



The Municipal Corporation of the Town of Fort Erie

By-law No. 73-2021

Being an Animal Welfare By-law, Governing the Care, Licensing, and Regulating of Dogs, Cats, and Other Animals, and to Repeal By-law Nos. 119-97, 156-97, 23-2000, 82-2001, 46-2001, 176-2001, 81-2003, 32-04, 33-04, 135-10, 58-12, 106-2015, 107-2015, 74-2018, and 13-2019

Whereas the Municipal Council (“Council”) of The Corporation of the Town of Fort Erie (the “Town”) enacted By-law No. 119-97 on July 21, 1997, as amended, to regulate and restrict the keeping of dogs, and prohibit the running-at-large of dogs in the Town; and

Whereas Council enacted By-law No. 146-2001 on August 20, 2001, as amended, to regulate and prohibit the keeping of exotic animals in the Town; and

Whereas Council enacted By-law No. 176-2001 on September 24, 2001, as amended, to regulate dangerous dogs in the Town; and

Whereas at the Special Council meeting held on November 18th, 2020, Council considered and approved Resolution No. 8, as amended, postponed from August 24, 2020, to create a comprehensive animal by-law in respect to all animal species to ensure safe animal harbour, handling and protection; and

Whereas Subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 grants municipalities broad powers to govern, regulate, and licence in accordance with Section 11 of the *Municipal Act, 2001*; and

Whereas Subsection 10(2) of the *Municipal Act, 2001* authorizes municipalities to enact by-laws in respect to animals; and

Whereas Subsections 11(2) and 11(3) of the *Municipal Act, 2001* authorizes lower tier municipalities to enact by-laws respecting the health, safety and well-being of persons, and the protection of persons and property; and

Whereas Subsection 103(1) of the *Municipal Act, 2001* confers the power upon municipalities to enact by-laws governing the seizure and impoundment of animals being at large or trespassing, and the subsequent disposition of impounded animals subject to conditions; and

Whereas Section 105 of the *Municipal Act, 2001* requires municipalities to convene for a Hearing, subject to prescribed conditions, if an animal owner is aggrieved by a muzzling order; and

Whereas Section 425 of the *Municipal Act, 2001* authorizes a municipality to enact by-laws making it an offence to contravene a by-law; and

Whereas Subsection 434.1 of the *Municipal Act, 2001* confers the power upon municipalities to enact by-laws to impose administrative monetary penalties for failure to comply with by-law provisions; and

Whereas the *Municipal Act, 2001* further authorizes the Town to enact by-laws to provide for, without limitation, delegation of its authority, imposition of fees, entry on land, inspections, and appeals; and

Whereas the *Animals For Research Act*, R.S.O. 1990, c. A.22 generally provides for the redemption and destruction of impounded animals; and

Whereas the *Pounds Act*, R.S.O. 1990, c. P.17 generally provides for the appointment of a Poundkeeper, and for the recovery of expenses associated with impounding animals running-at-large; and

Whereas the *Dog Owners Liability Act*, R.S.O. 1990, c. D. 16 generally provides for owner liability for dog attacks or bites; and

Whereas the *Provincial Animal Welfare Services Act*, S.O. 2019, c. 13 generally provides for greater animal protection and humane treatment of animals; and

Whereas Council approved the initiative to enact a comprehensive new animal by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

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1. SHORT TITLE

This By-law may be referred to as the "Animal By-law".

2. APPLICABILITY AND SCOPE

- (1) The provisions of this By-law apply to the entire geographic area and boundaries of the Town.
- (2) If there is a conflict between a provision of this By-law and any other by-law of the Town, or a provincial or federal statute or regulation, the one that is most restrictive prevails.
- (3) The provisions of this By-law do not apply to:
 - (a) bees;
 - (b) any display held by an agricultural or horticultural organization incorporated under the *Agricultural and Horticultural Organizations Act*, R.S.O. 1990, c.A.9.;
 - (c) the lands and premises being utilized as a zoo, and lawfully permitted to operate as such;
 - (d) an animal hospital or clinic lawfully operated and supervised by a veterinarian.
 - (e) an Activity permitted under the *Fish and Wildlife Conservation Act*, S.O. 1997,
 - (f) an Activity regarding agricultural animal care, management or husbandry carried on in accordance with:
 - (i) any standards of care or administrative requirements that expressly provide that they apply to that Activity; or
 - (ii) if no standards of care or administrative requirements expressly provide that they apply to that Activity, the reasonable and generally accepted practices of agricultural animal care, management or husbandry.

3. DEFINITIONS:

For the purpose of this By-law:

- (a) "accredited veterinary facility" means a veterinary facility as defined in the *Veterinarians Act*, R.S.O. 1990, c.V.3, and is accredited under the *Veterinarians Act*.

- (b) “agricultural operation” means a business operated outside the Town’s Urban Boundary in an agriculturally zoned area for the principal purposes of producing and processing agricultural products and operating abattoirs, and which involves commitment of finances, time, size, and scope and with a reasonable expectation of profit.
- (c) “animal” means any member of the animal kingdom other than human.
- (d) “Animal Control Officer” means a person or a corporation, including said corporation’s employees, agents, and representatives, that has entered into a contract with the Town for the control and regulation of animals within the Town, including Poundkeeper services, or who are employed by the Town for the control and regulation of animals within the Town, and includes a Municipal Law Enforcement Officer, a police officer, and any other party contracted by the Town to provide such services.
- (e) “appeal” means an application by an individual or entity aggrieved by conduct initiated in accordance with this By-law.
- (f) “attack(ed)” means physical contact, other than friendly or accidental contact, by an animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a person or an animal.
- (g) “bite” means piercing or puncturing of skin inflicted by the tooth or teeth of an animal.
- (h) “business day” means a weekday, excluding a day that is a holiday recognized by the Town.
- (i) "cat" means a domesticated male or female feline of any breed or crossbreed, other than a Savannah cat, of the species *Felis catus*.
- (j) “Clerk” means the Clerk of the Town or his or her designate.
- (k) “commercial kennel” means a premise of an establishment where more than two (2) dogs are boarded, bred, kept or trained for remuneration, and includes a duly licensed pet daycare and similar in-home pet boarding facility.
- (l) “Committee” means a Committee consisting of three (3) members of Council convened to hear an Appeal under this By-law known as the “Dangerous Dogs Appeals Committee”.
- (m) “control” means the ability to manage, direct, restrict, and restrain the movements of an animal at all times.
- (n) “Council” means Town Council.

