

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: November 15, 2011 – Special Meeting	
SUBJECT/REPORT NO: Responsible Animal Ownership By-law (PED09303(b)) (City Wide) (Outstanding Business List Item)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Sue O'Dwyer 905-546-2424 Ext. 2597 Marty Hazell 905-546-2424 Ext. 4588
SIGNATURE:	

RECOMMENDATION

- a) That the Responsible Animal Ownership By-law, attached as Appendix “A” to Report PED09303(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- b) That the item respecting a Harmonized Animal Control By-law be removed from the Planning Committee’s Outstanding Business List; and,
- c) That By-law No. 07-170, being a By-law to License and Regulate Various Businesses, be amended by deleting Schedule 7 (Kennels and Pet Shops) and replacing it with Appendix “C” to Report PED09303(b) which has been prepared in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

On November 25, 2009, City Council approved a recommendation of the former Economic Development and Planning Committee that public consultation be undertaken with a view to creating a single “harmonized” Animal Control By-law to repeal and

replace the ten existing by-laws regulating the keeping and control of animals in the amalgamated City.

In the proposed Responsible Animal Ownership By-law, which repeals and replaces several existing animal control by-laws, the City is continuing to exercise its authority under the Municipal Act, 2001 to ensure the health and safety of its residents, protection of property and to prevent public nuisances. This is done by licensing dogs, regulating the keeping of "sport" pigeons, prohibiting animals "at large", requiring owners to clean up after their animals, designating potentially dangerous and dangerous dogs, and requiring preventative measures such as muzzling, and prohibiting exotic animals.

Due to the significant stakeholder interest, City Council on March 31, 2010 directed staff to continue with extensive public/stakeholder consultation, and to prepare a report for the Economic Development and Planning Committee's consideration in 2011, summarizing all the public/stakeholder comments/issues, as well as a draft Animal Control By-law, as revised in response to said consultation and the issues raised. The public/stakeholder comments/issues, attached as Appendix "A" to this Report, have been considered in the drafting of the recommended Responsible Animal Ownership By-law.

Alternatives for Consideration – See Page 8

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

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

On January 01, 2001, the former municipalities of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek were amalgamated, resulting in ten different by-laws to regulate the keeping and control of animals in the new City.

On January 01, 2003, the City assumed responsibility for the enforcement of these by-laws from the Hamilton/Burlington Society for the Prevention of Cruelty to Animals (HBSPCA), as part of a realignment of responsibilities for animal related matters. The City continued to engage the services of private sector contractors for the provision of Animal Control services in Flamborough and Glanbrook.

An Operational Review of Animal Control was conducted by an external consultant and the 2007 Consultant's report recommended, among other matters, the development of a harmonized Animal Control By-law.

On October 15, 2008, Council directed staff to not take any further action with regard to the licensing of cats (Report PED08030).

On November 25, 2009, City Council approved undertaking public consultation with a view to creating a single “harmonized” Animal Control By-law to repeal and replace the ten existing by-laws regulating the keeping and control of animals.

Due to the significant interest for meetings by stakeholder groups and the large volume of written submissions, the Economic Development and Planning Committee, and City Council on March 31, 2010 directed staff to continue with further comprehensive public/stakeholder consultation, and to report back to the Economic Development and Planning Committee in 2011.

POLICY IMPLICATIONS

A single, comprehensive and harmonized by-law respecting the keeping and control of animals will provide for more effective protection of public safety and quality of life which supports Council’s vision for Hamilton and the Corporate Strategic Plan.

RELEVANT CONSULTATION

Public Health, Legal Services, Public Works, Planning and Economic Development (Strategic Services), the HBSPCA, representatives of the Animal Rescue Cooperative and Coyote Watch Canada were all consulted in the preparation of this report.

In terms of stakeholder consultation, staff received over 140 written submissions and petitions respecting the draft by-law. Information about the proposed by-law, including requests for input, along with updates and next steps were regularly posted on the City’s website. Various public/stakeholder meetings were convened as listed below:

November 17, 2009 - delegations received at the (former) Economic Development and Planning Committee Meeting included nine written submissions and 20 delegations addressing the Committee. This meeting was advertised as a public meeting.

December 1, 2009 - 75-100 people attended a public meeting convened by Councillor Robert Pasuta and sponsored by the Flamborough Fur & Feather Fanciers at the Rockton Fairgrounds.

January 18, 2010 - approximately 30 people attended a public meeting convened by Councillor McHattie.

March 22, 2010 - the Urban Zoo hosted a public meeting regarding exotic animals. Approximately 20 people attended the meeting, as did Councillors Duvall, Jackson and Whitehead.

A comprehensive listing of public comments with corresponding staff responses is contained in Appendix "B" to this report. For clarity, this list has been divided into nine categories by type of issue: dogs, cats, urban/rural, number of animals, redemption period, exotic animals and types of pets, wildlife, animal rescue organizations and miscellaneous.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Urban/Rural Distinction: Firstly, it is important to note that, as done in other City by-laws such as the Yard Maintenance and Sign By-Laws, there is a definite distinction between rural and urban conditions. In the By-law recommended in this report there are broader allowances for farms wherever they are located.

While, as always, the use of property needs to meet Zoning requirements, animals produced/raised as part or all of an agricultural use or a horse farm are exempt from the regulations contained in the new Responsible Animal Ownership By-law. Aside from animals produced or raised as part or all of an agricultural use and horse farms, wherever they are located, a broader range of animals are permitted on farms, as well as outside of the urban and rural settlement areas. This permits, for example hobby farms for keeping of ducks, chickens, peacocks, etc.

The distinction between urban and rural is enforced by the relevant sections of the by-law as follows:

"farm means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998* and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;

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;

rural or agricultural premises means **premises** located in a rural or an agricultural zone permitted under the **City's** zoning by-laws (not including Rural Settlement Areas as shown on Map A to Map S attached as Appendix A) or a **farm**;

- 3.2 Despite section 3.1, the provisions of this By-law do not apply to:
- (g) **livestock**, except where **livestock** is **at large** as set out in sections 6.1 and 6.3;
 - (h) a horse boarded or trained as part or all of an agricultural use on **premises** zoned under a **City** zoning by-law permitting such a use, except where a horse is at large as set out in sections 6.1 and 6.3.”

The reason that "farm" is defined as it is, is to capture any farms not located in rural/agricultural zones (legal non-conforming).

Rural or agricultural premises, as defined above, are areas where:

- pigeons can be kept (existing in other areas grandfathered, subject to regulation);
- dogs can be kept without fencing or other restraint if sufficiently trained to stay on the property (also permitted on properties 1 hectare or larger);
- chickens, pigs, donkeys and other farm animals can be kept (in addition to dogs, cats, ferrets, rabbits, etc.) even if they are not livestock or horses on a horse farm;
- falcons can be kept (with the Provincial licence); and,
- wild animals can be kept while being nursed (with the Provincial authorization).

There are 18 rural settlement areas in the City of Hamilton e.g. Copetown and Rockton.

For example, the By-law allows flexibility for such situations as a lot severed from a farm, and therefore agricultural would be allowed to have a variety of animals including lamas, donkeys and some exotic animals. There are no acreage or land size restrictions.

Other issues: It is extremely difficult to provide, with any clarity, a direct comparison of all the new regulations in the proposed Responsible Animal Ownership By-law with the ten existing by-laws of the former municipalities which currently regulate the keeping and control of animals in the amalgamated City. However, after extensive consultation and consideration of stakeholder input and comments, the following summarizes noteworthy changes being recommended in the new Responsible Animal Ownership By-law compared to existing regulations.

- (a) Cats at large - Staff received significant input both for and against allowing cats to roam “at large”. In the by-laws of the former municipalities, cats “at large” are not regulated in Ancaster, Dundas and Flamborough; Glanbrook prohibits cats “at large”; Hamilton prohibits cats “at large” and cats are to wear an identity collar/tag when off the owner’s property; and, Stoney Creek regulates cats at large i.e. not to trespass.

In the proposed by-law, “owned” (i.e. kept by a person who has care, control or possession) cats will be regulated in the same manner as dogs and will be prohibited from roaming at large, with the exception that they will not be licensed. This requirement will, hopefully, help motivate responsible pet ownership and contribute to reduced euthanasia of “owned” animals. Whether cats are “owned” or stray, Animal Services staff will respond to complaints where a cat is creating a nuisance.

- (b) Limits on number of animals allowed - Significant public input was received on this issue, the detail of which is included in the public/stakeholder commentary in Appendix “B” (“Number of Animals” category). In addition, staff considered the practices of other municipalities regarding pet limits, and analyzed the past five years of complaints received regarding number and type of animals.

Pet limits were originally established on an arbitrary basis to enable the municipality to deal with problem situations. Staff has reviewed the details of complaints regarding exceeding the pet limit, and determined that virtually all of the situations could have been more effectively addressed under nuisance by-laws (i.e. Noise, Yard Maintenance etc.).

Records indicate that less than 100 complaints related to the number and type of animal are received per year and, of these, there is only evidence to support laying of less than 10 Provincial Offence Notices (PON) per year. Hoarding issues are dealt with by the HBSPCA with Hamilton Animal Services providing support where necessary. Complaints often result from broader neighbour disputes when the number of animals is not causing any identifiable problem.

The municipal “best practice” appears to be the Calgary where there is no limit on the number of animals, as several municipalities are eliminating their pet limits.

- (c) Reptiles and snakes - are currently not allowed, but staff is recommending allowing reptiles and snakes with some exceptions, as other nearby municipalities do. Under the recommended by-law Squamata (e.g. lizards and snakes) would be prohibited except:
- i) non-venomous snakes (not including anacondas, boa constrictors and pythons) that do not exceed three metres in length from nose to tip of tail at maturity; and,
 - ii) non-venomous lizards that do not exceed two metres in length from nose to tip of tail at maturity. Iguanas would continue to be prohibited.
- (d) Urban chickens – There was some stakeholder interest in allowing the keeping of chickens in urban areas, while others were opposed. Public Health (Health Protection) provided input to the draft by-law in January 2010 and did not

recommend allowing the keeping of chickens in urban areas because of health and disease control issues. The keeping of domestic poultry can put humans in close contact with poultry viruses such that the potential health risks associated with the keeping of poultry outweighs the potential benefit realized from the food security perspective. Poultry carry Salmonella bacteria and have the ability to carry Influenza viruses. Salmonellosis infections can be quite serious, particularly in children under the age of five years and poultry are a natural reservoir for influenza viruses. Public Health Services staff recognize and understand the issue of food security, however, the raising of poultry as a means of producing eggs is not an effective strategy to alleviate food security issues.

Public Health realizes there has been an increasing interest in allowing the keeping of “urban” chickens and some municipalities are allowing them under very strict conditions while other Councils have no interest in allowing livestock in residential areas. If Council wants to consider allowing “urban” chickens, staff could be directed to report back more comprehensively on concerns and regulations required (number per household, coop distance restrictions, enclosure/containment restrictions, nuisance clauses, permits and fees, regulation of roosters, slaughtering restrictions), and so on. There are financial and resource issues (budget implications) such as staffing for licensing/registration, inspections, handling of abandoned chickens, and capital for accommodation of stray chickens which would have to be considered.

- (e) Keeping pigeons – The Stoney Creek and Hamilton By-laws allow the keeping of pigeons in urban areas. However, under the recommended by-law the keeping of pigeons will be permitted on rural or agricultural premises only. If a person is lawfully keeping pigeons on premises other than on rural or agricultural properties on the date the by-law is passed, the pigeons may be kept on the same premises, if certain requirements are met.
- (f) Feeding of wildlife – There was some stakeholder interest in allowing the feeding of wildlife, while others were opposed. Wildlife is regulated by the Ministry of Natural Resources (MNR) and the MNR does not support allowing residents to feed wildlife as it increases contact between wildlife and humans and an increased risk of rabies transmission and animals losing their natural fear of humans e.g. coyotes in residential areas.

The foregoing is the list of the most noteworthy changes being recommended in the new Responsible Animal Ownership By-law. Other changes included in the draft by-law include:

- clean up and simplification of language for clarity;
- use of scientific names for animals instead of referring to schedules by class of animal;

- some regulations added regarding where and how an animal may be housed to ensure its health and safety; and,
- a Provincially authorized custodian may keep an animal prohibited under the by-law in accordance with MNR authorization.

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 licenses 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.”

Staff carefully considered selling dog licences through breeders and pet stores and concluded that this is not practical for the following reasons:

- administration would be prohibitive (cash collection, audit, reporting, etc.);
- there are privacy issues regarding collection of personal information;
- the industry trend to stop selling dogs in pet shops; and,
- owners have many convenient options to purchase licences from the City including online, mail, municipal service centres etc.

On the other hand, staff believe 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.

ALTERNATIVES FOR CONSIDERATION

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

Planning Committee or Council may choose to amend some areas of the proposed Responsible Animal Ownership By-law being recommended.

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 the keeping and control of animals contributes to the health and well being of the community.

APPENDICES / SCHEDULES

Appendix "A" to Report PED09303(b) - Responsible Animal Ownership By-law

Appendix "B" to Report PED09303(b) - Comments From Public Consultation and Response

Appendix "C" to Report PED09303(b) - Amendment to By-law No. 07-170, a By-law to License and Regulate Various Businesses

SO'D/dt

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

Bill No.

CITY OF HAMILTON
BY-LAW NO. _____

For Responsible Animal Ownership in the City of Hamilton

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, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licences respecting the matter;

AND WHEREAS subsection 103(1) of the *Municipal Act, 2001* provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded 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, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

AND WHEREAS the *City of Hamilton Act, 1999* did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the following former area municipalities: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and The Corporation of the City of Stoney Creek; and the successor to the former Regional Municipality of Hamilton Wentworth;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the by-laws of the former area municipalities and the former Regional Municipality of Hamilton Wentworth remain in force, in respect of the part of the municipal area to which they applied on December 31, 2000, until they expire or are repealed or amended to provide otherwise;

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

PART 1.0 - Definitions

1.1 In this By-law:

"**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**;

"**bees**" means the insects known as *Apis mellifera*;

"**bite**" in all of its forms means the breaking, puncturing or bruising of the skin of a person or domestic animal caused by the tooth or teeth of a **dog**;

"**cat**" means a male or female of the species *felis catus* and does not include any hybrid of *felis catus*;

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

"**Council**" means the council of the City of Hamilton;

"**dog**" means a male or female of the species *canis familiaris* and does not include any hybrid of *canis familiaris*;

"**farm**" means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998* and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;

"**keep**" in all its forms, includes care, control or possession whether temporary or permanent;

"**kennel**" means a commercial establishment, licensed or required to be licensed under Section 7 of the Licensing By-law No. 07-170, 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 not 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;

"**microchip**" means an approved Canadian Standard encoded identification device implanted into an **animal** which is programmed to store a unique and permanent identification number that permits access to owner information which is stored in a central database;

"**mitigating factor**" means a circumstance which excuses aggressive behaviour of a **dog** and, without limiting the generality of the foregoing, may include circumstances where:

- (a) the **dog** was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- (b) the **dog** was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or a domestic animal trespassing on the property of its **owner**; or
- (c) the **dog** was, at the time of the aggressive behaviour, being teased, provoked, or tormented;

"**muzzle**" in all of its forms means a humane fastening placed over a **dog's** mouth of adequate strength to prevent it from biting;

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

"**owner**" in all of its forms, when used in relation to an **animal**, includes a person who **keeps** an **animal** and, where the person is under the age of 18, the person responsible for the custody of the person under the age of 18;

"**pet shop**" means a commercial establishment, licensed or required to be licensed under Section 7 of the Licensing By-law No. 07-170, for the selling or offering for sale of **animals** that are used or are intended to be used as pets;

"**pit bull**" has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners' Liability Act*;

"**police animal**" means an **animal** trained to aid police officers and used by police officers when carrying out their duties;

"**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;

"**Poundkeeper**" means the **City's** Senior Director of Parking and By-law Services and his or her designate or successor;

"**premises**" means a building or a part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

"**prohibited pit bull**" has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners' Liability Act*;

"**redemption period**" means that period of time within which the owner of an **animal** that has been impounded in the **pound** has the right to redeem it;

"**restricted pit bull**" has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners' Liability Act*;

"**rural or agricultural premises**" means **premises** located in a rural or an agricultural zone permitted under the **City's** zoning by-laws (not including Rural Settlement Areas as shown on Map A to Map S attached as Appendix 1) or a **farm**;

"**service animal**" means an **animal** that:

- (a) has successfully completed training by a recognized school for service as a guide **animal** for the visually or hearing impaired or a special skills **animal** for other disabled persons; and

(b) is performing the service for which it was trained;

"sterilized" means spayed or neutered;

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

"Vietnamese pot-bellied pig" means a Vietnamese pot-bellied pig lawfully kept on [the date this By-law is passed]

PART 2.0 – Interpretation

- 2.1 For the purpose of this By-law, a use permitted under a City zoning by-law is deemed to include a use excepted from a City zoning by-law under paragraph 34(9)(a) of the Planning Act.
- 2.2 The requirements of this By-law are in addition to requirements contained in any other applicable by-laws of the **City** or applicable provincial or federal statutes or regulations.
- 2.3 If there is a conflict between a provision of this By-law and any other by-law of the **City** or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of **animals** prevails.

