



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: June 5, 2012	
SUBJECT/REPORT NO: Sale of Dog Licences at Pet Stores (PED12098) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Sue O'Dwyer 905-546-2424 Ext. 2597
SIGNATURE:	

RECOMMENDATION

- a) That Schedule 7 (Kennels and Pet Shops) of the Licensing By-law No. 07-170 be updated and amended to require that information about the regulation of animals and dog licensing in the City of Hamilton be provided to every person who purchases an animal from a kennel or pet shop; and,
- b) That the draft by-law attached as Appendix "A" to Report PED12098, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

On April 5, 2011, Planning Committee gave direction to staff to investigate options which could lead to an increase in the number of dog licenses purchased and to again consider selling dog licences through breeders and pet stores.

Staff continues to not recommend selling dog licences through pet stores and kennels because of concerns about administrative oversight and privacy issues. However, staff

do recommend that the Licensing By-law be updated and amended to require that information about the regulation of animals and dog licensing in the City of Hamilton be provided to every person who purchases an animal from a kennel or pet shop.

Alternatives for Consideration – See Page 3

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On April 5, 2011, Planning Committee gave direction to staff as follows:

“That staff investigate options which could lead to an increase in the number of dog licences purchased, and that should consideration be given to selling dog licences through breeders and pet stores, that the application form include a clause to waive personal privacy, pursuant to MFIPPA.”

The issue of selling dog licences through breeders and pet stores was addressed at the November 15, 2011 Special Planning Committee meeting in Report PED09303(b) titled “Responsible Animal Ownership By-law”. Committee requested that staff report back with more information.

POLICY IMPLICATIONS

None

RELEVANT CONSULTATION

Legal Services was consulted in preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Staff considered requiring the sale of dog licences through breeders and pet stores and again conclude that this is not practical for the following reasons:

- administrative oversight would be prohibitive (cash collection, audit, reporting, etc.) and the required resources for proper auditing of money and private

information collected would likely negate any business case from selling more dog licenses;

- licence information would not likely be reported in a timely manner resulting in untraceable tags and inefficiencies in administration and enforcement;
- privacy issues regarding the collection of personal information is a concern;
- the pet industry trend is to stop selling dogs in pet shops so the payback in terms of licence sales may not be significant over time; and,
- there are many other convenient options for dog owners to purchase licences from the City including online, mail, phone and nine locations, (including municipal service centres) to visit and purchase a licence in person.

On January 1, 2003, the City assumed delivery of the animal control program previously delivered by the Hamilton/Burlington SPCA and continued to use agents such as pet stores to sell licences. However, significant administrative issues and concerns were encountered and deemed to be unmanageable such that the practice was ceased in 2004.

Staff reviewed the privacy concerns and the Committee direction to consider having breeders and pet stores sell licences and that the application form "...include a clause to waive personal privacy, pursuant to MFIPPA.". It is not recommended that licence-holders be required, by by-law, to collect personal information or, by extension, that "involuntary" consents be obtained for this purpose, unless the health or safety of individuals is directly affected.

On the other hand, staff believes that pet stores and breeders should be required to provide information about the regulation of animals in the City, including dog licensing applications, and provide information to every person who purchases an animal. Therefore, as pet shops and kennels are currently required to have a business licence, staff recommend that the Licensing By-law be amended to require that information about the regulation of animals and dog licensing in the City be provided to every person who purchases an animal from a kennel or pet shop.

In addition, the passage of an updated Schedule 7 to the Licensing By-law, which was drafted in conjunction with, and recommended together with the Responsible Animal Ownership By-law, was put on hold in anticipation of this Report. Accordingly, it is the updated Schedule 7, including the requirement for information to be provided when a pet is purchased, which is being recommended now.

Staff are also reporting on a program to provide incentives to purchase dog licences, under separate cover.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- ◆ An efficient and effective by-law regulating licences and businesses contributes to the health and well being of the community.