- (o) “critical distress” means distress that requires immediate intervention to prevent serious injury and/or to preserve life.
- (p) “dangerous dog” means any dog, other than a police work dog or guard dog, who has, in the absence of any mitigating factor, attacked, bitten, or caused injury or death to a person or animal; and as more particularly described in Section 19 herein.
- (q) “distress” means the state of being:
 - (i) in need of proper care, water, food or shelter; or
 - (ii) injured, sick, in pain or suffering; or
 - (iii) abused or subject to undue physical or psychological hardship, privation or neglect.
- (r) “dog” means any male or female domesticated canine of any breed or crossbreed, other than wolf-dogs or coy-dogs, of the species *Canis familiaris*, but does not include a police work dog, a guard dog, or a guide dog.
- (s) “dwelling” means a place occupied by at least one (1) person as an independent home or residence with a private entrance, which contains food preparation and sanitary facilities for the exclusive use of the occupant/s thereof.
- (t) “exotic animal” means any animal or class of animals enumerated in Schedule “A” herein.
- (u) “feral cat” means any cat found in Town with no owner and which cat is not socialized and exhibits fear and resistance to humans.
- (v) “guard dog” means any dog trained and duly licensed to inflict injury, maim, immobilize or display a threatening or aggressive disposition for security purposes on licensed industrial or commercial use lands.
- (w) “guide dog” means a dog duly designated in the *Accessibility for Ontarians with Disabilities Act*, S.O. 2005, c.11 and *Blind Persons Rights Act*, R.S.O. 1990, c.B.7, as amended.
- (x) “Hearing” means an administrative proceeding held pursuant to the *Statutory Powers and Procedures Act* R.S.O. 1990 c. S. 22, and more particularly described in Section 27 herein.
- (y) “hunting” means lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed and does not include trapping.
- (z) “identification tag” means a disc or other shape of metal or plastic issued and dispensed by the Town or Poundkeeper or Licence Agent further to an approved cat or dog license application and registration.
- (aa) “impound” means to confiscate, confine, hold or take possession.

- (bb) “keep” means to have temporary or permanent control or possession of an animal, and the word “harbour” has a similar meaning.
- (cc) “kennel” means a purebred kennel or commercial kennel with at least two (2) dogs over sixteen (16) weeks of age, being boarded, bred, kept or trained, but excludes:
 - (i) a veterinary clinic or veterinary hospital;
 - (ii) a public pound or animal shelter used by the Town for impounding animals;
 - (iii) any premises duly licensed under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of dogs and other animals under certain conditions; or
 - (iv) a licensed pet shop.
- (dd) “leash” means a tether, rope, chain, line or similar device for leading or restraining an animal and shall be of sufficient strength and design to allow a person to restrain and control the animal.
- (ee) “Licence Agent” means the Town or any employee thereof, or such person or organization as is authorized to act on behalf of the Town, to maintain, enforce, and administer this By-law.
- (ff) “licence fee” means a fee imposed upon the owner of a dog or kennel in accordance with the Town’s Fees and Charges By-law No. 40-09, as amended or replaced.
- (gg) “livestock” means any domestic or 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 in the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs.
- (hh) “Manager” means the Director, Planning and Development Services or his or her designate, or a delegate authorized by Council to act on behalf of the Town, to maintain, enforce, and administer this By-law.
- (ii) “menace” means intimidating, aggressive, threatening demeanour toward people or animals without any mitigating factor/s.
- (jj) “microchip” means an approved Canadian standard encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal.
- (kk) “minor owner or custodian” means if the owner or custodian of an animal is a minor, the owner or custodian of the animal is deemed to be the minor’s parent or guardian.
- (ll) “mitigating factor” means a consideration that excuses aggressive behaviour of a dog, and as more particularly described in Section 19 herein.

- (mm) “Municipal Law Enforcement Officer” means a person duly appointed by the Town to enforce the provisions of this By-law, and includes any police officer appointed pursuant to the *Police Services Act*, R.S.O. 1990, c. P.15.
- (nn) “most humane course of action” means euthanasia of an animal if:
 - (i) immediate veterinary treatment cannot prolong the animal’s life; or
 - (ii) prolonging the animal’s life would result in undue suffering for the animal.
- (oo) “muzzle” means a strong and well-fitted covering device that securely fastens over the dog’s mouth to prevent the dog from biting but does not interfere with the dog’s vision or ability to breath, drink, and pant.
- (pp) “neutered” means a male animal with its generative organs removed or vasectomized.
- (qq) “officer” means an Animal Control Officer, a Municipal Law Enforcement Officer, or police officer.
- (rr) “owner” means:
 - (i) a person who has control of an animal;
 - (ii) a person who owns, keeps, possesses or harbours an animal;
 - (iii) a person who owns a premise; or
 - (iv) the parent or guardian of the minor owner of an animal.
- (ss) “person” includes an owner, individual, partnership, association, firm or corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with the *Interpretation Act*, R.S.O. 1985, c.1-21.
- (tt) “pet shop” means an establishment engaged in the retail sale of animals excluding a kennel.
- (uu) “Pit Bull” dog includes:
 - (a) a pit bull terrier;
 - (b) a Staffordshire bull terrier;
 - (c) an American Staffordshire bull terrier;
 - (d) an American pit bull terrier;
 - (e) a dog for which a veterinarian attests has an appearance and physical characteristics that are substantially similar to the dog breeds referred to in (a) to (d) above.
- (vv) “place” includes any land, building, vehicle or vessel.

- (ww) "point of reception" means any point on a premise where the barking, calling, whining or other similar persistent sound originating from other than that premise is received.
- (xx) "police work dog" means a dog trained and duly licensed for and actually engaged in law enforcement for the Niagara Regional Police or other law enforcement agency.
- (yy) "potentially dangerous dog" means a dog that, in the absence of any mitigating factor, chases or approaches any domestic animal or person, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but not limited to, behaviour such as growling or snarling; and as more particularly described in Section 19 herein.
- (zz) "pound" means such premises and facilities designated by the Town further to a contract with the Town for the detention, maintenance or disposal of animals on behalf of the Town.
- (aaa) "Poundkeeper" means the Town or any employee thereof, or such person or organization as is appointed by Council to act on behalf of the Town, to maintain, enforce, and administer this By-law.
- (bbb) "premise" means a vacant or occupied lot, building or a part thereof, including a dwelling unit, and any land appurtenant.
- (ccc) "prescribed" means a provision or requirement according to this By-law.
- (ddd) "protective care" means the temporary, time-limited keeping of an animal by the Town as a result of an owner eviction, incarceration, fire, or medical emergency.
- (eee) "Public Health Inspector" means a public health professional with Niagara Region Public Health, appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7.
- (fff) "purebred kennel" means a premise where more than two (2) purebred dogs, which are officially recognized breeds by the Canadian Kennel Club or other international registry, and shall have the same meaning as a "commercial kennel".
- (ggg) "redemption period" means the period of time within which the animal owner has the right to redeem an impounded animal subject to the satisfaction of conditions.
- (hhh) "Rehabilitation Centre" means a facility established for the care and treatment of injured, sick or orphaned animals, with the objective of restoring the animals to their former capacity or function and then returning and releasing them to their natural habitat.

