

Dog Licensing and Control By-law

PH-4 - Consolidated as of October 17, 2017

As Amended by:

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|------------|--------------------|
| PH-4-94001 | February 21, 1994 |
| PH-4-94002 | May 2, 1994 |
| PH-4-96003 | April 1, 1996 |
| PH-4-96004 | May 6, 1996 |
| PH-4-96005 | September 16, 1996 |
| PH-4-98006 | August 4, 1998 |
| PH-4-98007 | September 21, 1998 |
| PH-4-99008 | August 3, 1999 |
| PH-4-01009 | January 15, 2001 |
| PH-4-01010 | September 17, 2001 |
| PH-4-02011 | December 17, 2001 |
| PH-4-02012 | March 4, 2002 |
| PH-4-02013 | August 6, 2002 |
| PH-4-02014 | September 16, 2002 |
| PH-4-02015 | November 4, 2002 |
| PH-4-03016 | May 5, 2003 |
| PH-4-04017 | January 19, 2004 |
| PH-4-05018 | November 7, 2005 |
| PH-4-05019 | November 21, 2005 |
| PH-4-06020 | December 5, 2005 |
| PH-4-06021 | December 19, 2005 |
| PH-4-10022 | December 14, 2009 |
| PH-4-11023 | December 20, 2010 |
| PH-4-11024 | July 25, 2011 |
| PH-4-11025 | August 30, 2011 |
| PH-4-11026 | October 14, 2014 |
| PH-4-14027 | November 11, 2014 |
| PH-4-17028 | October 17, 2017 |

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT PH-4-17028(October 17, 2017)**

PUBLIC HEALTH

By-law PH-4

**A by-law to provide for the
REGULATION, RESTRICTION AND PROHIBITION OF THE
KEEPING AND THE RUNNING AT LARGE OF DOGS IN THE CITY OF LONDON**

BY-LAW INDEX

**Part 1
DEFINITIONS**

- 1.1 Definitions
- Animal Control Officer – defined
 - Approved Foster Organization - defined
 - Bite - defined
 - City – defined
 - City Representative - defined
 - Dog - defined
 - Dwelling unit – defined
 - Foster Home – defined
 - Fostering Dog Owner - defined
 - Guard dog - defined
 - Kennel - defined
 - Licence agent - defined
 - Licence issuer – defined
 - Microchip – defined
 - Mitigating Factor - defined
 - Muzzle – defined
 - Notice of Caution - defined
 - Owner - defined
 - Pet shop - defined
 - Pet shop keeper - defined
 - Poundkeeper - defined
 - Premises - defined

**Part 2
EXEMPTIONS**

- 2.1 Animal hospital - clinic - kennel - registered
- 2.2 The London Humane Society Inc.
- 2.3 London Animal Care Centre
- 2.4 Public pound
- 2.5 Pet shop
- 2.6 Zoos - fairs - exhibitions - circuses - authorized
- 2.7 Research facility - registered

**Part 3
PROHIBITED MATTERS**

- 3.1 Deleted
- 3.2 Kennel - operation - without licence - prohibited
- 3.3 Deleted
- 3.4 Unregistered - unlicensed - prohibited
- 3.5 Licence - failure to have current - prohibited
- 3.6 Tag - removal - unlawful - prohibited
- 3.7 Tag - lost - failure to replace - prohibited
- 3.8 Tag - not securely affixed to dog - prohibited
- 3.9 Private property - entry - without consent - prohibited
- 3.10 Excrement - failure to remove - dispose - prohibited
- 3.11 Forcible retrieval of dog - prohibited
- 3.12 Deleted
- 3.13 Ownership/Address - change in - failure to notify - prohibited
- 3.14 Forcible retrieval of dog from Poundkeeper - prohibited
- 3.15 Forcible retrieval of dog from Poundkeeper - failure to pay- prohibited
- 3.16 Kennel owner – new owner – inform of licensing requirements
- 3.17 Pet shop keeper – new owner – inform of licensing requirements
- 3.18 Transfer of ownership of dog – new owner – inform of licensing requirements
- 3.19 Muzzling
- 3.20 Muzzling Order - Appeal
- 3.21 Subject to Pit Bull Dog Licensing By-law

**Part 4
KEEPING OF DOGS**

- 4.1 Maximum – 3 per dwelling unit
- 4.1.1 Maximum # of Dogs – Fosterer
- 4.1.2 Maximum # of Dogs – Moved from another Municipality
- 4.1.3 Maximum dog Limit Amnesty – program to encourage registration of spayed/neutered dogs that are not compliant with pet limit regulations
- 4.2 Dogs – maximum number – exemption – as of May 21, 2002
- 4.3 Puppies - number - not limited – 6 months following birth
- 4.4 Kennels - registered - number dogs - not limited
- 4.5 Guard dogs - industrial - commercial premises
- 4.6 Leash - required - land other than owner's - exception
- 4.7 Deleted
- 4.8 Excrement - removal - disposal - sanitary - immediate
- 4.9 Trespassing - without consent - by dog - prohibited
- 4.10 Running at large - prohibited

