

Bill No. 493
2014

By-law No. PH-4-14_____

A By-law to amend By-law PH-4, as amended, entitled “A by-law to provide for the regulation, restriction and prohibition of the keeping and the running at large of dogs in the City of London”.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* 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”;

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

1. By-law Index of By-law PH-4 is amended as follows:
 - (a) Section 1.1 is amended by inserting the phrase “Approved Foster Organization – defined” after “Animal Control Officer – defined”;
 - (b) Section 1.1 is amended by inserting the phrase “City Representative – defined” after “City – defined”;
 - (c) Section 1.1 is amended by inserting the phrase “Foster Home – defined” and the phrase “Fostering Dog Owner – defined” after “Dwelling Unit – defined”;
 - (d) Section 1.1 is amended by deleting the phrase “Running at Large – defined”;
 - (e) in “Part 3 - Prohibited Matters”, by deleting the headings for sections 3.1, 3.3, and 3.12 and replacing them with the heading “Deleted”;
 - (f) in “Part 3 – Prohibited Matters”, by deleting the heading for 3.16 and replacing it with the new heading “Kennel Owner – new owner – inform of licensing requirements”;
 - (g) in “Part 3 – Prohibited Matters”, by deleting the heading for 3.17 and replacing it with the new heading “Pet shop keeper – new owner – inform of licensing requirements”;
 - (h) in “Part 3 – Prohibited Matters”, by deleting the heading for 3.18 and replacing it with the new heading “Transfer of ownership of dog – new owner – inform of licensing requirements”;
 - (i) in “Part 4 – Keeping of Dogs”, by inserting the phrase “4.1.1 Maximum # of Dogs – Fosterer” and the phrase “4.1.2 Maximum # of Dogs – Moved from another Municipality” after “4.1 Maximum – 3 per dwelling unit”;
 - (j) in “Part 4 - Keeping of Dogs”, by deleting the phrase “60 days” in the heading for section 4.3 and replacing it with the phrase “6 months”;
 - (k) in “Part 4 – Keeping of Dogs” by deleting the heading for section 4.7 and replacing it with the heading “Deleted”;

- (l) in “Part 5 – Licensing” by inserting the phrase “5.1.1 City Clerk – Maintain Record of Approved Foster Organizations” and the phrase “5.1.2 Fee Amnesty – programs to encourage licensing” after “5.1 Licensing agent - appointment – authorized”;
- (m) in “Part 5 – Licensing” by deleting the heading for section 5.13 and replacing it with the heading “Pet shops – new owners – dogs – inform of licensing requirements”;
- (n) in “Part 5 – Licensing” by deleting the heading for section 5.14 and replacing it with the heading “Transfer of ownership of dog – new owner – inform of licensing requirements”;
- (o) in “Part 5 – Licensing” by inserting the heading “5.16 Fostering Dog Owner – Approved Foster Organizations – Licence Exemption”, and the heading “5.17 Foster – Tag” and the heading “5.18 Transfer of ownership – from Foster to new owner – inform of licensing requirements” and the heading “5.19 Fostered Dog – Spayed/Neutered”, after the heading “5.15 Non-application where Pit Bull Dog”; and
- (p) in “Part 6 – Kennels” by deleting the entire heading “6.3 Purchasers – dogs – names – addresses – to agent”.

2. Section 1.1 of By-law PH-4 is amended by inserting the following new definition of “Approved Foster Organization” after the definition of “Animal Control Officer” as follows:

“Approved Foster Organization” shall mean an organization that rescues and fosters dogs and that has been approved in writing for the purposes of this By-law by the City, and whose approved status has not been revoked by the City.

3. Section 1.1 of By-law PH-4 is amended by inserting a new definition for “City Representative” after the definition for “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.

4. Section 1.1 of By-law PH-4 is amended by capitalizing the term *Canis* in the definition of “dog” and italicizing the phrase “*Canis familiaris*”.