- (iii) “residential” means any property zoned as such within the current applicable Zoning By-law and shall include all lands within the Municipal Boundary, Neighbourhood Boundary, Urban Boundary, Hamlet Boundary and Secondary Plan Schedule as identified and designated in the Town Official Plan.
- (jjj) “restrained” (in relation to a potentially dangerous dog or a dangerous dog), means being kept inside a premise in an enclosed six (6) sided pen of sufficient dimension and strength to be humane and secure to prevent a dog from coming in contact with or making a real and substantial threat of attack on a person other than the owner of the dog, or invitee of the owner, and includes keeping such dog securely on a leash of not more than one (1) meter in length when outside of such pen.
- (kkk) “restricted pit bull” means a pit bull owned by an Ontario resident on August 29, 2005 or born by November 30, 2005, and more particularly described in the *Dog Owners’ Liability Act*.
- (lll) “running-at-large” means to be found in any place other than the premises of the owner of the dog, not under the control of any person, and where there is no consent to be in that place.
- (mmm) “sell” means offer for sale or adoption, expose for sale or adoption.
- (nnn) “service animal” means:
 - (i) the animal is required by a person with a disability; and
 - (ii) the person has documentation from one (1) of the regulated health professionals enumerated in the *Accessibility for Ontarians with Disabilities Act, S.O. 2005, c.11* confirming the person requires the animal for reasons relating to their disability:
- (ooo) “spayed” means a female animal whose ovaries and/or uterus have been removed.
- (ppp) “Standard of Care” means a Standard of Care prescribed by this By-law.
- (qqq) “sterilization” means to spay or neuter a cat or dog.
- (rrr) “tag” means a method of identifying a licensed dog or cat.
- (sss) “tether” means a rope, chain or similar device, attached to a fixed point, used for restraining an animal that prevents an animal from moving away from a localized area.
- (ttt) “Town” means The Municipal Corporation of the Town of Fort Erie.
- (uuu) “trap, neuter, return program (TNR)” means to trap, sterilize, and attempt to return feral cats to locations in which they were found.

(vvv) “unsanitary” means the accumulation of urine or fecal matter, odour, insect infestation, or rodent attractants that may endanger animal or human health.

(www) “veterinarian” means a person licensed as a veterinarian by the College of Veterinarians of Ontario.

4. INTERPRETATION

The requirements of this By-law are in addition to the requirements contained in any other applicable by-laws of the Town or applicable provincial or federal statutes or regulations.

PART II:

5. LICENSING OF CATS AND DOGS

- (1) Every owner whose dog is aged sixteen (16) weeks or older shall make application for a licence on the prescribed form within ten (10) days of the date the animal comes into his or her possession.
- (2) Every owner whose cat is aged sixteen (16) weeks or older may make application for a licence on the prescribed form within ten (10) days of the date the animal comes into his or her possession.
- (3) Annual licence renewals and licence expiry does not apply to the licensing of cats.
- (4) Despite Subsection 5(1), no licence shall be required for a dog being temporarily kept at a kennel in Town, or a private residence where there is no remuneration for keeping the dog, if the dog, when not being kept at the kennel or private residence, is kept at premises located outside of the Town.
- (5) Every owner of a dog or cat applying for a licence shall submit to the Poundkeeper or Licence Agent a completed application together with the prescribed licence fee pursuant to the Town’s Fees and Charges By-law No. 40-09, as amended or replaced.
- (6) The licence application shall include the following, as applicable:
 - (a) the name, address, telephone number, and e-mail address of the owner;
 - (b) the name, breed, colour and sex of the dog or cat;
 - (c) the address of the premises where the dog or cat is to be kept in Town;
 - (d) veterinary proof of a current rabies vaccination;
 - (e) veterinary proof that the animal has been sterilized as applicable;

- (f) microchip identification;
 - (g) if the dog is a pit bull, proof satisfactory to the Poundkeeper or Licence Agent that the dog is a restricted pit bull;
 - (h) whether the dog is attack trained, a guide dog, a guard dog, or a service dog;
 - (i) the names, addresses and telephone numbers of up to three (3) alternate persons who may be contacted in the case of animal impoundment;
 - (j) whether the dog is designated as a “dangerous dog”;
 - (k) whether the dog is designated as a “potentially dangerous dog”;
 - (l) whether the dog will be kept in a kennel;
 - (m) acquisition information, including country of origin if foreign; and
 - (n) such additional information as may be reasonably requested by the Poundkeeper or Licence Agent.
- (7) The Poundkeeper or Licence Agent is authorized to issue licences only to applicants.
- (8) Upon issuance of a licence, the owner shall be furnished with an identification tag.
- (9) The Poundkeeper or Licence Agent may issue up to three (3) licences per applicant to dogs being legitimately used as guard dogs.
- (10) The Poundkeeper or Licence Agent shall maintain a current record of every dog or cat registered pursuant to this By-law, which includes:
- (a) the date of licence issuance or renewal;
 - (b) the name, address, telephone number, and email address of the owner;
 - (c) the description of the animal;
 - (d) the registration number; and
 - (e) the fee paid.
- (11) Failure to provide a rabies certificate except for a dog or cat with immune-mediated disease, shall constitute an offence under this By-law and, in addition to any other penalty or action provided herein, the Poundkeeper or Licence Agent shall immediately report this information to Niagara Region Public Health.
- (12) An application for a licence for a prohibited pit bull shall not be processed, and will be returned to an applicant.
- (13) Every licence is valid for the calendar year in which it is issued, and automatically expires on December 31 of each year.

