

Pit Bull Dog Licensing By-law

PH-12 - Consolidated - November 6, 2006

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<p>OFFICE CONSOLIDATION INCLUDING AMENDMENT PH-12-06002 (November 6/06)</p>
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Bill No. 388
2005

By-law No. PH-12

A By-law to provide for the licensing and regulation of Pit Bull Dogs in the City of London.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 8 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS Section 11(1) paragraph 9 of the *Municipal Act, 2001* permits municipalities to pass by-laws respecting matters within the sphere of jurisdiction of "animals";

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 104 of the *Municipal Act, 2001* defines "animal" to mean any member of the animal kingdom, other than a human;

AND WHEREAS Section 9(3) of the Act provides that a by-law may regulate or prohibit respecting the matter; and, as a part of that power, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS Sections 103 and 105 of the *Municipal Act, 2001* provide specifically that a by-law may provide for the impounding of animals and the muzzling of dogs;

AND WHEREAS Section 128(1) of the Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become the cause of public nuisances, and that Pit Bull Dogs are increasingly becoming a nuisance or could become a nuisance within the City;

AND WHEREAS the province has amended the *Dog Owners' Liability Act* and the *Animals for Research Act*, to restrict, regulate and prohibit Pit Bull Dogs, including a requirement to sterilize, muzzle and leash existing Pit Bull Dogs;

AND WHEREAS public meetings were held on November 16, 2004, and September 12, 2005 at which time submissions from delegations were heard by the Environment and Transportation Committee relating to the regulation or prohibition of certain breeds of dogs, the regulation of aggressive dogs and dogs that have bitten, and a Pit Bull Dog Licensing By-law;

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

PART 1
DEFINITIONS

1.1 Definitions

In this By-law:

Animal Control Officer - defined

"Animal Control Officer" means a person appointed by the Poundkeeper, whose duties include the enforcement of this By-law.

Approved Dog Show – defined

“Approved Dog Show” means a conformation show, an agility trial, an obedience trial, a tracking test, or an earth Dog test that is sanctioned, in writing, by one or more of the following Dog registries:

1. The Canadian Kennel Club;
2. The United Kennel Club;
3. The American Kennel Club;
4. The American Dog Breeders Association.

Bite - defined

“Bite” means the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a Dog. “Bitten” has a corresponding meaning.

City - defined

“City” means The Corporation of the City of London.

Dog - defined

“Dog” means a quadruped of the species *Canis familiaris* and includes both male and female of the species.

Dwelling Unit - defined

“Dwelling Unit” means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment.

“Enclosed Property” means:

- (a) secure confinement in a Dwelling Unit; or
- (b) secure confinement in a:
 - (i) locked fenced yard, which fence is at least 5 feet in height, is suitable to prevent the entry of children, and is designed to prevent the Dog from escaping or coming into contact with individuals or domestic animals; or
 - (ii) locked pen measuring at least 6 feet in width, at least 12 feet in length, and 6 feet in height, and capped if there is a Dog house inside or if the Dog can climb or jump the 6 feet in height, with secure sides, with a secure bottom securely attached to the sides, which provides protection from the elements for the Dog, is suitable to prevent the entry of children, and is designed to prevent the Dog from escaping or coming into contact with individuals or domestic animals, but shall not include a motor vehicle.

Grandfathered Pit Bull Dog – defined

“Grandfathered Pit Bull Dog” means a Pit Bull Dog that was either born in Ontario between August 29, 2005 and November 26, 2005, or owned by a resident of Ontario on August 29, 2005.

Licence Agent - defined

“Licence Agent” means the person, including a corporation, appointed by the City from time to time as its Licence Agent.

Microchip – defined

“Microchip” means an object which may be permanently implanted in a Dog by injection or surgical procedure, which is programmed to store a unique and permanent identification number and is capable of using radio-frequency signals to relay the stored information to a scanning device.

Owner - defined

“Owner” includes any person who owns, keeps, possesses, harbours or acts as a guardian of a Dog for any length of time, whether or not that person has a licence for the Dog, and, where the Owner is a minor, the person responsible for the custody of the minor. “Own” has a corresponding meaning.

