

Animal Welfare Advisory Committee

Report

7th Meeting of the Animal Welfare Advisory Committee
July 5, 2018
Committee Room #4

Attendance PRESENT: W. Brown (Chair), A. Cheng, H. de Hoog , A.M. Evans, P. Lystar, M. Morris and M. Toplak and P. Shack (Secretary)

REGRETS: K. Ashe, M. Gelinias, A. Hayes and D. Simpson

ALSO PRESENT: H. Chapman

The meeting was called to order at 5:04 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 Potential By-law Regulations and Amendments to Zoning By-law, H. Chapman, Manager, Municipal Law Enforcement Services

That it BE NOTED that the Animal Welfare Advisory Committee (AWAC) heard a verbal presentation from H. Chapman, Manager, Municipal Law Enforcement Services, with respect to:

a) potential by-law regulations to address wildlife feeding on private property similar to what the City of Hamilton has in place;

it being noted that the AWAC will review the attached submission, and report back to H. Chapman or R. Oke by next meeting with feedback and suggestions;

b) potential amendments to the Zoning By-law to allow pet sitting and/or boarding services to operate from a residence as a home based business;

it being noted that the AWAC will review the attached submission, and report back to H. Chapman with feedback and suggestions; and

c) the business Reptilia has shown interest establishing a location in London.

3. Consent

3.1 5th & 6th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the 5th and 6th Reports of the Animal Welfare Advisory Committee, from its meetings held on May 3, 2018 and June 7th, 2018, respectively, were received.

4. Sub-Committees and Working Groups

That it BE NOTED that a verbal update from W. Brown, with respect to the sub-committees activities, was received.

5. Items for Discussion

5.1 2018 AWAC Work Plan

That it BE NOTED that the Animal Welfare Advisory Committee reviewed the 2018 Work Plan;

it being noted that additions to be made will be brought forward to the August meeting.

5.2 Pets in Hot Cars

That it BE NOTED that a communication dated June 18, 2018, from the Ontario Society For the Prevention of Cruelty to Animals, with respect to the 2018 No Hot Pets Campaign, was received.

6. Deferred Matters/Additional Business

6.1 Municipal Council Resolution 6th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on June 26, 2018, with respect to the 6th Report of the Animal Welfare Advisory Committee, was received.

7. Adjournment

The meeting adjourned at 6:35 PM.



HOME OCCUPATION

(Extracted from By-law Z-1)

Section 2 Definitions:

"DOG OR DOMESTIC CAT GROOMING" means the grooming of a dog or domestic cat as defined in the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4) and includes bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming. (Z-1-061498)

"HOME OCCUPATION" means an occupation or business conducted for gain or profit within a dwelling unit by any permanent resident of that dwelling unit. Where the use of the dwelling unit by a permanent resident is for professional or service office which does not involve external signage, client visitations and employees such office shall be considered as an accessory use. (Z-1-97466)

"OFFICE, PROFESSIONAL" means a building or part thereof in which a legal or other personal professional service is performed or consultation given, includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an animal hospital, a body-rub parlour or any adult entertainment parlour as defined in the Municipal Act, as amended. (Z-1-97466 AND Z-1-94236)

"OFFICE, SERVICE" means a building, or part thereof, in which one or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.

Section 4 General Regulations:

4.10 HOME OCCUPATION

"Home occupations are permitted in any dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, converted dwelling, triplex dwelling, fourplex dwelling and townhouses dwelling, subject to the following provisions:" (Z-1-94293)

- (1) The home occupation shall be clearly ancillary to the use of the dwelling unit and carried out by a resident of the unit. (O.M.B. File #R910387 – Appeal #9002 June 4, 1993)
- (2) The floor area taken up by all home occupations shall be no more than 25 percent (25%) of the total floor area of the dwelling unit and shall be confined to one area and shall not exceed 28.0 square metres (301.4 sq. ft.).
- (3) In no case shall any outdoor use or outdoor storage be permitted. (Z-1-97466)
- (4) The home occupation shall not involve the use or employment within the dwelling unit of more than one person who does not reside in the dwelling unit. The function of such non-resident person shall be restricted to a secretarial, accounting, clerical or support role.
- (5) The home occupation shall not involve the use of the premises as a base of operations for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site.
- (6) No more than five persons shall be present in the dwelling unit at any time to receive treatment, services or instructions.
- (7) No retail use of the dwelling unit shall be permitted as a home occupation.
- (8) No manufacturing, assembly or repair process shall be carried on except for the fabrication of hand made articles of clothing, arts or crafts.