5. Section 1.1 of By-law PH-4 is amended by inserting the following new definition of “Foster Home” and “Fostering Dog 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 dogs on a temporary basis until a permanent owner can be found.

Fostering Dog Owner - defined

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

6. Section 1.1 of By-law PH-4 is amended by adding the phrase “, but does not include a Foster Home nor an Approved Foster Organization with respect to dogs being fostered” after the term “bred”.

7. Section 1.1 of By-law PH-4 is amended by deleting the definition of “Running at Large”.

8. Section 3.1 of By-law PH-4 is deleted in its entirety, and is replaced by the phrase “**3.1 – Deleted**”.

9. Section 3.3 of By-law PH-4 is deleted in its entirety, and is replaced by the phrase “**3.3 – Deleted**”.

10. Section 3.4 of By-law PH-4 is amended by adding the following sentence at the end:

“This requirement does not apply where the dog is less than six months of age, the proof of which rests on the owner.”

11. Section 3.5 of By-law PH-4 is amended by adding the following sentence at the end:

“This requirement does not apply where the dog is less than six months of age, the proof of which rests on the owner.”

12. Section 3.12 of By-law PH-4 is deleted in its entirety, and is replaced by the phrase **“3.12 – Deleted”**.

13. Section 3.16 of By-law PH-4 is deleted in its entirety, and is replaced by the following new section 3.16:

3.16 Kennel owner – new owner – inform of licensing requirements

No owner of a kennel who transfers ownership of a dog shall fail to inform the new owner of the dog of the requirements to license the dog under this by-law.

14. Section 3.17 of By-law PH-4 is deleted in its entirety, and is replaced by the following new section 3.17:

3.17 Pet shop keeper – new owner – inform of licensing requirements

No pet shop keeper who transfers ownership of a dog shall fail to inform the new owner of the requirement to license the dog under this by-law.

15. Section 3.18 of By-law PH-4 is deleted in its entirety, and is replaced by the following new section 3.18 as follows:

3.18 Sale of dog – new owner – inform of licensing requirements

No person who transfers ownership of a dog shall fail to inform the new owner of the requirement to license the dog under this by-law.

16. Subsection 3.19(b)(i) of By-law PH-4 is amended by deleting the phrase “, and in the absence of any mitigating factor,”.

17. Subsection 3.19(b)(ii) of By-law PH-4 is deleted in its entirety and replaced with the following new subsection:

(ii) Despite subsection (b)(i), the Animal Control Officer shall issue a Notice of Caution to the owner, and not a Muzzle Order, where the Animal Control Officer is satisfied on the balance of probabilities that a dog has bitten a person or domestic animal, and:

- (a) there is a mitigating factor; and
- (b) the dog has not bitten previously; and
- (c) the owner has not previously received a Notice of Caution for the dog; and
- (d) the Animal Control Officer does not consider the bite to be severe.

18. By-law PH-4 is amended by inserting a new Section 4.1.1 as follows:

4.1.1 Maximum # of Dogs – Fosterer

Despite section 4.1, a recognized/approved Fosterer shall not be limited in the number of dogs sheltered for adoption purposes.

19. By-law PH-4 is amended by inserting a new Section 4.1.2 as follows:

4.1.2 Maximum # of Dogs – Moved from another Municipality

Despite section 4.1, any person who moves to the City of London from another municipality and has more than three dogs may continue to keep those dogs until the dogs are no longer in the owner’s possession, subject to the owner providing proof of a current valid licence for the dogs from the previous municipality, and subject to the owner providing proof that all the dogs have been spayed/neutered and vaccinated.

20. By-law PH-4 is amended by inserting a new Section 4.1.3 as follows:

4.1.3 Maximum dog Limit Amnesty – program to encourage registration of spayed/neutered dogs that are not compliant with pet limit regulations

The City Representative is authorized to use discretion and licence spayed/neutered dogs that are not compliant with the pet limit regulations at the time of enactment of this by-law with respect to a program that encourages registrations, or renewals of registrations, and that this program expire on July 1, 2015.