- (14) The Poundkeeper or Licence Agent shall ensure annual renewal applications are available to the public on November 1. Every owner shall complete the licence renewal on or before January 1.
- (15) All renewal applications received after April 1 of each year shall be subject to the prescribed late payment fee, in addition to the prescribed licence fee, as set out in the Town's Fees and Charges By-law No. 40-09, as amended or replaced.
- (16) In the absence of updated information indicated on the renewal application, every person who submits a renewal application acknowledges that the information provided on the original application is still current.
- (17) Every owner of a dog or cat shall notify the Poundkeeper or Licence Agent within ten (10) days of any change in:
 - (a) the name, address, telephone number, or e-mail address of the owner of the dog or cat;
 - (b) the address of the premises where the dog or cat is being kept by a new owner; or
 - (c) the ownership of the dog or cat.
- (18) Failure to notify the Poundkeeper or Licence Agent of ownership changes in accordance with Subsection 5(15) may lead to the cancellation of the licence.
- (19) The Poundkeeper or Licence Agent may revoke any cat or dog licence issued in error.
- (20) Cat and dog licences issued by another municipality are transferable if an owner of a dog or cat moves to the Town, provided that the owner submits to the Poundkeeper or Licence Agent satisfactory evidence of the dog or cat being licensed.
- (21) Despite any other provision in this By-law, there shall be no licence fee payable to the Town for a duly licensed police animal, guide dog, or service animal.

6. IDENTIFICATION TAGS

- (1) Upon approval of a cat or dog licence application or renewal application (including a police animal, guide dog, or service animal), an identification tag shall be issued to the owner of the dog or cat.
- (2) Identification tags shall be sequentially numbered and indicate the year of issuance. The Poundkeeper or Licence Agent shall keep a record of each identification tag issued, including the serial number of the identification tag, and the name, address and telephone number of the owner of the dog or cat.
- (3) Every owner shall ensure that the current identification tag is securely attached to their dog or cat at all times;

- (a) Subsection 6(3) does not apply to an owner of a dog when such dog is actively participating in a sanctioned dog show, provided that the dog can be identified by another means such as a tattoo or microchip and such identification has already been provided to the Poundkeeper or Licence Agent.
- (b) Subsection 6(3) does not apply to an owner of a dog when such dog is being lawfully used for hunting provided that the owner has the identification tag on his or her person at all times.
- (4) The Poundkeeper or Licence Agent shall provide the owner of a “potentially dangerous dog”, “dangerous dog” or “attack trained dog” with an identification tag of a distinct colour differentiating them from other dogs.
- (5) If an identification tag is lost, damaged or destroyed, an owner of a cat or dog shall immediately apply for a replacement identification tag by submitting to the Poundkeeper or Licence Agent a completed replacement tag application, together with the prescribed identification tag replacement fee as set out in the Town’s Fees and Charges By-law No. 40-09, as amended or replaced.
- (6) Upon the death of a licensed dog or cat, the owner may transfer the identification tag to a new dog or cat at no additional charge provided the owner submits to the Poundkeeper or Licence Agent an application for the new dog or cat.
- (7) Identification tags issued by another municipality are not recognized by the Town, and are not transferable.

7. KENNELS

Licensing

- (1) Every owner or operator of a kennel shall make application for a kennel licence on the prescribed form.
- (2) Every applicant for a kennel licence shall submit to the Poundkeeper or Licence Agent a completed application together with the prescribed licence fee pursuant to the Town’s Fees and Charges By-law No. 40-09, as amended or replaced.
- (3) The kennel licence application shall include the following, as applicable:
 - (a) the name, address, telephone number, and e-mail address of the applicant;
 - (b) the address of the kennel;
 - (c) the maximum number of dogs at the kennel, excluding any dogs sixteen (16) weeks of age or under;

- (d) if the application is for a new kennel, a detailed drawing of the premises showing the location of the kennel in relation to the dwelling unit, neighbouring dwelling, dog runs, fencing, and other buildings on the premises;
 - (e) if the applicant is not the owner of the lands, written permission from the registered owner of the lands where the kennel is located, confirming that such registered owner permits the kennel use; and
 - (f) such additional information as may be required by the Poundkeeper or Licence Agent.
- (4) In addition to satisfaction of Subsections 7(1) to 7(3), the Poundkeeper or Licence Agent shall only issue or renew a kennel licence further to a satisfactory inspection performed by the Poundkeeper or Licence Agent, including:
- (a) certification that the kennel meets the standards and requirements of the Town and the Niagara Regional Health Department;
 - (b) proof of compliance with the Town's Comprehensive Zoning By-law No. 129- 90, as amended or replaced, and
 - (c) proof of adherence to all by-laws of the Town and the *Building Code Act*, S.O. 1992, c. 23 pertaining to, without limitation, construction and kennel maintenance.
- (5) The Poundkeeper or Licence Agent is only authorized to issue kennel licences to applicants.
- (6) A kennel licence is valid for the calendar year in which it is issued, and automatically expires on December 31 of each year.
- (7) The Poundkeeper or Licence Agent shall ensure annual kennel licence renewal applications are available to the public on November 1. Every owner or operator shall complete the licence renewal on or before January 1.
- (8) All kennel licence renewal applications received after January 1 of each year shall be subject to the prescribed late payment fee, in addition to the prescribed licence fee, as set out in the Town's Fees and Charges By-law No. 40-09, as amended or replaced.
- (9) In the absence of updated information indicated on the kennel licence renewal application, every applicant for a kennel licence acknowledges that the information provided on the original application is still current.
- (10) Failure to notify the Poundkeeper or Licence Agent of ownership changes in accordance with Subsection 7(9) may lead to the cancellation of the licence.
- (11) The Poundkeeper or Licence Agent may revoke any kennel licence issued in error.
- (12) Kennel licences are not transferable.

Kennel Licence Numbers

- (13) Upon approval of a kennel licence application or renewal application, a kennel licence number shall be issued to the owner or kennel operator.
- (14) Kennel licence numbers shall be sequentially numbered and indicate the year of issuance. The Poundkeeper or Licence Agent shall keep a record of each kennel licence number issued, including the licence number, and the name, address, telephone number and e-mail address of the applicant.
- (15) Kennel licence numbers issued by another municipality are not recognized by the Town, and are not transferable.

Kennel Operations

- (16) Every owner and operator of a kennel shall ensure that:
 - (a) all dogs are adequately fenced or caged to prevent running-at-large;
 - (b) all dogs are kept in cages of adequate size to allow the animal to extend their legs, stand, sit, turn around, and lie down in a fully extended position, in accordance with the following provisions:

Minimum primary enclosure space requirements:

Height of the dog measured at the shoulder of the dog (cm)	Area (m2)	Width (m)	Height (m)
70 or greater	15	2.40	1.80
40 to 70	10	1.80	1.80
20 to 40	6	1.40	1.20
5 to 20	4	1	1.20

Minimum primary enclosure space requirements apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age are provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified herein are increased by 1.5 square metres for each dog kept in the enclosure.

