

I, Olga Smith, City Clerk of The Corporation of the City of Waterloo, hereby certify this to be a true copy of By-Law No. 09-047 of the City of Waterloo, consolidated to April 24, 2017 (up to and including By-Law No. 2017-031)

Date

Olga Smith, City Clerk

OFFICE CONSOLIDATION to April 24, 2017

Last amended by By-law No. 2017-031, April 24, 2017

THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 09 –047

Being a By-law to Regulate Animals

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, Section 11(3)9, assigns the sphere of jurisdiction of “Animals” to lower-tier municipalities.

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, Section 8(3), provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and,
- (c) provide for system of licenses respecting the matter.

AND WHEREAS the *Animals for Research Act*, R.S.O., 1990, c.A.22, Section 20, provides for rules and regulations that must be followed for the keeping of cats and dogs in a municipal pound;

AND WHEREAS the *Pounds Act*, R.S.O., 1990, c. P.17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals;

AND WHEREAS the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, Section 19, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O., 1990, Chap. O.36, provides special powers to help animals in distress;

AND WHEREAS the *Dog Owners’ Liability Act*, R.S.O., 1990, Chap. D 16, provides for rules and regulations that must be followed for the keeping of dogs.

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within The Corporation of the City of Waterloo.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

Definitions

1. For the purposes of this by-law:

- a) “animal” means any member of the animal kingdom, including vertebrates and invertebrates, other than a human;
- b) “applicant” means any person who applies to the City for an exemption permit pursuant to section 6 of this by-law;
[Definitions added by By-law No. 09-080, July 13, 2009]
- c) “building” means any structure used or intended to be used for shelter, accommodation or enclosure of person or chattels other than a boundary wall or fence;
- d) “cat” means any registered purebred or common domestic cat, male or female, over the age of twelve (12) weeks unless otherwise specified by this by-law and shall include a domestic breed of cat that is or appears to be feral;
- e) “chicken” means a chicken or hen that is kept for backyard small scale urban chicken raising within the City;
- f) “Chief Financial Officer” means the Chief Financial Officer of the City, or their designate;
- g) “circus” means a large public entertainment, typically presented in one or more very large tents or in an outdoor or indoor arena, featuring exhibitions of pageantry, feats of skill and daring and performing animals;

[Definition added by By-law No. 09-080, July 13, 2009]

- h) “City” means The Corporation of the City of Waterloo;
- i) “City’s Fee Guide” means the listing of all fees and charges approved by Council from time to time;
- j) “Clerk” means Clerk of the City, or their designate;

- k) “Council” means the Council of the City;
- l) “Director of By-Law Enforcement” means the Director of By-Law Enforcement of the City, or their designate;

[Definition added by By-law No. 09-080, July 13, 2009]

- l)i) “distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering;

[Definition added by By-law No. 17-031, April 24, 2017]

- m) “dog” means for licensing purposes only, any dog, male or female over the age of twelve (12) weeks;
- n) “doggie daycare” means a place or facility licensed by the City where more than three (3) dogs are kept or boarded but are not kept or boarded between the hours of 9:00 p.m. and 6:00 a.m.;

[Definitions added by By-law No. 09-080, July 13, 2009]

- n)i) “domestic ” means an animal that is not wild, untamed, uncultivated, feral or brutal in nature of disposition;

[Definition added by By-law No. 17-031, April 24, 2017]

- o) “educational facility” means:
 - i) a post-secondary institution, such as a college or university, recognized by the Province of Ontario;
 - ii) a pre-school, elementary, middle or secondary school operated by the Waterloo Catholic District School Board or the Waterloo Region District School Board; or,
 - iii) a private school recognized by the Province of Ontario;

[Definition added by By-law No. 09-080, July 13, 2009]

- o)i) “feed” or “feeding” means the act of furnishing food, or making food available;
- o)ii) “feeding device” means a mechanism that attracts or is intended to attract wild animals, and shall include anything used to support or contain food, but shall not include a bird feeder used in accordance with this By-law;

- o)iii) “food” means any substance or food which could reasonably be expected to be consumed by a wild animal, but does not include:
- i) compost kept in accordance with all applicable by-laws, statutes or regulations;
 - ii) landscaping materials used for landscaping purposes; or
 - iii) food being grown for human consumption

[Definition added by By-law No. 17-031, April 24, 2017]

- p) “fowl” means domestic fowl including but not limited to geese, chickens, hens, roosters, ducks, turkeys and the young of any of them and includes game birds where the game birds are kept pursuant to a license under the *Migratory Birds Convention Act*, 1994 as amended;
- q) “guide dog” means a dog that is trained as a guide for a blind person or to assist a disabled person and actively used for such purposes;
- r) “harbour” means living with, having care and control of, feeding, leaving food in a manner that is likely to attract a cat or kitten and dog or puppy to a property, and shall also specifically include a situation in which any person provides food to any cat or kitten and dog or puppy;
- s) “hearing ear dog” means a dog that is trained to aid the hearing impaired and actively used for such purposes;
- t) “Humane Society” means the Kitchener-Waterloo and North Waterloo Humane Society, including its offices, employees and agents;
- t)i) “immediate distress” means distress that requires immediate intervention in order to alleviate suffering or preserve life;

[Definition added by By-law No. 17-031, April 24, 2017]

- u) “keeper” means a person who keeps domestic fowl or pigeons;
- v) “kennel” means a place or facility licensed by the City where dogs are bred, trained or boarded ;
[Definition replaced by By-law No. 09-080, July 13, 2009]
- w) “kitten” means any registered purebred or common domestic cat, male or female, up to the age of twelve (12) weeks unless

otherwise specified by this by-law and shall include a domestic breed of kitten that appears to be feral;

- x) “leash” means a lead or tether no longer than 2.4 meters (8 feet);
- y) “license” means the receipt issued by the City upon payment of the required fee or charge, as outlined in the City’s Fee Guide;
- z) “lot” means a parcel of land occupied or to be occupied by one main building, structure or use, with any accessory buildings or uses, and includes all yards and open spaces required by this by-law. A lot may or may not be the land shown as a lot on a Registered Plan of Subdivision;
- aa) “Mayor” means the Mayor of the City, or their designate;
- aa)i) “mitigating factor” means a circumstance which excuses aggressive behavior of a domestic animal and, without limiting the generality of the foregoing, may include circumstances where the animal was:
 - i) at the time of the aggressive behavior, acting in defence to an attack by a person or an animal;
 - ii) at the time of the aggressive behavior, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
 - iii) at the time of the aggressive behavior, being teased, provoked or tormented

[Definition added by By-law No. 17-031, April 24, 2017]

- bb) “Municipal Law Enforcement Officer” means a person appointed by the City as a Municipal Law Enforcement Officer pursuant to s. 15 of the *Police Services Act*, R.S. O. 1990, c. P. 15, as amended;
- cc) “muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting;
- dd) “not under the control of any person” means not held on a leash by the owner or any other person or not tied up or contained;

- dd)i) “nuisance” means a situation that is likely to adversely impact any owner or occupant of property, and includes a situation which:
- i) results in a potential health or safety risk, including but not limited to the accumulation of feces; or
 - ii) is likely to interfere with the normal use or enjoyment of property, for any reason, including through odour or noise

For greater certainty, without limiting the above, a situation which attracts large numbers of wild animals or wild birds is deemed to constitute a nuisance.

[Definition added by By-law No. 17-031, April 24, 2017]

- ee) “owner” means any person who keeps or harbours an animal and where the owner is a minor, the person responsible for custody of the minor;
- ff) “pet shop” means any shop or place where animals for use as pets are sold or kept or offered for sale;

[Definition added by By-law No. 09-080, July 13, 2009]

- gg) “petting zoo” means a collection of animals that visitors may pet and feed that are not prohibited animals;
- hh) “Pigeons and other like birds” means pigeons, budgies, canaries, parakeets and other like birds not prohibited by other City by-laws or federal or provincial legislation or regulations;
- ii) “Police Officer” means an officer of the Waterloo Region Police Service;
- jj) “police work dog” means a dog trained to aid police officers and is actually being used for police work purposes for the protection of the public, including the investigation of crime and apprehension of law violators;
- kk) “Pound” means facilities, maintained by the Humane Society where animals are held under the provisions of this by-law and which shall comply with the provisions of and regulations made pursuant to the *Animals for Research Act*, R.S.O., 1990, c.A 22, as amended;
- ll) “poundage fees” means the fees and charges set by the Humane Society;

- mm) “purebred” shall mean dogs or cats which are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), as amended;
- nn) “puppy” means any dog, male or female, 12 weeks of age or younger;
- oo) “Regional Medical Officer of Health” means the Medical Officer of Health of the Regional Municipality of Waterloo, or their designate;
- pp) “running at large” means when an animal is found on a highway or other public place, or on premises other than the premises upon which they are habitually kept, if not under the control of any person, and an animal shall not be deemed to be under the control of any person unless accompanied by an attendant who shall exercise control over the animal at all times.

A dog shall not be considered to be running at large if it is a guide dog, hearing ear dog or police work dog as defined;

- pp)i) “wild animal” means an animal that belongs to a species that is wild by nature or an animal living in its natural habitat but does not include:
 - i) a permitted animal kept in accordance with this By-law;
 - ii) a prohibited or restricted animal permitted to be kept by this By-law and kept in accordance with this By-law;
 - iii) a bird;
 - iv) a feral cat; or
 - v) an animal being fed as part of research undertaken by a university, college or similar provincially or federally recognized research institution

- pp)ii) “wild bird” means a bird that is outdoors and not confined to a cage

[Definition added by By-law No. 17-031, April 24, 2017]

- qq) “Zoning By-law” means any City by-law passed pursuant to Section 34 of the *Planning Act*, R.S.O., 1990, c.P. 13, as amended.
- rr) “zoo” means a park-like area in which animals are kept in cages or large enclosures for public exhibition.

[Definition added by By-law No. 09-080, July 13, 2009]

Farm Animals

2. Farm animals such as cattle, horses, mules, goats, swine, sheep, mink, chickens, hens, roosters, fox, nutria and others shall not be kept other than in areas zoned agricultural by the Zoning By-law.
3. Nothing in this By-law shall prevent the keeping of farm animals in an agricultural zone, as established by the Zoning By-law.

Exotic Animals

[Section 4, deleted and replaced by By-law 09-080, July 13, 2009]

4. The keeping of animals listed in Schedule "A" to this by-law is prohibited in all zones in the City except in the following places or circumstances:
 - a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
 - b) a pound;
 - c) by the Humane Society;
 - d) premises registered as a research facility in accordance with the *Animals For Research Act*, R.S.O., 1990, c.A 22, as amended;
 - e) educational facilities, where animals are being kept for study, research or teaching purposes;
 - f) zoos; and,
 - g) circuses.
5. No person shall keep felids (Cats) except the felids domesticus (domestic cat), or Canid (Dogs) except the canis domesticus (domestic dog).

Grant of Exemption Permit by Director of By-Law Enforcement

[Section 6, repealed and deleted by By-law 2014-085, August 11, 2014]

Rabbits, Ferrets, Mice and Rats

7. The keeping of animals listed in Schedule “B” to this by-law is permitted under the conditions noted in Schedule “B”.

Fowl (including Chickens) and Pigeons

8. The keeping of animals listed in Schedule “C” to this by-law is permitted under the conditions as noted in Schedule “C”.

Cats

9. The keeping of animals listed in Schedule “D” to this by-law is permitted under the conditions as noted in Schedule “D”.

Dogs

10. The keeping of animals listed in Schedule “E” to this by-law is permitted under the conditions as noted in Schedule “E”.

Domestic Animal’s Welfare

- 10.1 Without limiting any other provision of this By-law, the following provisions shall apply to all domestic animals.
 - a) No person shall keep or harbour any domestic animal in a manner that could adversely impact the health or well-being of the animal. For the purposes of this section, unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention are each deemed to be circumstances which could adversely impact the health or well-being of an animal.
 - b) Without limiting (a), an owner of a domestic animal shall provide it with adequate and appropriate care, food, water, shelter, exercise, and attention as may be required to meet the needs of that particular animal. The requirement that the standard of care be adequate and appropriate is a requirement that the standard of care be adequate and appropriate to the specific animal, having regard to its species, breed and other relevant factors.
 - c) No person shall cause and no owner shall permit a domestic animal to be in distress.

- d) Where a Municipal Law Enforcement Officer, Police Officer or the Humane Society has reasonable grounds to believe that a domestic animal is in immediate distress, the owner of the animal shall, upon request of the Municipal Law Enforcement Officer, Police Officer or the Humane Society, at the owner's expense:
 - i) immediately have the animal examined and treated by a veterinarian as determined necessary by the Municipal Law Enforcement Officer, Police Officer or the Humane Society; or
 - ii) take such other immediate action as the Municipal Law Enforcement Officer, Police Officer or Humane Society determines is necessary to relieve the animal of its distress

- e) Where a Municipal Law Enforcement Officer, Police Officer or the Humane Society has reasonable grounds to believe that a domestic animal is in immediate distress, in addition to any other powers available at law, the Municipal Law Enforcement Officer, Police Officer or the Humane Society may enter upon any land and, at the owner's expense, take any such action as is reasonably necessary in the circumstances to relieve the animal's distress.

- f) If a domestic animal is customarily kept out of doors, the owner shall provide for the animal's use, a structurally sound, weather-proof and insulated enclosure of appropriate size and dimension and sufficient to protect the animal from weather conditions.

- g) No person shall cause, permit or allow a domestic animal to be confined in a vehicle except with appropriate ventilation and at an appropriate temperature to ensure the animal is not in distress or not reasonably likely to be in distress while in the vehicle.

- h) No person shall allow a domestic animal to be in the portion of a moving motor vehicle not enclosed in such a manner that would be deemed dangerous to the animal. For purposes of this section, riding in the back of a pickup truck or flatbed truck shall be deemed dangerous to the animal unless the animal is:
 - i) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - ii) securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.

- i) No person shall permit a domestic animal to be tethered unless the animal has unrestricted movement within the range of the tether and the animal cannot suffer injury resulting from the tethering.

Order to Discontinue Activity

- 10.2 a) Where a Municipal Law Enforcement Officer or the Humane Society is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer or the Humane Society 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 land on which the contravention occurred to discontinue the contravening activity.
- b) An order under (a) shall set out:
 - i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - ii) the date by which there must be compliance with the order
- c) Any person who fails to comply with an order issued under this Section is guilty of an offence.

Work Order

- 10.3 a) Where a Municipal Law Enforcement Officer or the Humane Society is satisfied that a contravention of this By-law has occurred, the Municipal Law Enforcement Officer or the Humane Society 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 land on which the contravention occurred to do work to correct the contravention
- b) An order under (a) shall set out:
 - i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - ii) the work to be done and the date by which the work must be done
- c) Any person who fails to comply with an order issued under this Section is guilty of an offence

[Section 10.1, 10.2 and 10.3, added by By-law 2017-031, April 24, 2017]

Pounds

11. For impounding the animals captured under the provisions of this by-law, a place shall be established which shall comply with the provisions of and regulations made pursuant to the *Animals for Research Act*, R.S.O., 1990, c.A.22, as amended.
12. The pound provided shall be under the care and control of the Humane Society, whose duty it shall be to impound all dogs, cats and birds brought to him/her or found by him/her running at large, who have not been returned to their owner.
13. It is the duty of the Humane Society to:
 - a) keep a record of all animals impounded and how they are disposed of;
 - b) make monthly returns to the Council, or its designate, showing the number of impounded animals, how disposed of and the amount of money collected for poundage fees and proceeds of sale;
 - c) care for all animals after they have been impounded in accordance with the *Animals for Research Act*, R.S.O., 1990, c. A. 22, as amended, and the regulations thereunder; and,
 - d) collect from the owner of any impounded animal, the poundage fees and any other fees and charges as outlined in City's Fee Guide, before releasing the animal.
14. Should any animal impounded bear any tag or other means of identification the Humane Society shall notify the owner of the animal and upon payment of the poundage fee and any other fees or charges as outlined in the City's Fee Guide, shall release the animal to the owner.
15. Those animals not redeemed within seventy-two (72) hours may be sold by the Humane Society or the Humane Society may cause them to be destroyed.

Animals Running at Large (Other than dogs and cats)

16. No owner of any animal, other than dogs and cats, shall allow the animal to run at large or trespass upon private property.
17. Any person may capture any animal running at large and trespassing on their property and deliver them to the Humane Society or a Municipal Law

Enforcement Officer, who may impound the animal, or return it to the owner.

18. A Municipal Law Enforcement Officer, the Humane Society or a Police Officer, may enter upon any property, public or private, with the assent of the owner or tenant, for the purpose of catching any animal running at large contrary to the provisions of this by-law.
19. Any animals running at large contrary to the provisions of this by-law may be impounded or may be sold.
20. Where an animal which is running at large is injured or it appears should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the animal shall be subjected to examination by a veterinarian, for diagnosis prior to the animal being destroyed. If a Municipal Law Enforcement Officer, the Humane Society, or a Police Officer determines that the animal is so severely injured that it is inhumane to remove the animal to a veterinary hospital, the Municipal Law Enforcement Officer, the Humane Society, or a Police Officer may kill the animal in a humane manner.
21. Should such examination or assistance not be available and it is in a veterinary hospital, a Municipal Law Enforcement Officer, the Humane Society or a Police Officer may kill the animal in a humane manner.

Feeding of Wild Animals

- 20.1 No person shall feed, or permit the feeding of, a wild animal in a manner that creates a nuisance.
- 20.2 No person shall place any food or feeding device on any property in a manner that creates a nuisance.
- 20.3 No person shall feed or permit the feeding of a wild bird, unless;
- a) having the permission of the owner or occupant of the property on which the bird is fed;
 - b) making food reasonably inaccessible to wild animals and ensuring that food does not attract wild animals in a manner that creates a nuisance;
 - c) promptly removing and disposing of any excessive spilled seed or other food to ensure it does not attract wild animals; and
 - d) ensuring that the feeding does not create a nuisance
- 20.4 Sections 20.1 and 20.2 do not apply in the following situations:
- a) the leaving of food as bait in a trap by property owner to capture a nuisance animal inhabiting or habituating their property pursuant the *Fish and Wildlife Conservation Act*, 1997, S.O.1997, c. 41; or
 - b) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector, or a Police Officer, in the performance of their duties.

[Section 20.1, 20.2, 20.3, and 20.4, added by By-law 2017-031, April 24, 2017]

Clean-up of Animal Excrement

22. Any person who owns or is in possession or control of any animal, which defecates on any property other than that on which it is habitually kept, shall be responsible for the immediate removal and sanitary disposal of any excrement.

Rabid Animals

23. When an animal is alleged to have bitten any person or suspected of being rabid, the Regional Medical Officer of Health may order the Humane Society to confine the animal under supervised quarantine for a period not to exceed ten (10) days in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, as amended.
24. The Humane Society shall notify the Regional Medical Officer of Health of any reported bites which broke the victim's skin.
25. The Humane Society, a Municipal Law Enforcement Officer or a Police Officer shall place any animal known to be rabid or suspected of being rabid in quarantine or shall kill such animal.

Enforcement

26. This by-law may be enforced by Municipal Law Enforcement Officers, the Humane Society or by Police Officers.

Offence and Penalties

27. Every person who contravenes any of the provision of this by-law is guilty of an offence and, on conviction, is liable to a fine pursuant to the *Provincial Offences Act*, R.S. O. 1990, c.P. 33, as amended.

Hindrance or Obstruction

28. 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.

Powers of Inspection

29. The City and Humane Society may enter on land at any reasonable time 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 direction or order of the City made under this by-law; or,
 - c. an order made under s. 431 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

30. For the purposes of conducting an inspection pursuant to s. 30 of this by-law, the City may, in accordance with the provisions of s. 436 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended:
- 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 from any person concerning a matter related to the inspection; and,
 - 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.

Remedial Action

31. If a person fails to do a matter or thing, including comply with an order under this by-law, as directed or required by this by-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person's expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
32. The costs outlined in s. 32 of this by-law shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
33. The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

Severability

34. If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

Short Title

35. This by-law may be referred to or cited as the “Animal Control By-law”.

Repeal

36. By-law No. 91-101 and By-law No. 92-69 of the City, as well as all by-laws amending the same and any portion of the Municipal Code relating to animals are hereby repealed.

Coming Into Force

37. This by-law shall come into force on the date of its passage by Council.

READ A FIRST, SECOND AND THIRD TIME

ENACTED AND PASSED, THIS 27th DAY OF April, 2009.

(original signed by Brenda Halloran)
Mayor

(original signed by Susan Greatrix)
Clerk

Schedule “A” to By-law No. 09-047

EXOTIC ANIMALS

| CLASS | ORDER | COMMON NAMES |
|----------|------------------|---|
| MAMMALS | Antiodactyla | Cattle, goats, sheep, pigs deer, elk |
| | Carnivora | Pandas, wolves, bears, seals, walruses, coyotes, fox hybrids, wolf dogs, Tigers, leopards, cougars, lions, lynx, hyenas, Mink, skunks, weasels, otters, badgers, Mongoose, civets, genets Coatimundi, cacomistles, raccoons, (except domestic dogs, cats and ferrets) |
| | Chiroptera | Bats, myotis, flying foxes |
| | Edentates | Anteaters, sloths, armadillos |
| | Lagomorpha | Hares, pikas (except domestic rabbits) |
| | Marsupialia | Koala, kangaroo, possum, wallabies (except sugar gliders derived from self-sustaining captive population) |
| | Primates | Chimpanzees, gorillas, monkeys, lemurs |
| | Perissodactyla | Horses, donkeys, jackasses, mules, zebras, ponies |
| | Proboscidea | Elephants, rhinoceros, hippopotamus |
| | Rodentia | Porcupines, prairie dogs, nutria, chinchillas (except rodents which do not exceed 1,500 grams and are derived from self sustaining captive population) |
| REPITLES | Crocodylia | Alligators, crocodiles, gaviel, caymans |
| | Squamata | Lizards that are venomous and that reach an adult length larger than 2 metres (6.56 feet) Snakes that are venomous Snakes that reach an adult length greater than 3 metres (9.84 ft) |
| BIRDS | Anseriformes | Swans, screamers |
| | Galliformes | Pheasants, grouse, guinea fowl, pea fowl |
| | Struthioniformes | Ostriches, rheas, cassowaries, emus, kiwis |
| | Raptors | Eagles, hawks, falcons – except those owned by falconers licensed by the Ontario Ministry of Natural Resources, owls |
| OTHER | | All poisonous insects, reptiles and amphibians |

Schedule “B” to By-law No. 09-047

RABBITS, FERRETS, RATS, MICE

1. No person shall keep any rabbit, ferret, rat or mouse unless:
 - a) every rabbit, ferret, rat or mouse is housed in a separate cage;
 - b) each cage is tamper-proof and escape-proof;
 - c) the floor of each cage is galvanized wire mesh which shall be smooth and free of protrusions and the grid of which is small enough to prevent the animal’s feet from falling through the openings; and provide a solid impermeable floor covering one third of the cage;
 - d) each cage allows 0.6 square meters (6 square feet) of space for the animal;
 - e) each cage is protected from the elements;
 - f) each cage is kept in a clean and sanitary condition and animal droppings are not to be allowed to accumulate and are removed promptly; and,
 - g) every adult female ferret is spayed and every adult male ferret is neutered.
2. No person who keeps a rabbit, ferret, rat or mouse shall allow such animal to run at large.
3. Nothing in s. 3 of this Schedule applies to a rabbit, ferret, rat or mouse kept in the following circumstances:
 - a) in a veterinary hospital under the care of a licensed veterinarian;
 - b) in a public pound;
 - c) by the Humane Society;
 - a) for agricultural use within an agricultural zone as established by the Zoning By-law; or,
 - b) in a petting zoo.

Schedule "C" to By-law No. 09-047

**REGULATION OF FOWL (including Chickens), PIGEONS
AND OTHER LIKE BIRDS**

1. Persons may not keep fowl except on land zoned in the Zoning By-law;
 - a) for agricultural purposes; or,
 - b) for residential purposes where fowl were being kept on the land in question at the date of the enactment of this by-law.
2. All pens, cages, and lofts for domestic fowl shall be located in the rear yard of the owner's or keeper's lot and shall be situated at least 3 meters from the lot line, 6.0 meters from a flankage line and 15 meters from any school, church, dwelling or other premises used for human habitation or occupancy other than the premises occupied exclusively by the owner or keeper of such fowl.
3. All domestic fowl shall be kept in suitably enclosed coops, pens or runs.
4. No fowl shall be permitted to run at large.
5. All coops, pens and runs shall be kept in a clean and sanitary condition.