**Part 5
LICENSING**

- 5.1 Licensing agent - appointment – authorized
- 5.1.1 City Clerk – Maintain Record of Approved Foster Organizations
- 5.1.2 Fee Amnesty – programs to encourage licensing
- 5.2 Registration - information - requirements
- 5.3 Application - forthwith - upon ownership
- 5.4 Application - license - vaccination - description - fee
- 5.5 Expiry - annual - December 31
- 5.5.1 Expiry - annual - December 31
- 5.5.2 Expiry - annual - December 31
- 5.5.3 Expiry - annual - December 31
- 5.6 Notice - to license agent - death - change of ownership
- 5.7 Transfer - of license - conditions
- 5.8 Tag - serial number – upon payment of fee
- 5.8.1 Tag – subsequent renewals – update registry – upon payment of fee
- 5.9 Tag - affix - securely - to dog - at all times
- 5.10 Tag - removal - while hunting - lawful
- 5.11 Tag - replacement - where lost
- 5.12 Tag - replacement - proof of payment - plus fee

- 5.13 Pet shops – new owners – dogs – inform of licensing requirements
- 5.14 Transfer of ownership of dog – new owner – inform of licensing requirements
- 5.15 Non-application where Pit Bull Dog
- 5.16 Fostering Dog Owner – Approved Foster Organizations – Licence Exemption
- 5.17 Foster – Tag
- 5.18 Transfer of ownership – from Foster to new owner – inform of licensing requirements
- 5.19 Fostered Dog – Spayed/Neutered

Part 6 KENNELS

- 6.1 Application - registered kennel licence
- 6.2 Application - information - requirements

Part 7 FEES

- 7.1 Fees - set out - Schedule "A"
- 7.2 Guide dogs - hearing ear dogs - exempted
- 7.3 Pound fees - payment - proof of ownership – required
- 7.4 Fees - unpaid - recovery - method
- 7.5 Working dogs for disabled persons – exempted

Part 8 IMPOUNDING

- 8.1 Seizure - dog - running at large
- 8.2 Seizure - delivery - to Poundkeeper
- 8.3 Seizure - impounding
- 8.4 Capture - any dog - running at large - return to owner
- 8.5 Entry - upon land - Animal Control Officer
- 8.6 Female - in heat - at large - impounding - up to 21 days
- 8.7 Female - in heat - not released - exception
- 8.8 Claim - within 72 hours - release
- 8.9 Owner - to claim dog - before disposal
- 8.10 Disposal - dog - not claimed - Poundkeeper - discretion
- 8.11 Euthanasia - for humane - safety reasons
- 8.12 Euthanasia - dangerous dog - running at large
- 8.13 Fees and Charges – Payable by Owner

- 8.14 Compensation - to dog owner - prohibited
- 8.15 Retrieval - forcibly - from Poundkeeper – prohibited
- 8.16 Non-application where Pit Bull Dog

**Part 9
ENFORCEMENT**

- 9.1 Fine - for contravention
- 9.2 Continuation - repetition - prohibited - by order
- 9.3 Conflict

**Part 10
REPEAL - ENACTMENT**

- 10.1 By-law - previous
- 10.2 Licence - previous - valid - upon expiry
- 10.3 Effective date

SCHEDULE

Schedule "A" - Licence Fees

WHEREAS paragraphs 1, 5, 8, 9, 10, 11, and 13 of section 210 of the *Municipal Act, R.S.O. 1990, c. M.45*, as amended, provide that by-laws may be passed by councils of municipalities for the following:

AND WHEREAS Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

1. prohibiting or regulating the keeping of any class of animal within a municipality and for restricting the number of animals that may be kept by any person in any dwelling unit;
5. providing for animal identification systems including tagging, tattooing and microchip implantation and for requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the by-law;
8. requiring within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under control when on land other than that of the owner unless prior consent is given by land owner;
10. for requiring the muzzling or leashing of a dog after it has bitten a person or domestic animal;
11. for licensing, regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them and providing for the payment of a licence fee by the owners of dog kennels;
13. prohibiting or regulating the running at large of dogs in the municipality and for the seizing and impounding of dogs running at large in the municipality;

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

**SHORT TITLE
DOG LICENSING AND CONTROL BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Animal Control Officer - defined

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

Approved Foster Organization - defined

"Approved Foster Organization" shall mean an organization that rescues and fosters dogs and that has been approved in writing for the purposes of this By-law by the City Representative, and whose approved status has not been revoked by the City Representative.