APPENDICES / SCHEDULES

Appendix "A" to Report PED12098 - Amendment to By-law No. 07-170, a By-law to Licence and Regulate Various Businesses

SO'D/dt

Authority: Item , Committee
Report (Staff report number)
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for the replacement of Schedule 7 of City of Hamilton By-law No. 07-170;

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

1. Schedule 7 of By-law No. 07-170 is deleted and replaced with the new Schedule 7, entitled "Kennels and Pet Shops", attached as Appendix A to this By-law.
2. All licences issued under Schedule 7 which are current and valid on the day this By-law comes into force shall be deemed to:
 - (a) be current and valid under the new Schedule 7; and
 - (b) be subject to all of the applicable provisions of By-law No. 07-170 and the new Schedule 7, including but not limited to expiring and being renewable as though they had been issued under the new Schedule 7.
3. This By-law comes into force on the day it is passed.

PASSED this day of , 20 .

_____	_____
R. Bratina Mayor	R. Caterini City Clerk

Appendix A

SCHEDULE 7

KENNELS AND PET SHOPS

INTERPRETATION

1. In this Schedule,

"animal" means any member of the animal kingdom, other than a human;

"at large" means not on a leash and under the control of some person;

"kennel" means a commercial establishment for the keeping or boarding for more than 16 consecutive hours or the breeding of animals that are used or are intended to be used as pets;

"leash" means a restraint no exceeding 2.4 metres in length;

"livestock" means cattle, goats, horses, sheep, swine, poultry, fur-bearing animals, bees, cultured fish, deer, elk, game animals or birds grown, produced or raised as part or all of an agricultural use on premises zoned under a City zoning by-law permitting such a use;

"pet shop" means a commercial establishment for the selling or offering for sale or animals that are used or are intended to be used as pets;

"pound" means premises that are operated by the City used for the detention, maintenance or disposal of animals, namely the premises located at 247 Dartnall Road, Hamilton and any additional premises used for the detention, maintenance or disposal of animals that may be operated by the City or its contractors from time to time;

"premises" means a building or a part of a building and any land appurtenant to the building or part of the building; and

"under the control of some person" includes capable of immediate custody or restraint.

LICENCE REQUIRED

2. No person shall operate a kennel or a pet shop without a licence.

3. This Schedule does not apply to:
- (a) the premises of a pound;
 - (b) premises used by the Ontario Society for the Prevention of Cruelty to Animals;
 - (c) a supply facility licensed in accordance with the *Animals for Research Act*;
 - (d) a research facility registered in accordance with the *Animals for Research Act*;
 - (e) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*;
 - (f) a university or college;
 - (g) livestock;
 - (h) a horse boarded or trained as part or all of an agricultural use on premises zoned under a City zoning by-law for such a use;
 - (i) a temporary public display of animals including a circus, carnival or classroom display;
 - (j) the aviary located at 85 Oak Knoll Drive in Churchill Park or as it may be re-location to other City premises;
 - (k) the African Lion Safari located at 1386 Cooper Road;
 - (l) Flamboro Downs located at 967 Highway #5 West; or
 - (m) the Mountsberg Wildlife Centre located at 2259 Milborough Line.

DUTIES OF OPERATOR

4. Every person who operates a kennel or pet shop shall ensure that:
- (a) all animals are adequately enclosed to prevent them from being at large;
 - (b) no animal is kept in an enclosure of inadequate size;
 - (c) all animals are fed, supplied with water, and, when appropriate to the animal, exercised regularly and kept in a clean, healthy condition free from vermin and disease;

- (d) any area where animals are kept is maintained in a sanitary, well-ventilated and clean condition;
- (e) all animal waste is disposed of in accordance with applicable statutes, regulations and by-laws; and
- (f) as required by the Issuer of Licences, information about the regulation of animals in the City is provided to every person who purchases an animal from the kennel or pet shop.