PART 3.0 - Scope

- 3.1 The provisions of this By-law apply to the entire geographic area of the **City**.
- 3.2 Despite section 3.1, the provisions of this By-law do not apply to:
- (a) the **premises** of a pound;
 - (b) **premises** used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
 - (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**, except where **livestock is at large** as set out in sections 6.1 and 6.3;

- (h) a horse boarded or trained as part or all of an agricultural use on **premises** zoned under a **City** zoning by-law permitting such a use, except where a horse is at large as set out in sections 6.1 and 6.3;
- (i) **bees**;
- (j) a temporary public display of **animals** including a circus, carnival or classroom display;
- (k) the aviary located at 85 Oak Knoll Drive in Churchill Park or as it may be re-located to other **City premises**;
- (l) the African Lion Safari located at 1386 Cooper Road;
- (m) Flamboro Downs located at 967 Highway #5 West; or
- (n) the Mountsberg Wildlife Centre located at 2259 Milborough Line.

PART 4.0 – Licensing of Dogs and Vietnamese Pot-Bellied Pigs

- 4.1 No person shall **own** a **dog** or a **Vietnamese pot-bellied pig** without a current, valid licence for the **dog** or the **Vietnamese pot-bellied pig**.
- 4.2 The **owner** of a **dog** or a **Vietnamese pot-bellied pig** applying for a licence shall submit to the **Poundkeeper** a properly completed application together with the applicable licence fee. The application shall include the following:
 - (a) the name, address and telephone number of the **dog** or the **Vietnamese pot-bellied pig owner**;
 - (b) the name, colour and sex of the **dog** or the **Vietnamese pot-bellied pig**;
 - (c) if the **animal** is a **dog**, its breed;
 - (d) the address of the **premises** where the **dog** or the **Vietnamese pot-bellied pig** is to be **kept** in the **City**;
 - (e) the date of the **dog** or the **Vietnamese pot-bellied pig's** most recent rabies vaccination;
 - (f) if the **animal** is a **Vietnamese pot-bellied pig**, the date of its most recent erysipelas vaccination;
 - (g) if applicable, the details of the **dog** or the **Vietnamese pot-bellied pig's microchip** identification;

- (h) if the **animal** is a **Vietnamese pot-bellied pig**, proof satisfactory to the **Poundkeeper** that it has been detusked;
 - (i) if the **dog** is a **pit bull**, proof satisfactory to the **Poundkeeper** that it is a **restricted pit bull**; and
 - (j) such additional information as may be required by the **Poundkeeper**.
- 4.3 Every **owner** of a **dog** or a **Vietnamese pot-bellied pig** shall notify the **Poundkeeper** immediately of any change in:
- (a) the name, address or telephone number of the **dog** or the **Vietnamese pot-bellied pig owner**;
 - (b) the address of the **premises** where the **dog** or the **Vietnamese pot-bellied pig** is to be **kept** in the **City**;
 - (c) the **ownership** of the **dog** or the **Vietnamese pot-bellied pig**.
- 4.4 A licence issued under this By-law shall expire one year from the date of issuance as shown on the licence.
- 4.5 No licence issued under this By-law shall be valid unless the applicable licence fee has been paid in full.
- 4.6 Every person who **owns** a licensed **dog** or a licensed **Vietnamese pot-bellied pig** shall ensure that they renew the licence before it expires.
- 4.7 In the event the **owner** of a licensed **dog** or a licensed **Vietnamese pot-bellied pig** fails to renew the licence before it expires, they shall pay, in addition to the applicable licence fee, the applicable late payment fee.
- 4.8 Where a licence is renewed, before or after its date of expiry, the date of issuance as shown on the renewed licence shall be one year from the date of issuance as shown on the expired licence.
- 4.9 Despite any other provision under this By-law, no **owner**, upon providing proof satisfactory to the **Poundkeeper**, shall pay a fee for a licence issued for a **dog** that is a **police animal** or a **service animal**.
- 4.10 An application for a licence for:
- (a) a Vietnamese pot-bellied pig, except for a Vietnamese pot-bellied pig lawfully **kept** on **[the date this By-law is passed]**; or
 - (b) a **prohibited pit bull**,

shall not be processed and shall be returned to the applicant.

- 4.11 Despite section 4.1, no licence shall be required under this By-law for:
- (a) a **dog** which has not been weaned and which is under the age of 12 weeks; or
 - (b) a **dog** which is temporarily **kept** at a **kennel**, if the **dog**, when not being **kept** at the **kennel**, is kept at **premises** located outside of the **City**.
- 4.12 Where a licence is issued under this By-law, the **owner** of the **dog** or the **Vietnamese pot-bellied pig** shall be given a licence number and an identification tag.
- 4.13 Every **owner** shall ensure that the identification tag corresponding to the licence issued for their **dog** or their **Vietnamese pot-bellied pig** is attached to the **dog** or the Vietnamese pot-bellied pig at all times.
- 4.14 Despite section 4.13, the identification tag is not required to be attached to a **dog** that is being lawfully used for hunting.
- 4.15 No person shall attach an identification tag to a **dog** or a **Vietnamese pot-bellied pig** for which the corresponding licence was not issued.
- 4.16 Every **owner** of a **dog** or a **Vietnamese pot-bellied pig** shall ensure that a lost identification tag is replaced immediately.
- 4.17 The **owner** of a **dog** or a **Vietnamese pot-bellied pig** applying for a replacement identification tag shall submit to the **Poundkeeper** a properly completed application together with the applicable fee. The application shall include proof satisfactory to the **Poundkeeper** that a current, valid licence has been issued for the **dog** or the **Vietnamese pot-bellied pig**.
- 4.18 Part 4, with all necessary modifications, applies to any **owner** with a current, valid multiple **dog** licence, referred to as a "Flat rate licence" in the User Fees and Charges By-law, on **[the date this By-law is passed]** until the **dogs** licensed under the multiple **dog** licence have died or are otherwise disposed of.
- 4.19 The **Poundkeeper** may revoke any licence issued in error.

PART 5.0 – Keeping Pigeons

- 5.1(1) No person shall **keep** or permit to be **kept** pigeons located on **premises**, except **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use, **owned** or occupied by them.

- (2) Despite subsection 5.1(1), a person who is lawfully **keeping** pigeons located on **premises** other than **rural or agricultural premises** on **[the date this By-law is passed]** may continue to **keep** the pigeons on the same **premises** if the **premises** are zoned under a **City** zoning by-law permitting such a use and the person otherwise complies with this By-law.
- 5.2(1) No person shall **keep** or permit to be **kept** more than 40 pigeons on any one **premises** **owned** or occupied by them.
- (2) Despite subsection 5.2(1), a person who is lawfully **keeping** more than 40 pigeons on **[the date this By-law is passed]** may continue to **keep** the same number of pigeons at the same **premises** if the person otherwise complies with this By-law.
- 5.3 Every **owner** of a pigeon shall ensure that the pigeon is banded with an identifying leg band issued by the Canadian Racing Pigeon Union Inc. or the Canadian Pigeon Fanciers' Association.
- 5.4 Every **owner** of a pigeon shall **keep** it in a pigeon enclosure located in a rear yard that, in addition to complying with sections 6.9 and 6.10:
- (a) is adequate for the size and breed of pigeon;
 - (b) has an unobstructed space between the ground and the underside of the floor of not less than 30 centimetres;
 - (c) is located not less than 12 metres from the boundary line of any **premises** containing a school, church, public hall, store, dwelling or **premises** used for human habitation, other than **premises** used exclusively by the owner of the pigeon; and
 - (d) has its inside walls and ceilings, except walls and ceilings constructed of wire, lime-washed, painted or disinfected at least twice yearly.
- 5.5 Every **owner** of a pigeon shall ensure that all food for the pigeon is kept in air-tight, rodent-proof containers.
- 5.6 No owner of a pigeon shall feed or shall permit a person to feed their pigeon when the pigeon is outside a pigeon enclosure.
- 5.7 Every **owner** of a pigeon shall ensure that all pigeon droppings, refuse and dropped or scattered feed on the **owner's premises** are removed and disposed of at least twice each week.

- 5.8 Despite section 6.3, every **owner** of a pigeon shall ensure that the pigeon is **kept** in the pigeon enclosure at all times except during:
- (a) a maximum of two flights daily:
 - (i) before 9:00 a.m. or after 5:00 p.m. from April 1 to September 30 in any one year;
 - (ii) before 10:00 a.m. or after 3:00 p.m. from October 1 in any one year to March 31 in the following year; or
 - (b) a flight conducted by the Canadian Racing Pigeon Union Inc. or the Canadian Pigeon Fanciers' Association.
- 5.9 Each flight under subsection 5.8(a) shall:
- (a) include no more than one half of the total number of pigeons being kept by the **owner**; and
 - (b) be supervised by the **owner** or by a competent person on the **owner's** behalf.

PART 6.0 – Prohibiting Animals at Large, etc.

- 6.1 For the purposes of section 6.3, "**animal**" includes **livestock** or a horse.
- 6.2 For the purposes of subsection 6.3(b), "**premises**" does not include any part of:
- (a) non-residential or residential **premises** that serve as common areas for occupiers or owners; or
 - (b) non-residential **premises** that are open to the public.
- 6.3 No owner of a **dog**, **cat** or other **animal** shall permit that the **dog**, **cat** or other **animal** to be **at large**, except when the **dog**, **cat** or other **animal** is:
- (a) on **premises** owned or occupied by the **owner**; or
 - (b) on **premises** owned or occupied by a person who has given prior consent.
- 6.4 Despite section 6.3, a **dog**, except a **restricted pit bull** or a **dog** designated as potentially dangerous or dangerous, may be unleashed if:
- (a) the **dog** is under the control of the **owner** or a competent person on the **owner's** behalf and both the **dog** and the person are within:
Birch Avenue Dog Park (Ward 3 - South East Corner of 330 Wentworth Street), as shown in the attached Appendix 2 on Map A, from 5 p.m. to

11 p.m. Monday to Friday and from 6 a.m. to 11 p.m. Saturday and Sunday;

Chegwin Park (Ward 13 – 27 Chegwin Street), as shown in the attached Appendix 2 on Map B, from 6 a.m. to 11 p.m. every day;

Cinema Park (Ward 12 – 799 Golf Links Road), as shown in the attached Appendix 2 on the Map C, from 6 a.m. to 11 p.m. every day;

Hannon South Open Space (Ward 6 – Part of 1450 Rymal Road East, South Portion), as shown in the attached Appendix 2 on the Map D, from 6 a.m. to 11 p.m. every day;

Hill Street Park (Ward 1 – 13 Hill Street), as shown in the attached Appendix 2 on Map E, from 6 a.m. to 11 p.m. every day; or

Little John Park (Ward 13 – 110 Little John Road), as shown in the attached Appendix 2 on Map F, from 6 a.m. to 11 p.m. every day; and

- (b) the **owner** or the competent person on the **owner's** behalf complies with the Rules and Regulations for Leash Free Parks set out in section 7 of the **City's** Leash Free Parks Policy, as amended or replaced from time to time and posted in the Leash Free Parks.

6.5 No **owner** of a **dog** shall permit the **dog** to be outdoors on **premises** as described under subsections 6.3(a) and 6.3(b) except where the **dog** is:

- (a) contained in an enclosure or fenced area, including an area enclosed by electronic fencing known as invisible fencing;
- (b) restrained by a chain or other restraint no less than 3 metres in length; or
- (c) **under the control of some person,**
sufficient to prevent the **dog** from leaving the **premises**.

6.6 Despite section 6.5, a **dog** may be outdoors on **rural or agricultural premises** or on **premises** one hectare or more in area if the **dog** is sufficiently trained so as to remain on the **premises**.

6.7 No **owner** of a **dog** shall permit the **dog** to:

- (a) behave in a manner that poses a menace to the safety of a person or domestic animal; or
- (b) to **bite** or attack a person or domestic animal.

- 6.8 No **owner** of a **dog** shall **keep** the **dog** from dusk to dawn on **premises** that are not used primarily for residential purposes unless clearly visible signs are posted sufficient to give notice of the **dog** to persons entering the **premises**.
- 6.9 Every **owner** of an **animal** shall ensure that the place where the **animal** is **kept** is such that:
- (a) the **animal** may extend its legs, wings or body to their full natural extent;
 - (b) the **animal** may stand, sit or perch, or the place is otherwise adequate for the needs of the **animal**;
 - (c) the **animal** may be readily observed, unless the natural habits of the **animal** require otherwise; and
 - (d) the place is in a clean and sanitary condition.
- 6.10 In addition to complying with section 6.9, every **owner** of an **animal** shall ensure that any structure located in a yard where the **animal** is **kept** is:
- (a) in the rear yard;
 - (b) located not less than 3 metres from the boundary line between the **owner's premises** and any abutting **premises**;
 - (c) soundly constructed of hard, durable materials;
 - (d) impervious to water;
 - (e) constructed of materials that may be readily sanitized;
 - (f) maintained in a good state of repair free from cracks, holes, rust and other damage;
 - (g) kept in a way that minimizes as nearly as practicable the transfer of pathogenic agents; and
 - (h) adequately ventilated for the health and comfort of the **animal** enclosed.

PART 7.0 – Poop and Scoop for Animals

- 7.1 Every owner of an **animal**, except the **owner** of a **service animal** or a **police animal**, shall immediately remove and dispose of any feces left by the **animal** on any **premises** except **premises** owned or occupied by the **owner**.
- 7.2 Every **owner** of an **animal** shall, in a timely manner, remove and dispose of any feces left by the **animal** on **premises** owned or occupied by the **owner**.

PART 8.0 – Designating Dogs as Potentially Dangerous or Dangerous

- 8.1 Where an **Officer** is satisfied that, in the absence of any **mitigating factor**, a **dog** has approached a person or domestic animal in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling, the Officer may issue a designation in writing to the **owner** designating the **dog** as potentially dangerous.
- 8.2 Where an **Officer** is satisfied that a **dog**:
- (a) has, in the absence of any **mitigating factor**, attacked, **bitten** or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (b) has, in the absence of a **mitigating factor**, significantly injured a domestic animal; or
 - (c) having been previously designated as potentially dangerous, is **kept** or permitted to be **kept** in violation of the requirements for a potentially dangerous **dog**,
- the **Officer** may issue a designation in writing to the **owner** designating the **dog** as dangerous.
- 8.3 No **owner** of a **dog** designated as potentially dangerous or dangerous shall transfer **ownership** of the **dog** without first having obtained the written consent of the **Poundkeeper**. In granting or refusing consent, the **Poundkeeper** shall consider the likelihood that all the applicable provisions of this By-law and the *Dog Owners' Liability Act*, including any orders under that Act, will be met.
- 8.4 In addition to complying with all of the applicable provisions of this By-law, every **owner** of a **dog** designated as potentially dangerous or dangerous shall ensure that:
- (a) the **dog** is implanted with a **microchip**; and
 - (b) the **dog** is **sterilized** before reaching the age of six months or within 30 days of being designated.
 - (c) when not on **premises** owned or occupied by the **owner**, the **dog** is equipped with a **muzzle** and secured with a **leash** in accordance with the following:

- (i) a **muzzle** shall be securely placed over the mouth of the **dog** at all times so that the **dog** cannot **bite** any person or domestic animal;
 - (ii) a collar or harness shall be securely placed on the **dog** at all times so that the **dog** cannot detach the collar or harness;
 - (iii) a **leash** shall be securely attached to a collar or harness at all times so that the **dog** cannot detach the **leash** from the collar or harness; and
 - (iv) the **dog** shall be **under the control of some person** by means of the **leash** at all times; and
- (d) when the **dog** is on **premises** owned or occupied by the **owner**, the **dog** is:
- (i) securely contained indoors; or
 - (ii)
 1. where a **dog** designated as potentially dangerous is outdoors, contained in an enclosure or fenced area or restrained by a chain or other restraint sufficient to prevent the **dog** from leaving the **premises**; and
 2. where a **dog** designated as dangerous is outdoors, contained in a six-sided pen which includes a top and bottom and which is located at least 2 metres from any property line or in a yard enclosed by a fence that is at least 2 metres in height, is securely locked and is constructed so as to prevent the **dog** from leaving the yard.

