



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Licensing and By-law Services Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 18, 2017
<b>SUBJECT/REPORT NO:</b>	Business Licensing By-law 07-170 – Review and Replacement of Kennels and Pet Shops (Schedule 7) (PED17072) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Monica Ciriello (905) 546-2424 Ext. 6656
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That the Business Licensing By-law 07-170 be amended by replacing Kennels and Pet Shops (Schedule 7) in accordance with the amending by-law, attached as Appendix “A” to Report PED17072, which has been prepared in a form satisfactory to the City Solicitor.

**EXECUTIVE SUMMARY**

Kennels and Pet Shops are licensed by the City to protect public health and safety and the consumer, and to prevent nuisance, while giving due consideration to animal welfare. The proposed amendments to Schedule 7 focus on the appropriate care of animals, including kennel maintenance, sanitation, ventilation, and enclosure size.

The review and rewrite of the Business Licensing By-Law is a key element of Planning and Economic Development’s (PED) ongoing Open for Business initiative. The primary objectives of reviewing the City’s Business Licensing By-law 07-170 (Licensing By-law) is to modernize our approach, increase clarity, address emerging issues and remove unnecessary regulation. This report proposes changes to Kennels and Pet Shops (Schedule 7) in line with the overall Licensing By-law review objective.

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## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** The proposed changes to Kennels and Pet Shops (Schedule 7) will have little to no impact on staff time, as administration and enforcement of this Schedule is still required.

**Legal:** N/A

## **HISTORICAL BACKGROUND**

The *Municipal Act, 2001* provides Council with the authority to regulate, including licence, any business, wholly or partly, carried out within its jurisdiction. The justifications for licensing certain types of businesses generally relate to the health and safety, consumer protection and nuisance control.

In 2000, a Licensing Implementation Team comprised of representatives from the Cities of Hamilton and Stoney Creek and the Towns of Flamborough, Dundas and Glanbrook and the Regional Health Unit were tasked with reviewing the existing licensing by-laws and incorporating them into one by-law for the new amalgamated municipality. There has been no comprehensive Licensing By-law review since amalgamation. The Licensing Section identified the need to modernize the Licensing By-law. The current Licensing By-law is a compilation of amendments passed by Council over many years and contains licensing categories that require updates. The review and rewrite of the Business Licensing By-Law is a key element of PED's ongoing Open for Business initiative. The primary objective of rewriting the By-law is to delete duplication, increase clarity and ease of understanding, clarify intent, remove unnecessary regulation, and improve overall readability.

Upon examination of Kennels and Pet Shops (Schedule 7), it was determined that this Schedule should remain as it continues to be a useful tool to promote consumer protection and healthy animal care.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

## **RELEVANT CONSULTATION**

Animal Services  
Corporate Services  
Legal Services

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

After reviewing Kennels and Pet Shops (Schedule 7), it was determined that the license holders should continue to be licensed. Licensing both the Kennel and the Pet Shops operators has been a useful tool to protect public health and safety and to prevent nuisance, while ensuring the promotion of healthy animal welfare.

Appendix “B” attached to Report PED17072 shows the number of Kennels and Pet Shops licences held each year in the City of Hamilton from 2001 - 2016.

Appendix “C” attached to Report PED17072 compares the licensing practices among the 33 Ontario municipalities regarding Kennels and Pet Shops. It shows that 17 other municipalities have a similar licensing category.

Since 2001, there have been no investigations, charges or convictions under this licensing category.

The proposed Schedule 7 has been restructured for ease of understanding and consistency with the other schedules in the Business Licensing Bylaw. Minor changes to the Schedule concentrate on the health condition of the animals, and the requirement for both kennel and pet shop operators to comply with the *Ontario Society for the Prevention of Cruelty to Animals Act*, the City’s Responsible Animal Ownership By-law and the animal cruelty provisions of the *Criminal Code* (Canada). In addition every licence application will require a kennel and pet shop operator to submit a certificate of compliance issued by Animal Services, which will complete an inspection of the premise and confirm compliance with the provisions of Schedule 7. These added requirements in Schedule 7 are relevant not only for animal welfare, but also serve to protect public health and safety.

## **ALTERNATIVES FOR CONSIDERATION**

N/A

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Economic Prosperity and Growth** *Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: Draft By-law Amending Schedule 7 – Kennels and Pet Shops

Appendix “B”: Total Number of Licences: 2001 - 2016

Appendix “C”:- Practices among Ontario Municipalities

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