- (9) No institutional use of the dwelling unit shall be permitted as a home occupation.
- (10) The use of a swimming pool shall not be permitted as a home occupation.
(O.M.B. File #R910397 – Appeal #9002 June 4, 1993)
- (11) No food preparation or food service shall be permitted as a home occupation.
- (12) No animal, corpse, bacteria or virus shall be brought into the dwelling in connection with a home occupation.
- (a) Notwithstanding Subsection 4.10(12), a dog and domestic cat grooming business is permitted as a home occupation, subject to the following:
- i) A maximum of three (3) dogs and two (2) domestic cats be allowed on the premises at any one time in conformity with the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4);
 - ii) No veterinary services be provided on the premises;
 - iii) No breeding, boarding or overnight accommodation of dogs or domestic cats for grooming be permitted on the premises;
 - iv) dogs and domestic cats that are licensed or identified as per the City of London Animal Control By-law (PH-3) and Dog Licensing and Control By-law (PH-4), or dogs and domestic cats that are legally licensed by any other municipality in the Province of Ontario, be allowed on the premises at any one time;
 - v) No dogs or domestic cats that are brought into the premises for grooming shall be permitted outside of the dwelling; and
 - vi) other provisions of Section 4 – General Provisions, Subsection 4.10, Home Occupation, shall apply. (Z-1-061498)
- (13) No additional commercial vehicles shall be permitted in connection with a home occupation. (Z-1-97466)
- (14) No lodging shall be provided in the dwelling unit in connection with a home occupation.
- (15) No delivery of materials to the dwelling unit shall be permitted from a vehicle which has a registered gross weight exceeding 5,000 kilograms (11,023 lbs.).
- (16) No additional outdoor mechanical equipment, other than that normally associated with a residential use, shall be used, the operation of which would result in any undue noise, fumes, dust or odor escaping to any adjacent or neighbouring lot.
- (17) The home occupation shall not require the creation of additional on-site parking spaces, except in accordance with this By-law.

4.19 PARKING

2) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall have a minimum area of 2.7 metres by 5.5 metres (8.9 ft. by 18.0 ft.).

4) YARDS WHERE PARKING AREAS PERMITTED

- a) No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.
- b) No person shall use any land or cause or permit the use of any land situated in any zone for the purposes of uncovered surface parking areas in any front yard or exterior side yard.

Authority: Item 10, Planning Committee
Report 12-009 (PED12097)
CM: June 13, 2012

Bill No. 130

CITY OF HAMILTON

BY-LAW NO. 12-130

To Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and animals;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001* further authorizes the City of Hamilton, amongst other things, to delegate its authority;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

DEFINITIONS

1. In this By-law:

“**animal**” means any member of the animal kingdom, other than a human;

“**City**” means the municipality the City of Hamilton or the geographic area of the City of Hamilton as the context requires;

“**feed**”, in all of its forms, includes the regular or intermittent supply of food, but does not include baiting during lawful activities;

“**food**” means anything that can be consumed by an animal for sustenance, but does not include:

- (a) vegetation or animals that are part of natural environment such as grasses or insects; or

- (b) compost kept in accordance with all applicable by-laws, statutes or regulations;

"Officer" means a person appointed by the City of Hamilton or assigned by the Manager of Animal Services to enforce this By-law;

"premises" means a building or a part of a building and any land appurtenant to the building or part of the building and does not include a vacant lot or any premises owned or occupied by the governments of Canada, Ontario, a municipality or by an agency, board or commission of these governments;

"wildlife" means an animal that belongs to a species that is wild by nature, but does not include:

- (a) an animal being kept in accordance with the Hamilton Responsible Animal Ownership By-law;
- (b) an animal exempted from the Hamilton Responsible Animal Ownership By-law under section 3.2 of that By-law; or
- (c) an animal being fed in accordance with:
 - (i) any by-law, statute or regulation; or
 - (ii) research undertaken by a university, college or similar provincially or federally recognized research institution.

PROHIBITION

- 2. No person shall feed or permit the feeding of wildlife.
- 3.(1) For the purposes of paragraph 3(2)(a) **"bird"** does not include waterfowl that are wildlife.
 - (2) Despite section 2, a person may feed or permit the feeding of:
 - (a) a bird, if:
 - (i) the bird is fed on premises owned or occupied by the person;
 - (ii) there is no accumulation of bird feces;
 - (iii) there is no interference with the normal use or enjoyment of any other premises; or
 - (b) a feral cat, if the feral cat belongs to a colony of stray or feral cats identified for the purposes of trap, neuter or spay and release programs

approved by the Hamilton / Burlington Society for the Prevention of Cruelty to Animals.

ADMINISTRATION AND ENFORCEMENT

4. The Manager of Animal Services is authorized to administer and enforce this By-law.
5. The Manager of Animal Services may assign Officers to enforce this By-law and Officers so assigned or appointed by City Council to enforce this By-law shall have the authority to carry out inspections.
6. The Manager of Animal Services or an Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not this By-law is being complied with.
7. The Manager of Animal Services or an Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 6.
8. Every person who fails to comply with section 2 is guilty of an offence and is liable:
 - (a) on a first conviction, to a maximum fine of not more than \$10,000; and
 - (b) on any subsequent conviction, to a maximum fine of not more than \$25,000.
9. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
10. This By-law may be referred to as the Hamilton Wildlife Feeding By-law or the Wildlife Feeding By-law.

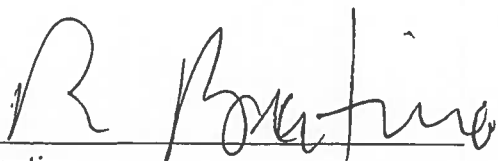
To Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136

11. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of City Council that the remainder of the By-law shall continue to be in force.


REPEAL AND ENACTMENT

12. City By-law No. 02-136 to regulate pigeon pests is repealed.
13. This By-Law shall come into force on the date of its passing.

PASSED this 13th day of June, 2012



R. Bratina
Mayor



R. Caterini
City Clerk