8.5 Every owner of a **dog** designated as potentially dangerous or dangerous shall:

- (a) provide proof, on demand, satisfactory to an **Officer**, that the **dog** has been implanted with a **microchip** or **sterilized** or both; and
- (b) post in a conspicuous place at the entrance to the **owner's premises** a clearly visible sign warning of the presence of a potentially dangerous or dangerous **dog**.

8.6 The **owner** of a **dog** which has been designated as potentially dangerous or dangerous may request a hearing by the **Poundkeeper**.

8.7 A request by the **owner** of a **dog** for a hearing under section 8.6 shall be made in writing, accompanied by the applicable fee and delivered to the **Poundkeeper** within 15 days of issuance of the designation.

- 8.8 Notice of a hearing date to the **owner** of a **dog** who has made a request under section 8.7 shall include:
- (a) a statement of the time, date and purpose of the hearing; and
 - (b) a statement that if the **owner** of the **dog** does not attend the hearing, the **Poundkeeper** may proceed in their absence without notice to them.
- 8.9 The notice of hearing under section 8.8 may be given by delivering it personally or by sending it by prepaid registered mail to the last known address of the **owner** of the **dog** on file with the **City**. When notice is given by registered mail, it shall be deemed to have been given on the 5th day after the day of mailing.
- 8.10 The **Poundkeeper** shall hold a hearing pursuant to the *Statutory Powers Procedure Act* at the time, date and place set out in the notice of hearing and the **Poundkeeper** may:
- (a) confirm or rescind the designation;
 - (b) substitute his or her own designation of the **dog** as potentially dangerous or dangerous;
 - (c) confirm, rescind or vary the requirements of the **owner** imposed by the designation including substituting the **Poundkeeper's** own requirements that may be tailored to the specific circumstances before the **Poundkeeper**.
- 8.11 The decision of the **Poundkeeper** is final and binding and the designation of a **dog** as potentially dangerous or dangerous, including all of the requirements of the **owner** imposed by the designation, remains in effect until that decision is made.
- 8.12 Despite subsections 8.4(a) and 8.4(b) and section 8.11, the **owner** of a **dog** who has requested a hearing in compliance with sections 8.6 and 8.7 shall not be required to have their **dog** implanted with a **microchip** or **sterilized** until 30 days after a decision of the **Poundkeeper** confirming these requirements.
- 8.13 Sections 8.1 to 8.12 shall not apply to a **dog** while it is used as a **police animal**.

PART 9.0 – Prohibited Animals

- 9.1 No person shall **keep animals** belonging to the following orders:

Anseriformes (e.g. ducks, geese, swans and screamers), except located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use;

Artiodactyla (e.g. cattle, goats, sheep, pigs, deer and elk), except:

- (a) a Vietnamese pot-bellied pig with a current, valid licence on [**the date this By-law is passed**]; or
- (b) located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use;

Carnivora (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and racoons), except **dogs, cats** and ferrets;

Chiroptera (e.g. bats, myotis and flying foxes);

Crocodylia (e.g. alligators, crocodiles, gavials and caymans);

Edentates (e.g. anteaters, sloths and armadillos);

Galliformes (e.g. pheasants, grouse, guinea fowls, turkeys, chickens and peafowls), except located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use;

Lagomorpha (e.g. hares and pikas), except domestic rabbits;

Marsupialia (e.g. koalas, kangaroos, opossums and wallabies), except sugar gliders derived from self-sustaining captive populations;

Perissodactyla (e.g. horses, donkeys, jackasses, mules, zebras and ponies), except located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use;

Primates (e.g. chimpanzees, gorillas, monkeys and lemurs);

Proboscidea (e.g. elephants, rhinoceros, hippopotamuses);

Raptors (e.g. eagles, hawks, falcons and owls), except

- (a) as permitted under a provincial falconry licence; and
- (b) located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use;

Rodentia (e.g. porcupines, prairie dogs, nutria and chinchillas) except Rodentia that do not exceed 1,500 grams and are derived from a self sustaining captive population;

Squamata (e.g. lizards and snakes) except:

- (a) non-venomous snakes (not including anacondas, boa constrictors and pythons) that do not exceed 3 metres in length from nose to tip of tail at maturity; and
- (b) non-venomous lizards (not including iguanas) that do not exceed 2 metres in length from nose to tip of tail at maturity; or

Struthioniformes (e.g. ostriches, rheas, cassowaries, emus and kiwis), except ostriches, emus or kiwis located on **rural or agricultural premises** zoned under a **City** zoning by-law permitting such a use.

- 9.2 Despite section 6.3, raptors permitted under this By-law shall not be **at large** when hunting.
- 9.3 No person shall **keep** or permit to be **kept** an **animal** that produces any poison, venom or toxin.
- 9.4 Despite sections 9.1 and 9.3, a provincially authorized wildlife custodian may **keep** an **animal** prohibited under this By-law in accordance with the authorization.
- 9.5 No person shall **keep** or permit to be **kept** any insect, spider or squamata permitted under this By-law except in an escape-proof enclosure.
- 9.6 No person shall **keep** or permit to be **kept** any lagomorph, marsupial or rodent permitted under this By-law except in a suitable enclosure.

PART 10.0 – Impounding Animals

- 10.1 The **Poundkeeper**, an **Officer** or a police officer may seize any **animal** found **at large** and deliver it to the **pound**.
- 10.2 An **animal** seized under section 10.1 shall be considered impounded at the time and place it is seized by the **Poundkeeper**, an **Officer** or a police officer.
- 10.3 The **Poundkeeper** may impound, at the **pound**, any **dog** or **cat** delivered to the **pound** by the **Poundkeeper**, an **Officer**, a police officer or its **owner**.

- 10.4 The **Poundkeeper** may impound, at any enclosed place in the **City**, any **animal** other than a **dog** or **cat** delivered to the **pound** by the **Poundkeeper**, an **Officer**, a police officer or its **owner**.

Dogs and Cats

- 10.5 The **Poundkeeper** shall **keep** any impounded **dog** or **cat** for a **redemption period** of three days, excluding:
- (a) the day on which the **dog** or **cat** is impounded;
 - (b) statutory holidays; and
 - (c) days on which the **pound** is not open.
- 10.6 During the **redemption period**, the **Poundkeeper**:
- (a) may inoculate the impounded **dog** or **cat** to provide immunization against distemper or any other contagious or infectious disease;
 - (b) shall provide such veterinary care of an injured or ill impounded **dog** or **cat** as may be necessary to sustain its life.
- 10.7 Despite section 10.6, during the **redemption period**, the **Poundkeeper** may euthanize a **dog** or **cat** without delay where, in the opinion of the **Poundkeeper**, this is warranted for humane reasons.
- 10.8 The **Poundkeeper** shall be entitled to recover from the **owner** of the **dog** or **cat** the cost of inoculating or providing veterinary care during the **redemption period** in addition to any other applicable fees for the redemption of the **dog** or **cat**.
- 10.9 During the **redemption period**, the **owner** of an impounded **dog** or **cat** may redeem it if the **owner**:
- (a) pays the applicable fees for redemption of the **dog** or **cat**;
 - (b) provides evidence satisfactory to the **Poundkeeper** that they **own** the **dog** or **cat**;
 - (c) provides evidence satisfactory to the **Poundkeeper** that the **dog** is licensed under this By-law or, if not, licenses the **dog** in accordance with this By-law; and

- (d) if an impounded **dog** is designated as potentially dangerous or dangerous, satisfies the **Poundkeeper** that they are aware of and in compliance with requirements for **keeping the dog**.

10.10 After the expiration of the **redemption period**, the **Poundkeeper** may:

- (a) release the impounded **dog** or **cat** to its **owner** in accordance with section 10.9; or
- (b) **keep**, sell or dispose of, including euthanize, the **dog** or **cat**, subject to applicable provisions of the *Animals for Research Act*.

Animals other than Dogs and Cats

10.11 For the purposes of sections 10.12 to 10.16 "**animal**" means an **animal** other than a **dog**, a **cat** or an **animal** that is prohibited under section 9.1 or 9.3.

10.12 Where an **animal** is impounded, the **Poundkeeper** shall **keep** the impounded **animal** for a **redemption period** of three days, excluding:

- (a) the day on which the **animal** is impounded;
- (b) statutory holidays; and
- (c) days on which the **pound** is not open.

10.13 Despite section 10.12, during the **redemption period**, the **Poundkeeper** may euthanize an **animal** without delay where, in the opinion of the **Poundkeeper**, this is warranted for humane reasons.

10.14 During the **redemption period**, the **Poundkeeper** may:

- (a) inoculate the impounded **animal** to provide immunization against any contagious or infectious disease;
- (b) provide veterinary care for an injured or ill impounded **animal**;
- (c) release the impounded **animal** to its **owner**, if the **owner**:
 - (i) provides evidence satisfactory to the **Poundkeeper** that they **own** the **animal**; and
 - (ii) pays the applicable fees.

10.15 The **Poundkeeper** shall be entitled to recover from the **owner** of the **animal** the cost of inoculating or providing veterinary care during the **redemption period** in addition to any other applicable fees for the redemption of the **animal**.

10.16 After the expiration of the **redemption period**, the **Poundkeeper** may **keep**, sell or dispose of, including euthanize, the impounded **animal**.

Prohibited Animals

10.17 Where an **animal** that is prohibited under sections 9.1 or 9.3 is impounded, the **Poundkeeper** may, at any time, **keep**, sell or dispose of, including euthanize, the impounded **animal**.

10.18 The **owner** of an **animal** is liable to pay the applicable fees for impounding an **animal** regardless of whether or not they claim the **animal** from the **pound**.

10.19 Where an **animal** cannot be seized and where the safety of persons or **animals** is endangered, the **Poundkeeper**, an **Officer** or a police officer may euthanize the **animal** immediately.

10.20 No compensation, damages, fees or any other amount of money on account of or by reason of the seizure, impounding, euthanizing, sale or disposal of an **animal** shall be recovered by the **owner** or paid by the **Poundkeeper** or the **City**.

PART 11.0 – Administration and Enforcement

11.1 The **Poundkeeper** is authorized to administer and enforce this By-law including but not limited to:

- (a) arranging for:
 - (i) the assistance or work of **City** staff, **City** agents or the assistance of police officers;
 - (ii) the making of designations, orders or other requirements and the imposition of conditions as authorized under this By-law;
 - (iii) the obtaining of court orders or warrants as may be required; or
 - (iv) the commencement of such actions on behalf of the **City** to recover costs or restrain contravention of this By-law as deemed necessary; or
- (b) prescribing the format and content of any forms or other documents required under this By-law.

11.2 The **Poundkeeper** may assign **Officers** to enforce this By-law and **Officers** so assigned or appointed by **Council** to enforce this By-law shall have the authority to:

- (a) carry out inspections;

- (b) make designations, orders or other requirements and impose conditions as authorized under this By-law;
 - (c) give immediate effect to any order or other requirement made under sections 11.6, 11.9 or 11.11.
- 11.3 The **Poundkeeper** may assign duties or delegate tasks under this By-law to be carried out in the **Poundkeeper's** absence or otherwise.
- 11.4 Licence fees and other fees under this By-law, including fees for services provided by the **Poundkeeper**, shall be as set and approved by **Council** from time to time.
- 11.5 The **Poundkeeper** 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 the following are being complied with:
- (a) this By-law;
 - (b) a designation, order or other requirement made under this By-law, including a designation of a **dog** as potentially dangerous or dangerous;
 - (c) a condition of a licence issued under this By-law; or
 - (d) an order made under section 431 of the *Municipal Act, 2001*.
- 11.6 The **Poundkeeper** or an **Officer**, for the purposes of the inspection under section 11.5 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information in writing or otherwise as required by the **Poundkeeper** or an **Officer** from any person concerning a matter related to the inspection; or
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 11.7 The **Poundkeeper** may require an **owner** to pay any costs incurred by the **City** in exercising its authority to inspect under section 11.6, including but not limited to the

cost of any examination, test, sample or photograph necessary for the purposes of the inspection.

- 11.8 The **Poundkeeper** 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 sections 11.5 and 11.6, if, in the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier is given notice concerning the inspection in accordance with subsection 438(5) of the *Municipal Act, 2001*.
- 11.9 If an **Officer** is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the **premises** on which the contravention occurred to discontinue the contravening activity.
- 11.10 An order under section 11.9 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the **premises** on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order.
- 11.11 If an **Officer** is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the **premises** on which the contravention occurred to do work to correct the contravention.
- 11.12 An order under section 11.11 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the **premises** on which the contravention occurred;
 - (b) the work to be completed; and
 - (c) the date or dates by which the work must be complete.
- 11.13 An order to discontinue contravening activity made under section 11.9 or an order to do work made under section 11.11 may be served personally or by registered mail to the last known address of:

- (a) the **owner** of the **animal**; and
- (b) such other persons affected by it, including the owner or occupier of the **premises** where the contravention occurred, as the **Officer** making the order determines.

Service by registered mail shall be deemed to have taken place five business days after the date of mailing.

- 11.14 In addition to service given in accordance with section 11.13, an order to discontinue contravening activity made under section 11.9 or an order to do work made under section 11.11 may be served by an **Officer** placing a placard containing the order in a conspicuous place on the **premises** of the **owner** responsible for the contravention.
- 11.15 Where service cannot be given in accordance with section 11.13, sufficient service is deemed to have taken place when given in accordance with section 11.14.
- 11.16(1) Where a person does not comply with a designation, order or other requirement made under this By-law to do a matter or thing, the **Poundkeeper**, with such assistance by others as may be required, may carry out such designation, order or other requirement at the person's expense.
- (2) Where the costs of doing a matter or thing under subsection 11.16(1) are estimated to be:
- (a) \$20,000 or less, the **Poundkeeper** may proceed without further approval; or
 - (b) more than \$20,000, the **Poundkeeper** may proceed with approval of an authorized person or of **Council**.
- 11.17 The **City** may recover the costs of doing a matter or thing under section 11.16 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the **City** incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 11.18 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- 11.19(1) Every person who fails to comply with any provision of this By-law or a designation, order or other requirement made under this By-law, or an officer or director of a

corporation who knowingly concurs in such a failure to comply by the corporation, 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.

(2) Despite subsection 11.19(1), where the person convicted is a corporation:

- (a) the maximum fine in paragraph 11.19(1)(a) is \$50,000; and
- (b) the maximum fine in paragraph 11.19(1)(b) is \$100,000.

11.20 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.

12.0 – General Provisions

12.1 The Appendices attached to this By-law form part of it.

12.2 This By-law may be referred to as the Hamilton Responsible Animal Ownership By-law or the Responsible Animal Ownership By-law.

12.3 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 **Council** that the remainder of the By-law shall continue to be in force.

13.0 – Repeals, Amendments, Transition and Enactment

13.1 The following By-Laws, all as amended, are repealed;

- (a) City of Hamilton By-law No. 01-169 Respecting the Control and Licensing of Dogs and Kennels;
- (b) City of Hamilton By-law No. 04-298 Respecting Animal Control Services;
- (c) The Corporation of the City of Hamilton By-Law No. 84-191 Respecting the Keeping of Animals;
- (d) The Corporation of the City of Hamilton By-Law No. 86-343 To Regulate and Control Cats;

- (e) The Corporation of The Town of Dundas By-law No. 3612-86 Being a By-law To Regulate the Keeping of Various Kinds of Animals in The Town of Dundas;
- (f) The Corporation of The Township of Glanbrook By-law No. 575-99 A By-law Respecting The Regulating, Prohibiting, Controlling and Keeping of Cats, Dogs and Other Animals;
- (g) The Corporation of The Town of Flamborough By-law No. 93-56-L The Dog Control By-law for The Town of Flamborough;
- (h) The Corporation of The City of Stoney Creek By-law No. 3912-93 To Prohibit The Keeping of Certain Classes of Animals and To Regulate The Keeping of Certain Classes of Other Animals in The City of Stoney Creek; and
- (i) The Corporation of The City of Stoney Creek By-law No. 4319-95 To Provide For The Operation of The Stoney Creek Animal Control Centre and For The Control and Keeping Dogs, Cats and Other Animals; and
- (j) The Corporation of The City of Stoney Creek By-law No. 4320-95 To Provide for the Licensing of Dogs and Kennels in The City of Stoney Creek.

13.2 Despite the repeal of a by-law under section 13.1:

- (a) the by-law shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
- (b) all licences issued under the by-law that are in effect at the time of the repeal shall be deemed to be licences as issued under this By-law, with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.


13.3 This By-Law shall come into force on the date of its passing.

PASSED this day of , 20 .