Pit Bull Dog – defined

“Pit Bull Dog” means a Dog that,

- (a) is a pit bull terrier, or
- (b) is of the Staffordshire Bull Terrier breed, or
- (c) is of the American Staffordshire Terrier breed, or
- (d) is of the American Pit Bull Terrier breed, or
- (e) has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in any of clauses (b) to (d), having regard to the breed standards established for Staffordshire Bull Terriers, American Staffordshire Terriers or American Pit Bull Terriers by the Canadian Kennel Club, the United Kennel Club, the American Kennel Club or the American Dog Breeders Association.

Pit Bull Dog Licence – defined

"Pit Bull Dog Licence" means a licence issued specifically for a Grandfathered Pit Bull Dog.

Poundkeeper - defined

"Poundkeeper" means the person, including a corporation, appointed by the City from time to time as the Poundkeeper.

Running at Large - defined

"Running at Large" means to be found in any place other than:

- (i) the Enclosed Property occupied by the Owner of the Pit Bull Dog, or
- (ii) within the Enclosed Property occupied by a person who consents to the Pit Bull Dog being off leash,

and not under the physical control of any person by means of a leash not more than 1.8 metres in length held by the person. "Run at Large" has a corresponding meaning.

Sterilize – defined

"Sterilize" means to spay or neuter a Dog. "Sterilized" has a corresponding meaning.

PART 2 EXEMPTIONS

2.1 Animal hospital - clinic - kennel - registered

This By-law shall not apply to an animal hospital, clinic or boarding kennel lawfully operated and supervised by a veterinarian who holds a licence to engage in the practice of veterinary medicine issued under the *Veterinarians Act*, R.S.O. 1990, c. V.3..

2.2 The London Humane Society Inc.

This By-law shall not apply to The London Humane Society Inc.

2.3 Poundkeeper

This By-law shall not apply to the Poundkeeper.

2.4 Public pound

This By-law shall not apply to a public pound.

2.5 Research facility - registered

This By-law shall not apply to a research facility registered under the *Animals for Research Act*, or any successor Act.

PART 3 PROHIBITED MATTERS AND DUTIES

3.1 Pit Bull Dogs – Prohibited – Unless Grandfathered

(a) Commencing February 1, 2006, no person shall own a Pit Bull Dog that is not a Grandfathered Pit Bull Dog.

(b) Subsection 3.1(a) shall not apply to a person who owns a Pit Bull Dog who does not reside with the Pit Bull Dog in the City of London if all of the following apply:

- (i) the Pit Bull Dog was either born in Ontario between August 29, 2005 and November 26, 2005, or owned by a resident of Ontario on August 29, 2005; and
- (ii) the person brings the Pit Bull Dog into the City only for the purposes of veterinary care by a licensed veterinarian; and
- (iii) the person registers the Pit Bull Dog with the City by providing the person's name, address, telephone number; name, sex, colour and date of birth of the Pit Bull Dog; name, address and phone number of the licensed veterinarian caring for the Pit Bull Dog, and pays the Registration Fee as set out in Schedule "A".

3.2 Grandfathered Pit Bull Dogs- Transfer Prohibited

No person shall transfer a Grandfathered Pit Bull Dog to a resident of the City except by gift or bequest.

3.3 Running at Large - prohibited

(1) No person shall allow a Pit Bull Dog to Run at Large.

(2) No person shall allow a Pit Bull Dog to Run at Large in any Dogs off-leash area as designated by City by-law from time to time.

3.4 Licence - failure to renew - annually - prohibited

No Owner of a Grandfathered Pit Bull Dog shall fail to obtain a Pit Bull Dog Licence or fail to renew a Pit Bull Dog Licence annually.

3.5 Tag - not securely affixed to Dog - prohibited

No person shall fail to affix the tag issued for a Pit Bull Dog Licence securely on the collar or the harness worn by the Pit Bull Dog for which it was issued.

