

Animal Welfare Advisory Committee

Report

5th Meeting of the Animal Welfare Advisory Group
May 3, 2018
Committee Room #4

Attendance PRESENT: W. Brown (Chair), A. Cheng, H. de Hoog, A.M. Evans, A. Hayes, D. Simpson and M. Toplak and H. Lysynski (Acting Secretary)

REGRETS: K. Ashe, M. Gelinias, P. Lystar and M. Morris

ALSO PRESENT: J. Hodgins, L. Loubert, R. Oke and K. Teeter

The meeting was called to order at 5:08 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Proposed Amendments to the Parks and Recreation By-law

That the Municipal Council BE ADVISED that the Animal Welfare Advisory Committee (AWAC) supports the proposed amendments to the Parks and Recreation By-law; it being noted that the AWAC heard a verbal presentation from L. Loubert, Division Manager, Aquatics, Arenas and Park Operations, with respect to this matter.

2.2 Tree Trimming Protocols along the proposed Bus Rapid Transit Routes

That it BE NOTED that the Animal Welfare Advisory Committee heard a verbal presentation from J. Hodgins, Engineer-In-Training, Rapid Transit, with respect to tree trimming protocols along the proposed Bus Rapid Transit routes.

3. Consent

3.1 Municipal Council Resolution - 3rd Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on April 10, 2018 with respect to the 3rd Report of the Animal Welfare Advisory Committee from its meeting held on March 1, 2018, was received.

3.2 4th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 4th Report of the Animal Welfare Advisory Committee from its meeting held on April 5, 2018, was received.

3.3 Humane Urban Wildlife Conflict Policy

That it BE NOTED that the Humane Urban Wildlife Conflict Policy: Forestry Operations Wildlife Protocol, was received.

4. Sub-Committees and Working Groups

4.1 Animal Control By-law PH-3

That the attached proposed amendments to the Animal Control By-law PH-3 BE APPROVED; it being noted that the proposed amendments include new definitions, revised exemptions, and new prohibitions; it being further noted that the Animal Welfare Advisory Committee heard a verbal presentation from W. Brown, on behalf of the Wildlife and Companion Animal Sub-Committee, with respect to this matter.

5. Items for Discussion

5.1 Animal Welfare Advisory Committee Terms of Reference

That it BE NOTED that discussion related to the Animal Welfare Advisory Committee Terms of Reference was postponed to the next meeting, with the most recent version of the Terms of Reference to be included on the Agenda.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 6:45 PM.

RECOMMENDATION:

Animal control By-law PH-3 prohibits the keeping of specified animals and regulates the keeping of other animals within the City of London.

The Animal Welfare Advisory Committee (AWAC) recommends amending the Animal Control By-law PH-3 as indicated in the draft By-law provided.

changes to be inserted:

4 new definitions in Section 1.1

Animal-use Entertainment Show - defined

"Animal-use entertainment show" means any entertainment show where live animals are physically present as an intended part of aspect of the conduct or presentation of the entertainment show, whether interaction between animals and admittees is allowed or not.

Entertainment show - defined

"Entertainment show" means any show, performance, presentation, circus, concert or similar event where admission is allowed to persons by admission fee or otherwise, the primary purpose of which is entertainment of the admittees by performers.

Mobile Live Animal Program - defined

"Mobile live animal program" means a mobile operation, facility or place where live animals are brought to a location on a temporary basis and, whether segregated from persons by fixed barriers or not, are made available for exhibit, observation, recreation, entertainment, any degree of physical or other interaction with such persons, other than those persons charged with the custody of the animals or any other purpose.

Zoo- defined

"Zoo" means a place where live animals in captivity are kept for display to persons for conservation, educational, scientific or recreational purposes, and where the animals and such persons are physically segregated from each other by fixed barriers.

New exemption wording in Section 3.6

Existing wording 3.6 Public park-zoo-fair-exhibition-circus-licensed, This bylaw shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.

Replace with

This by-law shall not apply to:

- a) animals maintained in a public park or zoo owned or operated by the City of London,
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto,
- c) pet shows, with respect to Class 4, 5 and 6 animals except where prohibited elsewhere in this by-law,
- d) agricultural fairs, shows and exhibitions, with respect to Class 1, 2 and 3 animals.

New prohibition in Section 4.17

Animal-use Entertainment Show, Zoo, Mobile Live Animal Program

No person shall conduct or present any animal-use entertainment show or operate any mobile live animal program involving Class 7 animals or any other animals prohibited in the City of London.

ANALYSIS:

The Animal Control By-law ranks animals in seven classes, and prohibits the keeping of some of them:

Class 1 animals are cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep. Class 1 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 2 animals are chicken, goose, turkey, duck and any domestic fowl. Class 2 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 3 animals are homing, pouter, racing or tumbler pigeons. No more than 40 banded Class 3 animals may be kept during winter, and no more than 60 banded Class 3 animals may be kept during summer. There are regulations that apply to the keeping and flight times of these animals.