R. Bratina
Mayor


R. Caterini
City Clerk

Appendix 1, Map A



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: July 11, 2011

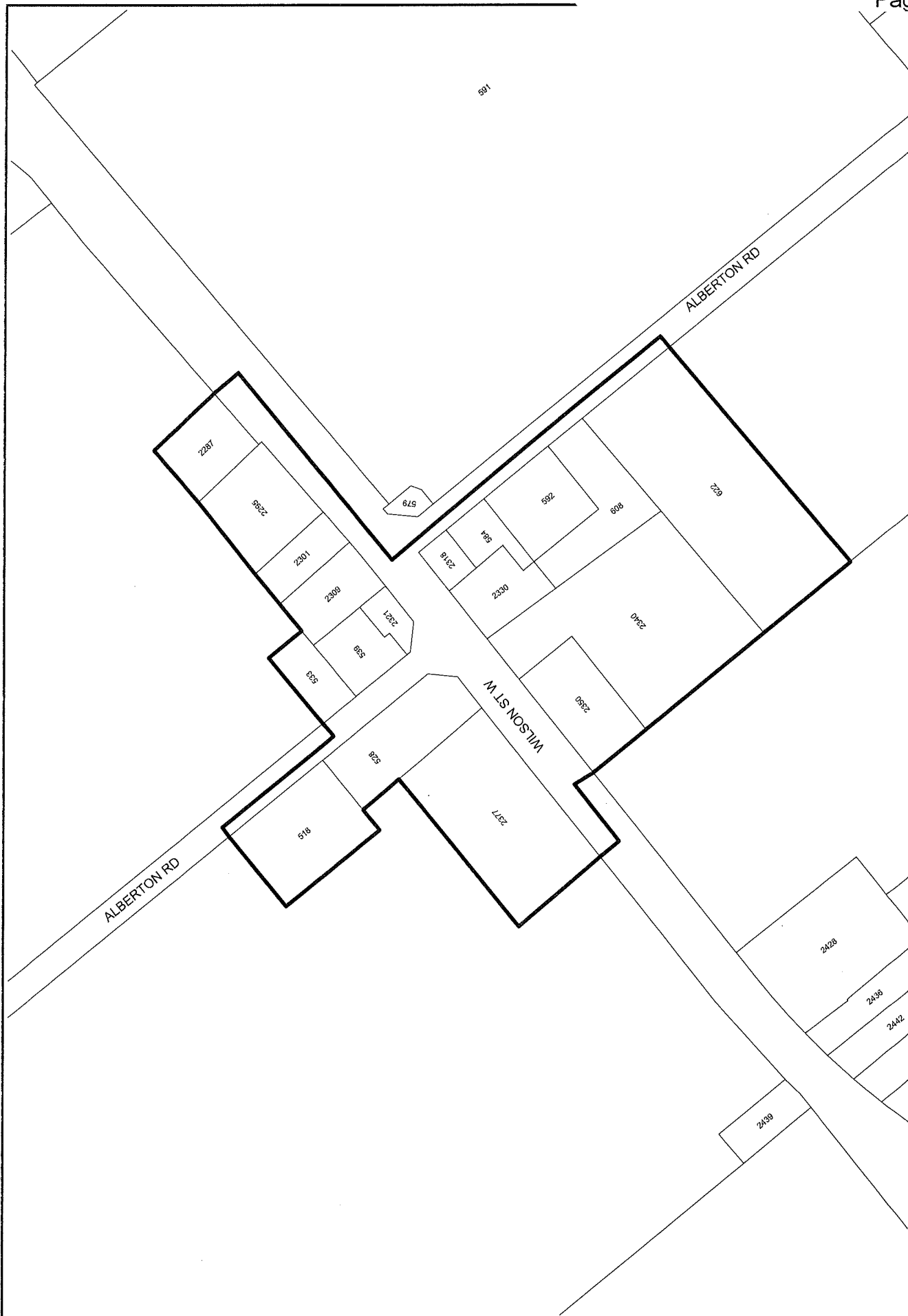


Not To Scale

Legend

 Rural Settlement Area

Alberton Rural Settlement Area






Date: July 11, 2011
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Legend
 [Thick black outline] Rural Settlement Area

Copetown Rural Settlement Area



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Date: July 11, 2011
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Legend


 Rural Settlement Area

Jerseyville Rural Settlement Area



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: July 11, 2011

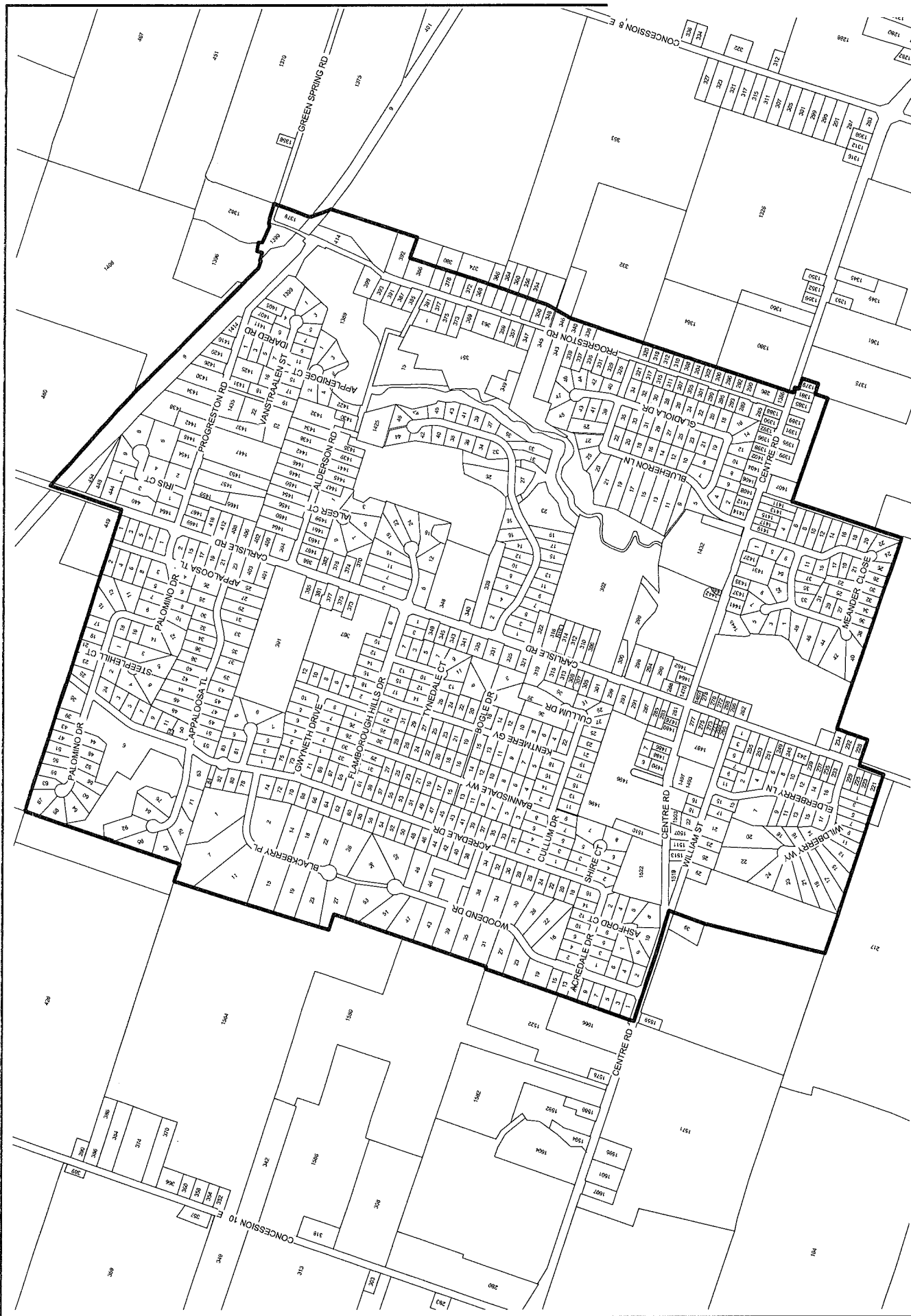


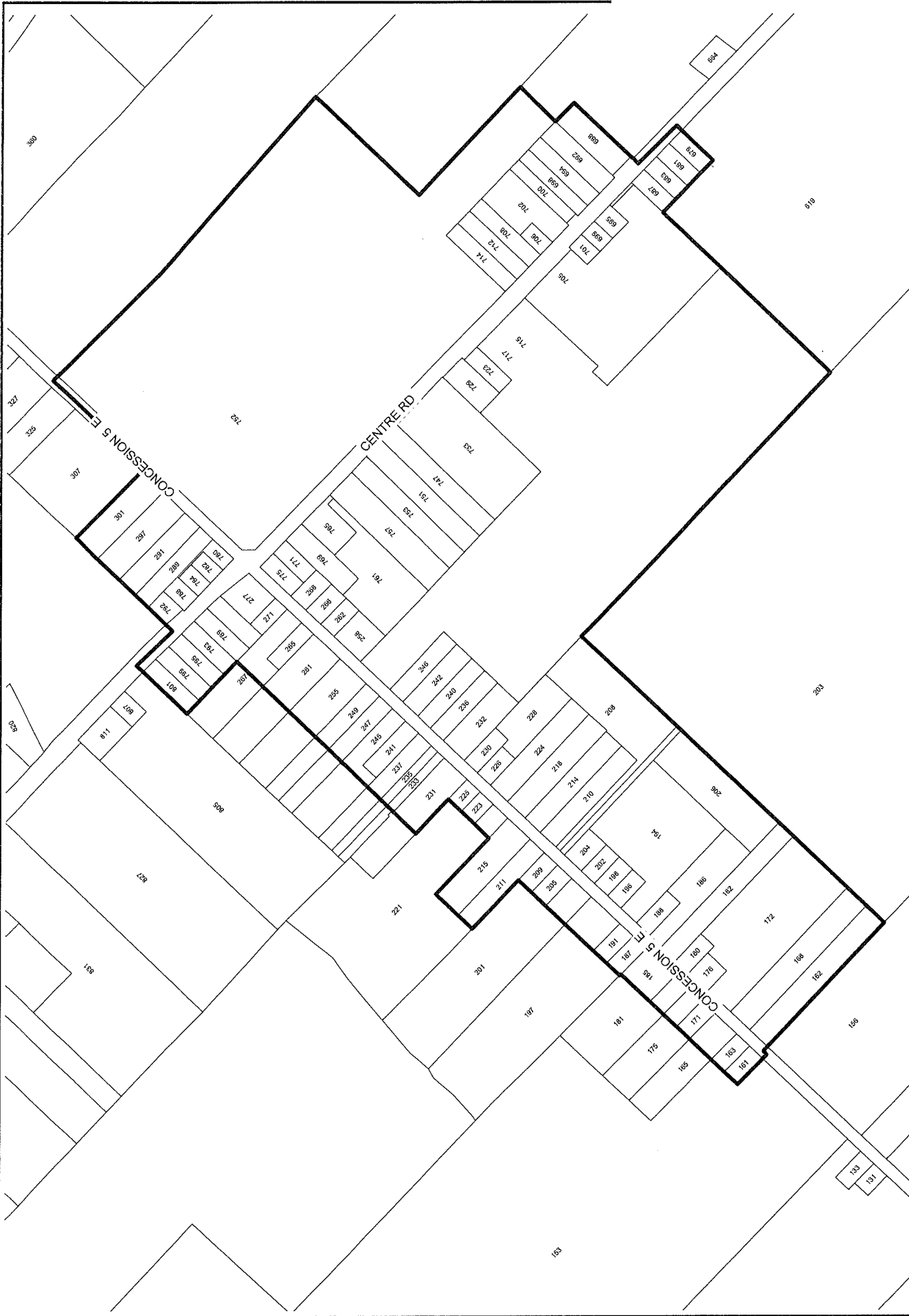
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 Rural Settlement Area

Carlisle Rural Settlement Area







Date: July 11, 2011
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Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Legend
Rural Settlement Area

Concession 5 and Centre Road Rural Settlement Area

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Date: July 11, 2011
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 Hamilton
 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Legend
 Rural Settlement Area

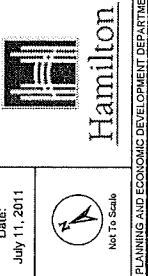
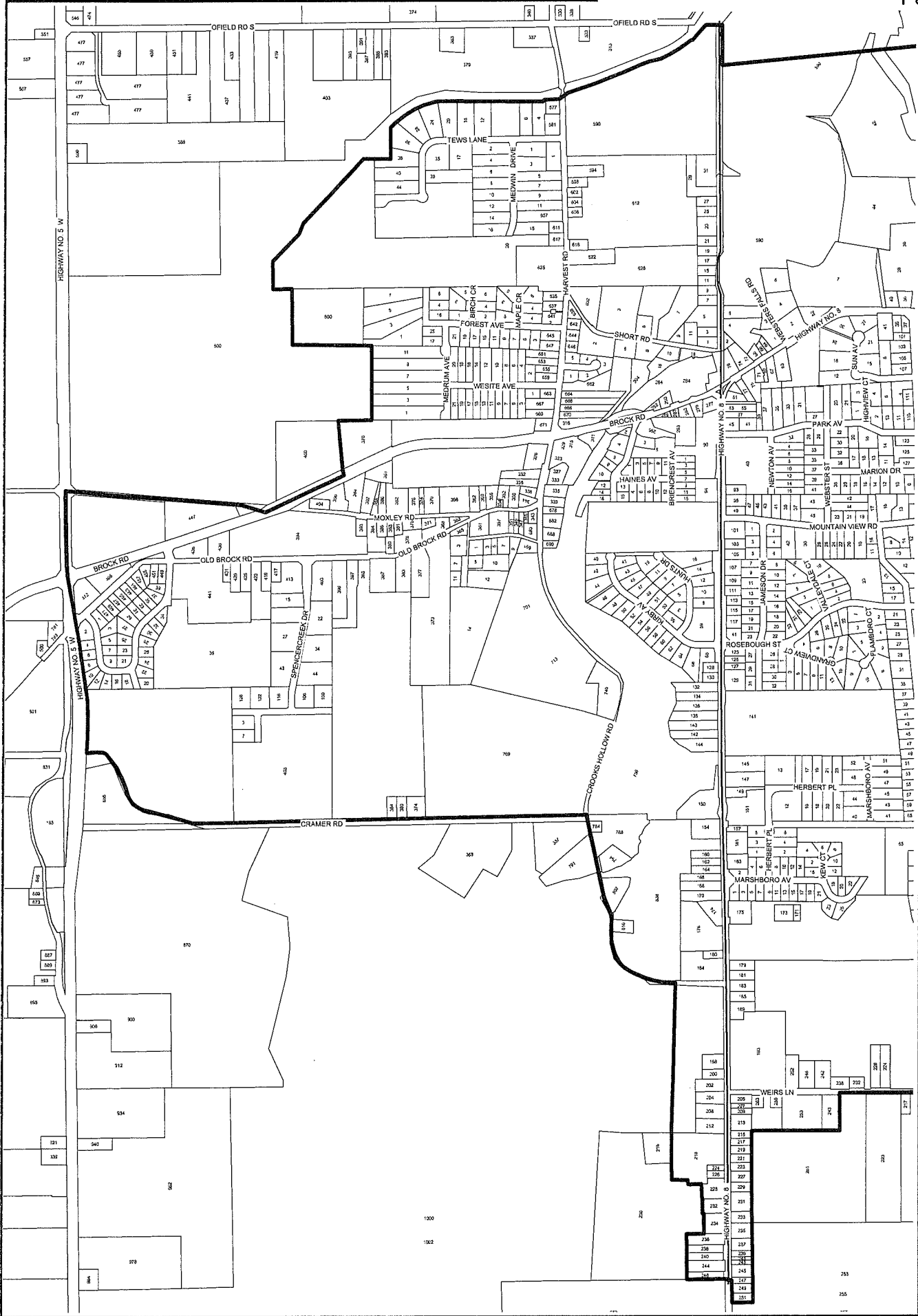
Flamborough Centre Rural Settlement Area



Date: July 11, 2011
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Legend
 [Outline Box] Rural Settlement Area