3.6 Control of Pit Bull Dogs

- (1) Subject to subsections (2) and (3), commencing October 28, 2005, an Owner of a Pit Bull Dog shall ensure that the Pit Bull Dog is at all times equipped with a muzzle and secured by a leash in accordance with subsection (4).
- (2) Subsection (1) does not apply when a Pit Bull Dog is within Enclosed Property occupied by the Owner of the Pit Bull Dog.
- (3) When a Pit Bull Dog is within Enclosed Property occupied by a person who consents to the Pit Bull Dog being off leash or off muzzle, subsection (1) does not apply to the extent of that consent.
- (4) For the purposes of subsection (1), a Pit Bull Dog shall be equipped with a muzzle and secured by a leash in accordance with the following requirements:
 - (a) The Pit Bull Dog shall be fitted with a collar or harness that is properly fitted to and placed on the Pit Bull Dog.
 - (b) The movement of the Pit Bull Dog shall be controlled by a person by means of a leash attached to the collar or harness on the Pit Bull Dog.
 - (c) The leash shall not be more than 1.8 metres in length and shall be attached to the collar or harness.
 - (d) The collar or harness, the leash and the attachment between the leash and the collar or harness shall all be strong enough to prevent the Pit Bull Dog from breaking any of them.
 - (e) The mouth of the Pit Bull Dog shall be covered by a muzzle that is humane and that is strong enough and well-fitted enough to prevent the Pit Bull Dog from biting, without interfering with the breathing, panting or vision of the Pit Bull Dog or with the Pit Bull Dog's ability to drink.
- (5) Where the Owner of a Pit Bull Dog requests a hearing to determine whether or not to exempt the Owner in whole or in part from the muzzling requirement, the Owner shall first pay the Hearing Fee as set out in Schedule "A", and the Environment and Transportation Committee shall hold such a hearing, pursuant to the procedures contained in the Dog Licensing & Control By-law. The decision of the Environment and Transportation Committee shall be final and binding. A request of the Owner for a hearing does not act as a stay of the muzzling requirement. An exemption may be granted subject to the requirements to muzzle the dog as contained in the *Dog Owners' Liability Act* and Regulations.

**PART 4
LICENSING**

4.1 Application – licence – to grandfather

Every Grandfathered Pit Bull Dog Owner shall make application in person to the Licence Agent for a Pit Bull Dog Licence. Every Grandfathered Pit Bull Dog Owner that is applying for a renewal of a Pit Bull Dog Licence shall make application in person to the License Agent.

4.2 Application - licence - vaccination - description - fee

Every application for a Pit Bull Dog Licence shall be accompanied by (a) through (h) of the following, and every application for a renewal Pit Bull Dog Licence shall be accompanied by (a), (c), (e) and (h) of the following:

- (a) a description of the Pit Bull Dog including colour, age (or date of birth if known), sex, name, and place of birth;
- (b) a signed and witnessed statement of the Owner that the Pit Bull Dog was owned by a resident of Ontario on August 29, 2005, OR a signed and witnessed statement of the Owner that the Pit Bull Dog was born in Ontario between August 29, 2005 and November 26, 2005;
- (c) current photograph(s) of the Pit Bull Dog, satisfactory to the Licence Agent;

- (d) evidence satisfactory to the Licence Agent that the Pit Bull Dog has been sterilized, or if less than 36 weeks of age that it will be sterilized on or before the day on which it reaches that age, unless exempted under section 8.1, or unless a veterinarian's written opinion is provided that the Pit Bull Dog is physically unfit to be anaesthetized because of old age or infirmity in accordance with section 2(3) of Ontario Regulation 157/05;
- (e) evidence satisfactory to the Licence Agent that the Pit Bull Dog has been vaccinated against rabies;
- (f) evidence satisfactory to the Licence Agent that the Pit Bull Dog has a Microchip implanted by a licensed veterinarian;
- (g) the application fee as set out in Schedule "A"; and
- (h) the license fee as set out in Schedule "A".

4.3 Pit Bull Dog Licence - issuance

The Licence Agent shall not issue a Pit Bull Dog Licence unless:

- (a)
 - (i) the Pit Bull Dog was born in Ontario between August 29, 2005 and November 26, 2005; or
 - (ii) the Pit Bull Dog was owned by a resident of Ontario on August 29, 2005; and
- (b) the application is complete in accordance with this By-law.

4.4 Expiry - annual - December 31

Every Pit Bull Dog Licence issued by the Licence Agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly upon payment of the Renewal of Pit Bull Dog Licence fee set out in Schedule "A".

4.5 Notice - to Licence Agent - death - change of ownership

Every holder of a Pit Bull Dog Licence issued pursuant to this By-law shall notify the Licence Agent in writing forthwith upon the death or change of ownership of a Dog so licensed.