Class 4 animals are domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle. A maximum of two of these animals may be kept, with the exception of domestic cats. The

number of cats that may be kept varies depending on the number of dogs kept and the type of dwelling unit.

Class 5 animals are non-venomous snakes, non-venomous lizards and non-venomous spiders. No more than two Class 5 animals are permitted in any dwelling unit or on any premises. Non-venomous snakes over 60.9 cm (24 inches), and non-venomous lizards over 30.48 cm (12 inches), are prohibited.

Class 6 animals are domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks. A maximum of two Class 6 animals may be kept.

Class 7 animals are defined to mean “any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.” The keeping of Class 7 animals within the municipal boundaries is prohibited.

Part 3 of the By-law provides specific exemptions for the following:

London Animal Care Centre

London Humane Society

Public pound

Animal hospital – clinic - kennel

Pet shop

Public park - zoo - fair - exhibition - circus - licensed

Research facility - registered

Agricultural - land - premises

Feral Cat Colony

City of London Cat Adoption Centre

Section 3.6 provides an exemption for Class 7 animals, and other animals that are currently prohibited from the City of London.

AWAC recommends replacing this current exemption for " animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority" with:

This by-law shall not apply to:

- a) animals maintained in a public park or zoo owned or operated by the City of London
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto
- c) pet shows, with respect to Class 4, 5, and 6 animals except where prohibited elsewhere in this by-law
- d) agricultural fairs, shows and exhibitions with respect to Class 1, 2 and 3 animals

REASONS FOR THE RECOMMENDATION:

Exemption Makes No Sense Today: The exemption as it is currently written provides a blanket exemption to a broad range of both small and large animal enterprises which allows them to conduct their activities with prohibited animals in the City of London unfettered by oversight or control. For example, anyone, regardless of expertise, experience or financial wherewithal can start a zoo or zoo-type display in the City. In addition, Mobile Live Animal Programs (MLAPs), which are exploding in number, can operate with impunity. Even the holding of a simple City of London business license could trigger exemption 3.6 as it is presently written, and under the present by-law there is a decent defence (to a prosecution for a Bylaw violation) argument that the holding of **any municipal license**, of **any description**, from **anywhere** (ie. from any other municipality anywhere), by an animal enterprise would also trigger 3.6. That does not make sense from either a policy or jurisdictional perspective.

No Provincial Oversight: In Ontario, there are no comprehensive laws governing the keeping of exotic wild animals in captivity. No provincial permit is required to operate a zoo, zoo-type facility, mobile animal operation or to keep exotic wild animals and there are no requirements for experience, expertise, training and finances, no comprehensive standards for animal housing and husbandry or standards for human health and safety, no Ontario government inspection regime and no convenient way for anyone to close down an animal enterprise. This dearth of laws, regulations and rules at the provincial level means the onus to provide oversight and to deal with problems lies with individual municipalities who are ill-equipped to deal with exotic wild animals.

Lack of Municipal Expertise and Resources: At the present time, City staff are responsible for providing oversight of, and responding to issues associated with the keeping and/or presence of, exotic wild animals within City boundaries. However, City staff are not properly trained in how to assess exotic wild animal situations including, but not limited to, human health and safety features and practices and/or animal welfare, or in how to restrain and house exotic wild animals, nor are there the resources to do so. With a growth in the number of animal enterprises in Ontario, especially Mobile Live Animal Programs (MLAPs), it is not reasonable to expect City staff to provide appropriate levels of oversight. They do not have the expertise or capacity.

Changing Times: Over the past decade the City has made steady progress toward becoming a more enlightened and compassionate city for animals. Regulations concerning the keeping of domestic cats have been updated, the treatment of feral cats has become more humane, and humane protocols for handling human-wildlife conflicts have been adopted.

The controversial Lickety Split Zoo is gone and, in 2012, City Council and staff recognized that the accommodation provided for many of the animals at Storybook Gardens was not sufficient to meet the animals' needs, and took the responsible step of closing the zoo and re-homing the animals to sanctuaries and other appropriate facilities elsewhere. There are currently no public or private zoos operating within municipal boundaries. This is in keeping with a shift in societal attitudes toward animals.

Animal Welfare: Across the province, more than 45 unregulated zoos and more than 70 Mobile Live Animal Programs are in business, while hundreds of private citizens keep a broad range of exotic wild animals for personal amusement purposes. With no comprehensive laws in place governing exotic wild animal housing, husbandry, care and safety, many animals are subjected to conditions in which their biological, behavioural and social needs are not met. Undersized cages and enclosures, barren living spaces, lack of appropriate environmental conditions, such as temperature, humidity and light, lack of shelter and privacy, poor quality food and unsafe housing are not uncommon in Ontario. That has led to many animals enduring physical health issues, as well as psychological issues, such as boredom, anxiety, frustration and other negative emotional states, which lead to animal suffering.