Freleton Rural Settlement Area



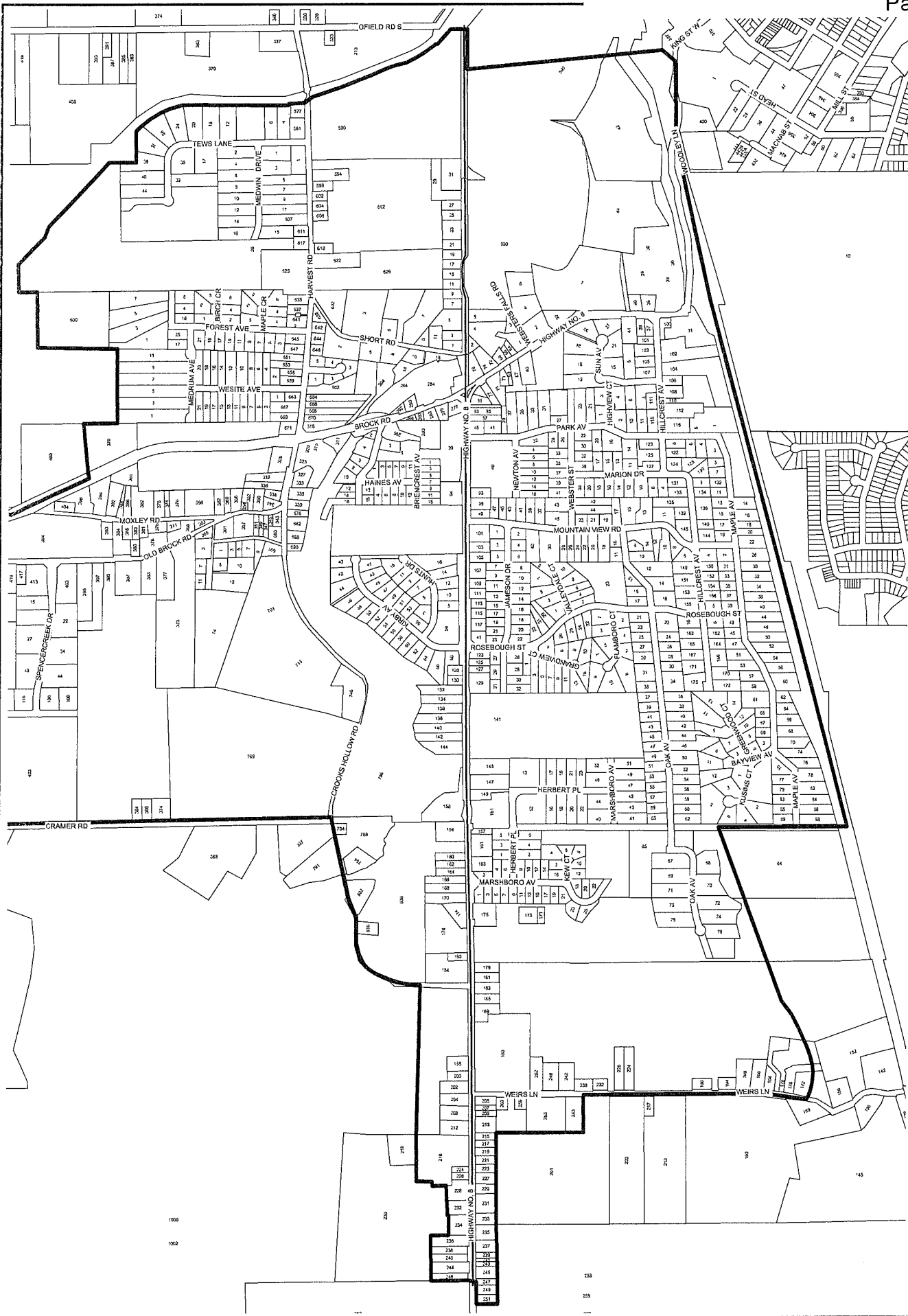
Date: July 11, 2011
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Legend

Rural Settlement Area
 Northernly Portion Boundary
 (See Map H-2 for Southerly Portion)

Northerly Portion of Greenville Rural Settlement Area
Map 2 of 2

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Date: July 11, 2011

Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Legend

Rural Settlement Area
 Southerly Portion Boundary
 (See Map H-1 for Northerly Portion)

Southerly Portion of Greensville Rural Settlement Area
Map 2 of 2

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Appendix 1, Map 1



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: July 11, 2011
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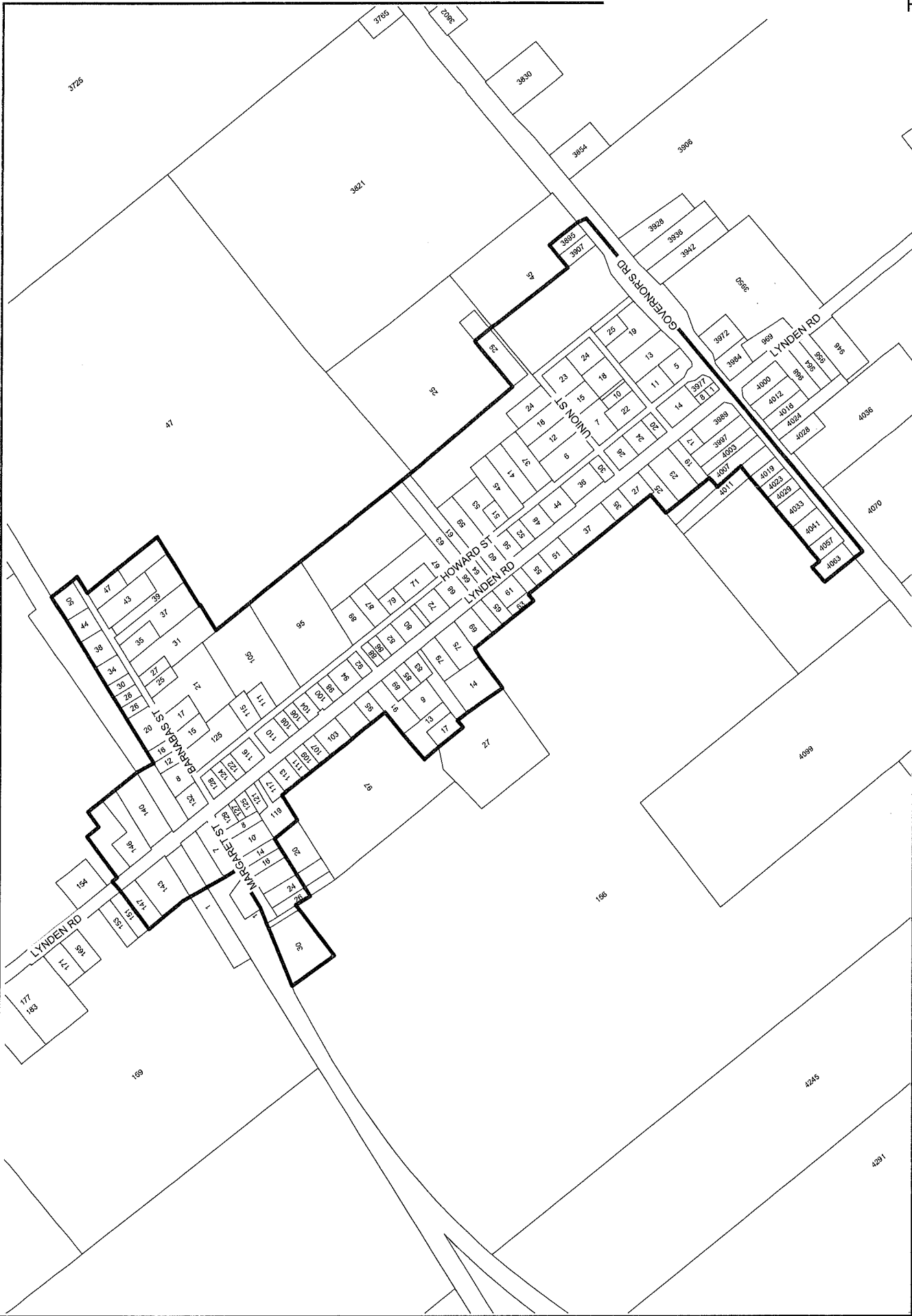
Legend

 Rural Settlement Area

Kirkwall Rural Settlement Area



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Date: July 11, 2011

Hamilton
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Not To Scale

Legend

 Rural Settlement Area

Lynden Rural Settlement Area



Date: July 11, 2011

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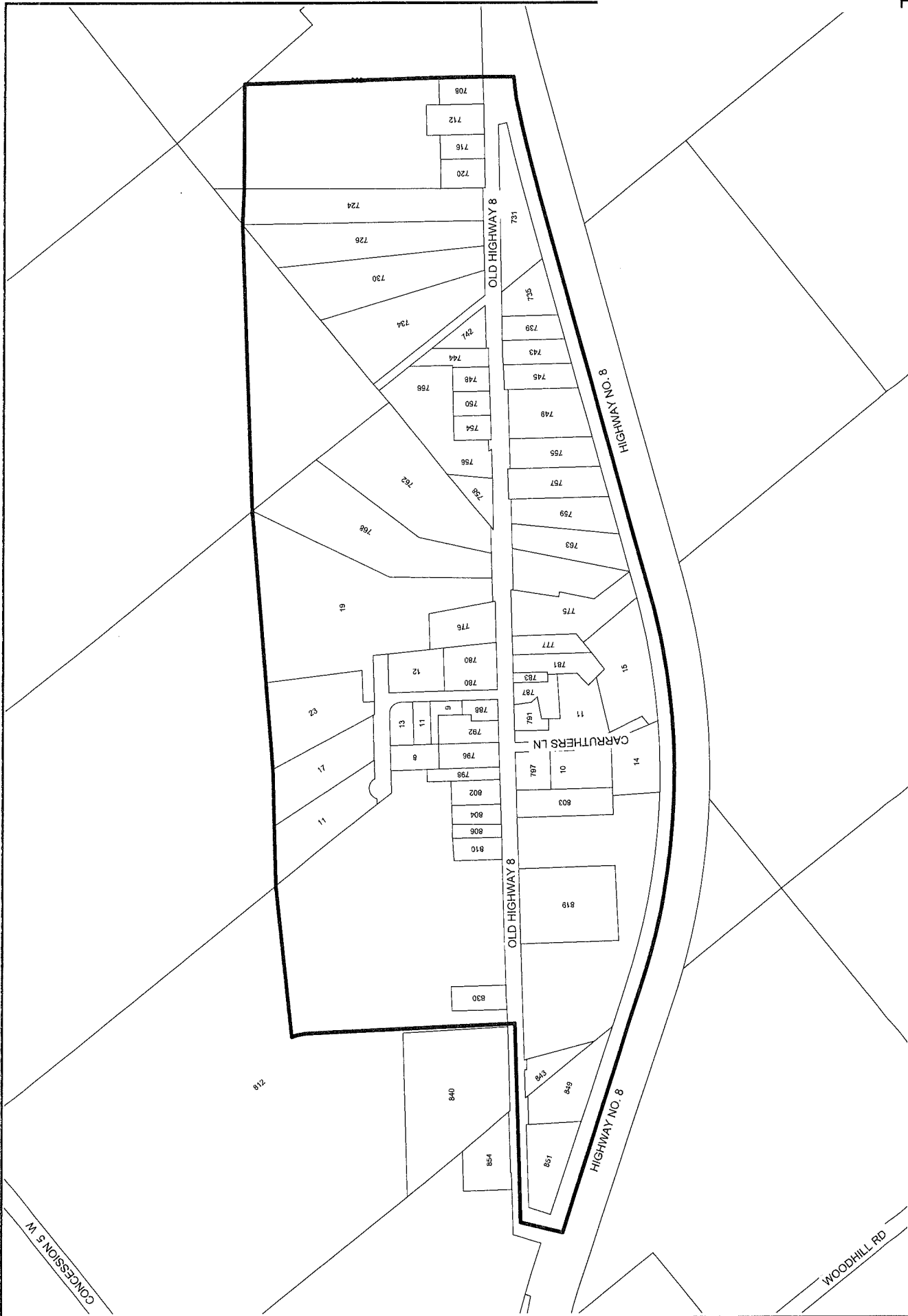
Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Legend

Rural Settlement Area

Millgrove Rural Settlement Area

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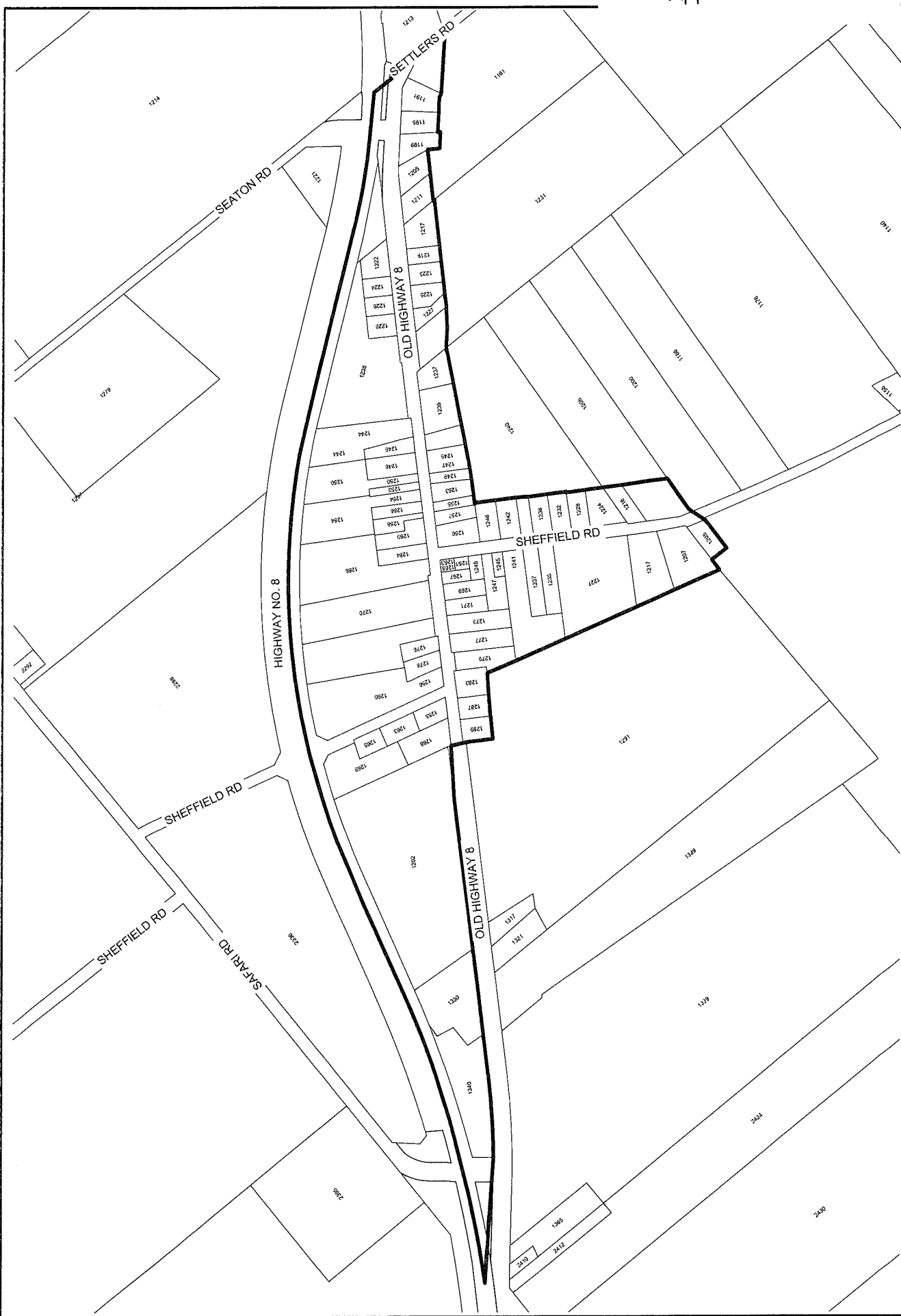
Date: July 11, 2011

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 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Legend
 Rural Settlement Area

Rockton Rural Settlement Area

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Appendix 1, Map N




Date: July 11, 2011
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Legend

 Rural Settlement Area

Sheffield Rural Settlement Area

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Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Date: July 11, 2011
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Legend