20. Section 4.3 of By-law PH-4 is amended by deleting the phrase “60 days” wherever it appears in that section and replacing it with the phrase “6 months”.

21. Section 4.6 is deleted and replaced with a new section 4.6, as follows:

4.6 Compliance – statutory and regulatory requirements

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

22. Section 4.7 of By-law PH-4 is deleted in its entirety, and is replaced by the phrase “**4.7 – Deleted**”.

23. Section 4.10 of By-law PH-4 is amended by deleting it and replacing it with a new section 4.10 as follows:

4.10 Running at Large – Prohibited

- (1) An owner of a dog shall ensure that the dog does not run at large.
- (2) A dog shall be deemed to be running at large if it is not under the physical control of any person by means of a leash not greater than 1.8 metres held by the person.
- (3) It is an exception to running at large if the dog owner can prove both of the following:
 - (a) the owner of the land consents to the dog being on the property; and
 - (b) the dog is tethered such that the dog cannot leave the private property, or the land is enclosed by a fence such that the dog cannot leave the private property.

24. Part 5 of By-law PH-4 is amended by inserting a new section 5.1.1 as follows:

5.1.1 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.

25. Part 5 of By-law PH-4 is amended by inserting a new section 5.1.2 as follows:

5.1.2 Fee Amnesty – programs to encourage licensing

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

26. Section 5.2 of By-law PH-4 is amended by deleting the phrase “pursuant to paragraph 11 (c) of section 210 of the Municipal Act, R.S.O., c. M.45, as amended,”.

27. Subsection 5.2(a) of By-law PH-4 is amended by deleting the term “any” and replacing it with the term “and”.

28. Subsection 5.2(d) of By-law PH-4 is amended by inserting at the end the following phrase: “(including colour, breed, name, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, whether vaccinated against rabies, date of birth if known)”.

29. Section 5.3 of By-law PH-4 is amended by inserting the phrase “of dogs greater than six months of age” after the phrase “All dog owners”.

30. Subsection 5.4(a) of By-law PH-4 is amended by inserting at the end the following phrase: “, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, date of birth if known”.

31. Subsection 5.4(c) of By-law PH-4 is amended by renaming it as subsection 5.4(d).

32. Section 5.4 of By-law PH-4 is amended by inserting a new subsection 5.4(c) as follows:

(c) where applicable, certification of the owner that the dog has been spayed/neutered, and certification of the owner that the dog has been microchipped;

33. Section 5.13 of By-law PH-4 is amended by deleting it in its entirety and replacing it with a new section 5.13 as follows:

5.13 Pet shops – new owners – dogs – inform of licensing requirements
Every pet shop keeper who transfers ownership of a dog shall inform the new owner of the requirement to license the dog under this by-law.

34. Section 5.14 of By-law PH-4 is amended by deleting it in its entirety and replacing it with a new section 5.14 as follows:

5.14 Transfer of ownership of dog – new owner – inform of licensing requirements
Every person who transfers ownership of a dog shall inform the new owner of the requirements to license the dog under this by-law.

35. Section 5.15 of By-law PH-4 is amended by deleting the phrase “and 5.12” and replacing it with the phrase “, 5.12, and the Approved Foster Organization and fostering exemptions”.

36. By-law PH-4 is amended by inserting new sections 5.16 through 5.19 as follows:

5.16 Fostering Dog Owner - Approved Foster Organizations – Licence Exemption
Despite section 5.3, a Fostering Dog Owner and an Approved Foster Organization are exempt from the requirement to apply for and obtain a licence with respect to dogs from an Approved Foster Organization.

5.17(a) Foster - Tag
Sections 5.8 through 5.12 shall not apply with respect to Approved Foster Organizations or Fostering Dog Owners. Instead, the following tag provisions shall apply.

5.17(b) Foster – Tag – Approved Foster Organization to provide
Each Approved Foster Organization shall request a Foster Tag for each dog in its fostering program. The Approved Foster Organization shall provide a Foster Tag for each dog it places with a Fostering Dog Owner.