Claims have been made that the Ontario SPCA can deal with any problems but they lack the internal expertise and resources to do so. In fact, the OSPCA recently called on the Ontario government to pass new legislation to deal with this issue. Canada's Accredited Zoos and Aquariums has also been suggested as a potential vehicle for dealing with this issue but they are a private, industry group and not a regulatory body. They operate without transparency and, with just two staff members, do not have the capacity to properly monitor the daily activities of their members. Their accreditation inspections occur once every five years.

Human Health and Safety: There are two primary kinds of dangers posed by exotic wild animals: 1) physical attack and, 2) zoonoses (disease).

Many animals are large, powerful and are equipped with features, such as sharp teeth, claws or venom that make them potentially dangerous to humans. Many of these animals, including exotic cats, primates and large reptiles, are found in Ontario animal facilities where they are poorly housed and secured. Mobile Live Animal Programs also utilize some of these animals and bring them to daycares, schools, senior's homes and other events. For example, one accredited zoo conducting offsite programs brought large constricting snakes to birthday parties and wrapped them around the waists of young children so photos could be taken.

Most exotic wild animals also harbour diseases that can be transferred to humans (called zoonoses). Particular animals, such as reptiles, amphibians, birds and young ruminants, have long been known to shed proportionately more potentially pathogenic organisms than other animals. The best known is Salmonella. Some zoos and most Mobile Live Animal Programs feature contact with wild exotic animals as a key selling point for obtaining bookings. They allow the public, including at-risk groups such as young children, pregnant women, immunocompromised individuals and the elderly to contact these animals, even though most public health agencies advise against it, or recommend very stringent disease mitigation measures be in place.

Dubious Education and Rescue: All too often, children, after seeing the animals being displayed and possibly hearing a presentation from the staff, do not develop empathy toward animals. The peer-reviewed literature is populated by papers that show the educational claims of animal enterprise businesses are questionable, at best. Rather, they learn that animals are objects for their pleasure and amusement, and they ask their parent to purchase such an animal for them as a pet. Some zoos even sell cages, tanks and other equipment, reinforcing the idea that wild exotic animals make suitable pets. Most wild exotic animals die long before reaching the upper limits of their potential lifespans. More than 75% of reptiles die within 24 months after being purchased. For some, when the novelty wears off, the animal might be disposed of by releasing into the wild, or perhaps given to a rescue group to find another home. In some cases the former pet is dropped off at London Animal Care Centre, where the cost of handling the animal is paid by the City. Some animal enterprises claim to be rescue and to serve a useful function by assisting municipalities, but the numbers of animals dealt with tend to be small.

For the abovementioned reasons, and after careful study and deliberation, the AWAC recommends that the City Animal control By-law PH-3 be revised to include the 4 new definitions in Section 1.1, the new

prohibition in Section 4.17 and new wording in Section 3.6 as provided in the accompanying draft PH-3 By-law.



Animal Control By-law

PH-3 Consolidated as of November 11, 2014

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London
CANADA

**OFFICE CONSOLIDATION
INCLUDING AMENDMENT PH-3-07014 (November**

PUBLIC HEALTH

By-law PH-3

**A by-law to provide for the
REGULATION, RESTRICTION AND PROHIBITION
OF THE KEEPING OF ANIMALS IN THE CITY OF LONDON**

BY-LAW INDEX

**Part 1
DEFINITIONS**

- 1.1 Definitions
- Animal - defined
 - Animal Control Officer – defined
 - Approved Foster Organization - defined
 - City – defined
 - City Representative - defined
 - Dwelling unit – defined
 - Foster Home – defined
 - Fostering Cat Owner - defined
 - Keeps – defined
 - Microchip - defined
 - Owner - defined
 - Pet shop - defined
 - Pet shop keeper - defined
 - Pound keeper – defined
 - Premises - defined

**Part 2
CLASSES OF ANIMALS**

- 2.1 Animals - ranked by class
- 2.2 Class 1 animal
- 2.3 Class 2 animal
- 2.4 Class 3 animal
- 2.5 Class 4 animal
- 2.6 Class 5 animal
- 2.7 Class 6 animal
- 2.8 Class 7 animal

**Part 3
APPLICATION OF BY-LAW - EXEMPTIONS**

- 3.1 Animal Care and Control Centre (London)
- 3.2 London Humane Society
- 3.3 Public pound
- 3.4 Animal hospital - clinic - kennel
- 3.5 Pet shop
- 3.6 Public park - zoo - fair - exhibition - circus - licensed
- 3.7 Research facility - registered
- 3.8 Agricultural - land - premises
- 3.9 Pet shop - prohibition animals - dispose
- 3.10 Feral Cat Colony
- 3.11 City of London Cat Adoption Centre