 Rural Settlement Area

Strabane Rural Settlement Area



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Date:
July 11, 2011



Not To Scale




Legend




Rural Settlement Area

Troy Rural Settlement Area

Date: July 11, 2011




Not To Scale



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT




Legend

-  Rural Settlement Area


Westover Rural Settlement Area

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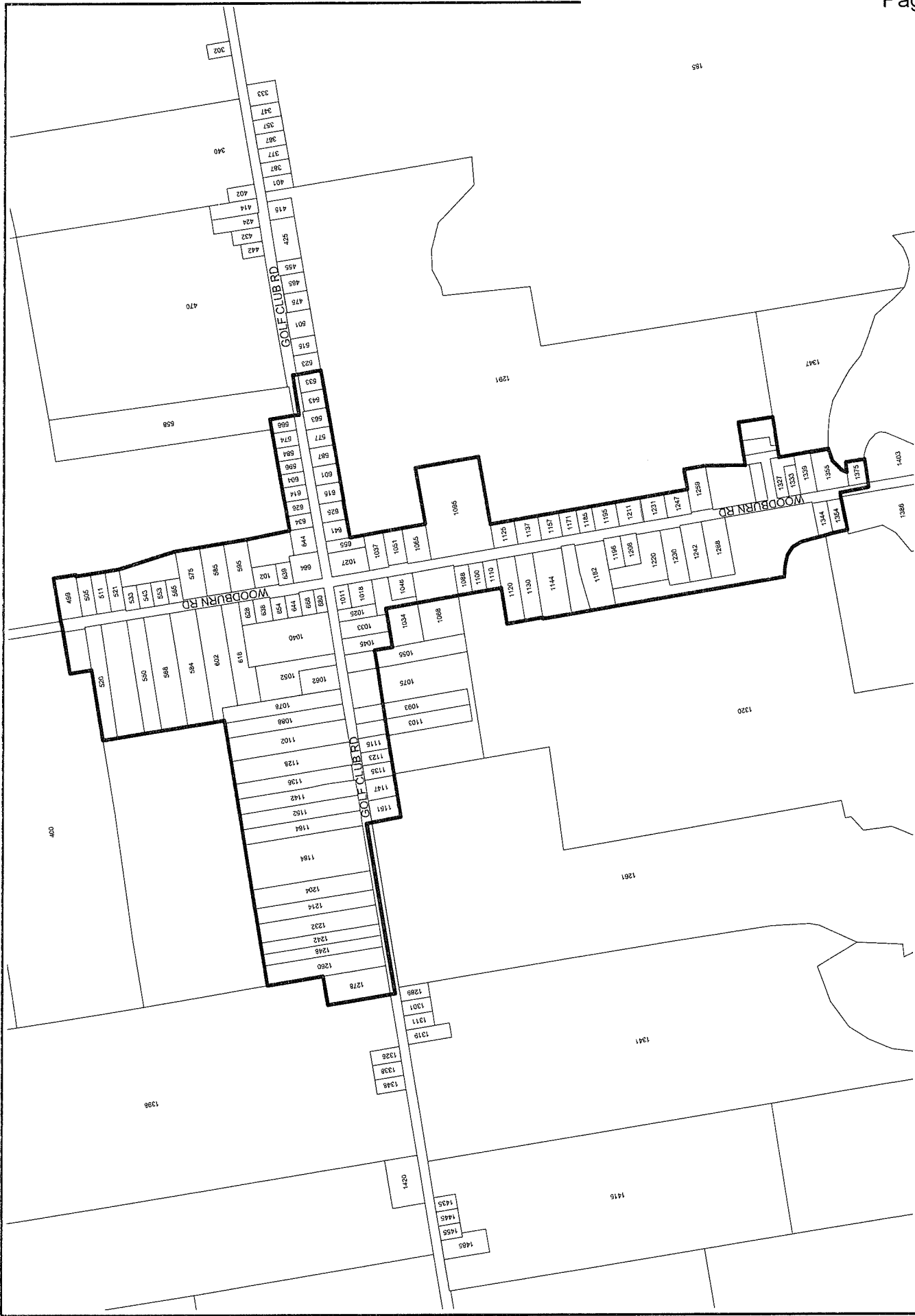


Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Date:
July 11, 2011



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Legend

 Rural Settlement Area

Woodburn Rural Settlement Area



Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Date:
July 11, 2011

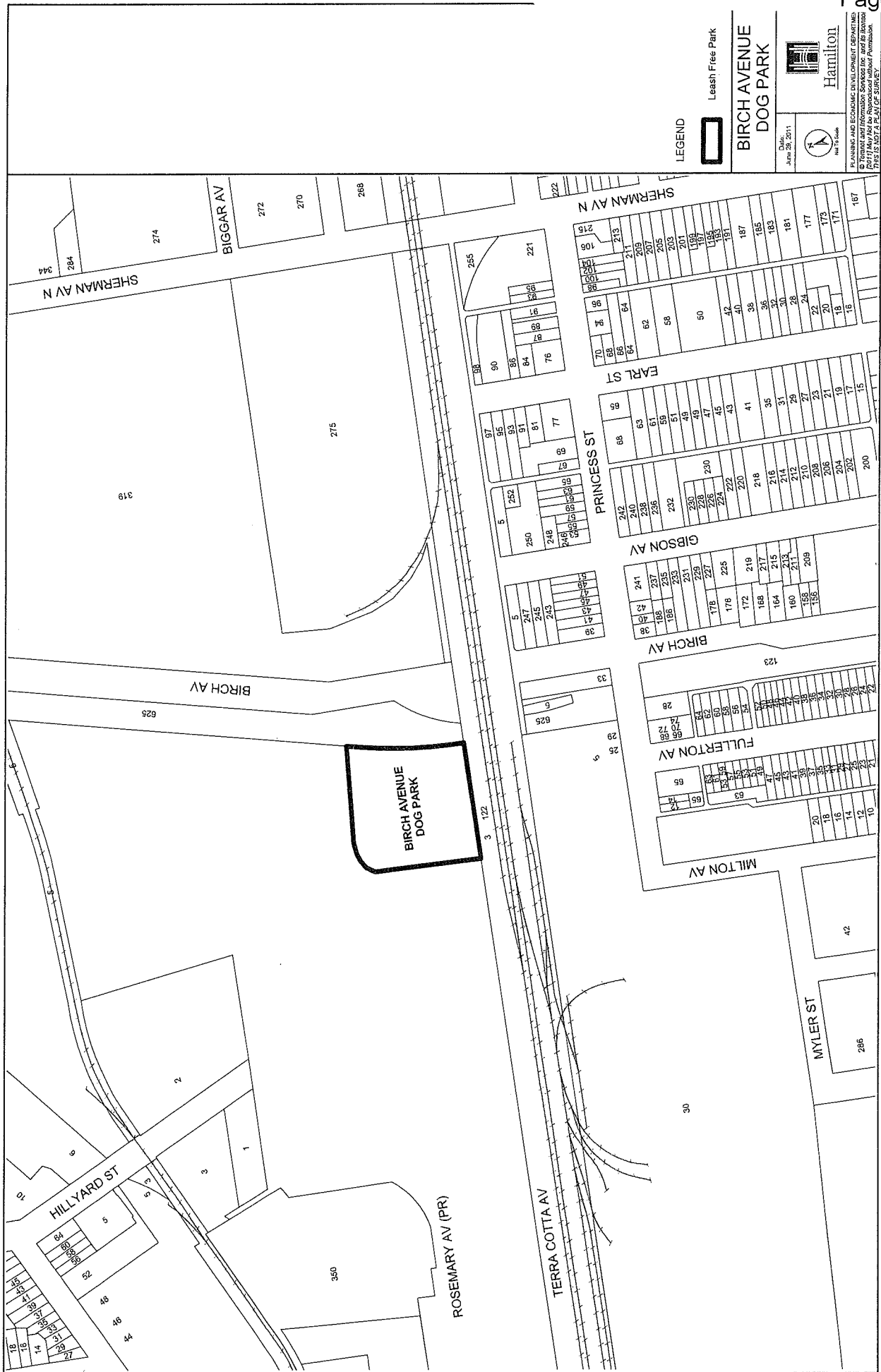


Legend
 Rural Settlement Area

Tapleystown Rural Settlement Area



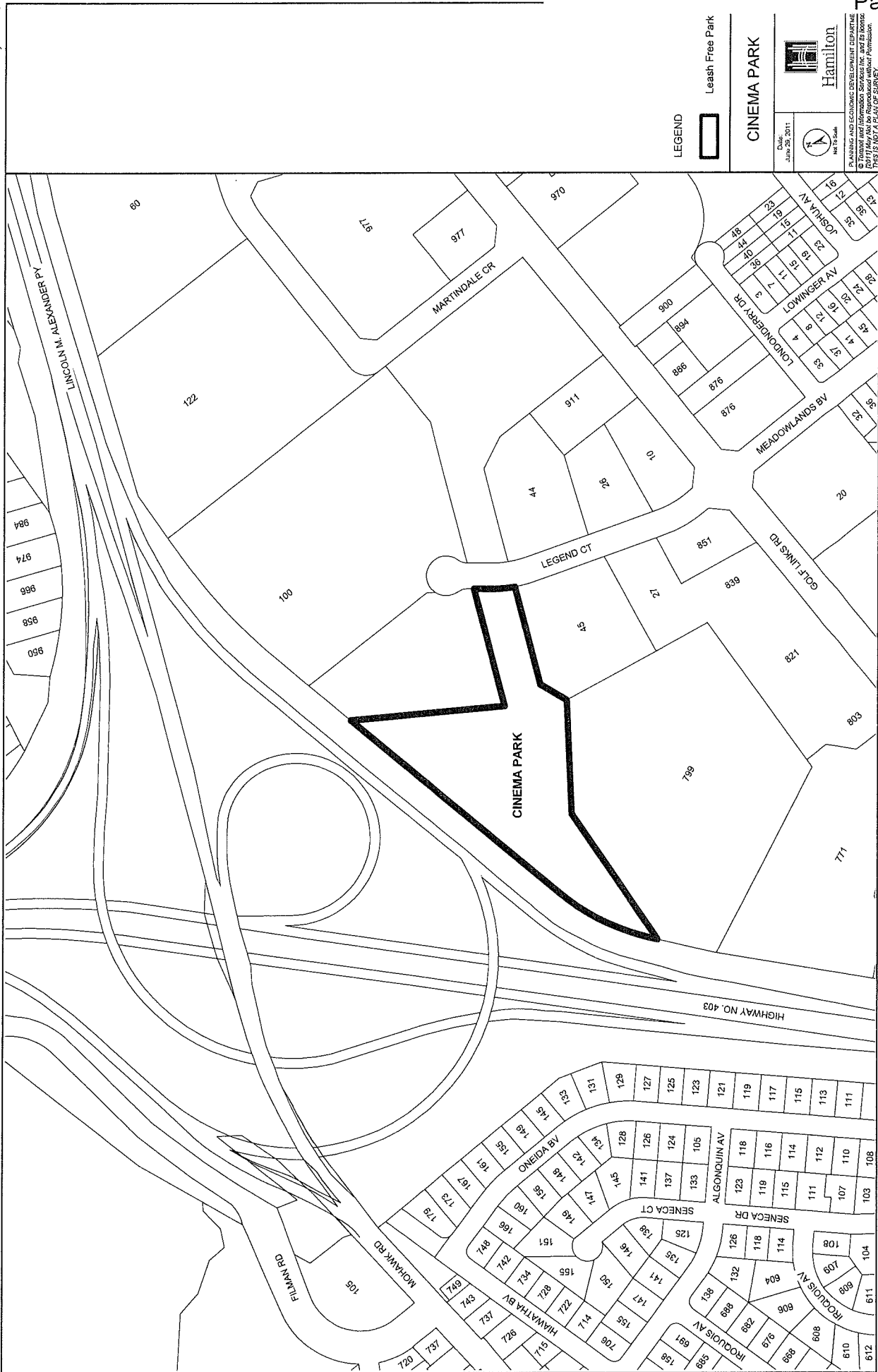
APPENDIX 2, MAP A



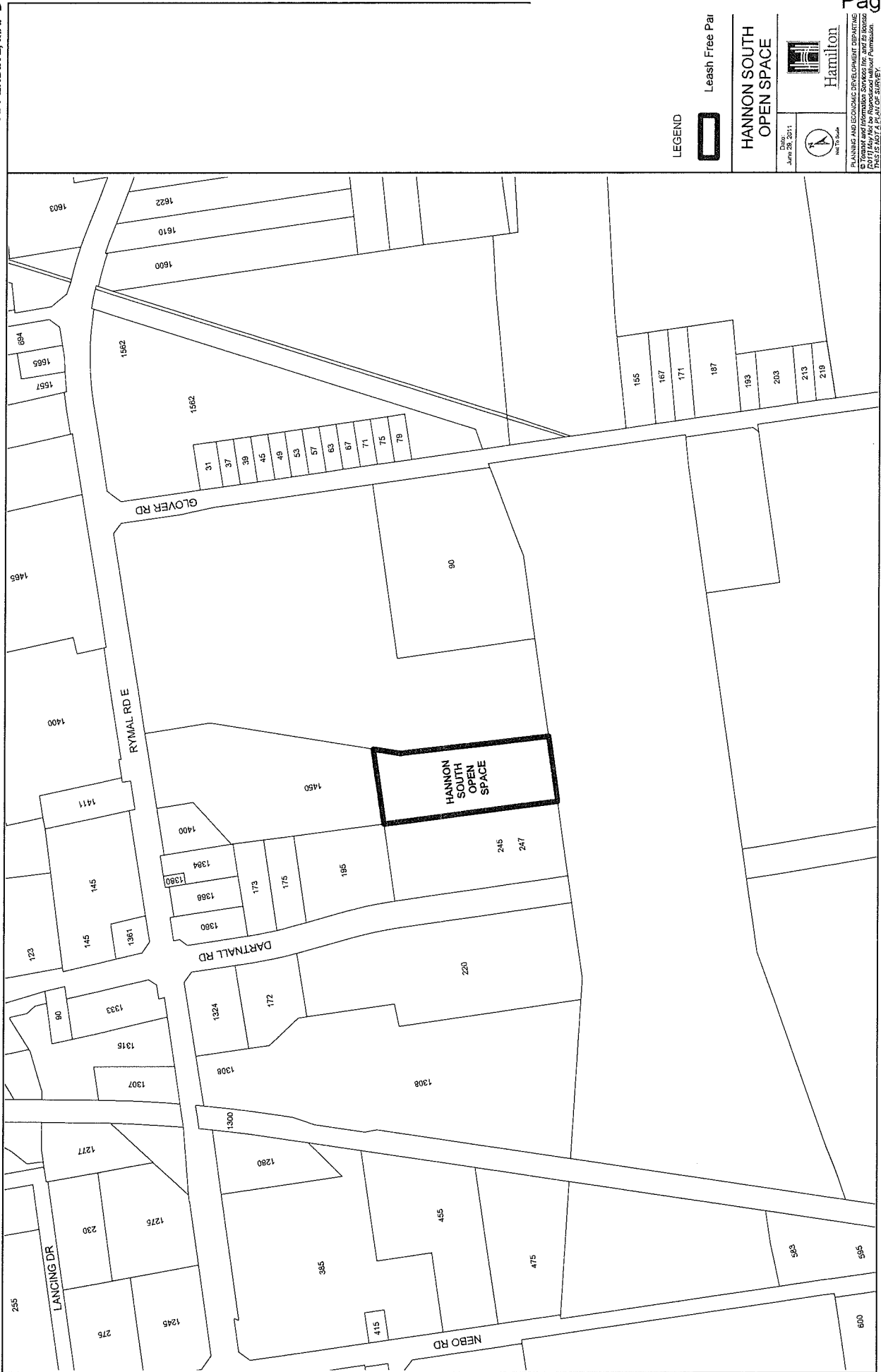
APPENDIX 2, MAP B



APPENDIX 2, MAP C



APPENDIX 2, MAP D



LEGEND



Leash Free Park

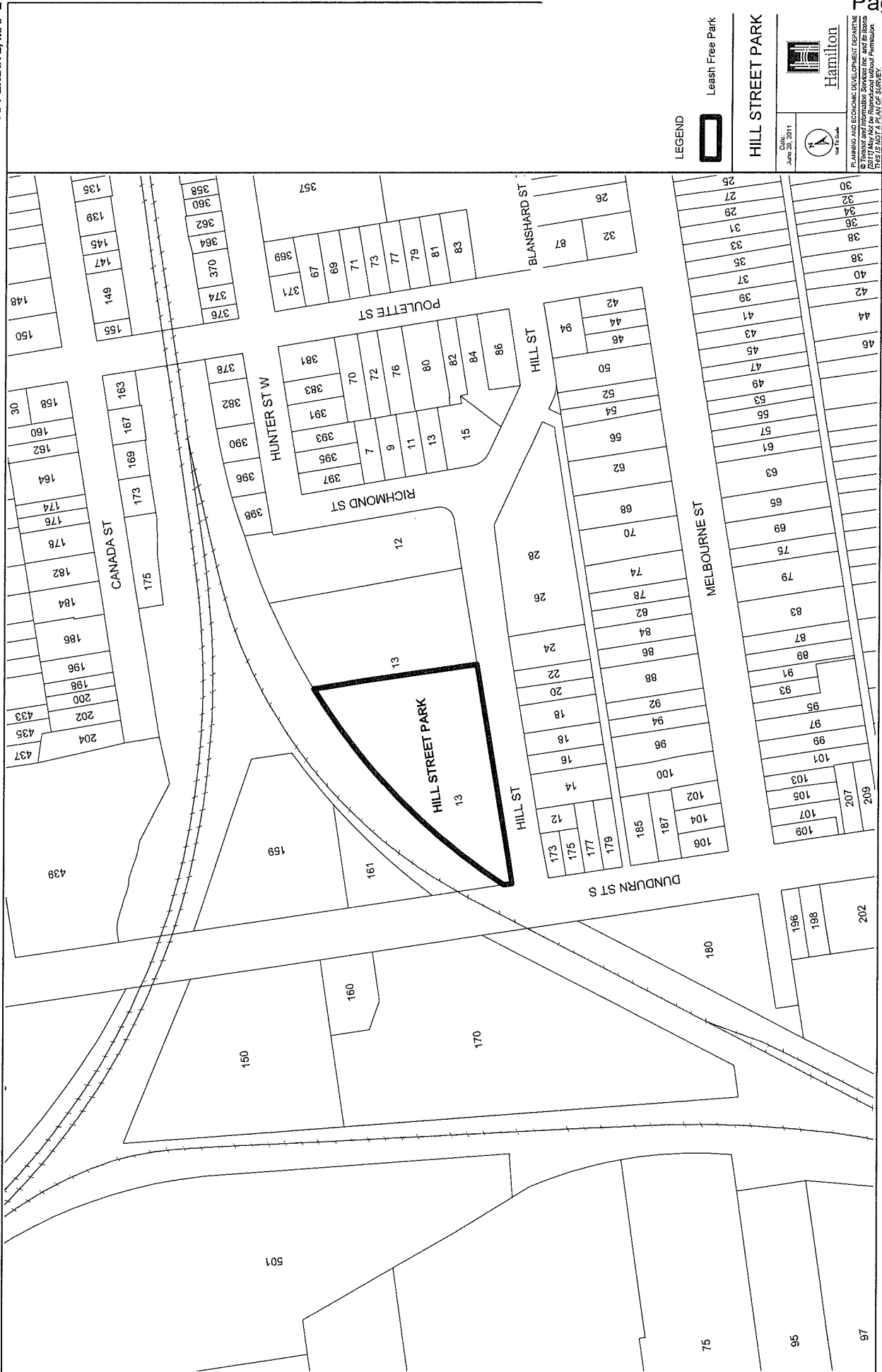
HANNON SOUTH
 OPEN SPACE


Date: June 28, 2011




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APPENDIX 2, MAP E





 Date: June 20, 2011



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 PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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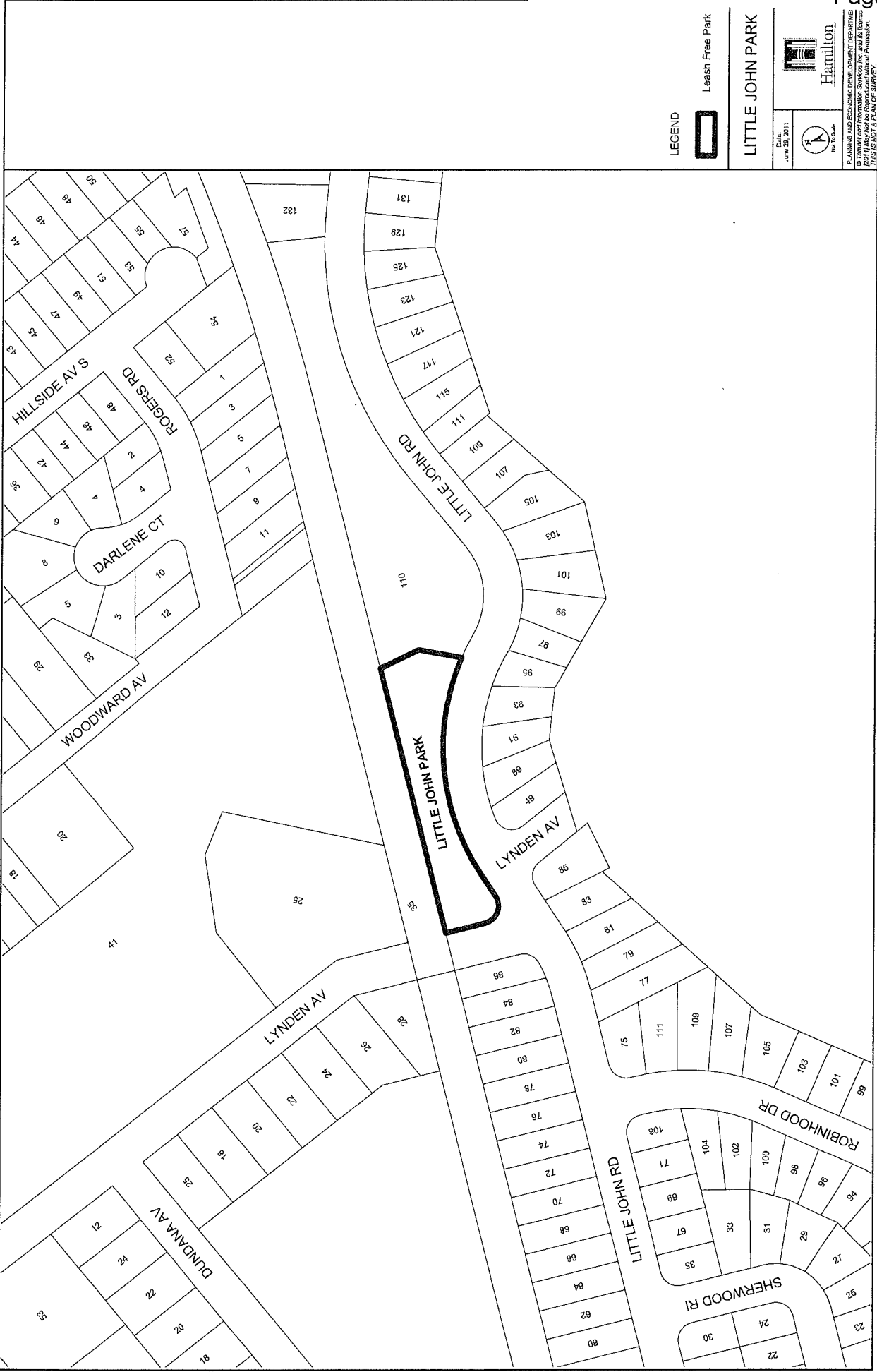
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LEGEND

 Leash Free Park

 HILL STREET PARK

APPENDIX 2, MAP F



LEGEND
Leash Free Park

LITTLE JOHN PARK

Date: June 29, 2011
Hamilton
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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Animal Services By-law

Comments from Public Consultation and Action

DOGS

Comment from the Public	Response
<ul style="list-style-type: none"> • Kennel Licensing – allowances for backyard breeders that are not operating a full blown kennel. 	<ul style="list-style-type: none"> • Kennels will continue to be regulated under the City’s licensing By-law 07-170.
<ul style="list-style-type: none"> • Change provisions for “flat rate” licensing of multiple dogs from 6 or more to 4 or more. 	<ul style="list-style-type: none"> • The proposed by-law will eliminate “flat rate” licensing, grandparenting the existing “flat rate” multiple dog licences.
<ul style="list-style-type: none"> • Regulate puppy mills and backyard breeders selling puppies for huge profit and require that they contribute money to the City. • All breeders and kennels should be required to register with the City and have an “open door” policy for inspection without prior notice. • Develop a by-law that requires dog owners to walk their dog 2-3 times a day (especially where there is no yard). • Dogs outdoors must have access to shelter with 4 walls, roof and heat (no balcony or sheds). 	<ul style="list-style-type: none"> • These types of issues are regulated and enforced, for the most part, by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and their affiliates. • Sections 6.9 and 6.10 provides sufficient regulations regarding how and where an animal may be housed to ensure its health and safety. • Kennel businesses will continue to be regulated under the City’s Licensing By-law 07-170. • The City promotes responsible animal ownership through the by-law, various material in brochures and on the website, individual consultation, etc.
<ul style="list-style-type: none"> • Want to keep Warren Park a leash free zone. • Want to change Warren Park to a leash-on park. • Don’t limit the hours of dog parks. • More dog parks should be created. 	<ul style="list-style-type: none"> • Warren Park has been addressed by the Public Works Department, Parks Division. Warren Park is no longer a leash-free zone and dog owners are required to leash their dogs. • The policies on leash free dog parks and zones are implemented by the Parks Division. • \$1.00 from the sale of each dog licence is transferred to the Parks Division for the creation of leash-free parks.
<ul style="list-style-type: none"> • Regulations for dogs that bark for hours. 	<ul style="list-style-type: none"> • This is already regulated under the Noise By-law 03-020.
<ul style="list-style-type: none"> • Hold dog owners responsible to keep their property clean and clear of feces. 	<ul style="list-style-type: none"> • This is already addressed in the Yard Maintenance By-law 10-118.
<ul style="list-style-type: none"> • Dogs must be leashed unless in a designated leash free area. 	<ul style="list-style-type: none"> • This was addressed in the current By-law 01-169 Respecting the Control and Licensing of Dogs and Kennels and continues to be addressed in the proposed By-law.
<ul style="list-style-type: none"> • Dog owners must attend a course on responsible dog ownership. • Pet sellers cannot sell or adopt an 	<ul style="list-style-type: none"> • We recommend owners understand their responsibilities under the by-law. The Animal Services website will provide

Animal Services By-law

Comments from Public Consultation and Action

<p>animal to someone who has not had the above mentioned course within the last 5 years.</p>	<p>information for pet owners.</p>
<ul style="list-style-type: none"> • Don't "blame" specific dog breeds 	<ul style="list-style-type: none"> • The proposed by-law does not address specific dog breeds. • Provincial legislation, the Dog Owners' Liability Act, does make distinctions between breeds.
<ul style="list-style-type: none"> • Prohibit dogs from defecating and urinating on properties other than their own. • Fines to owners that don't pick up after their pets 	<ul style="list-style-type: none"> • Owners are currently and in the new by-law required to pick up their dogs' feces immediately while off the owner's property. • It would be very difficult, if not impossible, to enforce a regulation prohibiting a dog from urinating on properties other than their own – it is difficult to observe and leaves little evidence. We are not aware of any other municipality that does this. • In the current and the proposed by-law, pet owners may be charged for not cleaning up their pets' feces immediately.
<ul style="list-style-type: none"> • Allow "pet therapy" animals to be registered as service dogs. 	<ul style="list-style-type: none"> • Unlike service dogs – e.g. CNIB Guide Dogs - pet therapy dogs are not required to complete a standard training course.
<ul style="list-style-type: none"> • "Hunting dogs" must be microchipped if the collar is removed while pursuing game. 	<ul style="list-style-type: none"> • Section 4.14 in the proposed by-law addresses this concern.
<ul style="list-style-type: none"> • Extend the disability discount rate to anyone with a Disabled Parking Permit, receives a Disability Tax Credit or a Doctor's note. 	<ul style="list-style-type: none"> • The fee structure is addressed in the User Fee By-law, not under the proposed by-law.

Animal Services By-law Comments from Public Consultation and Action

CATS

Comment from the Public	Response
<ul style="list-style-type: none"> • Disagree with Trap-Neuter-Return programs. • In favour of Trap-Neuter-Return programs. 	<ul style="list-style-type: none"> • Trap-Neuter-Return (TNR) is not a program that can be offered by the City's Pound. Releasing animals back into the community is prohibited under the Animals for Research Act. • The Hamilton-Burlington SPCA is currently running a TNR program to assist with the feral, un-owned cat population.
<ul style="list-style-type: none"> • Allow the feeding of stray cats. • In favour of carefully monitored feeding stations for cats in addition to a spay/neuter program. • Monitored feeding stations for cats 	<ul style="list-style-type: none"> • The feeding of stray cats is not regulated in the proposed by-law.
<ul style="list-style-type: none"> • Cats are not harmless; they endanger birds and can hurt people too. • Cat owners should pick up after their cats just like dog owners. • Equitable animal enforcement of dogs and cats (if a stray dog is a priority – the same should apply for cats). • Cats should not be permitted to roam free, should be kept indoors or tied up and wearing a bell at all times. • Cats should be kept under the same constraints as dogs. • Cats should be required to be leashed and fenced. • Require all cats that are permitted outdoors to be spayed/neutered. • Require cats to stay on their owners' property and fine cat owners for allowing their cats to roam at large. • Cats should be treated as "urban wildlife" and prohibit the picking up of "feral cats". • Not in favour of treating cats as urban wildlife. • Allow cats to roam freely because it is cruel to keep inside. It's in their nature to roam and explore. • Cats should not be treated as "urban wildlife". They are predators of native wildlife (insects, small mammals and birds). 	<ul style="list-style-type: none"> • In the proposed by-law pet cats will be regulated in the same manner as dogs. e.g. they will be prohibited from roaming at large, with the exception that they will not be licensed. • Animal Services responds to nuisance complaints regarding cats and owners are educated about responsible pet ownership.

Animal Services By-law

Comments from Public Consultation and Action

<ul style="list-style-type: none"> • Cats should be licensed yearly similar to dogs. • Low fee cat registration system – the money should go towards a low cost spay/neuter program. • Licensing of cats if the money can be used towards: <ul style="list-style-type: none"> - database to return cats home if found straying - TNR (Trap-Neuter-Return) Programs - low cost spay/neuter programs - financial assistance for adoption/foster programs - support elementary education program on pet care and safety - provide a discounted rate at Veterinary Clinics, grooming, pet stores - if financially viable, program should become mandatory in a few years • Require cats to be microchipped rather than licensed, and ensure working scanners are available at all times. 	<ul style="list-style-type: none"> • Council had provided direction at the beginning of this process for staff to not take any further action with the Licensing of cats. (Report 08-030) • All stray animals that come into the shelter are scanned for microchip identification. • The City does have a low fee (\$12.50) life time registration for cats. Few cat owners have registered their pets.
<ul style="list-style-type: none"> • Create and support geared to income Veterinarian care. 	<ul style="list-style-type: none"> • Veterinarian care is readily available in the City of Hamilton through various Veterinary Clinics. Fees are set by the individual Veterinarian. The City does not have authority to regulate these fees. • There is currently a program offered by the Ontario Veterinary Medical Association titled "The Farley Foundation" which assists with the necessary treatment of pets for seniors, disabled persons and women at risk of abuse that are on limited incomes.
<ul style="list-style-type: none"> • Stop euthanasia of animal if it can be helped. 	<ul style="list-style-type: none"> • This is a goal of the City of Hamilton Animal Services. An education program has begun to educate all pet owners about their responsibilities for their pet and helping to control the pet population.
<ul style="list-style-type: none"> • Prohibit cats from defecating on private property other than the owner's property and fines to owners that don't pick up after their pets (dogs & cats). 	<ul style="list-style-type: none"> • Owned cats in the proposed by-law will be regulated in the same manner as dogs, in that the cat owner will be required to clean up after the cat immediately.
<ul style="list-style-type: none"> • Limit the number of cats a person can own. 	<ul style="list-style-type: none"> • This proposed by-law will not regulate the number of animals. The issues associated with the number of animals can be dealt with by the various nuisance by-laws.