5.17(c) Foster Tag – affixed securely to dog at all times
The Fostering Dog Owner shall ensure that the tag is fixed securely to the dog at all times.

5.17(d) Lost Foster Tag - replacement
Where a tag has been lost, the Fostering Dog Owner shall advise the Approved Foster Organization of the loss, and the Approved Foster Organization shall request a replacement tag and pay the applicable replacement tag fee.

5.18(a) Transfer of ownership –from Foster to new owner – inform of licensing requirements
In the event the ownership of the fostered dog is transferred from the Fostering Dog Owner or an Approved Foster Organization to a new owner, the Fostering Dog Owner and/or the Approved Foster Organization shall inform the new owner of the requirements to license the dog under this by-law.

5.18(b) Transfer of ownership – from Foster to new owner - licence application

Where the ownership of the fostered dog is transferred from a Fostering Dog Owner or an Approved Foster Organization to a new owner, the new owner shall forthwith apply to the licence agent for licence, under section 5.3 of this by-law.

5.18(c) Transfer of ownership – from Foster to new owner – licence fee

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

5.19 Fostered Dog – Spayed/Neutered

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

37. Section 6.3 of By-law PH-4 is deleted in its entirety.

38. Schedule “A” of By-law PH-4 is amended by repealing it and replacing it with the new Schedule “A”, attached.

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

PASSED in Open Council October 14, 2014

J. Baechler
Mayor

Catharine Saunders
City Clerk

First reading – October 14, 2014
Second reading – October 14, 2014
Third reading – October 14, 2014

**SCHEDULE “A”
Fees and Charges**

<u>LICENCE</u>	Fees
1. KENNEL LICENSE FEE	\$150.00
2. DOG LICENSE FEES:	
<u>Registration for a Licence:</u>	
(a) New dogs obtained January 1 st through June 30 th (in dwelling unit regardless of ownership):	
i Complete (intact) dog	\$55.00
ii Spayed/neutered dog	\$31.00
iii Spayed/neutered & microchipped dog	\$25.00
iv late applications (received after June 30 th for dogs obtained January 1 st through June 30 th) are subject to an additional fee of:	\$10.00
(b) New dogs obtained July 1 st through December 31 st (in dwelling unit regardless of ownership):	
i Complete (intact) dog	\$29.00
ii Spayed/neutered dog	\$18.00
iii Spayed/neutered & microchipped dog	\$15.00
(c) New dog obtained from an Approved Fostering Organization (for remainder of year)	\$0.00
<u>Renewal of a Licence:</u>	
(d) Renewal applications received prior to licence expiry (in dwelling unit regardless of ownership):	
i Complete (intact) dog	\$50.00
ii Spayed/neutered dog	\$31.00
iii Spayed/neutered & microchipped dog	\$25.00
(e) New dog obtained from an Approved Fostering Organization (for <u>first</u> renewal <u>only</u>)	\$0.00
<u>Late Renewal of a Licence:</u>	
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 \$7.50 to license renewal fees in (d) above)
(h) June 1 st to December 31 st	(add \$12.50 to license renewal fees in (d) above)
<u>Guide Dogs</u>	
(h) Guide dogs January 1 st to December 31st	
i Seeing eye dog	\$0.00
ii Hearing ear dog	\$0.00
<u>Seniors (65)</u>	
(i) For seniors aged sixty-five or over	(subtract \$5.00 from all licence or renewal fees)
<u>Miscellaneous:</u>	
(j) Replacement tag	\$3.50
(k) Transfer	\$3.50
(l) Not Sufficient Fund Cheque	\$9.56 plus bank charges
3. HEARING FEE	\$50.00

- NOTE:**
- The fees and charges imposed by this by-law are due and payable:
 - at the time of the transaction for which the fee or charge is imposed; or
 - 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.
 - The fees, charges and penalties imposed by this by-law can be paid:
 - at City Hall by debit, cash, or cheque;
 - at the Licence Agent by cash, cheque, debit, or credit card
 - any other method as determined by the City.