



**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>	January 16, 2018
<b>SUBJECT/REPORT NO:</b>	Responsible Animal Ownership By-law 12-031 be Amended to Include the Offence of Barking Dog (PED18003) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Luis Ferreira (905) 546-2424 Ext. 3087 Dawn Johnson (905) 546-2424 Ext. 5809
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the draft By-law, attached as Appendix “A” to Report PED18003, which amends the Responsible Animal Ownership By-law No. 12-031, by establishing offences of noise made by animals (barking dog, etc.), and which has been prepared in a form satisfactory to the City Solicitor, be approved;
- (b) That the draft By-law, attached as Appendix “B” to Report PED18003, which amends the By-law to Establish a System of Administrative Penalties By-law No. 17-225, by amending Table 8 to include offences of noise made by animals (barking dogs, etc.), which has been prepared in a form satisfactory to the City Solicitor, be approved.

**EXECUTIVE SUMMARY**

Staff has identified that the current Responsible Animal Ownership By-law No. 12-031 does not address the offence of barking dogs which is a source of numerous complaints. Current investigations of barking dog offences are addressed through City of Hamilton Noise By-law 11-285. Staff is requesting to amend the Responsible Animal Ownership By-law to also include this offence. This change provides Animal Services Officers the ability to address all animal-related offences in one convenient By-law.

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The primary objective of including this offence in By-law 12-031 is to provide Animal Services Officers the tools necessary to address this offence in a By-law that they are familiar with as well as including it into the Administrative Penalty System (APS) By-law process.

This addition will also provide, to those who wish to educate themselves on responsible animal ownership, a by-law containing all regulations and prohibitions concerning pet ownership.

This proposed recommendation will increase clarity and ease of understanding; clarify intent; improve overall readability and, most importantly, contained within the appropriate By-law.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**HISTORICAL BACKGROUND**

Barking dog incidents have historically been investigated by both Municipal Law Enforcement Officers and Animal Services Officers under the Noise By-law. The offence of barking dog and the subsequent investigations have been transferred to Animal Services Officers solely, who desire the ability to address the offence of barking dogs through the Responsible Animal Ownership By-law.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Legal Services was consulted in the preparation of this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Implementing the recommendations will provide Animal Services Officers with a single By-law containing all regulations and prohibitions concerning responsible animal ownership. It is a familiar By-law that has been recently added under APS which provides a host of enhancements and benefits as outlined in the Administrative Penalty System Applied to Responsible Animal Ownership By-law 12-031 and the Feeding of Wildlife By-law 12-130 (Report PED17165(a)).

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This recommendation will have no negative impact on enforcement activities by the Animal Services Officers as they have been addressing this issue solely for the past 18 months. There is no financial implication or staffing concerns with this recommendation and it will also provide the public a single By-law to educate themselves with responsible pet ownership.

**ALTERNATIVES FOR CONSIDERATION**

N/A

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

**Community 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.*

**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Our People and Performance**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”: By-Law amending the Responsible Animal Ownership By-law No. 12-031

Appendix “B”: By-Law amending the By-law to Establish a System of Administrative Penalties By-law No. 17-225

KL/LF/DJ/st