

Bill No. 503
2021

By-law No. PH-4-21__

A by-law to amend By-law No. PH-4, as amended, being “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” to remove all references to fees and charges related to services provided for in the by-law.

WHEREAS section 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 23.2 of the *Municipal Act, 2001*, as amended, permits a municipality to delegate certain legislative and quasi-judicial powers, including regulations to prohibit or regulate the keeping of any class of animal within a municipality; providing for animal identification systems; requiring an owner of a dog to keep the dog leashed; requiring the muzzling of leashing of a dog after it has been a person or domestic animal; provide for the licensing of dogs; and prohibiting the running at large of a dog;

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons:

- (a) for services and activities provided or done by or on behalf of it;
- (b) for costs payable by it for services and activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. PH-4, as amended, being “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” to remove all references to fees and charges related to services provided for in the by-law;

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

1. The Dog Licensing and Control By-law No. PH-4, as amended, is hereby further amended as follows:

- i) by deleting section 3.15 in its entirety and by replacing it with the following new section 3.15:

“3.15 Forcible retrieval of dog from Poundkeeper - failure to pay – prohibited

“No person shall retrieve a dog from the Poundkeeper or the premises of the Poundkeeper without payment in full of all fees and charges required to be paid under the City’s Various Fees and Charges By-law.”

- ii) by deleting section 3.20 (c) in its entirety and by replacing it with the following new section 3.20 (c):

“3.20 Muzzling Order – Appeal

(c) The owner of a dog to which Section 3.19(b)(i) applies, upon payment of a non-refundable Hearing Fee as set out in the City’s Various Fees and Charges By-law, may request a hearing by a Hearings Officer.”

- iii) by deleting section 5.1.2 in its entirety and by replacing it with the following new section 5.1.2:

“5.1.2 Fee Amnesty – programs to encourage licensing

The City Representative is authorized to waive the payment of any fees and charges set out in the City’s Various Fees and Charge 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.”

- iv) by deleting section 7.1 in its entirety and by replacing it with the following new section 7.1

“7.1 Fees - set out – City’s Various Fees and Charges By-law
Licence fees shall be set and approved by the Council of the City from time to time and are listed in the City’s Various Fees and Charges By-law.”
 - v) by deleting section 7.2 in its entirety and by replacing it with the following new section 7.2:

“7.2 Guide dogs - hearing ear dogs – exempted
Guide dogs within the meaning of the Blind Persons' Rights Act, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dog, are exempt from the payment of all licence fees applicable pursuant to the City’s Various Fees and Charges By-law.”
 - vi) by deleting section 7.5 in its entirety and by replacing it with the following new section 7.5:

“7.5 Working dogs for disabled persons – exempted
Working dogs, where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist a disabled person, shall be exempt from all licence fees applicable pursuant to the City’s Various Fees and Charges By-law.”
 - vii) by deleting section 8.13 (a) in its entirety and by replacing it with the following new section 8.13 (a):

“8.13 Fees and Charges – Payable by Owner
(a) Where a dog, including a Pit Bull Dog, is captured or taken into custody of the public pound, including by order of a court, the owner shall pay to the Poundkeeper all fees and charges payable under the City’s Various Fees and Charges By-law, the Public Pound By-law, or any other applicable by-law, including the cost of the services of a veterinarian, whether the dog is alive, dies or is euthanized.”
 - viii) by deleting section 8.15 in its entirety and by replacing it with the following new section 8:15:

“8.15 Retrieval - forcibly - from Poundkeeper – prohibited
No person shall forcibly retrieve a dog from the Poundkeeper, an Animal Service Officer or, break and enter into a patrol vehicle of The London Animal Care Centre or retrieve a dog without payment in full of all fees and charges required to be paid under the City’s Various Fees and Charges By-law.”; and,
 - ix) by deleting Schedule “A” – Fees and Charges in its entirety.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021