- (c) all dogs must be provided with daily physical activity out of a cage;
- (d) all dogs are fed and watered regularly;
- (e) all dogs are kept in a sanitary environment free from vermin and disease;
- (f) all floors are constructed using impermeable materials;

- (g) all cages are constructed of metal and/or wire with impermeable floors;
 - (h) all droppings, soiled bedding and waste from which unhealthy odour might arise are promptly removed;
 - (i) all cages and floors are thoroughly cleaned at least once (1) per day;
 - (j) electric lighting illuminates the premises;
 - (k) windows offer suitable ventilation;
 - (l) a heating system adequately heats the premises;
 - (m) a cooling system adequately cools the premises;
 - (n) hot and cold potable running water is available at all times;
 - (o) a sanitary food preparation and storage area is on the premises;
 - (p) the kennel does not become a nuisance by reason of unhealthy odour, excessive noise from barking or otherwise to a proximate residentially used property;
 - (q) maintain an environment in which the average sound level is less than 85 decibels; and
 - (r) the perimeter of the dog run shall be enclosed by a fence, having a minimum height of two (2) meters, and shall be of closed board construction to act as a visual barrier or other natural visual barrier or construction around the dog run or of closed construction if the dog run has or may become a nuisance, and to be approved by the Poundkeeper or Licence Agent.
- (17) The fence of a dog run of a licensed kennel owner, which was approved before this By-law took effect is deemed to comply with Clause 7(16)(p) provided it does not conflict with Town Fence By-law No. 70-2013, as amended or replaced.
- (18) Every owner or operator of a kennel shall maintain a log of all dogs on the premises, including the name and address of the dog owner or custodian. Such log shall be available for review during an inspection by a Poundkeeper or Licence Agent, Animal Control Officer, Manager, or Municipal Law Enforcement Officer.
- (19) Every owner or operator who holds a kennel licence shall not admit a dog into the kennel unless veterinary proof of current rabies immunization is produced, or veterinary proof is provided that a dog cannot be vaccinated due to a medical condition.
- (20) If a veterinarian confirms that a kennel has an outbreak of distemper, hepatitis, rabies, parvo-virus, or any infectious or contagious disease, the kennel shall be closed forthwith, all animals shall be quarantined and cared for under the supervision of a veterinarian, and the kennel shall not allow additional animals to enter the facility until the quarantine is over.

- (21) Further to any closure and/or licence suspension imposed pursuant to Subsection 24(1)(d), the kennel may reopen and have its licence reinstated by the Poundkeeper or Licence Agent, Municipal Law Enforcement Officer, Public Health Inspector, or such other person as may be appointed by Council only upon a written report from a veterinarian that the potential danger of disease transmission has subsided.
- (22) Every owner or operator of a kennel shall permit the Poundkeeper or Licence Agent, Municipal Law Enforcement Officer, Animal Control Officer, Manager, Chief Building Official or designate, or such other person as may be appointed by Council, to enter and inspect the Kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this By-law.
- (23) If a kennel deviates from the minimum standards pursuant to this By-law or the Town's Property Standards By-law No. 186-08, as amended or replaced, the Lot Maintenance By-law No. 92-2019, as amended or replaced, or any other applicable law, the Poundkeeper or Licence Agent, Municipal Law Enforcement Officer, Manager, or designate may revoke the kennel licence, and seize and impound all animals, until such time as the Manager or designate is satisfied that the kennel has come into compliance.
- (24) Every owner or operator of a kennel shall have a right to appeal any licence suspension, refusal, or revocation.
- (25) Kennel operations that are not staffed 24-hours a day, shall provide the Poundkeeper or Licence Agent with a policy document stipulating how the prescribed standards of care enumerated in Clauses 7(16)(a)-(r) herein are fulfilled after hours.

PART III:

8. KEEPING OF CATS AND DOGS

- (1) Except as otherwise permitted, no person shall own, possess, or harbour more than three (3) dogs in any one (1) household or on any premises irrespective of the ownership of the dogs.
- (2) Except as otherwise permitted, no person shall own, possess, or harbour more than six (6) cats in any one (1) household or on any premises irrespective of the ownership of the cats.
- (3) No person shall own, possess or harbor a dog unless a licence for the dog has been issued under this By-law.
- (4) No person shall breed or offer for sale dogs without a kennel licence, rescue foster dog licence, or a pet shop licence.
- (5) No person shall possess or harbour a rescue foster dog without a licence.

- (6) Exceptions to Subsection 8(1) are as follows:
 - (a) Subsection 8(1) does not apply to any person keeping a licensed kennel of dogs in accordance with this By-law;
 - (b) The maximum provided for in Subsection 8(1) may be exceeded for the purpose of fostering rescue dogs subject to the following:
 - (i) completion of the prescribed application form accompanied by written documentation from a bona-fide registered not-for-profit animal rescue organization registered with Canada Revenue Agency attesting to the suitability of the foster family applicant;
 - (ii) payment of the prescribed rescue foster dog licence fee for up to five (5) dogs pursuant to the Town's Fees and Charges By-law No. 40-09, as amended or replaced.
 - (iii) a minimum of three (3) acres of land;
 - (iv) up to five (5) rescue foster dogs in addition to the prescribed three (3) dog limit for a maximum period of twelve (12) consecutive months;
 - (v) foster dog licences and identification tags are transferable from adopted dogs to new foster dogs;
 - (vi) immediate written notification to the Poundkeeper or Licence Agent if a rescue foster dog gives birth while in the foster home; and
 - (vii) the foster family shall wean and adopt out all puppies within eight (8) to ten (10) weeks of birth and provide written proof of adoption to the Poundkeeper or Licence Agent.
- (7) No person shall permit a dog to be on or in any cemetery, public beach, or park within the Town, except for the following parks: Lions Sugarbowl Park, Battle of Ridgeway Park, and The Friendship Trail.

9. ANIMALS RUNNING-AT-LARGE

- (1) No animal owner shall allow, permit or cause that animal to be running-at-large in the Town.
- (2) Every owner of a dog, and every person who has a dog under care, custody or control, shall restrain the dog on a leash measuring no more than six (6) feet, when the dog is at every place other than:
 - (a) on the property of the owner; or
 - (b) on the property of any other person with consent of that person.
- (3) No person shall permit a dog to be in any public park described in Subsection 8(7) except on a leash measuring no more than six (6) feet.

- (4) A person may permit a licensed dog to be running-at-large in an off-leash dog area only in a place referred to in Subsection 8(7), except if the dog is required to be muzzled pursuant to this By-law and/or the *Dog Owners' Liability Act*, as amended or replaced.
- (5) Any animal found running-at-large may be captured and impounded by an Animal Control Officer, Manager, Municipal Law Enforcement Officer, or police officer.