Bite - defined

"Bite" shall mean the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog.

City - defined

"City" shall mean The Corporation of the City of London.

City Representative - defined

"City Representative" shall mean the City's "Managing Director, Development and Compliance Services & Chief Building Official", or his or her written designate.

Dog - defined

"dog" shall mean a quadruped of the species *Canis familiaris* and includes both male and female of the species.

Dwelling unit - defined

"dwelling unit" shall mean a single room or series of rooms of complementary use which are 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 or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

Foster Home - defined

"Foster Home" shall mean the dwelling unit of an individual who has been approved in writing by an Approved Foster Organization to foster dogs on a temporary basis until a permanent owner can be found.

Fostering Dog Owner - defined

"Fostering Dog Owner" shall mean the individual who has been approved in writing by an Approved Foster Organization to foster dogs in a Foster Home and who owns, keeps, possesses, harbours or acts as a guardian of the dog on a temporary basis until a permanent owner can be found. The Fostering Dog Owner shall be considered the owner of the dog under this by-law while the dog is under their care.

Guard dog - defined

"guard dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.

Hearings Officer – defined

"Hearings Officer" shall mean a Hearings Officer appointed under the City's Hearings Officer By-law A.-6653-121, as amended.

Kennel - defined

"kennel" shall mean a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred, but does not include a Foster Home nor an Approved Foster Organization with respect to dogs being fostered.

Licence agent - defined

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

Licence issuer - defined

"licence issuer" shall mean the City Clerk of The Corporation of the City of London.

Microchip – defined

"Microchip" shall mean 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.

Mitigating factor – defined

"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 to a person or 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 – defined

"Muzzle" shall mean a humane fastening or covering device of adequate strength which when placed over the mouth of a dog will then prevent that dog from biting.

Notice of Caution - defined

"Notice of Caution" means a notice in writing given by the Animal Control Officer to the owner which cautions the owner that a bite did occur and recommends the owner take cautionary steps whenever persons or domestic animals are in the vicinity of the dog. The Notice of Caution shall indicate that should a subsequent bite occur, an order to muzzle the dog will be issued.

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" shall have a corresponding meaning.

Pet shop - defined

"pet shop" shall mean an establishment engaged in the retail sale of animals.

Pet shop keeper - defined

"pet shop keeper" shall mean a person who has the charge, care or ownership of a pet shop.

Pit Bull Dog – defined

"Pit Bull Dog" shall mean 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.

Poundkeeper - defined

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

Premises - defined

"premises" includes the entire lot on which a single dwelling unit building or multi-dwelling unit building is situate but does not include common areas adjacent to a multi-dwelling unit building unless those common areas are completely enclosed.

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 London Animal Care Centre

This by-law shall not apply to Urban Animal Management Inc. carrying on business as London Animal Care Centre.

2.4 Public pound

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

2.5 Pet shop

Except for sections 3.15 and 5.13, this by-law shall not apply to pet shops.

2.6 Zoos - fairs - exhibitions - circuses - authorized

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.

2.7 Research facility - registered

This by-law shall not apply to dogs maintained at a research facility registered under the *Animals for Research Act*.

Part 3 PROHIBITED MATTERS

3.1 Deleted

3.2 Kennel - operation - without licence - prohibited

No person shall, within the City of London, keep a dog kennel without a licence.

3.3 Deleted

3.4 Unregistered - unlicensed - prohibited

No person shall, within the City of London, fail to register a dog for a dog licence. This requirement does not apply where the dog is less than six months of age, the proof of which rests on the owner.

3.5 Licence - failure to have current - prohibited

No person who is an owner of a dog shall, within the City of London, fail to have a current valid licence for that dog. This requirement does not apply where the dog is less than six months of age, the proof of which rests on the owner.

3.6 Tag - removal - unlawful - prohibited

No person shall, within the City of London, unlawfully remove a dog tag from a licensed dog.

3.7 Tag - lost - failure to replace - prohibited

No person shall, within the City of London, fail to apply for a replacement dog tag.

3.8 Tag - not securely affixed to dog - prohibited

No person shall, within the City of London, fail to fix the tag issued for a dog securely on the dog.

3.9 Private property - entry - without consent - prohibited

No person shall, within the City of London, permit a dog to enter onto private property without the consent of the property owner.

3.10 Excrement - failure to remove - dispose - prohibited

No person shall, within the City of London, fail to forthwith remove and dispose of dog excrement from any property within the City.