**Part 4
PROHIBITED MATTERS**

- 4.1 Animals – maximum 2 per dwelling
- 4.1.1 Domestic cats - maximum
- 4.2 Class 1 - keeping - within City
- 4.3 Class 2 - keeping - within City
- 4.4 Class 3 - keeping - more than 40 - during winter
- 4.5 Class 3 - keeping - more than 60 - during summer
- 4.6 Class 3 - keeping - more than 2 - unbanded - any time
- 4.7 Class 3 - flights - unsupervised
- 4.8 Class 3 - flights - 9 a.m. to 5 p.m. - summer
- 4.9 Class 3 - flights - 10 a.m. to 3 p.m. - winter
- 4.10 Class 7 - keeping - within City
- 4.11 Animal - running at large
- 4.12 Trespassing - by animal
- 4.13 Food - storage - failure to use rodent-proof container
- 4.14 Keeping - animal - not permitted by statute
- 4.15 Pet shops - fail to dispose of prohibited animal
- 4.16 Pet shops - keep prohibited animal

**Part 5
CLASS 1 ANIMAL**

- 5.1 Keeping - within City - prohibited
- 5.2 Keeping - prior to enactment - continuation - permitted

- 5.3 Keeping - in building - stable - required
- 5.4 Building - stable - minimum distance - other premises
- 5.5 Floor - impervious - gutters - drainage
- 5.6 Drainage - sanitary wastes - requirements
- 5.7 Doors - windows - openings - screened
- 5.8 Manure - collected - deposited - receptacle - promptly
- 5.9 Manure receptacle - construction - requirements
- 5.10 Manure receptacle - design - permit - approval
- 5.11 Yards - kept cleaned - deodorized - at all times
- 5.12 Food - feed - storage - rodent-proof containers

Part 6
CLASS 2 ANIMALS

- 6.1 Keeping - within City - prohibited
- 6.2 Keeping - prior to enactment - continuation - permitted
- 6.3 Keeping - in building - structure - yard - coop - other
- 6.4 Structure - distance - from other premises
- 6.5 Walls - lime-washed - painted - annually
- 6.6 Runs - outside - dug promptly - prevention of odours
- 6.7 Refuse - removal - prevention of odours
- 6.8 Food - feed - storage - rodent-proof containers

Part 7
CLASS 3 ANIMALS

- 7.1 Animals - confinement - requirements - set out
- 7.2 Building - structure - minimum size - requirements
- 7.3 Building - structure - ventilation - adequate
- 7.4 Building - structure - raised - above ground
- 7.5 Building - structure - floor - impervious to moisture
- 7.6 Building - structure - maintenance - appearance
- 7.7 Distance - from other dwellings - minimum
- 7.8 Distance - from boundary line - minimum
- 7.9 Walls - ceilings - painted - disinfected - bi-annually
- 7.10 Droppings - removal - disposal - bi-weekly - exception
- 7.11 feed - storage - rodent-proof containers
- 7.12 Pigeons - trespassing - prevention

Part 8
CLASS 3 ANIMALS - NUMBERS - LIMITED

- 8.1 Banded pigeons - maximum - 40 - winter months
- 8.2 Banded pigeons - maximum - 60 - summer months
- 8.3 Unbanded pigeons - maximum - 2 - at any time

**Part 9
CLASS 3 ANIMALS - FLIGHT**

- 9.1. Enclosed - all times - exception - 2 flights daily
- 9.2 Flights - summer months - times - designated
- 9.3 Flights - winter months - times - designated
- 9.4 Flights - supervision - required
- 9.5 Exception - organized flights - recognized by City

**Part 10
CLASS 4 ANIMALS**

- 10.1 Maximum - 2 animals - in one dwelling unit
- 10.2(1) Maximum – Domestic Cats – Not Spayed/Neutered
- 10.2(2) Maximum – Domestic Cats – Spayed/Neutered
- 10.2(3) Maximum – Domestic Cats – Spayed/Neutered in other than one dwelling unit
- 10.3 Maximum Cat Limit Amnesty – program to encourage registration of spayed/neutered cats that are not compliant with pet limit regulations
- 10.4 Maximum – Domestic Cats - Exception
- 10.5 Maximum – Domestic Cats – Foster Home
- 10.6 Maximum – Domestic Cats – Moved from another Municipality
- 10.7 Newborns – keeping – maximum 2 months
- 10.8 Newborns – domestic cats – keeping – maximum 6 months

**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 ⁵ – 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

Part 12
CLASS 5 ANIMALS

- 12.1 Keeping - regulations - set out
- 12.2 Maximum - 2 animals - in one dwelling
- 12.3 Snake - non-venomous - over 24 inches - prohibited
- 12.4 Lizard - non-venomous - over 12 inches - prohibited