Animal Services By-law

Comments from Public Consultation and Action

URBAN/RURAL

Comment from the Public	Response
<ul style="list-style-type: none"> • Different by-law for rural than urban areas (Flamborough rural properties wish to maintain ability to raise animals for consumption). • Allow "Hobby Farms" with adequate acreage to keep livestock, not just farms that generate income. • Allow rural residents (such as Flamborough) to continue keeping ducks, chickens, peacocks, etc... • "Grandfather" livestock and hobby farmers within the City of Hamilton. • Define "Hobby Farm" as rural property minimum of 3 acres but not recognized as a "Farm" under the definition of the Tax Act. • Allow horses be kept on properties measuring a minimum of 2.5 acres and larger. • Remove "2 hectare" designation and designate a minimum of 1 acre to allow livestock to be kept. • Remove the banning of "Class C" animals from non-farm, rural properties. • Define "farmland" as being 2 acres or more. • Classify properties (regardless of their lot size) as "rural" if they use wells and septic tanks, and "urban" if the property uses the City supplied water and sewer services. 	<ul style="list-style-type: none"> • Animals produced or raised as part or all of an agricultural use and horse farms are exempted in the new by-law. Properties where these uses take place, as always, will have to be appropriately zoned. • Aside from animals produced or raised as part or all of an agricultural use and horse farms, a broader range of animals are permitted on farms, wherever they are located as well as outside of the urban and the rural settlement areas. This permits, for example, hobby farms to keep ducks, chickens and peacocks. Again, properties have to be appropriately zoned. <p>A farm is "agricultural operation" as defined in the Farming and Food Production Protection Act, 1998 but includes farms that are not carried on in the expectation of gain or reward.</p> <p>All references to size of farm or agricultural property have been removed.</p>

Animal Services By-law Comments from Public Consultation and Action

Numbers of Animals

Comment from the Public	Response
<ul style="list-style-type: none"> • No regulations regarding the limits of animals per household until we limit the number of children per household. • Limit the numbers of cats a person can own. • No regulations limiting the number of animals per household similar to Calgary. • Permit 4 pets per household vs. 2 in single family dwellings/semi attached dwellings of less than 5 acres. • Permit only 2 pets per household in the urban areas. • No limits on the number of pets in a household unless they are sterilized, vaccinated, well cared for and don't leave the property. • No limits to the number of animals as long as the pets are licensed. • A difference for urban/rural should be sought. • Amend the by-law to allow the keeping of 4 dogs, 4 cats or a combination up to a total of 4 regardless of accommodation. • "Grandfather" clause for residents moving from other municipality to live out but not replace their pets until they are down to 4 animals in the household. • Exempt rural homeowners from limits if temporarily caring for / finding homes for pets "dumped" by city residents. • Allow registered rescue partners to be exempt from the number of animal limits (as well as their foster homes). • Apartment dwellers allowed the keeping of 3 small pets (cats, bird, and hamster) and 2 dogs (small and medium sized). • House and townhouse residents should be allowed the keeping of 2 small pets + 2 large pets (dogs) for a total of 4 pets. • Houses "out in the country" with a property size of 1 acre or less should be 	<ul style="list-style-type: none"> • Staff has looked at this issue very carefully. Other Cities have moved towards the Calgary model of no limits on the number of animals. Kitchener-Waterloo has passed a by-law that does not limit the number of cats a person can own. • Issues should be dealt with under the nuisance by-laws (e.g. Noise By-law, Property Standards), personal issues (e.g. hoarding) should be referred to an agency that can assist and animal neglect and care issues should be referred to the OSPCA or their affiliate. • Numbers of animal complaints are difficult to enforce and at times are unenforceable. Complaints often result from broader neighbour disputes when the number of animals is not causing any identifiable problem. • Rescue Organizations operating in the best interests of the animals they work with can be in compliance with the by-law. The statistics below represent the Prohibited Animals and Number of Animals complaints received by Animal Services. <p>2006</p> <ul style="list-style-type: none"> • 98 Complaints • 40 Orders to Comply Issued • 1 PON Issued <p>2007</p> <ul style="list-style-type: none"> • 78 Complaints • 34 Orders to Comply Issued • 9 PONs Issued <p>2008</p> <ul style="list-style-type: none"> • 71 Complaints • 16 Orders to Comply Issued • 3 PONs Issued <p>2009</p> <ul style="list-style-type: none"> • 90 Complaints • 19 Orders to Comply Issued • 5 PONs Issued <p>2010</p> <ul style="list-style-type: none"> • 99 Complaints

Animal Services By-law Comments from Public Consultation and Action

<p>allowed the keeping of up to 6 pets.</p>	<ul style="list-style-type: none"> • 42 Orders to Comply Issued • 8 PONs Issued <p style="text-align: center;">Complaint Type Breakdown</p> <ul style="list-style-type: none"> • 33 Number of Animal • 15 Chickens in Urban Area • 14 Prohibited Reptiles <p>2011 (Jan 1st - Sept 30th)</p> <ul style="list-style-type: none"> • 68 Complaints • 20 Orders to Comply Issued • 5 PONs Issued
---	---

REDEMPTION PERIOD (period of time owner has to redeem impounded animal)

Comment from the Public	Response
<ul style="list-style-type: none"> • Extend the redemption period by an extra day or two. • Retrofit the building or build a new area to increase cage capacity for adoptions and allow longer redemption period. • Amend the impoundment time from 72 hours to 5 days excluding days the pound is closed. • Hold animals for 7 days and in cases where a cat is declawed an additional 7 business days. 	<ul style="list-style-type: none"> • The City of Hamilton Animal Services follows the mandatory redemption period outlined in the Animals for Research Act which is 72 hours after the day the animal entered the shelter. • The redemption period is usually not an issue for dogs in the shelter. In June 2011 the average number of days for cats in the shelter was 6.5 days. Some cats cannot be held for the full redemption period or beyond the 72 hours due to health and temperament issues. At times there are cats that stay 30 days or more while looking for rescue placements.

Animal Services By-law Comments from Public Consultation and Action

EXOTIC ANIMALS & TYPES OF PETS

Comment from the Public	Response
<ul style="list-style-type: none"> • Allow chickens within the urban areas of the city. • Allow hens only (they make minimal noise). • Allow chickens to be kept by residents of detached homes only to allow for adequate space from neighbours. • Ban the keeping of poultry in urban areas based on disease (e.g.: salmonella and influenza) and risk of transferring disease to humans. • Small scale, urban rabbit, poultry and pigeon keepers should fall under nuisance by-law enforcement for odour and noise. • Instead of legislating the property size where animals may be kept, the zoning by-law should legislate the size and location of pens or coops. • Allow chickens to be kept as outdoor pets as they are easier to care for than cats and dogs but not as smelly, noise and unsanitary. 	<ul style="list-style-type: none"> • The proposed by-law will permit chickens to be kept in rural areas. <p>Health Protection Division staff and the Office of the Medical Officer of Health agree with the proposed by-law as recommended which does not allow for the keeping of urban livestock and more specifically poultry in urban areas.</p> <p>Poultry carry Salmonella sp. bacteria and have the ability to carry Influenza viruses. Salmonellosis infections can be quite serious, particularly in children under the age of 5 years. Poultry are a natural reservoir for influenza viruses. The keeping of domestic poultry increases the opportunity for humans to be in close contact with poultry viruses. The potential health risks associated with the keeping of poultry outweighs the potential benefit realized from the food security perspective at this time. Public Health Services staff recognize and understand the issue of food security, however, the raising of poultry as a means of producing eggs is not an effective strategy to alleviate food security issues.</p>
<ul style="list-style-type: none"> • Continue to allow the keeping of Pot Bellied pigs in the urban area of the City as they don't make noise like dogs and they don't roam like cats. 	<ul style="list-style-type: none"> • The existing Vietnamese pot bellied pigs that are legal under current by-laws will be grandparented under the proposed by-laws. They will be permitted on farms and in rural areas (outside the urban boundary and the rural settlement areas) on appropriately zoned properties.
<ul style="list-style-type: none"> • Allow large animals such as cows and horses on a property having a minimum of 3 acres or more. • Allow medium sized animals such as sheep and goats on a property having a minimum of 2 acres or more. • Allow small animals such as poultry, ducks and rabbits on a property of 0.5 acres or more provided there is a minimum distance of 100 feet from the neighbouring property. • Allow the keeping of ducks. 	<ul style="list-style-type: none"> • Various farm animals will be permitted on farms and in rural areas (outside the urban boundary and the rural settlement areas) on appropriately zoned properties.

Animal Services By-law Comments from Public Consultation and Action

<ul style="list-style-type: none"> • Allow the keeping of crocodylia, alligators, crocodiles, gavials and caimans. • Allow the keeping of snakes that do not exceed 3 metres (10ft) at maturity. • Allow the keeping of lizards that do not exceed 2 metres (6ft) at maturity. • Set up a registry of qualified reptile keepers who would be subject to providing proper enclosures and pass a written exam. • Adopt the Pet Industry Joint Advisory Council (PIJAC) exotic policy which allows for a 3 metre maximum for snakes and a 2 metre maximum for lizards. • Allow exotic birds and reptiles to be kept by a business operating for entertainment and education purposes. 	<ul style="list-style-type: none"> • The proposed by-law is in line with surrounding municipalities such as Toronto and Burlington. • Many of the provisions in the proposed by-law are in-line with the recommendations by PIJAC. • Prohibited animals under the proposed by-law will be permitted for temporary public display of animals including a circus, carnival or classroom display.
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WILDLIFE

Comment from the Public	Response
<ul style="list-style-type: none"> • In favour of permitting the feeding of wildlife such as raccoons, opossums and birds. • Support the clause that prohibits the feeding of wildlife. • In favour of maintaining a Wildlife Centre such as the Toronto Wildlife Centre, which is a non-profit charity. • Education program on how and what to feed wildlife. 	<ul style="list-style-type: none"> • Wildlife is regulated by the Ministry of Natural Resources (MNR) of Ontario not the municipality. • The MNR is not in favour of residents feeding wildlife as it increases contact between wildlife and humans. This can cause an increased risk of rabies transmission and the animals losing their natural fear of humans.
<ul style="list-style-type: none"> • Allow licensed Falconers, regulated by the Ministry of Natural Resources to possess raptors for falconry in the City. 	<ul style="list-style-type: none"> • The proposed by-law permits the use of falconry in the City as permitted by the Ministry of Natural Resources.

Animal Services By-law
Comments from Public Consultation and Action

ANIMAL RESCUE ORGANIZATIONS

Comment from the Public	Response
<ul style="list-style-type: none"> • Formally recognize and licence rescue groups. • Rescue groups should be required to annually register with the City as well as keep the City updated of new and outgoing board members. • Set up a foster network within Hamilton 	<ul style="list-style-type: none"> • The City of Hamilton does not regulate Animal Rescue Organizations, they are self regulated.
<ul style="list-style-type: none"> • Make arrangements with reputable rescue organizations to release cats to them for a small fee or no fee. 	<ul style="list-style-type: none"> • Releasing animals to rescue organizations free of charge is already occurring. • Staff has been working with Rescue Organizations since the City assumed the responsibilities for Animal Control in 2003.
<ul style="list-style-type: none"> • Restrict "foster home" status to 3 months, after this time period, either the rescue group or the foster home is responsible to licence the dog. • Rescue Agencies be registered with the City similar to a business licence and receive an allotment of tags for foster dogs. 	<ul style="list-style-type: none"> • Animal Services has Foster Tags and a "Foster Tag" program which will be implemented in January 2012. This program will assist Rescue Organizations in identifying their dogs and will allow them to be in compliance with the provisions in the by-law. The "foster tags" will be provided to Animal Rescue groups free of charge.

Animal Services By-law

Comments from Public Consultation and Action

MISCELLANEOUS

Comment from the Public	Response
<ul style="list-style-type: none"> • Enforcement of dog and cat regulations (feces, roaming, licensing, registering) to force owners to become responsible pet owners. 	<ul style="list-style-type: none"> • Enforcement occurs currently and will continue after the implementation of the proposed by-law
<ul style="list-style-type: none"> • Allow volunteers in Animal Control to comfort the animals on death row. 	<ul style="list-style-type: none"> • There are health and safety concerns with volunteers handling animals with poor or unknown temperaments. • Each animal is handled humanely and compassionately whether scheduled for euthanasia or not.
<ul style="list-style-type: none"> • Affordable Spay/Neuter program for all animals. 	<ul style="list-style-type: none"> • The SPCA currently offers a Low Cost Spay/Neuter program for people who meet the Low Income Cut-Off levels as defined by the Federal Government.
<ul style="list-style-type: none"> • Set up a Satellite office where people could bring their animals for surrender. 	<ul style="list-style-type: none"> • The City does accept surrenders for a fee. We do encourage owners to search for a new home through other agencies prior to surrendering their pet to Animal Services. Surrendering animals to the City Pound is not the City's primary function. This type of service is offered by the SPCA and other animal rescues.
<ul style="list-style-type: none"> • Change the name of Animal Control to Animal Services. 	<ul style="list-style-type: none"> • This has already occurred. Re-branding is currently underway.
<ul style="list-style-type: none"> • Look at Cities such as Calgary for their management of animals. 	<ul style="list-style-type: none"> • Animal Services looks at the best practices of other municipalities when considering improvements and change to the operation.
<ul style="list-style-type: none"> • Look at by-laws that promote responsible pet ownership. 	<ul style="list-style-type: none"> • Animal Services looks at the best practices of other municipalities when considering improvements and change to by-laws.
<ul style="list-style-type: none"> • Need to focus on education of responsible pet ownership and the safe return home of lost animals. 	<ul style="list-style-type: none"> • A program is currently underway for public education of responsible pet ownership.
<ul style="list-style-type: none"> • Do not sell animals for research. 	<ul style="list-style-type: none"> • The City of Hamilton has not provided any animals to Research Facilities since 2003. • The Animals for Research Act does not permit the City to decline a request from a research facility if approached. • Most research facilities breed animals for research themselves.

Animal Services By-law

Comments from Public Consultation and Action

<ul style="list-style-type: none"> • Add the costs of low cost spay/neuter clinics to the property taxes similar to funding of schools. 	<ul style="list-style-type: none"> • This would be a new service requiring resources. Council would have to provide direction to include this enhancement for budget consideration.
<ul style="list-style-type: none"> • Separation of breeding and hobby kennels. 	<ul style="list-style-type: none"> • A separation currently exists with commercial kennels licensed under By-law 07-170 <u>Being a By-law to License and Regulate Various Businesses</u>. This will be continued.
<ul style="list-style-type: none"> • Follow standards set by the Canadian Kennel Club (CKC) for Boarding and Grooming Kennels. 	<ul style="list-style-type: none"> • The City of Hamilton Pound is regulated and follows the Pounds Act and the Animals for Research Act.
<ul style="list-style-type: none"> • Ensure correction/distinction is made between 5 acres and 5 hectares. 	<ul style="list-style-type: none"> • This has been revised.
<ul style="list-style-type: none"> • Address and regulate circuses. • Spend time and effort on more effective enforcement issues such as puppy mills and abuse at racetracks. 	<ul style="list-style-type: none"> • The SPCA handles issues concerning the care and welfare of animals. • The City of Hamilton Animal Services deals with public safety issues and the enjoyment of property.
<ul style="list-style-type: none"> • Work with animal organizations such as fairs to educate residents about welfare and owner responsibilities. 	<ul style="list-style-type: none"> • The City of Hamilton Animal Services is always willing to work with other groups and partner to offer education about responsible pet ownership. Programs are underway and will be offered as resources permit.
<ul style="list-style-type: none"> • Build a larger facility to house strays. 	<ul style="list-style-type: none"> • Council would have to direct that this capital project be considered in the capital budget.
<ul style="list-style-type: none"> • Create a law to have pets spayed or neutered by 4 – 6 months of age. 	<ul style="list-style-type: none"> • This would require significant resources that are not available. • Animal Services does encourage the spaying and neutering of pets in our education programs and fee structure.
<ul style="list-style-type: none"> • Suspend without pay enforcement officers who fail to follow through with charges and send them for additional training. 	<ul style="list-style-type: none"> • This is a performance issue which is addressed as necessary by management.
<ul style="list-style-type: none"> • Do not allow the City to oversee the adoption or sale of animals due to "too much gain". Install an outside organization for this purpose. 	<ul style="list-style-type: none"> • The City of Hamilton Animal Services does not have an adoption program nor does it regulate Adoption programs of other organizations.
<ul style="list-style-type: none"> • Get extra money from the Province and the City to make a "No Kill" shelter. 	<ul style="list-style-type: none"> • Animal Services is working towards "No Kill" of healthy animals within the resources available.

Animal Services By-law

Comments from Public Consultation and Action

<ul style="list-style-type: none"> • Open the shelter to the public for better visibility of lost and found animals and those looking to be adopted. 	<ul style="list-style-type: none"> • Animal Services offers an on-line Lost and Found Service. Owners searching for their pets are escorted through the shelter to search for their missing pets. • Animal Services does not offer an adoption program. • There are health and safety concerns for the people and the animals and security issues that do not permit the public to walk around the facility unescorted.
<ul style="list-style-type: none"> • Clarify if Flamborough and Glanbrook contractors are operating private kennels with taxpayer money. • Provide monthly and annual statistics of intake, adoption, euthanasia for Flamborough and Glanbrook contractors. • Is the money from the sale of animals by Flamborough and Glanbrook contractors recovered by the City or kept by the contractor? 	<ul style="list-style-type: none"> • The Flamborough and Glanbrook Animal Control providers are operating under contract with the City of Hamilton. • The private kennels and the City pounds are two separate businesses. • Fees collected under the by-law for pound fees are kept by the provider as per the contract. • Statistics are available.
<ul style="list-style-type: none"> • Use Guelph Veterinarian students to provide veterinary services to Ontario Works clients, seniors, persons with disabilities, low income and "street people" with pets. 	<ul style="list-style-type: none"> • The municipality is not obligated to provide low cost spay/neuter surgeries to the public. • This service is currently offered by the SPCA.
<ul style="list-style-type: none"> • People who abandon pets should be fined and forced to perform community service hours at Animal Control. 	<ul style="list-style-type: none"> • Abandonment issues are enforced by the SPCA. • Courts determine fines and penalties.
<ul style="list-style-type: none"> • Why does the definition of "bite" strictly address dogs? 	<ul style="list-style-type: none"> • Dogs are a higher risk to public safety and are more likely than other pets to bite without mitigating factors.
<ul style="list-style-type: none"> • Councillors in favour of euthanasia should witness the procedure from start to end before enacting a by-law that allows it to happen. 	<ul style="list-style-type: none"> • Councillors are always welcome to visit and tour the facility and become educated on our procedures.

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.