3.11 Forcible retrieval of dog - prohibited

No person shall, within the City of London, forcibly retrieve a dog from an Animal Control Officer or a vehicle under an Officer's control.

3.12 Deleted**3.13 Ownership/Address – change in – failure to notify – prohibited**

No person shall, within the City of London:

- (a) fail to forthwith notify the license agent upon the change of ownership of a licensed dog;
- (b) fail to forthwith notify the license agent upon the change in residence of a licensed dog.

3.14 Forcible retrieval of dog from Poundkeeper - prohibited

No person shall forcibly retrieve a dog from the Poundkeeper or from the premises of the Poundkeeper.

3.15 Forcible retrieval of dog from Poundkeeper - failure to pay - prohibited

No person shall retrieve a dog from the Poundkeeper or the premises of the Poundkeeper without payment in full of all fees and charges required to be paid under this by-law.

3.16 Kennel owner – new owner – inform of licensing requirements

No owner of a kennel who transfers ownership of a dog shall fail to inform the new owner of the dog of the requirements to license the dog under this by-law.

3.17 Pet shop keeper – new owner – inform of licensing requirements

No pet shop keeper who transfers ownership of a dog shall fail to inform the new owner of the requirement to license the dog under this by-law.

3.18 Transfer of ownership of dog – new owner – inform of licensing requirements

No person who transfers ownership of a dog shall fail to inform the new owner of the requirement to license the dog under this by-law.

3.19 Muzzling

- (a) For the purposes of this section of this by-law, “premises” shall mean the private indoor dwelling space of the dog owner and those outdoor areas of the property that are enclosed so as to prevent the dog from escaping.
- (b)
 - (i) Where an Animal Control Officer is satisfied on the balance of probabilities that a dog has bitten a person or domestic animal, the Animal Control Officer shall notify the dog’s owner in writing that the dog shall thereafter be required to be muzzled at all times when it is any place other than the premises of the owner. No owner of a dog to which this subsection applies shall fail to muzzle the dog.
 - (ii) Despite subsection (b)(i), the Animal Control Officer shall issue a Notice of Caution to the owner, and not a Muzzle Order, where the Animal Control Officer is satisfied on the balance of probabilities that a dog has bitten a person or domestic animal, and:
 - (a) there is a mitigating factor; and
 - (b) the dog has not bitten previously; and
 - (c) the owner has not previously received a Notice of Caution for the dog; and
 - (d) the Animal Control Officer does not consider the bite to be severe.
- (c) Notwithstanding any provision of this by-law, the owner of a dog to which section 3.19(b) applies shall keep the dog under the physical control of some person by means of a leash held by the said person at all times when the dog is any place other than the premises of the owner. Without restricting the generality of the foregoing, the requirement to keep the dog leashed and under the physical control of some person, shall apply to areas in the City that may, from time to time, be designated as off-leash parks so as to permit dogs to run at large. No owner of a dog to which this subsection applies shall fail to leash the dog.
- (d) The owner of a dog to which section 3.19(b)(i) of this section applies must, at their own expense, have a microchip implanted in the dog and proof of the implantation shall be supplied in writing to the Poundkeeper within thirty (30) days of the issuance of the muzzling order or the committee’s decision as provided for in Section 3.20, which ever is later. No owner of a dog to which this subsection applies shall fail to microchip the dog.

- (e) Subsections 3.19 (a), (b), (c) and (d) shall not apply to a Pit Bull Dog as defined in the Pit Bull Dog Licensing By-law.

3.20 Muzzling Order - Appeal

- (a) The power and authority to conduct hearings of appeals under this by-law are hereby delegated to the Hearings Officer.
- (b) The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, apply to all hearings conducted by a Hearings Officer under this by-law.
- (c) The owner of a dog to which Section 3.19(b)(i) applies, upon payment of a non-refundable Hearing Fee as set out in Schedule "A", may request a hearing by a Hearings Officer.
- (d) A request by the owner for a hearing under this Section shall be made in writing and filed with the City Clerk within fifteen (15) days of the owner receiving the muzzling order. The request shall consist of a notice of appeal and must comply with the requirements set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended.
- (e) The Hearings Officer may:
- (i) exempt the owner from the muzzling and/or leashing requirements;
 - (ii) confirm the muzzling and or leashing requirements;
 - (iii) vary the muzzling and/or leashing requirements, or;
 - (iv) combine any exemption confirmation or variance.
- (f) The decision of the Hearings Officer is final.

3.21 Subject to Pit Bull Dog Licensing By-law

Sections 3.4 and 3.5 are subject to the provisions of the Pit Bull Dog Licensing By-law.