Part 13
CLASS 6 ANIMALS

- 13.1 Maximum - 2 animals - in one dwelling

Part 14
CLASS 7 ANIMALS

- 14.1 Keeping - within City – prohibited

Part 14A
ALL CLASSES OF ANIMALS

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

Part 15
ENFORCEMENT

- 15.1 Administration - Pound keeper - Animal Control Officers
- 15.2 Fine - for contravention
- 15.3 Continuation - repetition - prohibited - by order

Part 16
REPEAL - ENACTMENT

- 16.1 By-law - previous
- 16.2 Effective date

Schedule A Fees & Charges

WHEREAS paragraph 1 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by Councils of local municipalities for prohibiting or regulating the keeping of animals or any class therein within the municipality or defined areas thereof, including the number of animals that may be kept by any person and the number of animals or any class thereof that may be kept about any dwelling unit;

AND WHEREAS paragraph 2 of section 210 of the said Act provides for the regulating of establishments for the breeding or boarding of animals or any class thereof, within the municipality or defined area thereof;

AND WHEREAS paragraph 4 of section 210 of the said Act provides for the prohibiting

and regulating within any part or defined area of a municipality or upon any highway therein, the being at large or trespassing of animals, other than dogs, and for impounding them and causing them to be sold if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law;

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

**SHORT TITLE
ANIMAL CONTROL BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Animal - defined

"animal" includes birds and reptiles but does not include fish or dogs.

Animal Control Officer - defined

"Animal Control Officer" shall mean a person appointed by the Pound keeper whose duties include the administration and enforcement of this by-law.

Animal-use Entertainment Show - defined

"Animal-use entertainment show" means any entertainment show where live animals are physically present as an intended part or aspect of the conduct or presentation of the entertainment show, whether interaction between animals and admittees is allowed or not.

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.

City - defined

"City" shall mean The Corporation of the City of London.

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.

Dwelling unit - defined

"dwelling unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

Entertainment show - defined

"Entertainment show" means any show, performance, presentation, circus, concert or similar event, where admission is allowed to persons by admission fee or otherwise, the primary purpose of which is entertainment of the admittees by performers.

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.

Keeps - defined

"keeps" shall mean owns, possesses or harbours.

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.

Mobile Live Animal Program – defined

"Mobile live animal program" means a mobile operation, facility or place where live animals are brought to a location on a temporary basis and, whether segregated from persons by fixed barriers or not, are made available for exhibit, observation, recreation, entertainment, any degree of physical or other interaction with such persons, other than those persons charged with custody of the animals, or any other purpose.

Owner - defined

“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.

Pet shop - defined

“Pet shop” shall mean an establishment engaged in the retail sales of animals.

Pet shop keeper - defined

“Pet shop keeper” shall mean a person who has the charge, care or ownership of a pet shop.

Pound keeper - defined

"Pound keeper" for The Corporation of the City of London shall mean Urban Animal Management Inc. operating as Animal Care and Control Centre (London).

Premises - defined

“premises” includes the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated.

Zoo - defined

"Zoo" means a place where live animals in captivity are kept for display to persons for conservation, educational, scientific or recreational purposes, and where the animals and such persons are physically segregated from each other by fixed barriers.

**Part 2
CLASSES OF ANIMALS**

2.1 Animals - ranked by class

Animals shall be ranked according to the classes set out in this Part of this by-law.

2.2 Class 1 animal

"Class 1 animal" shall mean cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep.

2.3 Class 2 animal

"Class 2 animal" shall mean chicken, goose, turkey, duck and any domestic fowl.

2.4 Class 3 animal

"Class 3 animal" shall mean homing, pouter, racing or tumbler pigeons.

2.5 Class 4 animal

"Class 4 animal" shall mean domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle.

2.6 Class 5 animal

"Class 5 animal" shall mean non-venomous snakes, non-venomous lizards and non-venomous spiders.

2.7 Class 6 animal

"Class 6 animal" shall mean domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks.

2.8 Class 7 animals

"Class 7 animals" shall mean any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, raccoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the *Migratory Birds Convention Act, S.C. 1985, C.M-7*, and regulations thereto and all animals the keeping of which is prohibited in the *Fish and Wildlife Conservation Act, 1997* and regulations thereto.

**Part 3
APPLICATION OF BY-LAW - EXEMPTIONS**

3.1 London Animal Care Centre

This by-law shall not apply to premises maintained by Urban Animal Management Inc. operating as London Animal Care Centre.

3.2 London Humane Society

This by-law shall not apply to premises maintained by The London Humane Society Inc.

3.3 Public pound

This by-law shall not apply to a public pound.