4.6 Transfer - of licence – application - conditions

Every Pit Bull Dog Licence issued by the Licence Agent may be transferred to another Owner if:

- (i) the new Owner makes application in person to the Licence Agent, for a transfer of the Pit Bull Dog Licence; and
- (ii) the new Owner provides the information required in section 4.2; and
- (iii) the new Owner pays the Transfer of Pit Bull Dog Licence Fee as set out in Schedule "A".

4.7 Tag - serial number - issued - upon payment of fee

Upon issuance of the Pit Bull Dog Licence and payment of the applicable fee, the Owner shall be furnished with a Pit Bull Dog tag bearing the serial number of the Pit Bull Dog Licence, the year for which it was issued and the words "City of London".

4.8 Tag - where lost

Where a tag has been lost, the Owner shall apply forthwith to the Licence Agent for a new Pit Bull Dog Licence and tag. No lost tags will be replaced. The Licence Agent shall cancel the licence for which there is a lost tag. The application for a new Pit Bull Dog Licence and tag shall be accompanied by proof of the licence for which there is a lost tag, in addition to providing the information required in section 4.2, along with the Application Fee as set out in Schedule "A".

PART 5 LICENCE CONDITIONS

5.1 Licence – conditions

Every holder of a Pit Bull Dog Licence shall ensure that the following conditions are met, and no Pit Bull Dog Licence shall be obtained, renewed or continued if the conditions are not met:

- (a) the Pit Bull Dog has a Microchip implanted by a licensed veterinarian;
- (b) the Pit Bull Dog is sterilized, unless exempted under section 8.1, or unless a veterinarian's written opinion is provided that the Pit Bull Dog is physically unfit to be anaesthetized because of old age or infirmity in accordance with section 2(3) of Ontario Regulation 157/05; and
- (c) the Pit Bull Dog was either owned by a resident of Ontario on August 29, 2005, or that the Pit Bull Dog was born in Ontario between August 29, 2005 and November 26, 2005.

5.2 Every holder of a Pit Bull Dog Licence shall comply with the following requirements:

- (a) shall provide the Licence Agent with the new address and telephone number of the Owner within two (2) working days of moving;
- (b) shall provide the Licence Agent with the name, address and telephone number of any person to whom the Owner is giving up possession of the Pit Bull Dog; and
- (c) shall immediately notify the Licence Agent if the Pit Bull Dog is Running at Large or has bitten or attacked any person or domestic animal.

PART 6 ENFORCEMENT

6.1 Enforcement

This By-law may be enforced by a police officer or municipal law enforcement officer, including an Animal Control Officer.

6.2 Every person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

PART 7 FEES

7.1 Fees - set out - Schedule `A'

Licence fees and other fees shall be set and approved by the Council of the City from time to time and are listed in Schedule `A' of this By-law.

PART 8 STERILIZATION, MUZZLE, LEASHING EXEMPTION – APPROVED DOG SHOWS

8.1 Sterilization, Muzzle, Leashing Exemption – Approved Dog Shows - Grandfathered Pit Bull Dogs

(1) As long as the conditions set out in subsection (2) are met, an Owner of a Pit Bull Dog applying for a Pit Bull Dog Licence for a Grandfathered Pit Bull Dog may apply to the Licence Agent at the time of application for the Pit Bull Dog Licence for the following exemptions to this By-law:

- (a) the requirements of section 3.6 to muzzle and leash the Pit Bull Dog do not apply while the Dog is on the site of and participating in an Approved Dog Show; and
- (b) the requirements under subsection 4.2(d) and 5.1(b) to sterilize the Pit Bull Dog do not apply.