Part 4 KEEPING OF DOGS

4.1 Keeping – more than 3 – per dwelling unit – prohibited

No person shall keep or permit to be kept more than three dogs within or about any dwelling unit in the City of London, regardless of whether that person is the owner of the dogs.

4.1.1 Maximum # of Dogs – Fosterer

Despite section 4.1, a Fostering Dog Owner shall not be limited in the number of dogs sheltered for adoption purposes.

4.1.2 Maximum # of Dogs – Moved from another Municipality

Despite section 4.1, any person who moves to the City of London from another municipality and has more than three dogs may continue to keep those dogs until the dogs are no longer in the owner's possession, subject to the owner providing proof of a current valid licence for the dogs from the previous municipality, and subject to the owner providing proof that all the dogs have been spayed/neutered and vaccinated.

4.1.3 Maximum dog Limit Amnesty – program to encourage registration of spayed/neutered dogs that are not compliant with pet limit regulations

The City Representative is authorized to use discretion and licence spayed/neutered dogs that are not compliant with the pet limit regulations at the time of enactment of this by-law with respect to a program that encourages registrations, or renewals of registrations, and that this program expire on July 1, 2015.

4.2 Dogs – maximum number – exemption – as of May 21, 2002

Despite section 4.1, and subject to the Pit Bull Dog Licensing By-law requirements, a person who on May 21, 2002 kept or permitted to be kept more than three dogs for which valid dog licences were issued pursuant to this By-law with respect to a dwelling unit, may continue to keep the said dogs until they are no longer in the possession of their owner, and the said dogs shall not be replaced in such dwelling unit. For licensing purposes, all dogs in excess of the three maximum shall be considered as a third dog.

4.3 Puppies - number - not limited – 6 months following birth

Notwithstanding section 4.1 of this by-law, young puppies may be kept with the mother for a period not exceeding 6 months following birth.

4.4 Kennels - registered - number dogs - not limited

Section 4.1 of this by-law shall not apply to any person keeping a kennel of dogs registered with an association incorporated under the *Animal Pedigree Act* (Canada).

4.5 Guard dogs - industrial - commercial premises

Notwithstanding section 4.1 of this by-law, more than 3 guard dogs may be licensed for lawfully used industrial or commercial premises and such additional dogs shall be treated as a third dog for licence fee purposes.

4.6 Compliance – statutory and regulatory requirements

Every owner of a dog shall comply with all statutory and regulatory requirements applicable to the ownership a dog, including the *Ontario Society for the Prevention of Cruelty to Animals Act* and its Regulations.”

4.7 Deleted**4.8 Excrement - removal - disposal - sanitary - immediate**

Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the City.

4.9 Trespassing - without consent - by dog - prohibited

No person who has a dog under his control by means of a leash shall permit the dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

4.10 Running at Large – Prohibited

- (1) An owner of a dog shall ensure that the dog does not run at large.
- (2) A dog shall be deemed to be running at large if it is not under the physical control of any person by means of a leash not greater than 1.8 metres held by the person.
- (3) It is an exception to running at large if the dog owner can prove both of the following:
 - (a) the owner of the land consents to the dog being on the property; and
 - (b) the dog is tethered such that the dog cannot leave the private property, or the land is enclosed by a fence such that the dog cannot leave the private property.

Part 5 LICENSING

5.1 Licensing agent - appointed - authorized

The Council appoints and authorizes Urban Animal Management Inc. operating as London Animal Care Centre as licence agent for the City and every such licence shall be executed on behalf of the City.

5.1.1 City Clerk – Maintain Record of Approved Foster Organizations

The City Clerk shall maintain a record of all Approved Foster Organizations as approved in writing by the City Representative. The record shall be available for public inspection at the office of the City Clerk during normal business hours.

5.1.2 Fee Amnesty – programs to encourage licensing

The City Representative is authorized to waive the payment of any fee under this by-law with respect to a program that encourages licensing or renewals of licences, and the City Representative shall annually report to Council on all such waivers of fees.

5.2 Registration - information - requirements

The licence agent is designated to keep a registry showing the following dog licence registration information:

- (a) name and address of dog owner;
- (b) serial number of tag;
- (c) date of registration and any renewals;
- (d) description of dog (including colour, breed, name, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, whether vaccinated against rabies, date of birth if known);

- (e) amount of fee paid upon registration and any renewals.

5.3 Application - forthwith - upon ownership

All dog owners of dogs greater than six months of age shall make application to the licence agent forthwith upon commencing ownership of the dog.