10. ANIMAL IMPOUNDMENT

- (1) If an Animal Control Officer, Manager, Municipal Law Enforcement Officer, or police officer captures or impounds an animal running-at-large, that official may at his or her sole discretion:
 - (a) deliver the animal to the Poundkeeper or Licence Agent; or
 - (b) release the animal to its owner.
- (2) If an Animal Control Officer, Manager, Municipal Law Enforcement Officer, or police officer captures or impounds an injured or sick animal running-at-large, that official shall:
 - (a) when possible, bring the sick or injured animal(s) to a veterinarian or registered veterinary technician to determine if euthanasia is the most humane course of action given the state of disease or injury; or
 - (b) if the owner cannot be found and if it is not possible to bring the sick or injured animal(s) to a veterinarian or registered veterinary technician and they are trained to perform euthanasia as per Section 14 herein, euthanize the animal(s) if it is the most humane course of action given the state of disease or injury.
- (3) If a Town resident impounds an animal running-at-large, the resident shall notify the Poundkeeper or Licence Agent and arrange for delivery to or pick-up from the Poundkeeper or Licence Agent within two (2) days.
- (4) The Poundkeeper or Licence Agent shall keep a record of every animal impounded, including:
 - (a) the date of impoundment;
 - (b) a description of the animal;
 - (c) the particulars of the identification tag for the animal, if applicable
 - (d) the date disposed of; and
 - (e) the nature of the disposition made with respect to the animal.
- (5) If an animal is impounded for running-at-large, the owner of the animal shall pay to the Poundkeeper or Licence Agent reimbursement of its expenses with respect to the animal including:

- (a) the prescribed redemption fees for the animal being at large and impounded pursuant to the Town's Fees Charges By-law No. 40-09, as amended or replaced;
 - (b) any additional costs incurred by the Town as a result of impoundment, including fees from a veterinarian or a specialized animal handler; and
 - (c) costs for having the animal sterilized or implanted with a microchip.
- (6) Every owner shall retrieve the impounded animal from the Poundkeeper or Licence Agent within four (4) days of the date of impoundment, excluding the day of impoundment, pound closures, and any statutory holidays.
- (7) If an owner seeks to secure the release of a dog from the Poundkeeper, the owner shall:
 - (a) provide proof of the dog's current licence; or
 - (b) obtain a current licence before the dog is released; and
 - (c) pay the prescribed impound fees pursuant to the Town's Fees Charges By-law No. 40-09, as amended or replaced, and any other applicable damages, fines and expenses.
- (8) If an animal is not claimed by its owner within the prescribed redemption period, the Poundkeeper or Licence Agent is deemed to be the owner and may sell, dispose of, or have a veterinarian or registered veterinary technician to euthanize the unclaimed animal.
- (9) Notwithstanding Subsection 10(7), if an animal bears identification, a microchip or an identification tag, the Poundkeeper or Licence Agent shall make at least two (2) reasonable attempts to contact the owner prior to selling or otherwise disposing of the animal.
- (10) Upon becoming entitled to sell or dispose of an animal, the Poundkeeper or Licence Agent may, in his or her sole discretion, arrange to have the animal sterilized and/or identified by means of a microchip, and the cost of these services shall be added to the costs recoverable from the owner pursuant to Subsection 10(4).
- (11) If a dog has been impounded and it is alleged that the dog bit or attacked a person or domestic animal and proceedings have been commenced against the owner of the dog under the *Dog Owners' Liability Act*, the Poundkeeper or Licence Agent shall hold the dog pending the disposition of the matter. The Poundkeeper or Licence Agent may only release the dog in accordance with a decision made under the *Dog Owners' Liability Act*. In such circumstances, the owner of the dog shall pay the costs set out in this By-law for the time the dog has been impounded regardless of whether the dog is returned to the owner.

- (a) Every effort should be made to ensure the dog does not experience undue suffering while being held. In accordance with ensuring all basic standards of care are provided, each dog shall be provided with time outdoors and environmental enrichment. A veterinarian, certified animal behaviourist (excluding a dog trainer) or animal welfare scientist shall be involved in continuously monitoring the situation with each dog, assessing quality of life and how it can be maintained and improved with human contact or contact with other dogs on a case by case basis.
- (12) An impounded animal not wearing an identification tag for the current year may be given an inoculation, as recommended by a veterinarian, to provide temporary immunization against common diseases.
- (13) (a) If any animal has bitten an animal or a person, or it is alleged that the animal has bitten an animal or a person, the Poundkeeper or Licence Agent, Animal Control Officer, Manager, Municipal Law Enforcement Officer, or any person acting under his or her authority delegated by the Town, may impound the animal for the purpose of quarantine.
- (b) If any animal has bitten an animal or a person, or it is alleged that the animal has bitten an animal or a person, the Poundkeeper or Licence Agent may release the animal to the owner only if the Poundkeeper is satisfied that the owner will:
 - (i) take immediate steps to quarantine the animal;
 - (ii) ensure the animal will be properly contained so as not to be found running- at-large;
 - (iii) muzzle the animal;
 - (iv) adhere to any written conditions issued by the Poundkeeper; and
 - (v) pay the prescribed fees set out in the Town's Fees and Charges By-law No. 40-09, as amended or replaced.
- (14) If an owner forfeits or surrenders an animal and it is evidenced in writing, the Poundkeeper shall take the animal into care and shall have the authority to deal with the animal as if the owner.

PART IV:

11. BASIC STANDARDS OF CARE

- (1) Every person who keeps an animal within the Town's boundaries shall ensure that the animal is provided with:
 - (a) adequate, appropriate, and sufficient quantity and quality of food and potable water to allow for normal growth and maintenance of body weight;
 - (b) adequate care necessary for its general welfare, which includes care sufficient to preserve its health and well-being;

- (c) adequate and appropriate space to enable the animal access to:
 - (i) full range of natural movement and exercise;
 - (ii) rest and sleep;
 - (iii) sanitary conditions free from excess waste, urine or fecal matter, or any other contaminants that could affect the animal's health;
 - (iv) ventilation;
 - (v) regular diurnal lighting cycles of either natural or artificial light according to species-specific needs;
 - (vi) air temperature suitable for the health of the animal;
 - (vii) protection from the elements, including harmful temperatures;
 - (viii) reasonable medical attention and veterinary care to relieve distress from injury, neglect or disease; and
 - (ix) current immunization against rabies for every dog or cat sixteen (16) weeks of age or over.
- (d) transportation in a manner that ensures its physical safety and general welfare, and excludes transport of an animal outside the passenger compartment of a vehicle unless the animal is:
 - (i) in a fully enclosed and adequately ventilated trailer or crate that securely fastened to the bed of the vehicle; or
 - (ii) securely and humanely tethered to prevent jumping or ejection from the vehicle, strangulation, and access to the outside edges of the vehicle; and
 - (iii) reasonably protected from extreme temperatures.
- (2) Subsection 11(1) does not apply in respect of an activity regarding agricultural animal care, management or husbandry carried on in accordance with the reasonable and generally accepted practices of agricultural animal care, management or husbandry.
- (3) Every animal owner or person in care and control of an animal, who has reasonable grounds to believe that an animal is being abused, subject to undue physical or psychological hardship, privation or neglect shall report his or her belief to an Animal Welfare Inspector in accordance with the *Provincial Animal Welfare Services Act*.

12. STANDARDS OF CARE FOR ANIMALS LIVING OUTDOORS

- (1) If an animal, other than a cat, lives outdoors for continuous periods of time exceeding thirty (30) minutes, the animal owner or person having custody and control of the animal shall provide a structurally sound enclosure for the animal's use at all times. That enclosure shall be:
 - (a) weather-proofed and insulated sufficient to protect the animal from wind, rain, snow and sun;

- (b) equipped with adequate bedding to protect against inclement conditions; and
- (c) of proper size and design adequate and appropriate for the animal species.

13. STANDARDS OF CARE REGARDING UNSANITARY CONDITIONS

- (1) No person shall keep an animal within the Town in an unsanitary condition.
- (2) For the purposes of Subsection 13(1), an unsanitary condition is characterized by the accumulation of urine or fecal matter, a strong odour, insect infestation or rodent attractants, and where the accumulation of any of the aforementioned are likely to endanger the health of any person or animal, or which is likely to disturb the enjoyment, comfort or convenience of any person or animal, in or about any place.
- (3) Every owner who keeps an animal shall ensure that waste material and excrement is handled and disposed of in a sanitary manner.
- (4) Every owner who keeps an animal shall remove waste excrement at least once (1) weekly from December 1 to April 1, and at least twice (2) weekly from April 2 to November 30. Animal excrement shall be stored in a waste receptacle with a properly fitting and secure cover.
- (5) Every owner of an animal shall immediately remove and dispose of any feces left by the dog or cat on any premises other than those owned or occupied by the owner.
- (6) Subsections 13(4) and 13(5) do not apply to an owner storing, removing or disposing of excrement in accordance with Regulation 267/03 of the *Nutrient Management Act*, S.O. 2002, c.4.

14. EUTHANASIA

- (1) Every animal must be euthanized by the most humane course of action. An animal's pain and distress are deemed to be minimized if the animal is euthanized by a method that produces irreversible unconsciousness, and prompt subsequent death.
- (2) A veterinarian may exercise his or her sole discretion to euthanize an animal if:
 - (a) the animal is suffering; and
 - (b) the animal's owner or custodian cannot be found promptly, or the veterinarian reasonably believes that:
 - (i) the animal does not have an owner or custodian, or
 - (ii) the animal's owner or custodian has abandoned the animal; and
 - (c) in the veterinarian's opinion, euthanasia is the most humane course of action.

- (3) When possible, a person shall bring a sick or injured animal to a veterinarian or registered veterinary technician to determine if the state of disease or injury means euthanasia is the most humane course of action.
 - (a) If bringing a sick or injured animal to a veterinarian or registered veterinary technician to determine if the state of disease or injury necessitates euthanasia is not practicable or would cause further harm or suffering to an animal, euthanasia may be performed by a Poundkeeper or Licence Agent, Animal Control Officer, Manager, Municipal Law Enforcement Officer, or police officer who has been trained to do so by a veterinarian in the methods appropriate for the particular species.

PART V:

15. PENS AND ENCLOSURES

- (1) If an animal, except wildlife, is confined to a pen or other enclosed structure or area, the following requirements must be met:
 - (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;
 - (b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are:
 - (i) safe and non-toxic for the animal; and
 - (ii) of a texture and design that will not bruise, cut or otherwise injure the animal; and
 - (c) the pen or other enclosed structure or area must not contain one (1) or more other animals that may pose a danger to the animal.
- (2) If kept outside on the owner's premises for any continuous period exceeding thirty (30) minutes, the person having the custody or control of the animal shall provide for a weather-proofed and insulated enclosure for that animal's use that includes sufficient space to allow for the normal postural and behavioural adjustments, adequate amounts of ventilation, and intensity of light for the animal at all times.

16. TETHERS

- (1) Every person who has tethered an animal shall ensure, at all times, that the animal:
 - (a) is tethered on a chain, rope or similar device of less than three (3) metres in length;

- (b) has unrestricted movement within the range of the tether, and cannot suffer injury or strangulation resulting from the tether;
- (c) is tethered in a manner that constrains the animal to the property to which the animal is tethered;
- (d) has access to adequate and appropriate food, water and shelter;
- (e) is not tethered if a choke collar, choke chain, pronged collar or any similar device forms part of the tether;
- (f) is not unsupervised on a tether for longer than 30 minutes;
- (g) is not hitched, tied or fastened to a fixed object where a rope, chain, or cord is tied directly around the animal's neck; and
- (h) is not hitched, tied or fastened to a fixed object as the primary means of confinement under circumstances that can be reasonably deemed to be inhumane.

17. UNATTENDED ANIMALS IN A VEHICLE

- (1) Every person who leaves an unattended animal in a motor vehicle in the Town shall ensure:
 - (a) the avoidance of contact between the animal and persons and other animals outside of the vehicle;
 - (b) the animal has suitable ventilation; and
 - (c) the animal is not exposed to extreme temperatures.
- (2) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer who has reasonable grounds to believe that there is an animal in critical distress in a motor vehicle shall, if possible, immediately contact Police for assistance. Subject to the direction from the Police, the prescribed person may enter the motor vehicle for the purpose of relieving the animal from critical distress.
- (3) Subsection (2) does not authorize a prescribed person to enter a motor vehicle that is being used as a dwelling as defined in the *Planning Act*, R.S.O. 1990, c. P13, as amended, unless the occupier of the dwelling consents to the entry.
- (4) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer, may cause damage to the motor vehicle that is reasonably necessary to enter and relieve the animal from critical distress.

- (5) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer may take possession of the animal and take reasonable steps to relieve its critical distress.
- (6) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer who takes possession of an animal under subsection 17(5) herein shall promptly notify an animal welfare inspector if the owner or custodian of the animal is not present and cannot be found promptly.
- (7) No person shall obstruct a Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer exercising a power under this section to enter a motor vehicle for the purpose of taking an animal into his or her possession and relieving its critical distress.
- (8) The owner or custodian of the animal is responsible for any costs incurred by the Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer in taking steps to relieve the animal's critical distress, and the amount may be recovered as a debt due and owing to the Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer.