3.4 Animal hospital - clinic - kennel

This by-law shall not apply to a small animal hospital, clinic or boarding kennel operated by a duly qualified veterinarian, where all animals are kept within a brick, stone or concrete building.

3.5 Pet shop

Sections 4.1, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 10.1, 10.2, 12.2, 13.1 and Parts 7, 8, 9 and Part 11 of this by-law shall not apply to pet shops.

3.6 Public park - zoo - fair - exhibition - circus - licensed

This by-law shall not apply to ~~animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.~~

- a) animals maintained in a public park or zoo owned or operated by the City of London,
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto,
- c) pet shows, with respect to Class 4, 5 and 6 animals, except for animals prohibited elsewhere in this bylaw,
- d) agricultural fairs, shows and exhibitions, with respect to Class 1, 2 and 3 animals.

3.7 Research facility - registered

This by-law shall not apply to animals maintained at a research facility registered under the Animals for Research Act.

3.8 Agricultural - land - premises

This by-law shall not apply to premises and land zoned for agricultural uses.

3.9 Pet shop - prohibition animals - dispose

Notwithstanding any of the provisions of this by-law, pet shops shall have until December 31, 1998 to dispose of all animals, the keeping of which is prohibited by this by-law, and shall not keep any such animals for sale or for display purposes.

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.

Part 4 PROHIBITED MATTERS

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.

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.

4.2 Class 1 - keeping - within City

No person shall keep a class 1 animal within the municipal boundaries of the City of London.

4.3 Class 2 - keeping - within City

No person shall keep a class 2 animal within the municipal boundaries of the City of London.

4.4 Class 3 - keeping - more than 40 - during winter

No person shall keep more than 40 banded class 3 animals between October of one year and March of the following year.

4.5 Class 3 - keeping - more than 60 - during summer

No person shall keep more than 60 banded class 3 animals between April and October of any year.

4.6 Class 3 - keeping - more than 2 - unbanded - any time

No person shall keep more than 2 unbanded class 3 animals at any time.

4.7 Class 3 - flights - unsupervised

No person shall fail to supervise the flight of class 3 animals.

4.8 Class 3 - flights - 9 a.m. to 5 p.m. - summer

No person shall fail to prohibit class 3 animals from flight between 9:00 o'clock a.m. and 5:00 o'clock p.m. during the period from April 1 to September 30.

4.9 Class 3 - flights - 10 a.m. to 3 p.m. - winter

No person shall fail to prohibit class 3 animals from flight between 10:00 o'clock a.m. and 3:00 o'clock p.m. during the period from October 1 to March 31.

4.10 Class 7 - keeping - within City

No person shall keep a class 7 animal within the municipal boundaries of the City of London.

4.11 Animal - running at large

No person shall permit any animal to run at large.

4.12 Trespassing - by animal

No person shall permit any animal to trespass on any property.

4.13 Food - storage - failure to use rodent-proof container

No person shall fail to keep feed or animal food in a rodent-proof container.

4.14 Keeping - animal - not permitted by statute

Notwithstanding any of the provisions of this by-law, no person shall keep any animal, the keeping of which is not permitted under any statute of Ontario or Canada.

4.15 Pet shops - fail to dispose of prohibited animal

No pet shop keeper shall fail to dispose of a prohibited animal as required by section 3.9 of this by-law.

4.16 Pet shops - keep prohibited animal

No pet shop keeper shall keep or permit to be kept in any pet shop, an animal of a class, the keeping of which is prohibited by this by-law.

4.17 Animal-use Entertainment Show and Mobile Live Animal Program

No person shall conduct or present an animal-use entertainment show or conduct or operate a mobile live animal program involving Class 7 animals or other animals prohibited in the City of London .

Part 5 CLASS 1 ANIMALS

5.1 Keeping - within City - prohibited

The keeping of Class 1 animals within the municipal boundaries of the City of London is prohibited.

5.2 Keeping - prior to enactment - continuation - permitted

Section 5.1 of this by-law does not apply to those persons legally keeping Class 1 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 5.3 to 5.12 inclusive of this by-law.

5.3 Keeping - in building - stable - required

All Class 1 animals shall be kept in a building or stable.

5.4 Building - stable - minimum distance - other premises

Such building or stable as required under section 5.3 of this by-law shall be no less than 90 metres (295.3 feet) from any school, church, public hall, store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animal or members of his immediate family.

5.5 Floor - impervious - gutters - drainage

The floor of such building or stable as required under section 5.3 of this by-law shall be of durable material, impervious to moisture, so laid and provided with gutters that drainage is effected into a sewer provided that a wooden platform above such flooring is permitted if an air space of at least 5 centimetres (1.97 inches) is provided above the floor.

5.6 Drainage - sanitary wastes - requirements

Where a sanitary sewer is not available, provision for drainage of sanitary wastes shall be made in accordance with the requirements of any applicable laws of the Province of Ontario and the regulations made thereunder.