5.4 Application - licence - vaccination - description - fee

Every application shall be accompanied by the following:

- (a) description of dog including colour, breed and name, sex, whether spayed/neutered, whether microchipped, microchip number if applicable, date of birth if known;
- (b) certification of the owner that the dog has been vaccinated against rabies;
- (c) where applicable, certification of the owner that the dog has been spayed/neutered, and certification of the owner that the dog has been microchipped;
- (d) applicable fee.

5.5 Expiry - annual - December 31

A licence for a dog expires on December 31st of the year for which it was issued.

5.5.1 Expiry - annual - December 31

An owner of a dog shall renew the licence for the dog annually, prior to its expiry.

5.5.2 Expiry - annual - December 31

Unless exempt, no person shall own a dog that is not licensed under this By-law.

5.5.3 Expiry - annual - December 31

Unless exempt, no person shall own a dog without renewing the registration annually prior to its expiry.

5.6 Notice - to licence agent - death - change of ownership

Every holder of a licence issued pursuant to this by-law shall notify the licence agent forthwith upon the death or change of ownership of a dog so licensed.

5.7 Transfer - of licence - conditions

Every licence issued by the licence agent may be transferred after such notification and payment of the applicable fee upon the following occurrences:

- (a) transfer in ownership of a dog during any licensing year;
- (b) replacement of dog upon death of licensed dog;
- (c) transfer of current year licence from any municipality.

5.8 Tag - serial number – upon payment of fee

Where an owner registers a dog for a licence for the first time and pays the applicable fee, the City or Pound keeper shall provide the owner with a London dog tag having a serial number unique to that dog.

5.8.1 Tag – subsequent renewals – update registry – upon payment of fee

Where an owner renews the licence of a dog and pays the applicable fee, the City or Pound keeper shall include such information in the registry and provide the owner with a receipt.

5.9 Tag - affixed - securely - to dog - at all times

The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.

5.10 Tag - removal - while hunting - lawful

The tag may be removed while the dog is being lawfully used for hunting in the bush.

5.11 Tag - replacement - where lost

Where a tag has been lost, an application shall be made to the licence agent for a replacement tag.

5.12 Tag - replacement - proof of payment - plus fee

The application shall be accompanied by proof that the current year's licence fee has been paid and the applicable replacement tag fee.

5.13 Pet shops – new owners – dogs – inform of licensing requirements

Every pet shop keeper who transfers ownership of a dog shall inform the new owner of the requirement to license the dog under this by-law.

5.14 Transfer of ownership of dog – new owner – inform of licensing requirements

Every person who transfers ownership of a dog shall inform the new owner of the requirements to license the dog under this by-law.

5.15 Non-application where Pit Bull Dog

Sections 5.3 5.5, 5.7, 5.8, 5.10, 5.11, 5.12, and the Approved Foster Organization and fostering exemptions do not apply where the dog is a Pit Bull Dog as defined in the Pit Bull Dog Licensing By-law; instead the licensing requirements of the Pit Bull Dog Licensing By-law apply where the dog is a Pit Bull Dog.

5.16 Fostering Dog Owner - Approved Foster Organizations – Licence Exemption

Despite section 5.3, a Fostering Dog Owner and an Approved Foster Organization are exempt from the requirement to apply for and obtain a licence with respect to dogs from an Approved Foster Organization.

5.17(a) Foster - Tag

Sections 5.8 through 5.12 shall not apply with respect to Approved Foster Organizations or Fostering Dog Owners. Instead, the following tag provisions shall apply.

5.17(b) Foster – Tag – Approved Foster Organization to provide

Each Approved Foster Organization shall request a Foster Tag for each dog in its fostering program. The Approved Foster Organization shall provide a Foster Tag for each dog it places with a Fostering Dog Owner.

5.17(c) Foster Tag – affixed securely to dog at all times

The Fostering Dog Owner shall ensure that the tag is fixed securely to the dog at all times.

5.17(d) Lost Foster Tag - replacement

Where a tag has been lost, the Fostering Dog Owner shall advise the Approved Foster Organization of the loss, and the Approved Foster Organization shall request a replacement tag and pay the applicable replacement tag fee.

5.18(a) Transfer of ownership –from Foster to new owner – inform of licensing requirements

In the event the ownership of the fostered dog is transferred from the Fostering Dog Owner or an Approved Foster Organization to a new owner, the Fostering Dog Owner and/or the Approved Foster Organization shall inform the new owner of the requirements to license the dog under this by-law.

5.18(b) Transfer of ownership – from Foster to new owner - licence application

Where the ownership of the fostered dog is transferred from a Fostering Dog Owner or an Approved Foster Organization to a new owner, the new owner shall forthwith apply to the licence agent for licence, under section 5.3 of this by-law.

