

TO:	CHAIR AND MEMBERS Community and Protective Services Committee Meeting on November 3, 2014
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL and OREST KATOLYK, CHIEF, MUNICIPAL LAW ENFORCEMENT SERVICES
SUBJECT:	AMENDMENT TO ANIMAL CONTROL BY-LAW PH-3 and AMENDMENTS TO DOG LICENSING AND CONTROL BY-LAW PH-4

RECOMMENDATION

That on the Recommendation of the Managing Director, Development & Compliance Services and the Chief Building Official, the attached by-laws **BE INTRODUCED** at the Council meeting of November 11, 2014 as follows:

- (a) by-law (Schedule "A") to amend the Animal Control By-law PH-3 to replace the wording in section 10.2(3) to use the phrase "dwelling unit" which is a defined term in the by-law; and
- (b) by-law (Schedule "B") to amend the Dog Licensing and Control By-law PH-4 to address minor housekeeping matters in the by-law and to revise the wording of section 4.1 to provide for an offence provision for set fines.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July 21, 2014 - CPSC – Agenda Item #12 – By-law Amendments for Expanded Animal Welfare Initiatives

BACKGROUND

A by-law to amend the Animal Control By-law PH-3 was passed by Council on October 14, 2014. Subsequently it was determined that the wording in section 10.2(3) should be revised to reflect the defined terms in the by-law.

A by-law to amend the Dog Licensing and Control By-law PH-4 was passed by Council on October 14, 2014. Subsequently, it was determined that housekeeping amendments are needed as follows: amend the definition of Approved Foster Organization in section 1.1; amend the heading in section 3.18 to reflect the wording in that section; and amend section 4.1.1 to reflect the defined terms in the by-law. In order to create an offence for which a set fine can be sought, section 4.1 requires re-wording.

PREPARED BY:	RECOMMENDED BY:
O, KATOLYK CHIEF, MUNICIPAL LAW ENFORCEMENT SERVICES	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

Attachments:
 Schedule "A" – Proposed by-law to amend By-law PH-3
 Schedule "B" – Proposed by-law to amend By-law PH-4

c.c. L. Marshall, Solicitor II



SCHEDULE "A"

Bill No.
2014

By-law No.

A By-law to amend By-law PH-3 as amended, 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";

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

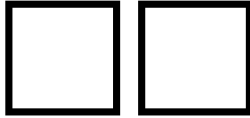
1. Section 10.2(3) of By-law PH-3 is amended by deleting the phrase "dwelling or on any premises that contains more than one unit" and replacing it with the phrase "dwelling unit on any premises that contains more than one dwelling unit".
2. This amending by-law shall come into force and effect on the day it is passed.

PASSED in Open Council November 11, 2014.

J. Baechler
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -



SCHEDULE "B"

Bill No.
2014

By-law No.

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. The By-law Index of By-law PH-4 is amended in "Part 4 – Keeping of Dogs", by inserting the phrase "**4.1.3 Maximum dog Limit Amnesty – program to encourage registration of spayed/neutered dogs that are not compliant with pet limit regulations**".
2. Section 1.1 of By-law PH-4 is amended in the definition of "Approved Foster Organization" by inserting the term "Representative" after the term "City" wherever it appears.
3. Section 3.18 of By-law PH-4 is amended by deleting the phrase "Sale of dog" and replacing it with the phrase "Transfer of ownership of dog".
4. Section 4.1 of By-law PH-4 is deleted and replaced with the following new section 4.1:
4.1 Keeping – more than 3 – per dwelling unit – prohibited
No person shall keep or permit to be kept more than three dogs within or about any dwelling unit in the City of London, regardless of whether that person is the owner of the dogs.
5. Section 4.1.1 of By-law PH-4 is amended by deleting the phrase "recognized/approved Fosterer" and replacing it with the phrase "Fostering Dog Owner".
6. This amending by-law shall come into force and effect on the day it is passed.

PASSED in Open Council November 11, 2014

J. Baechler
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -