

THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. 4512-11

A BY-LAW OF THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE RESPECTING ANIMAL CARE
AND CONTROL

WHEREAS section 11(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended authorizes a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS section 8(3) (c) of the said *Municipal Act, 2001* authorizes a municipality to provide for a system of licences for a by-law passed under section 11(3);

AND WHEREAS section 103 of the said *Municipal Act, 2001* authorizes a municipality to provide for the seizure and impoundment of animals found at large or trespassing contrary to the by-law and for the sale of such impounded animals;

AND WHEREAS section 105 of the said *Municipal Act, 2001* requires a municipality to hold a hearing upon the request of a dog owner where the dog is required to be muzzled under a by-law;

AND WHEREAS section 128 of the said *Municipal Act, 2001* authorizes a municipality to prohibit and regulate with respect to public nuisances;

AND WHEREAS section 391 of the said *Municipal Act, 2001* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS The Council of the Corporation of the Town of Niagara-on-the-Lake deems it necessary and in the public interest to licence dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the *Municipal Act, 2001*.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. In this By-law:
 - (a) "Animal" means any member of the Animal kingdom other than a human;
 - (b) "Attack" means physical contact, other than accidental contact, by an Animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a Person or an Animal or damage to clothing worn by a Person, and the words "Attacked" or "Attacking" have a corresponding meaning;
 - (c) "Bark or Howl Excessively" means barking, howling and/or making other loud noises for more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. or for more than 20 minutes after 8:00 p.m. and before 8:00 a.m.

- (d) "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal;
- (e) "Cat" means a female or a male feline of the species *Felis catus*;
- (f) "Council" means the Council of the Corporation of the Town of Niagara-on-the-Lake;
- (g) "Dog" means a male or female canine of the species *Canis familiaris*;
- (h) "Dwelling Unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;
- (i) "Keep" means to have temporary or permanent control or possession of an Animal, and the words "Kept" or "Keeping" have a corresponding meaning;
- (j) "Kennel" means any Premises, cages or pens, excluding Animal clinics, grooming establishments and Pet Shops where four (4) or more Dogs are lodged, treated, bred, kept or boarded.
- (k) "Leash" means a restraint consisting of a rope, light chain, or other material held by a Person and used to restrain an Animal;
- (l) "Livestock" means any farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing Animals, rabbits, sheep, goats and other types of Animals listed by the Guide to Agricultural Land Use, Minimum Distance Separation I and/or Minimum Distance Separation II.
- (m) "Motor Vehicle" means a Motor Vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H8, as amended;
- (n) "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal to prevent it from biting a Person or Animal, and the words "muzzled" and "muzzling" have a corresponding meaning;
- (o) "Muzzle Order" means an order issued to an Owner concerning his, her or its dangerous Dog.
- (p) "Officer" means any Person authorized by the Corporation of the Town of Niagara-on-the-Lake to enforce the provisions of this by-law and all Canine Control Officers and Animal Control Officers employed by the Lincoln County Humane Society, including agents and inspectors designated as such under the *OPSCA Act*, and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario, the Region of Niagara and the Town;
- (q) "Owner" means any Person who possesses, harbours or Keeps an Animal, and where the owner is a minor, the Person responsible for the custody of the minor, and includes a Person who is temporarily the Keeper or in control of the Animal and the word "Owns" has a corresponding meaning;

- (r) "Person" means an individual, corporation, partnership, association, or any other non-incorporated entity, including the Owner or operator of a Kennel.;
- (s) "Pet Shop" means a shop or place where Animals are sold or kept for sale for use as pets;
- (t) "Pound" shall have the meaning assigned to it in *Animals for Research Act*, R.S.O. 1990, Chapter A.22, as amended. The local Pound is the Lincoln County Humane Society;
- (u) "Premises" includes lands, buildings or structures or any parts thereof;
- (v) "Prohibited Animals" means those animals identified in Schedule B;
- (w) "Service Dog" means an Animal trained by a recognized school for service as a guide Dog for the blind or visually-impaired, a guide Dog for the deaf or hearing-impaired, or a special skills Dog for other disabled Persons;
- (x) "Shelter" means an enclosure that:
 - is structurally sound;
 - is weather-proof;
 - is insulated;
 - is raised above the surface of the earth;
 - does not have an entrance that faces the prevailing wind;
 - is of dimensions sufficient to protect the full body of the Animal for whose use it is intended, from the elements, including the sun; and
 - is large enough so that the Animal for whose use it is intended is able -to fully stand up, sit down, turn around and lay down with its limbs fully extended.
- (y) "Sterilized" in respect of a Dog means either spayed or neutered and "sterilization" has a corresponding meaning;
- (z) "Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an Animal from moving away from a localized area and the words "Tethered" and "Tethering" have a corresponding meaning;
- (aa) "Town" means the Corporation of the Town of Niagara-on-the-Lake or the geographic area of the Town of Niagara-on-the-Lake as context requires, and shall include all employees, agents and contractors;
- (bb) "Wild Animal" means an untamed or undomesticated Animal indigenous to North America, wild by nature or disposition (farea natural), but does not include the domestic ferret;
- (cc) "Without Provocation", when used in reference to a Bite or Attack on a Person or Animal, means in the absence of any abuse, assault, teasing, tormenting or unwanted physical contact by the Person or Animal who sustained the Bite or Attack.

PART II - CARE OF ANIMALS

2. Every Person who Keeps an Animal within the Town shall at all times provide the Animal, or cause it to be provided with:
 - (a) a clean and sanitary environment free from the accumulation of waste matter;
 - (b) adequate and appropriate:
 - (i) care;
 - (ii) food;
 - (iii) unfrozen, fresh and clean water;
 - (iv) protection from the elements including the sun; and
 - (v) veterinary medical care when the animal exhibits signs of pain, illness or suffering; and
 - (c) the opportunity for physical activity sufficient to maintain good health.

3. Every Person who Keeps an Animal that normally resides out of doors, or that is Kept out of doors, unsupervised for in excess of 8 hours, shall, in addition to complying with the requirements set out in Section 2 of this By-law, ensure that the Animal is provided with and has complete and unrestricted access to the following:
 - a Shelter;
 - an area separate and apart from the Shelter for the Animal to use for defecation and urination;
 - an area separate from the Shelter that provides the Animal with shade and protection from direct sunlight at any time of the day; and
 - an area that is dry and free from standing water.

TETHERS

4. No Person shall Keep an Animal Tethered unless:
 - (a) the Tether is a minimum of four (4) metres in length;
 - (b) the Animal has unrestricted and unobstructed movement within the range of the Tether;
 - (c) the Animal has access to food, water and protection from the elements, including the sun;
 - (d) the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
 - (e) the Animal is Tethered in a way that it will not injure itself.

5. No Person shall Tether an Animal in such a way as to permit the Animal to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the owner of the Animal has received prior consent from the Owner of that Premise.

6. No Person shall Tether an Animal by tying or affixing a rope, cord, chain or any other restraining device directly around the Animal's neck. The Tether must be attached to a properly fitting collar or harness worn by the Animal with enough room between the collar or harness and the Animal's throat through which two fingers may fit.

Choke collars and pinch collars are prohibited for purposes of Tethering an Animal. Nothing in this Section shall be construed to prohibit an Owner from walking an Animal with a choke collar or pinch collar.

SANITARY CONDITIONS

7. Every Person who Keeps an Animal within the Town shall Keep the Animal, or cause the Animal to be Kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.
8. Section 7 of this By-Law shall not be interpreted so as to prohibit a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended and other applicable law.

PART III - DOGS

REGISTRATION

9. Every owner of a Dog in the Town shall:
 - in every year, register the Dog with the Town and pay an annual Dog registration fee as set out in Schedule "A", as may be amended by Council from time to time;
 - in order to qualify for a discounted annual registration fee for a Sterilized Dog as set out in Schedule "A", provide annually at the time of registration, proof of sterilization from a qualified veterinarian;
 - renew the registration annually before January 1st of each year;
 - ensure that the Dog identification tag, issued as part of the registration, is displayed on the Dog's collar, and that said collar is affixed to the Dog at all times;
 - obtain a replacement identification tag by paying the fee as set out in Schedule "A", in the event that such tag is lost, damaged or destroyed; and
 - pay an additional late Dog registration surcharge as set out in Schedule "A", where the Dog is registered on or after January 1st of any given year.
10. Where an Owner of a Dog acquires a Dog or moves into the Town with a Dog, the Dog shall be registered with the Town within 14 days. After the 30th day of June of any year, at the time of registration the Owner shall pay one-half of the applicable annual registration fee as set out in Schedule "A".
11. In order to register a Dog, the Owner of the Dog shall provide the Town with the following information:
 - (a) name, address and telephone number of the Dog Owner;
 - (b) name, age, gender, breed, and colour of the Dog; and
 - (c) proof of sterilization from a qualified veterinarian, if available.
12. The Owner of a Dog shall notify the Town within seven (7) days of the sale or death of a Dog registered with the Town, or of any change in the Owner's name, address or telephone number.

13. The Town shall provide the registrant with an identification tag for each Dog registered in accordance with this By-law.
14. No Person shall use an identification tag for any Dog other than the Dog for which such identification tag was issued.
15. No Person shall provide the Town with any false information in respect of the registration, or renewal of a registration, of a Dog.

DOG KENNELS

16. No Person shall construct, establish, maintain or operate a Kennel in the Town unless:
 - the Kennel is constructed, established, maintained and operated in compliance with the provisions of this By-law, any other applicable municipal by-law and any applicable Act or Regulation including, without restricting the generality of the foregoing, the Town's Zoning By-law No. 4316-09, as amended, and any successor thereto, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act* and Regulations, the *Fire Prevention and Protection Act* and Regulations and any other applicable law;
 - the Kennel and its surrounding environs is so constructed, established, maintained and operated in a way that prevents escape by any Dog from the Kennel;
 - in every year, the Owner or operator of the Kennel registers the Kennel with the Town and pays the annual Kennel registration fee as set out in Schedule "A";
 - the Owner or operator of the Kennel renews the Kennel registration annually before January 1st of each year;
 - the Owner or operator of the Kennel ensures that any Dog identification tag, issued as part of the Kennel registration, is displayed on the Dog's collar, and that such collar is affixed to the Dog at all times;
 - in the event that such a Dog identification tag issued as part of the Kennel registration is lost, damaged or destroyed, the Owner or operator of the Kennel obtains a replacement identification tag by paying the fee as set out in Schedule "A"; and
 - in the event the Kennel is registered on or after January 1st of any given year, the Owner or operator of the Kennel pays a late Kennel registration surcharge as set out in Schedule "A".
17. Where an Owner or operator of a Kennel constructs or establishes a Kennel after the 30th day of June of any year, at the time of registration the Owner or operator shall pay one-half of the applicable annual registration fee as set out in Schedule "A";
18. In order to register a Kennel, the Owner or operator of the Kennel shall provide the Town with the following information:
 - (a) the name, address and telephone number of the Kennel Owner;
 - (b) the name, address and telephone number of the Kennel operator;
 - (c) the name, age, gender, breed, color and sterilization status of all Dogs kept at the Kennel; and
 - (d) the Canadian Kennel Club registration number.

19. Any Person who lawfully owns or operates a Kennel on the date of the passing of this By-law shall have until July 1st or January 1st, whichever occurs first, to register same with the Town and describe in detail the Dogs and shall be permitted to continue to own or operate the Kennel.
20. Every Owner or operator of a Kennel shall, upon request by an Officer, permit the Officer to inspect at any reasonable time the Premises for the purpose of determining compliance with this By-law.
21. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance if the Kennel does not comply with the provisions of this By-law.

LEASHING AND RUNNING AT LARGE

22. For the purposes of this By-law, a Dog shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner while not on a Leash held by any Person and not under the control of any Person.
23. No Owner of a Dog shall permit the Dog to run at large in the Town.
24. No Owner of a Dog shall use a Leash on the Dog that exceeds five (5) metres in length, but in no case shall an Owner use a Leash of a length that does not enable him or her to properly control the Dog.
25. Every Owner of a Dog shall, while the Dog is not on the Owner's Premises or the Premises of another consenting Person, control the Dog by means of a Leash that is held or affixed to their Person or another competent Person.
26. A Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a Motor Vehicle or a bicycle.
27. No Person shall use a collar on a Dog that restricts, or may restrict, the Dog's ability to breathe or swallow, or that causes, or may cause, the Dog discomfort.
28. Sections 22 to 27 of this By-law shall not apply to:
 - (a) police working Dogs while they are in the course of fulfilling their duties; and
 - (b) hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Town and provided that such Person has obtained the prior consent of the Owner of the parcel of land on which the hunting Dogs are at large, which consent is obtained not more than one year prior to the date of the occasion on which the Dogs are at large.

IMPOUNDING OF DOGS

29. An Officer may seize any Dog that is found running at large in the Town and may cause such Dog to be delivered to the Pound. If it is the initial seizure of the Dog and the Dog is known by the Officer, the Dog may be returned to the Owner. If the Dog is registered with the Town the initial return to the Owner will be at no charge. If the Dog is not registered then the Owner must purchase a license from the Officer.
30. Any Person may seize any Dog that is found running at large in the Town and shall immediately thereafter cause such Dog to be delivered to the Pound or, if known, returned to its Owner.
31. A Dog seized pursuant to sections 29 or 30 of this By-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.
32. Upon seizing or taking possession of any Dog, the Pound shall impound the Dog and make reasonable efforts to determine the identity of the Owner of the Dog and inform such Person that his or her Dog has been impounded.
33. The Pound shall Keep any Dog impounded pursuant to this By-law for a redemption period of three (3) days. This redemption period shall be calculated by excluding:
 - (a) the day on which the Dog was impounded;
 - (b) statutory holidays; and
 - (c) days on which the Pound is closed.
34. During the redemption period, the Pound:
 - (a) may provide such veterinary or other care for an injured or ill impounded Dog as may be necessary to sustain its life or relieve any distress;
 - (b) shall be entitled to recover from the Owner of the Dog, the cost of any veterinary or other care provided while the Dog was impounded; and
 - (c) shall be entitled to recover from the Owner of the Dog, any Pound fees, impound fees or administrative fees for the redemption of the Dog.
35. During the redemption period, the Pound may euthanize an impounded Dog without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
36. During the redemption period, the Owner of an impounded Dog may obtain release of such Dog by first:
 - (a) providing evidence to the Pound that the Dog is registered in accordance with the requirements of this By-law or if the Dog is not registered, by registering the Dog with the Town in accordance with this By-law;
 - (b) paying the costs and fees provided for in section 34 of this By-law; and

(c) taking any other action in relation to the care or control of the Dog that the Town or Pound may direct.

37. After the expiration of the redemption period, the Pound may:
- (a) release the Dog to its Owner upon compliance with section 36 of this By-law; or
 - (b) keep, sell or dispose of the Dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.
38. Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound and a copy of said record shall be submitted to the Town.

DOG BITES & MUZZLING OF DOGS

39. No Owner of a Dog shall wilfully cause the Dog, or permit the Dog through neglect or failure to control, to, Without Provocation, Bite, Attack or Chase a Person or another Animal, or to damage public or private property.
40. No Owner shall Muzzle a Dog in any manner that restricts or may restrict the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.
41. Where an Officer becomes aware, either through his own investigation or as a result of information received by him from any source, that a Dog has bitten or attacked a Person or Animal Without Provocation, the Officer may, by written notice served upon the Owner, require the Owner to comply with the requirements set out in sections 42 and 43 of this By-law within the time stipulated in said notice, and the Dog shall thereafter be deemed to be a dangerous Dog.
42. Every Owner of a dangerous Dog shall, at all times while the dangerous Dog is not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the Owner's Premises, ensure that the dangerous Dog wears a Muzzle in accordance with section 40 of this By-law and ensure that:
- (a) the Dog is securely Tethered in accordance with sections 4, 5 and 6 of this By-law;
 - (b) the Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or Animal; and
 - (c) a sign, no larger than 0.20 square meters (2.15 square feet) in area, is displayed at all entrances to the property upon which the Dog is kept, bearing words and a symbol that warn that there is a dangerous Dog on the property.
43. Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, Keep the Dog:
- (a) Muzzled in accordance with section 40 of this By-law;
 - (b) under the control of a competent Person capable of handling the Dog who is eighteen (18) years of age or older; and

- (c) on a Leash that does not exceed two (2) metres in length.
44. Every Owner of a dangerous Dog shall immediately notify the Town of the following:
- (a) any change in Ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
 - (b) if the Dog runs at large, Attacks or Bites any Person or Animal;
or
 - (c) if the Dog dies.
45. An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with sections 42 and 43 of this By-law.
46. Sections 41 through 43 of this By-law shall not apply to police working Dogs while they are carrying out their duties.

STOOP AND SCOOP

47. Every Owner of a Dog shall immediately remove any feces left by the Dog in any place other the Premises of the Owner and dispose of it in a proper waste receptacle.
48. Section 47 of this By-law shall not apply to:
- (a) the handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment;
 - (b) a blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
 - (c) a police working Dog while carrying out its duties.

NUMBER OF DOGS RESTRICTED

49. No Person shall keep on their Premises more than three (3) Dogs over ten (10) weeks of age, unless:
- (a) the Premises is registered as a Kennel in accordance with the provisions of this By-law;
 - (b) the Premises is used as a Pound by the Ontario Society for the Prevention of Cruelty to Animals; or
 - (c) the Premises are an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

PART IV – CATS

NUMBER OF CATS RESTRICTED

50. No Person shall keep, on their Premises, more than three (3) Cats over twenty (20) weeks of age unless:

- (a) the Premises are licensed by the Town as a Kennel or Pet Shop;
- (b) the Premises are used by a Pound; or
- (c) the Premises are an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.

51. Despite section 50, any Person who is keeping more than the permitted number of Cats on their Premises on the date this by-law comes into effect shall be permitted to keep said Cat(s) on their Premises provided the Person advises the local Pound and the Town in writing of the number of Cats on the Premises, their name, current address and phone number within ninety (90) days of the date that the by-law comes into effect.

52. The onus of proving an exemption provided for in section 51 is upon the Person seeking the exemption.

53. The exemption provided for in section 51 shall be for the life of the Cat(s).

PART V – GENERAL ANIMALS

ANIMALS IN A VEHICLE

54. For the purpose of this section, "Roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of Motor Vehicles.

55. No Person shall cause an Animal to be confined in an enclosed space, including a car, without adequate ventilation.

56. No Person shall allow an Animal to be outside of the passenger cab of a Motor Vehicle on a Roadway, regardless of whether the Motor Vehicle is moving or parked;

57. Notwithstanding section 55, no Person shall allow an Animal to be outside the passenger cab of a Motor Vehicle while on a Roadway, including riding in the bed of a pickup truck or flat bed truck, unless the Animal is:

- (a) in a fully enclosed trailer;
- (b) in a fully enclosed bed area of a truck, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or
- (c) contained in a crate or similar device manufactured for the confinement or transport of an Animal, the dimension of which permit the Animal to fully stand up, sit down, turn around and lay down and which is securing fastened to the bed of the truck.

58. Notwithstanding section 55, no Person shall transport an Animal in the bed of a pick-up truck or flat bed truck unless the Animal is securely Tethered in such manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the back of the truck.
59. No Person shall Keep an Animal in any Motor Vehicle, part of a Motor Vehicle or trailer attached to a Motor Vehicle where doing so causes, or may cause, the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary hardship, privation or neglect.
60. An Officer may use any reasonable means as are necessary to remove an Animal in need of assistance from a Motor Vehicle or any enclosed space.

TRAPPING ANIMALS

61. No Person shall trap any Animal unless:
 - (a) the Animal is causing a nuisance to, or damaging, the aggrieved person's property;
 - (b) the Animal is trapped in a Humane manner;
 - (c) the Animal is not kept in a trap for more than 24 hours;
 - (d) once trapped, the Animal is protected from the elements, and;
 - (e) the Animal is trapped on the Property of the aggrieved Person.
62. In no circumstances shall a Person use any trap that causes or may cause injury, pain or suffering to an Animal. Without limiting the generality of the foregoing, no Person shall use a killer trap, leg-hold trap or a snare.
63. Sections 61 and 62 do not apply to the trapping of an Animal where the Animal is trapped by a Person who is licensed with the Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and the trapping is conducted in accordance with any applicable legislation.

LIVESTOCK

64. No Person shall keep Livestock in any area of the Town unless the area is zoned for that purpose or is lawfully used for that purpose.
65. Section 64 shall not apply to:
 - (a) Premises used by a Pound; or,
 - (b) Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3 as amended.
66. For the purposes of this by-law, Livestock shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.
67. No Owner of Livestock shall permit any Livestock to run at large in the Town.

68. The local Pound and/or an Officer may seize and impound any Livestock running at large in the Town and shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner that the Livestock has been impounded, in accordance with the *Pounds Act*, R.S.O. 1990, c. P. 17.
69. Any Livestock in the care of the local Pound may be retained, released and, where appropriate, sold in accordance with the *Pounds Act*, R.S.O. 1990, c. P.17, as amended.
70. The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock and for the expenses, if any incurred by the local Pound and the Town in seizing and/or impounding such Livestock.

WILD ANIMALS

71. No Person shall keep, or cause to be kept, any Wild Animal, unless they are authorized to do so by law.
72. Despite section 71 of this by-law, a Person who comes into the possession of a Wild Animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than 24 hours after coming into possession of the Wild Animal shall;
 - (a) release the Wild Animal back into the wild within 1 kilometre from where it was found;
 - (b) surrender the Wild Animal to the care of the local Pound; or,
 - (c) surrender the Wild Animal to a Person or facility licensed by the Ministry of Natural Resources to care for Wild Animals.

PROHIBITED ANIMALS

73. No Person shall keep, either temporarily or permanently, any animal listed in Schedule "B" unless:
 - (a) the Person is authorized to keep the animal by law; or
 - (b) the animal is a bird used for falconry.
74. Despite section 73, a person who is lawfully keeping a Prohibited Animal on the date this by-law comes into effect, shall be permitted to keep such Animal on his or her Premises provided that the Animal is kept in an environment which is appropriate for the species and the Owner has registered the animal by advising the local Pound and Town in writing of the species of Animal and his or her name, current address and phone number within ninety (90) days of the date that the by-law comes into effect.
75. The onus of proving the exemption provided for in section 74 is upon the Person seeking the exemption.
76. The exemption provided for in section 74 is for the life of the Prohibited Animal(s).
77. The local Pound may maintain a list of all Prohibited Animals for which written notice has been received in accordance with section 74.
78. Section 73 shall not apply to:
 - (a) Premises used by the local Pound;

- (b) Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended;
- (c) Premises owned or operated by any licensed zoo or exhibit, permanently located in the Town, and where such Premises or facilities are accredited by the Canadian Association of Zoos and Aquariums (CAZA);
- (d) the areas of the Town in which professionally produced films are made using such Animals, provided that there is supervision by an agent or inspector of the OSPCA or one of its affiliates or branches;
- (e) any area of the Town in which educational programs are being conducted with Animals, provided that the Animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually conducted;
- (f) Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990.c.A.22;
- (g) Premises where wildlife rehabilitation is being undertaken under the jurisdiction of the Ontario Ministry of Natural Resources; or,
- (h) Premises owned or operated by an Animal rescue organization registered with the local Pound or pursuant to other legislation.

79. For the purposes of this by-law, a Prohibited Animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Prohibited Animal and not under the control of any Person.

80. No Person shall permit a Prohibited Animal, Kept in accordance with section 79, to run at large.

RABIES IMMUNIZATION

81. Every Owner of a Dog or Cat that is four (4) months of age or older shall ensure that the Dog or Cat is duly immunized against rabies and that the immunization is maintained as current.

NUISANCES

82. No Person shall Keep any Animal or Animals which disturb the peace by Barking or Howling Excessively to the annoyance and discomfort of any Person in the Town. Barking or Howling Excessively on two or more consecutive days or nights and/or three or more days or nights in any seven day period, shall be deemed to disturb the peace and to cause the annoyance and discomfort of Persons in the Town.

83. No Person shall Keep any Animal or Animals, in such manner that results in trespassing by such Animal or Animals upon neighbouring properties.

84. No Person shall feed or attract any Animal or Animals, in such manner or in such place as to cause material discomfort or annoyance to any neighbouring Person or Persons or which results in trespassing by such Animal or Animals upon neighbouring properties.

85. No Person shall place any food or water on any public or private property for the purpose of attracting or feeding Animals. Every Owner of an Animal shall at all times keep food for said Animal inside their home.

TORMENTING ANIMALS

86. No Person shall annoy, assault, batter, tease or torment any Animal or wilfully and recklessly kill or cause injury, pain or suffering to an Animal.
87. Section 86 of this By-Law shall not be interpreted so as to prohibit:
- (a) a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended and other applicable law; or
 - (b) a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Town.

PART VI - ADMINISTRATION

ENFORCEMENT

88. Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.
89. An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.
90. An Officer may issue a Muzzle Order to any Owner of a dangerous dog, containing such particulars as the Officer deems necessary concerning compliance with this By-Law or deemed necessary by the Officer for the safety of the public.
91. An Officer may enter upon land or structures at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
- (a) the provisions of this By-law are being complied with; or
 - (b) a direction or order under this By-law is being complied with.
92. Every Owner shall permit an Officer employed, upon production of identification and for the purposes of the inspection by the Town, to enter the land or structure for the purpose of section 91.
93. No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.
94. No Person shall refuse to produce any documents or things required by an Officer in the exercise of a power or performance of a duty under this By-Law, and every Person shall assist any entry, inspection, examination or inquiry by an Officer.
95. No Person shall knowingly furnish false information to an Officer.

OFFENCES AND PENALTIES

96. Any Person who contravenes any of the provisions of this by-law or who fails to comply with the written order of an Officer is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

INTERPRETATION

97. Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force and effect unless the Court makes an order to the contrary.
98. The schedules attached hereto shall form part of this By-law.

ENACTMENT

99. By-law No. 2948-95, as amended, is hereby repealed.
100. This By-law shall come into force and take effect upon the date of passage.

SHORT TITLE

101. This By-law may be referred to as the "Animal Care and Control By-law".

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 12TH DAY OF DECEMBER, 2011


LORD MAYOR DAVE EKE


TOWN CLERK HOLLY DOWD

SCHEDULE "A"
TO BY-LAW NO. 4512-11

FEEES AND CHARGES

<i>Item</i>	<i>Description</i>	<i>Fee</i>
(a)	Unsterilized Dog Registration	\$30.00
(b)	Sterilized Dog Registration	\$20.00
(c)	Early Registration Discount (October 1 – December 31)	\$10.00 off price
(d)	Dog Kennel Registration	\$61.80
(e)	Replacement of lost/damaged/destroyed Dog tag	\$1.50

SCHEDULE "B"

PROHIBITED ANIMALS

1. All protected or endangered Animals being all Animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the Animal is not identified in this Schedule.
2. All dogs, other than domesticated dogs (*Canis familiaris*) including, but not limited to: wolf, fox, coyote, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
3. All cats other than domesticated cats (*Felis catus*) including, but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat.
4. All bears, including polar, grizzly, brown and black bear.
5. All fur bearing animals of the family Mustelidae including, but not limited to weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
6. All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.
7. All carnivorous mammals of the family Viverridae including, but not limited to, civet, mongoose, and genet.
8. All bats (Chiroptera).
9. All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
10. All squirrels (Sciuridae).
11. Reptiles (Reptilia)
 - (a) all Helodermatidae (gila monster and Mexican bearded lizard);
 - (b) all front-fanged venomous snakes, even if de-venomized, including, but not limited to,
 - (i) all Viperidae (viper, pit viper),
 - (ii) all Elapidae (cobra, mamba, krait, coral snake),
 - (iii) all Atractaspididae (African burrowing asp),
 - (iv) all Hydrophiidae (sea snake), and
 - (v) all Laticaudidae (sea krait).
 - (c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de-venomized,
 - (d) any member or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda, save and except members of the family Boidae reaching an adult length of no greater than two (2) meters,
 - (e) any member of the family Pythonidae, including, but not limited to, the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family Pythonidae reaching an adult length of no greater than two (2) meters,
 - (f) any member of the family Varanidae, including, but not limited to, the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family Varanidae reaching an adult length of no greater than one (1) meter,
 - (g) any member of the family Teiidae, including, but not limited to, the golden, common or black and white tegu,
 - (h) all members of the family Chelydridae (snapping turtle and alligator snapping turtle) and Apalone (smooth soft shell turtle, Florida soft shell turtle, eastern spiny softshell turtle),

- (i) all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile,
 - (j) all other snakes that reach an adult length larger than three meters, and
 - (k) all other lizards that reach an adult length larger than two meters.
12. Birds (Aves) all predatory or large birds (Accipitrids, Cathartids), including, but not limited to, eagle, hawk, falcon, owl, vulture and condor, anseriformes including, but not limited to, ducks, geese and swans, galliformes including, but not limited to, pheasants, grouse, guinea fowl and turkeys, and struthioniformes including, but not limited to, flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.
 13. Arachnida and Chilopoda
 - (a) all venomous spiders including, but not limited to, tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*), Pink-Toed (*Avicularia avicularia*), and
 - (b) all venomous arthropods including, but not limited to, centipede.
 14. All large rodents (Rodentia), including, but not limited to, gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
 15. All even-toed ungulates (Artiodactyla) including, but not limited to, antelope, giraffe and hippopotamus, but not including domestic sheep, cattle, pigs, pot-bellied pigs or goats.
 16. All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including, but not limited to, zebra, rhinoceros and tapir.
 17. All marsupials, including, but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.
 18. Sea mammals (Cetacea, Pinnipedia and Sirenia), including, but not limited to, dolphin, whale, seal, sea lion and walrus.
 19. All elephants (Proboscidea).
 20. All hyrax (Hyracoidea).
 21. All pangolin (Pholidota).
 22. All sloth and armadillo (Edentata).
 23. All insectivorous mammals (Insectivora), including aardvark (*Tubulidentata*), anteater, shrew, otter shrew and mole.
 24. Gliding lemur (Dermoptera).
 25. All other venomous or poisonous animals.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 4512-11, for the Town of Niagara-on-the-Lake, attached hereto is the set fine for that offence. This Order is to take effect April 15, 2016.

Dated at Hamilton, this 15th day of April, 2016.



Sharon Nicklas
Regional Senior Justice
Central West Region

PART I *Provincial Offences Act*
SCHEDULE "C"

TOWN OF NIAGARA-ON-THE-LAKE – BY-LAW NO. 4512-11 – SHORT TITLE: Animal Care and Control By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Failing to provide animal with clean and sanitary environment	S. 2(a)	250.00
2.	Failing to provide animal with adequate/appropriate care	S. 2(b)(i)	250.00
3.	Failing to provide animal with adequate/appropriate food	S. 2(b)(ii)	250.00
4.	Failing to provide animal with adequate/appropriate water	S. 2(b)(iii)	250.00
5.	Failing to provide animal with adequate/appropriate shelter from the elements	S. 2(b)(iv)	250.00
6.	Improper tethering of animal – tether of less than 4 metres	S. 4(a)	100.00
7.	Improper tethering of animal – tether attached to choke collar/choke chain/ pronged collar	S. 4(d)	100.00
8.	Improper tethering of animal – tying rope/cord/chain/restraining device directly around animal's neck	S. 6	100.00
9.	Failing to register dog with the Town	S. 9(a)	50.00
10.	Permitting dog to run at large	S. 23	50.00

*J. Nicholas
 12/16*

11.	Permitting a dog to bite, attack or chase a person or animal	S. 39	100.00
12.	Improper muzzling of dog – restricts dog's ability to breath/drink water / muzzle causes dog pain/suffering/injury	S. 40	250.00
13.	Keeping more than three dogs over twenty weeks of age on a premises	S. 49	100.00
14	Keeping more than three cats over twenty weeks of age on a premises	S. 50	100.00
15.	Dog outside of passenger cab of motor vehicle – not in fully enclosed trailer	S. 57(a)	150.00
16.	Dog outside of passenger cab of motor vehicle – not in fully enclosed bed area of truck or enclosed trailer	S. 57(b)	150.00
17.	Improper transportation of animal – failure to securely tether animal in bed of pick up truck/flat bed truck	S. 58	150.00
18.	Improper transportation of animal - causing/permitting pain/ injury/suffering to an animal while being transported in bed of pick up truck/flat bed truck	S. 59	150.00
19	Keeping animal in vehicle/part of vehicle/trailer attached to vehicle did cause/may cause animal illness/pain/injury/suffering or undue/unnecessary hardship/privation/neglect	S. 59	150.00
20.	Trapping an animal in an inhumane manner	S. 61(b)	250.00
21.	Keeping trapped animal in a trap for more than 24 hours	S. 61(c)	250.00

*S. Nicholas
Am 12/16*

23.	Keeping livestock in area not zoned/lawfully used for that purpose	S. 64	250.00
24.	Permitting livestock to run at large	S. 67	250.00
25.	Failing to surrender wild animal to the local Pound	S. 72(b)	100.00
26.	Keeping a prohibited animal	S. 73	250.00
27.	Failing to register a grandfathered prohibited animal	S. 74	100.00
28.	Failing to keep a grandfathered prohibited animal in an appropriate environment for the species	S. 74	250.00
29.	Permitting a prohibited animal to run at large	S. 80	300.00
30.	Failing to ensure dog vaccinated against rabies	S. 81	100.00
31.	Failing to keep (dog) rabies vaccination current	S. 81	100.00
32.	Failing to ensure cat vaccinated against rabies	S. 81	100.00
33.	Failing to keep (cat) rabies vaccination current	S. 81	100.00
34.	Feed or Attract any Animal or Animals in such manner or place as to cause material discomfort or annoyance to any neighbouring person or persons	S.84	250.00
35.	Place any food or water on any public or private property for the purpose of attracting or feeding Animals	S.85	250.00
36.	Tormenting; assaulting; battering; annoying or teasing an animal; wilfully/recklessly killing or causing injury/pain/suffering to an animal	S. 86	250.00

“NOTE: The general penalty provision for the offences listed above is section 96 of By-law 4512-11, a certified copy of which has been filed.”

*J. Nichol
April 12/16*