5.7 Doors - windows - openings - screened

All doors, windows and openings of such building or stable as required under section 5.3 of this by-law shall, at all times between the first day of April and the thirtieth day of November following in each year, be kept protected by screens effective against flies and small insects.

5.8 Manure - collected - deposited - receptacle - promptly

All manure shall be promptly collected and deposited in a manure receptacle of adequate size which shall be provided and constructed as set out in sections 5.9 and 5.10 of this by-law.

5.9 Manure receptacle - construction - requirements

The floor and all portions of the walls of the manure receptacle shall be of concrete and water-tight; the manure receptacle shall be provided with an opening with self-closing, fly-proof door, and the receptacle shall be constructed such that objectionable odours are not allowed to escape.

5.10 Manure receptacle - design - permit - approval

Manure receptacles shall be constructed, erected or located within the City only after the design has been approved by the Chief Building Official and a permit issued therefor.

5.11 Yards - kept cleaned - deodorized - at all times

Such building or stable as required under section 5.3 of this by-law, together with any yard less than 200 square metres (2,152.8 square feet) in which the animals are allowed to run, shall be kept at all times free from manure and other refuse and shall be properly cleaned or dug up and deodorized by means of chloride of lime or other suitable deodorant permitted by the laws of the Province of Ontario and the regulations made thereunder.

5.12 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 6
CLASS 2 ANIMALS**

6.1 Keeping - within City - prohibited

The keeping of Class 2 animals within the municipal boundaries of the City of London is prohibited.

6.2 Keeping - prior to enactment - continuation - permitted

Section 6.1 of this by-law does not apply to those persons legally keeping Class 2 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 6.3 to 6.8 inclusive of this by-law.

6.3 Keeping - in building - structure - yard - coop - other

All Class 2 animals shall be kept in a building, structure, yard, coop, pen or run.

6.4 Structure - distance - from other premises

Every such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pen or run in which any such animal, bird or fowl is confined, kept or allowed to run, shall be no less than 15 metres (49.2 feet) from any school, church, public hall, or store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animals, birds or fowl or members of his immediate family.

6.5 Walls - lime-washed - painted - annually

The inside walls of such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pens or run shall be lime-washed or painted at least once a year.

6.6 Runs - outside - dug promptly - prevention of odours

All runs and outside areas of confinement shall be dug promptly as required to effectively prevent odours arising therefrom.

6.7 Refuse - removal - prevention of odours

All refuse resulting from the keeping of class 2 animals shall be kept in substantial air-tight containers until it is removed from the premises or dug into the earth in such a manner as to prevent odours arising therefrom.

6.8 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 7
CLASS 3 ANIMALS**

7.1 Animals - confinement - requirements - set out

All Class 3 animals kept within the municipal boundaries of the City of London shall be confined to a building, structure, coop, loft, pen or run which shall meet the requirements set out in sections 7.2 to 7.8 inclusive of this by-law.

7.2 Building - structure - minimum size - requirements

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a height of not less than 1.5 metres (4.92 feet) and a floor area of not less than 1.25 square metres (13.45 square feet) for each pair of pigeons kept therein.

7.3 Building - structure - ventilation - adequate

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have adequate ventilation having regard to the number of pigeons kept therein.

7.4 Building - structure - raised - above ground

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a clear space between the ground and the underside of the floor of not less than 30 centimetres (11.81 inches).

7.5 Building - structure - floor - impervious to moisture

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a floor with a surface which is impervious to moisture.

7.6 Building - structure - maintenance - appearance

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be maintained by regular painting of the exterior or by permanent siding, and all loft equipment shall be kept under cover and where necessary a suitable hedge shall be planted as a buffer between properties.

7.7 Distance - from other dwellings - minimum

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be located a minimum of 12 metres (39.4 feet) from any school, church, public hall, store, dwelling or premises used for human habitation, other than premises occupied exclusively by the owner or keeper of such animals or members of his immediate family.

7.8 Distance - from boundary line - minimum

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be located a minimum of 3 metres (9.84 feet) from the boundary line between the owner's property and all adjacent property.

7.9 Walls - ceilings - painted - disinfected - bi-annually

Every person keeping Class 3 animals shall lime-wash, paint or disinfect the inside walls and ceilings of all buildings, structures, lofts, pens, coops, or runs (other than an outside run enclosed only with wire), at least twice a year.

7.10 Droppings - removal - disposal - bi-weekly - exception

Every person keeping Class 3 animals shall remove and dispose of in a sanitary manner at least twice each week, all pigeon droppings, refuse and dropped or scattered feed within or adjacent to all such buildings, structures, lofts, pens, coops or runs, including outside runs enclosed only with wire, provided, however, that this regulation shall not apply when below freezing temperatures prevent removal and disposal.

