Committee and various individuals with similar interests to each group. In an attempt to strike a balance between the various parties Civic Administration recommends the following with respect to amendments to the Animal Control and Dog Licensing and Control by-laws:

- i) No person shall keep in any dwelling unit more than five (5) of any combination of dogs and cats with the number of dogs being limited to no more than three (3), provided the animal owner upon licensing provides documentation from a registered veterinarian indicating that all of the cats and dogs are spay or neutered and are up-to-date on vaccinations; and further that
- ii) Notwithstanding the recommendation of i) above, within a single detached dwelling consideration to an increase of up to eight (8) animals should be given, with not more than three (3) dogs, provided the animal owner upon licensing provides documentation from a registered veterinarian indicating that all of the pets are spay or neutered and are up-to-date on vaccinations.
- iii) Where any person does not have all cats and dogs spay or neutered then the maximum number of cats and dogs in any dwelling unit shall be limited to three (3) in any combination.
- iv) Notwithstanding recommendations i), ii), and iii) except that any person who, on the date of the passing of this by-law, was lawfully keeping more than the recommended number of cats or dogs may keep those dogs and cats until they have deceased or are otherwise been removed from, or have left the dwelling unit;
- v) New citizens to the City of London who produce proof of a current valid licence for a dog/cat from another municipality may continue to have that same animal licensed within the City of London for the duration of the life of the animal so long as it resides with same registered owner(s), and is spayed or neutered and vaccinated at the owner’s expense.

<b>CONCLUSION</b>
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Through extensive research, municipal comparisons, a public participation survey, and the exchange of information through two previous public participation meetings, and in consultation with community partners including: the Animal Welfare Advisory Committee, Rescue representatives, 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.

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The recommendation specific to pet limits in other than single dwelling units takes into consideration comments received at two previous public participation meetings and consultation with the public and agencies representing animal welfare and landlord interests.

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 November 1, 2014 to allow for public education and set fine application.

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

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**

**Red line Consolidated PH-3 By-law**

**APPENDIX D**

**Red line Consolidated PH-4 By-law**