Urban Chicken Raising

6. Property owners keeping chickens prior to the enactment of this by-law will be allowed to continue keeping chickens (referred to as grandfathering).
7. If property owners had chickens previously within the 6 months prior to enactment of this by-law, but did not have them, waiting the outcome of the Council decision, they would be allowed to have them again on the same property.
8. The number of chickens owned at the time of grandfathering would continue to be allowed. This number may be maintained so chickens can be replaced up to the number owned at the time of grandfathering.
9. The permission to continue to raise chickens is site specific. If an owner moves the chickens cannot be re-established on the new property.

10. Existing property owners keeping chickens have 60 days from the time the by-law is approved by Council (April 27, 2009, to end of business day June 26th, 2009) to register with the City.
11. Registration will be name of owner, location of property being used for the keeping of chickens and number of chickens kept. The owner will be taken at their word that they are eligible for grandfathering. Form of proof will not be required.
12. Roosters are not permitted.

Keeping Pigeons and other like Birds

13. Any persons being the owner or keeper of pigeons or other like birds shall not allow such pigeons or other like birds to stray, perch, roost or nest upon the lands or buildings of any person or to stray, perch, roost, or nest on any public highway or public place, save and except:
 - a) the real property of which the owner or keeper is the owner or lessee; and,
 - b) for the purposes of racing pigeons, when such birds shall be under the control of the owner or keeper. Owner must provide proof they belong to a racing club and the birds must be boarded.
14. All pens and lofts used for confining pigeons or other birds shall be located in the rear yard of the owner's or keeper's lot and shall be situated at least 3 meters from the lot line, 6.0 meters from a flankage line and 15 meters from any school, church, dwelling or other premises used for human habitation or occupancy other than the premises occupied exclusively by the owner or keeper of such fowl.
15. All lands and premises where such pigeons or other like birds are kept shall be maintained in a sanitary condition at all times and all cleanings from the said birds and premises shall be disposed of in a manner that will not create a public nuisance or health hazard and in accordance with the provisions of the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, as amended, and regulations pursuant thereto.
16. In the event the owner or keeper of pigeons or other like birds suspects they are infected with a communicable disease, the owner or keeper shall immediately consult a veterinarian to diagnose the condition. If the diagnosis is confirmed, the owner or keeper shall immediately notify the Medical Officer of Health and comply with the instructions of the Medical Officer of Health.

17. The Medical Officer of Health or their representative may enter upon the property where pigeons or other like birds are kept for the purposes of inspecting the pens or lofts and may take such action as is deemed necessary to ensure the sanitary conditions are in compliance with the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, as amended, and this by-law.
18. Every building used for the keeping of pigeons or other like birds shall be so constructed as to be airy, dry and light. The outside must be maintained in a clean manner.
19. Pigeon lofts shall be so constructed that the ingress to the loft can only be obtained by what is known as a drop trap opening or a series of bobs, which shall be so installed as to prevent their being used as a means of egress by the pigeon.
20. The maximum number of pigeons which may be kept on the owner's or keeper's property shall be calculated as follows:
 - a) One bird for every .227 m³ (8 cu. ft.) of air space within the loft; and,
 - b) the maximum number of pigeons including their young, shall not exceed 125 pigeons on any property within the City.
21. Each pigeon in the loft shall be provided with a perch.
22. In the case of caged birds, other than pigeons, the maximum number that may be kept in a cage shall be regulated by the following rules:
 - a) roosting area, .05 square meters per bird where the bird does not exceed 30 centimeters in length; and,
 - b) birds exceeding thirty centimeters in length, .1 square meters roosting area for each bird.

Trapping or Exterminating Strayed Pigeons

23. The Municipal Law Enforcement Officer, Humane Society or Police Officer upon the complaint of the owner or occupant of any premises is hereby empowered to enter upon such premises and the land of the buildings in the vicinity thereof for the purposes of trapping, removing or exterminating stray pigeons that are causing annoyance to the owner or occupant or damage to such premises.

24. The Municipal Law Enforcement Officer, Humane Society or Police Officer shall make or cause to make all such inquiries and investigations as they shall deem necessary to ascertain whether or not such pigeons are stray.

