

Authority: Item 7, Planning Committee
Report 17-007 (PED17072)
CM: April 26, 2017
Ward: City Wide
Bill No. 069

CITY OF HAMILTON

BY-LAW NO. 17-069

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 deletes and replaces Schedule 7 – Kennels and Pet Shops;

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 Appendix “A” attached hereto.
2. Despite the repeal of Schedule 7 under section 1:
 - a. the Schedule shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
 - b. all licences issued under the Schedule that are in effect at the time of the repeal shall be deemed to be licences as issued under this Schedule, with all necessary modifications, and all the rules, requirements and regulations of this Schedule shall apply.
3. This By-law comes into force on the day it is passed.

PASSED this 26th day of April, 2017.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE 7

KENNELS AND PET SHOPS

DEFINITIONS

1. In this Schedule:
 - “**animal**” means any member of the animal kingdom, other than a human;
 - “**kennel operator**” means a person operating 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 but does not include a person operating a commercial establishment for the provision of services to animals such as daycare for all or part of a day, obedience classes, training, grooming, and behaviour counselling;
 - “**pet shop operator**” means a person operating a commercial establishment for the selling or offering for sale of animals that are used or are intended to be used as pets; and,
 - “**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.

APPLICATION OF SCHEDULE

2. 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 or an affiliated society;
 - (c) registered humane societies, registered shelters or rescue groups as approved by the Director of Licensing;
 - (d) a supply or research facility licensed in accordance with the *Animals for Research Act*;
 - (e) a temporary public display of animals including a circus, carnival or classroom display;
 - (f) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*, or,
 - (g) 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.

GENERAL PROHIBITIONS

3. No kennel operator or pet shop operator shall:
 - (a) operate a kennel or pet shop without a licence to do so;
 - (b) keep for sale or offer for sale any sick diseased or unhealthy animal which exhibits signs of infectious diseases; or,
 - (c) keep for sale or offer for sale any animal which is prohibited under the City's Responsible Animal Ownership By-law.

4. Every kennel or pet shop operator shall ensure that:
 - (a) all aspects of the *Ontario Society for the Prevention of Cruelty to Animals Act*, the City's Responsible Animal Ownership Bylaw and the animal cruelty provisions of the *Criminal Code (Canada)* are complied with at all times;
 - (b) the City's Noise By-law is complied with at all times;
 - (c) all animals are adequately fenced or caged to prevent them from running at large;
 - (d) all animals are kept in a cage of adequate size; and,
 - (e) all animals are fed and supplied with water regularly and kept in a clean, healthy condition free from vermin and disease.

REQUIREMENTS

5. Before a licence may be issued, every applicant for a licence, in addition to complying with the General Provisions of this By-law, shall:
 - (a) submit a certificate of compliance from the City's Animal Services Section showing that an inspection of the establishment has been conducted and that it is compliance with the General Provisions and this Schedule; and,
 - (b) satisfy the Director of Licensing that the operator has not been convicted of animal cruelty under the *Criminal Code (Canada)*.