(2) The following are the conditions referred to in subsection (1):

- (a) that the Pit Bull Dog will be licensed as a Grandfathered Pit Bull Dog; and
- (b) that the Pit Bull Dog is registered as a Staffordshire Bull Terrier, an American Staffordshire Terrier or an American Pit Bull Terrier with one or more of the Dog registries named in the definition of Approved Dog Show, and provision of evidence of same satisfactory to the Licence Agent; and
- (c) that the Owner of the Pit Bull Dog has given written notice to one of the Dog registries named in the definition of Approved Dog Show stating the Owner's intention that the Pit Bull Dog participate in Approved Dog Shows, and provision of evidence of same satisfactory to the Licence Agent; and
- (d) (i) except in circumstances described in subsection (2)(d)(ii), that the Pit Bull Dog has participated in at least one approved Dog show between August 30th, 2004 and August 29th, 2005, and provision of evidence of same satisfactory to the Licence Agent; or
(ii) in the case of a Pit Bull Dog that was unborn or below the age of 36 weeks on August 29th, 2005, that the Pit Bull Dog has participated in at least one Approved Dog Show during the period ending on the day on which the Pit Bull Dog reaches the age of 36 weeks, and provision of evidence of same satisfactory to the Licence Agent; and
- (e) the fee set out in Schedule "A" for an exemption is paid.

(3) The exemption in (1) shall be revoked by the Licence Agent where an Animal Control Officer reasonably believes that the Pit Bull Dog has bitten or attacked a person or domestic animal, or where the Pit Bull Dog Licence has not been issued or renewed.

8.2 Exemptions – Approved Dog Show – non-resident Pit Bull Dogs

(1) As long as the conditions set out in subsection (2) are met, an Owner of a Pit Bull Dog that does not possess a Pit Bull Dog Licence may apply to the Licence Agent on or after February 1, 2006 for the following exemptions to this By-law:

- (a) the requirements of section 3.6 to muzzle and leash the Pit Bull Dog do not apply while the Dog is on the site of and participating in an Approved Dog Show; and
- (b) the requirements under subsections 3.1, 3.4, and 3.5, do not apply during the 14 day periods that include an Approved Dog Show in which the Pit Bull Dog participates.

(2) The following are the conditions referred to in subsection (1):

- (a) beginning on August 29, 2005, that the Pit Bull Dog has not been present in the City except during 14-day periods that include an Approved Dog Show in which the Pit Bull Dog participates, and a signed and witnessed statement to that effect by the Owner, and evidence of same to the satisfaction of the Licence Agent; and
- (b) that the Pit Bull Dog is registered as a Staffordshire Bull Terrier, an American Staffordshire Terrier or an American Pit Bull Terrier with one or more of the Dog registries named in the definition of Approved Dog Show, and evidence of same to the satisfaction of the Licence Agent; and
- (c) that the Owner of the Pit Bull Dog has given written notice to one of the Dog registries named in the definition of Approved Dog Show stating the Owner's intention that the Pit Bull Dog participate in Approved Dog Shows, and evidence of same satisfactory to the Licence Agent; and
- (d) the fee set out in Schedule "A" for an exemption is paid.

(3) The exemption in (1) shall be revoked by the Licence Agent where an Animal Control Officer reasonably believes that the Pit Bull Dog has bitten or attacked a person or domestic animal.

PART 9 GENERAL PROVISIONS

9.1 Requirements - Other By-laws

The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of the City, including the Dog Licensing & Control By-law, and the Public Pound By-law, or applicable provincial laws, including the *Dog Owners' Liability Act*, and the *Animals for Research Act*.

9.2 Conflict

If there is a conflict between a provision of the *Dog Owners' Liability Act* or of a regulation under that Act, or any other Act relating to pit bulls, and a provision of this By-law relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevails.

9.3 Short Title

This By-law may be referred to as the Pit Bull Dog Licensing By-law.

9.4 Effective Date of By-law

This By-law shall come into force and effect on the day it is passed.

PASSED in Open Council on November 7, 2005.

Anne Marie DeCicco
Mayor

Kevin Bain
City Clerk

SCHEDULE "A"
FEES

Pit Bull Dog Licence Application Fee	\$ 10.00
Pit Bull Dog Licence	\$ 60.00
Renewal of Pit Bull Dog Licence:	
(on or before December 31 of the year before the licensing year)	\$ 50.00
-late renewal (January 1 to February 28 of the year that is the licensing year)	\$ 60.00
-late renewal (after February 28 of the year that is the licensing year)	\$ 75.00
Exemption Application	\$ 25.00
Transfer of Pit Bull Dog Licence	\$ 25.00
Hearing Fee	\$ 50.00
Registration Fee (Veterinary Care s. 3.1(b))	\$ 10.00