Schedule "D" to By-law No. 09-047

CATS

1. No person shall keep or harbour any cat or kitten in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, straying or roaming of cat(s) or kitten(s), accumulation of feces or otherwise.

[Section 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Schedule "D" REPEALED by By-law 2017-031, April 24, 2017]

Schedule "E" to By-law No. 09-047

DOGS

Dog Licensing, Registration and Regulations

1. No person shall keep or harbour any dog or puppy in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, straying or roaming of dog(s) or puppy(ies), accumulation of feces or otherwise.

[Section 2, and 3 of Schedule "E" REPEALED by By-law 2017-031, April 24, 2017]

4. Every owner of a dog residing within the City shall, within 30 days following the date a dog comes into their possession, cause the dog to be licensed with the City for the period which shall expire on the last day in December of the current year and shall thereafter annually on or before the last day of February in each year obtain a new license.
5. Every owner shall pay the required fees and charges, as outlined in the City's Fee Guide.
6. On payment of the required fees and charges, as outlined in the City's Fee Guide, the owner shall be furnished with a dog tag, bearing a serial number and the year for which it was issued, for each dog so licensed and registered.
7. At the time of issuing the license, the City shall keep records showing the name and address of the owner, the serial number of the tag, the date of purchase of the tag, name of dog and the breed and sex of the dog for which it was issued.
8. The owner shall keep the tag securely fixed on the dog at all times during the year or until such time as he procures a tag for the following year, except that the collar and tag may be removed while the dog is lawfully being used for hunting or confined on the property where it is habitually kept.
9. No license is transferrable and the license and tag referred to in s.6 of this Schedule shall expire and become void upon the sale, death or other disposal of the dog.
10. Puppies are exempt from the licensing requirements.

11. No person shall at any time, in any one location, keep or harbour more than three (3) dogs of any age with the exception of guide dogs and hearing ear dogs.

11.1 Section 11 of this Schedule shall not apply to:

- a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- b) a pound;
- c) the Humane Society;
- d) premises registered as a research facility in accordance with the *Animals For Research Act*;
- e) a kennel;
- f) a pet shop; or
- g) a doggie daycare.

[Section 11 of Schedule "E" deleted and replaced by By-law 09-080, July 13, 2009]

Bites/Attack

11.2 No owner shall permit his/her dog to attack any domestic animal or domestic bird, or to fight with, bite, or attack another dog, in absence of a mitigating factor as defined under this By-law.

11.3 No owner shall permit his/her dog to attack, bite, or cause injury to any person in absence of a mitigating factor as defined under this bylaw.

[Section 11.2 and 11.3, added by By-law 2017-031, April 24, 2017]

Kennels

12. The owner or operator of a kennel registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), as amended, shall license such kennel with the City for the current year and shall at the time of licensing pay the required fees and charges, as outlined in the City's Fee Guide.

Dogs Running At Large

13. Dog owners shall not allow their dogs to run at large and no leash shall exceed 2.4 metres (8 feet).
14. Any person may capture a dog running at large and trespassing on his property and deliver it to the Humane Society, who may impound the dog or return it to its owner and any poundage fees would apply.
15. A Municipal Law Enforcement Officer, the Humane Society, or a Police Officer may enter upon any property, public or private, with the assent of the owner or tenant, for the purpose of catching any dog running at large contrary to the provisions of this by-law.
16. The running at large prohibition outlined in this Schedule does not apply to dogs running at large at any City designated off-leash areas.
17. Any dog running at large contrary to the provisions of this by-law may be impounded or sold as hereinafter provided and the owner will be required to pay any fines and/or the required fees and charges, as outlined in the City's Fee Guide.
18. Any dog known to be rabid shall be immediately destroyed.

Dog Control Measures in Emergencies

19. The Mayor, in his or her discretion, and the direction of the Regional Medical Officer of Health, whenever claims are being made upon the Chief Financial Officer for damages for loss of sheep killed by dogs or whenever the disease of rabies is prevalent, to issue a proclamation directing all dogs to be confined tied up or muzzled for a limited period of time to be named in such proclamation, within the City and during the period of time so named in such proclamation any Municipal Law Enforcement Officer, Humane Society or Police Officer may kill or tranquilize any animal which may be at large or is suspected of being rabid.