5.18(c) Transfer of ownership – from Foster to new owner – licence fee

Where the ownership of the fostered dog is transferred from a Fostering Dog Owner or an Approved Foster Organization to a new owner, there shall be no fee for the remainder of the year in which the licence was applied for, and no fee for the first annual renewal of the licence. Thereafter, the normal licence fees shall apply.

5.19 Fostered Dog – Spayed/Neutered

Prior to any transfer of ownership, Fostering Dog Owners and Approved Foster Organizations shall ensure that the dog is spayed or neutered and has received all recommended and required vaccinations where there is no unacceptable medical risk to the dog to do so.

Part 6 KENNELS

6.1 Application - registered kennel licence

All persons operating a kennel of dogs that are registered or are eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) shall make application to the licence agent for a kennel licence.

6.2 Application - information - requirements

All such applications shall be accompanied by the following information:

- (a) name and address of kennel owner;
- (b) location of kennel;
- (c) proof of zoning approval for said location;
- (d) applicable fee.

Part 7 FEES

7.1 Fees - set out - Schedule `A'

Licence 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.

7.2 Guide dogs - hearing ear dogs - exempted

Guide dogs within the meaning of the *Blind Persons' Rights Act*, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dog, are exempt from the payment of all licence fees applicable pursuant to this by-law.

7.3 Pound fees - payment - proof of ownership - required

Where a dog is claimed from the Poundkeeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog licence, and compensate the Poundkeeper according to the Public Pound By-law, as amended.

7.4 Fees - unpaid - recovery - method

Every pound fee and board fee that is unpaid in whole or in part is a debt due the Poundkeeper and is recoverable in any court of competent jurisdiction in which a debt or money demand may be recovered.

7.5 Working dogs for disabled persons - exempted

Working dogs, where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist a disabled person, shall be exempt from all licence fees applicable pursuant to this by-law.

Part 8 IMPOUNDING

8.1 Seizure - dog - running at large

The Poundkeeper and Animal Control Officers shall, and any police officer may, seize any dog found running at large as defined in this by-law.

8.2 Seizure - delivery - to Poundkeeper

Every dog seized by a police officer shall forthwith be delivered to the Poundkeeper or to an Animal Control Officer.

8.3 Seizure - impounding

The Poundkeeper shall impound any dog seized by him or delivered to him by a police officer or Animal Control Officer.

8.4 Capture - any dog - running at large - return to owner

- (i) Subject to subsection 8.4(ii), the Animal Control Officer may capture all dogs running at large contrary to this by-law and may take them to the animal's owner or keeper, if known, or at the Animal Control Officer's discretion, to the pound for impounding by the Poundkeeper.

- (ii) Where the Animal Control Officer captures a Pit Bull Dog as defined in the Pit Bull Dog Licensing By-law, the Animal Control Officer shall take the Pit Bull Dog to the pound for impounding by the Poundkeeper.

8.5 Entry - upon land - Animal Control Officer

For purposes of section 8.4 of this by-law, an Animal Control Officer may enter onto any public property or may enter onto any private property and into the structures thereon with the consent of the owner or occupant.

8.6 Female - in heat - at large - impounding - up to 21 days

The Poundkeeper and the Animal Control Officer may impound any female dog found to be running at large and in heat until it is no longer in heat, but not exceeding 21 days.

8.7 Female - in heat - not released - exception

No female dog shall be claimed while it is in heat unless the owner makes arrangement subject to the approval of the Poundkeeper for its confinement at any other place during heat.

8.8 Claim - within 72 hours - release

The owner or keeper of an animal impounded for being at large shall be entitled to redeem such animal within 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Poundkeeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

8.9 Owner - to claim dog - before disposal

The owner of a dog that has been impounded shall, upon application to the Poundkeeper, claim the dog before the Poundkeeper is entitled to dispose of the dog according to the provisions of section 8.10 of this by-law.

8.10 Disposal - dog - not claimed - Poundkeeper - discretion

Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Poundkeeper may retain the dog for such further time as he may consider proper and during that time the Poundkeeper may:

- (a) sell the dog for such price as he may consider proper;
- (b) euthanize the dog;
- (c) dispose of the dog as he sees fit.