7.11 Feed - storage - rodent-proof containers

Every person keeping Class 3 animals shall store all feed in rodent-proof containers.

7.12 Pigeons - trespassing - prevention

Every person keeping Class 3 animals shall prevent pigeons from trespassing on any land, except as otherwise provided in this by-law.

Part 8**CLASS 3 ANIMALS - NUMBERS - LIMITED****8.1 Banded pigeons - maximum - 40 - winter months**

Despite section 4.1 of this by-law, if a pigeon is banded with an identifying leg band issued by an organization recognized as bona fide by resolution of the Council, no more than a total of 40 homer, pouter, racing or tumbler pigeons or any combination thereof may be kept at any one time from November 1 of one year to March 31 of the following year.

8.2 Banded pigeons - maximum - 60 - summer months

Despite section 4.1 of this by-law and in order to provide for the raising and racing of pigeons hatched in any year, the number of pigeons that may be kept from April 1 to October 31 of any year may be increased to not more than 60.

8.3 Unbanded pigeons - maximum - 2 - at any time

No person shall keep more than 2 unbanded pigeons at any time.

**Part 9
CLASS 3 ANIMALS - FLIGHT**

9.1 Enclosed - all times - exception - 2 flights daily

Class 3 animals shall be kept enclosed at all times, except during a maximum of two flight periods daily, when no more than half the total number of animals of the class being kept by any one person shall be at large at any one time and such flights shall be governed by the regulations set out in sections 9.2 to 9.5 inclusive of this by-law.

9.2 Flights - summer months - times - designated

During the period from April 1 to September 30 of any year, all flights shall take place before 9:00 o'clock in the morning or after 5:00 o'clock in the afternoon.

9.3 Flights - winter months - times - designated

During the period from October 1 of one year to March 31 of the following year, all flights shall take place before 10:00 o'clock in the morning or after 3:00 o'clock in the afternoon.

9.4 Flights - supervision - required

All flights shall take place under the supervision of the owner of such animal or a competent person on his behalf.

9.5 Exception - organized flights - recognized by City

When a bona fide flight is conducted by an organization recognized by a Council resolution, the regulations set out in sections 9.2 to 9.4 inclusive of this by-law do not apply.

**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:

- (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 and 10.2(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:

- (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 – Spayed/Neutered in other than a one unit dwelling

Despite section 10.1, 10.2(1) and 10.2(2), no person shall keep more than the following number of domestic cats in a dwelling unit on any premises that contains more than one dwelling unit, 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:

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

10.3 Maximum Cat Limit Amnesty – program to encourage registration of spayed/neutered cats that are not compliant with pet limit regulations

The City Representative is authorized to use discretion and licence spayed/neutered cats 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.

10.4 Maximum – Domestic Cats – Exception

Any person(s) who, on the date of the passing of this by-law, was lawfully keeping more cats than the current by-law permits may keep those cats until they have deceased or have otherwise been removed from, or have left the dwelling unit;

10.5 Maximum – Domestic Cats – Foster Home

Despite section 10.1 and 10.2, a recognized/approved Foster Home shall not be limited in the number of dogs or cats sheltered for adoption purposes.

10.6 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.

10.7 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.

10.8 Newborns – domestic cats – keeping – maximum 6 months

Despite sections 10.1 and 10.2(1), the young of a domestic cat may be kept for a period not exceeding 6 months after birth.

**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.

**Part 12
CLASS 5 ANIMALS**

12.1 Keeping - regulations - set out

The regulations set out in this Part apply to persons keeping Class 5 animals within the City.

12.2 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 5 animals in any dwelling unit or on any premises.

12.3 Snake - non-venomous - over 24 inches - prohibited

No person is permitted to keep a non-venomous snake that exceeds an overall length of 60.96 centimetres (24 inches).

12.4 Lizard - non-venomous - over 12 inches - prohibited

No person shall keep a non-venomous lizard that exceeds an overall length of 30.48 centimetres (12 inches).

**Part 13
CLASS 6 ANIMALS**

13.1 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 6 animals in any dwelling unit or on any premises within the City.

**Part 14
CLASS 7 ANIMALS**

14.1 Keeping - within City - prohibited

The keeping of Class 7 animals within the municipal boundaries of the City is prohibited.

**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.

**Part 15
ENFORCEMENT**

15.1 Administration - Pound keeper - Animal Control Officers

The Pound keeper, City Representative, and duly appointed Animal Control Officers shall administer and enforce this by-law.

15.2 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

15.3 Continuation - repetition - prohibited- by order

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the

person
convicted.

Part 16
REPEAL - ENACTMENT

16.1 By-law - previous

By-law P.H.-64-123 and all of its amendments are hereby repealed.

16.2 Effective date

This by-law comes into force on May 15, 1994.

PASSED in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993

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) Newcat 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) |
|--|---|

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.