8.11 Euthanasia - for humane - safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the Poundkeeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Poundkeeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

8.12 Euthanasia - dangerous dog - running at large

In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Poundkeeper, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

8.13 Fees and Charges – Payable by Owner

- (a) Where a dog, including a Pit Bull Dog, is captured or taken into custody of the public pound, including by order of a court, the owner shall pay to the Poundkeeper all fees and charges payable under this by-law, the Public Pound By-law, or any other applicable by-law, including the cost of the services of a veterinarian, whether the dog is alive, dies or is euthanized.
- (b) Where a person who owns a Pit Bull Dog transfers the Pit Bull Dog to the public pound, the person shall be responsible for and pay to the Poundkeeper all fees, charges and costs payable as described in (a) above, including costs of euthanasia.
- (c) The City Treasurer may add fees and charges to the tax roll of any property for which all of the owners are responsible for paying the fees and charges. The City may recover costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

8.14 Compensation - to dog owner - prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- (a) recovered by any owner or other person; or
- (b) paid by the Poundkeeper or the City of London or the London Animal Care Centre.

8.15 Retrieval - forcibly - from Poundkeeper - prohibited

No person shall forcibly retrieve a dog from the Poundkeeper, an Animal Control Officer or, break and enter into a patrol vehicle of The London Animal Care Centre or retrieve a dog without payment in full of all fees and charges required to be paid under this by-law.

8.16 Non-application where Pit Bull Dog

Sections 8.6, 8.7, 8.8, 8.9 and 8.10 do not apply where the dog is a Pit Bull Dog as defined in the Pit Bull Dog Licensing By-law.

Part 9 ENFORCEMENT

9.1 Fine - for contravention

Any 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.

9.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

9.3 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, or another by-law 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.

Part 10 REPEAL - ENACTMENT

10.1 By-law - previous

By-law P.H.-65-124 and all of its amendments are hereby repealed.

10.2 Licence - previous - valid - until expiry

A licence issued under the provisions of By-law P.H.-65-124 shall be deemed to have been issued under this by-law and will be valid until it is replaced or expires.

10.3 Effective date

This by-law comes into force on May 15, 1994.

Passed in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk

First Reading - November 15, 1993
Second Reading - November 15, 1993
Third Reading - November 15, 1993

SCHEDULE "A"
Fees and Charges

| <u>Licence</u> | Fees |
|---|---|
| Kennel License Fee | \$150.00 |
| Dog License Fees: | |
| <u>Registration for a Licence:</u> | |
| (a) 1 st through June 30 th (in dwelling unit regardless of ownership): | New dogs obtained January |
| i Complete (intact) dog | \$56.00 |
| ii Spayed/neutered dog | \$32.00 |
| iii Spayed/neutered & micro chipped dog | \$26.00 |
| iv late applications (received after June 30 th for dogs obtain January 1 st through June 30 th) are subject to an additional fee of: | \$11.00 |
| (b) through December 31 st (in dwelling unit regardless of ownership): | New dogs obtained July 1 st |
| i Complete (intact) dog | \$30.00 |
| ii Spayed/neutered dog | \$19.00 |
| iii Spayed/neutered & micro chipped dog | \$16.00 |
| (c) New dog obtained from an Approved Fostering Organization (for remainder of year) | \$0.00 |
| <u>Renewal of a Licence:</u> | |
| (d) Renewal applications received prior to licence expiry (in dwelling unit regardless of ownership): | |
| i Complete (intact) dog | \$56.00 |
| ii Spayed/neutered dog | \$32.00 |
| iii Spayed/neutered & micro chipped dog | \$26.00 |
| (e) New dog obtained from an Approved Fostering Organization (for first renewal only) | \$0.00 |
| <u>Late Renewal of a Licence:</u> | |
| For late renewal applications received from: | |
| (f) January 1 to February 28 | (same as renewal fees (d) above) |
| (g) March 1 st to May 31 st | (add \$8.00 to license renewal fees in (d) above) \$8.00 |
| (h) June 1 st to December 31 st | (add \$13.00 to license renewal fees in (d) above) \$13.00 |
| <u>Guide Dogs</u> | |
| (i) Guide dogs January 1 st to December 31 st | |
| i Seeing eye dog | \$0.00 |
| ii Hearing ear dog | \$0.00 |
| <u>Seniors (65)</u> | |
| (j) For seniors aged sixty-five or over | (subtract \$5.00 from all licence or renewal fees) |
| <u>Miscellaneous:</u> | |
| (k) Replacement tag | \$4.00 |
| (l) Transfer | \$4.00 |
| 3. HEARING FEE | \$55.00 |

NOTE:

1. The fees and charges imposed by this by-law are due and payable:
 - (a) at the time of the transaction for which the fee or charge is imposed; or
 - (b) if subsection 1(a) is not applicable, upon the due date specified in any invoice issued by The Corporation of the City of London or its contractor to any person or party in connection with a fee or charge imposed by this by-law.
2. The fees, charges and penalties imposed by this by-law can be paid:
 - (a) at City Hall by debit, cash, or cheque;
 - (b) at the Licence Agent by cash, cheque, debit, or credit card
 - (c) any other method as determined by the City.