18. ANIMAL NOISE

- (1) No owner shall permit persistent barking, calling, whining or other similar persistent sound made by any domestic pet or any other animal kept or used for any purpose other than agriculture, which sound is clearly audible at a point of reception.
- (2) Agricultural operations and domestic farm animals are exempt from Subsection 18(1).

PART VI:

19. POTENTIALLY DANGEROUS DOG AND DANGEROUS DOG

- (1) No owner shall permit or allow his or her dog to bite or attack a person or domestic animal.
- (2) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer trained by a veterinarian or animal behaviourist on recognition of dangerous dogs shall have the authority to designate a dog as a potentially dangerous dog or a dangerous dog but before issuing such a designation shall take into consideration any mitigating factors.
 - (a) Mitigating factors include, without limitation, the following:
 - (i) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person;

- (ii) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a domestic animal;
 - (iii) the dog was, at the time of the aggressive behaviour, acting in defence of the animal's young;
 - (iv) the dog was, at the time of the aggressive behaviour, reacting to a person trespassing on the property of the owner;
 - (v) the dog was, at the time of the aggressive behaviour, reacting to a domestic animal trespassing on the property of the owner; and
 - (vi) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- (3) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer shall be empowered to declare a dog potentially dangerous or dangerous upon receipt of an affidavit attested to and signed by a person who actually witnessed the dog bite a person and/or domestic animal (and, for the purposes of this Subsection, the affiant may not be the subject of the bite). The declaration must specifically identify the dog, the dog owner and their address.
- (4) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer may, either on his or her own initiative or as a result of a complaint from any person, conduct a reasonable inquiry into whether a dog should be designated as a potentially dangerous dog or a dangerous dog.
- (5) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer shall issue an Order designating a dog as a potentially dangerous dog if the dog:
- (a) in the absence of any mitigating factor, has demonstrated a reasonable propensity, tendency or disposition to attack, bite, or cause injury to a person or domestic animal;
 - (b) has on at least (1) occasion behaved in a manner that poses a menace to the safety of a person or domestic animal;
 - (c) has been previously designated by another municipality as a potentially dangerous dog, and is kept or permitted to be kept by its owner in violation of the prescribed requirements;
 - (d) is a restricted pit bull and the dog's owner has failed, on at least one (1) occasion, to comply with one (1) or more of the requirements of this By-law or the regulations respecting restricted pit bulls; or
 - (e) in the opinion of an Animal Control Officer, Poundkeeper or Licence Agent, Manager, or Municipal Law Enforcement Officer creates a reasonable concern for the well-being or safety of another animal or person.

- (6) The Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer shall issue an Order designating a dog as a dangerous dog if the dog:
 - (a) in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or domestic animal;
 - (b) in the absence of any mitigating factor, has killed a person or domestic animal;
 - (c) has been previously designated by the Town as a potentially dangerous dog or a dangerous dog, and is kept or permitted to be kept by its owner in violation of the prescribed requirements;
 - (d) has been previously designated by another municipality as a potentially dangerous dog or as a dangerous dog, and is kept or permitted to be kept by its owner in violation of the prescribed requirements; or
 - (e) is a restricted pit bull and the dog's owner has failed, on at least one (1) occasion, to comply with one (1) or more of the requirements of this By-law or the regulations respecting restricted pit bulls.

- (7) Subject to Subsections 19(5) and (6), the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer may issue and serve an Order upon an owner, requiring the owner to do any or all of the following:
 - (a) muzzle the dog at all times when off the owner's premises using a muzzle that will not cause injury to the dog or interfere with the dog's vision or respiration;
 - (b) leash the dog at all times when off the owner's premises using a leash not to exceed one (1) meter in length;
 - (c) keep the dog securely confined on the owner's premises either indoors, or if outdoors, in addition to the provisions listed in Section 15 of this By-law, in a six (6)-sided enclosure at least two (2) metres by four (4) metres capable of preventing the entry of children and other animals and constructed to prevent the dog from escaping;
 - (d) allow a Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer, to inspect the enclosure required in Clause (19)(7)(c) or to make whatever inquiry is reasonable to ensure compliance with this By-law;
 - (e) conspicuously display a sign on the property where the dog is kept that states there is a potentially dangerous dog or a dangerous dog on the property;

- (f) confine the dog to allow lawful entry onto the premises of the dog owner without the fear of attack by the dog;
 - (g) further restrain the dog by whatever means is deemed reasonable and humane by the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer.
 - (h) ensure such dog is sterilized; or
 - (i) have implanted in such dog a microchip, and provide such microchip information to the Poundkeeper or Licence Agent.
- (8) Any Subsection 19(7) Order shall include:
- (a) a statement that the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer has reason to believe that the owner's dog has bitten or attacked a person or domestic animal;
 - (b) a requirement that the owner muzzle the dog;
 - (c) information on restrictions of acquiring additional dogs;
 - (d) instructions on the process for having the potentially dangerous declaration removed pursuant to Subsection 19(10), if applicable; and
 - (e) a statement that the owner may request and is entitled to appeal the Order.
- (9) Any Order issued pursuant to Subsection 19(8) takes effect immediately upon receipt, and the dog owner shall comply with all of the elements of the Order.
- (10) A potentially dangerous dog designation shall be lifted if an owner submits proof of the following to the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer:
- (a) successful completion of a recognized dog obedience course after the issuance of the Order;
 - (b) successful completion of a recognized dog handling course after the issuance of the Order; and
 - (c) a recommendation from a veterinarian or certified animal behaviourist to lift the designation.
- (11) Notwithstanding Subsection 19(10), any subsequent designation as a potentially dangerous dog shall not be lifted other than further to a decision on Appeal.

- (12) An owner of a potentially dangerous dog shall be precluded from acquiring and licensing additional dogs until such owner submits proof of the following to the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer:
 - (a) Successful completion of a recognized dog obedience course within the past thirty (30) days;
 - (b) Successful completion of a recognized dog handling course within the past thirty (30) day; and;
 - (c) a recommendation from a veterinarian.
- (13) An owner of a dangerous dog may not acquire and license additional dogs.
- (14) An owner, whose dog has been designated as a potentially dangerous dog or a dangerous dog shall immediately advise the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer of the particulars pertaining to any ownership transfer of the dog or address change.
- (15) If a dangerous dog or potentially dangerous dog is not restrained and the owner or custodian cannot be readily located, the Poundkeeper or Licence Agent, Manager, Animal Control Officer or Municipal Law Enforcement Officer may remove the dog from the property if it is reasonable to preserve public safety, including the well-being of another animal.
 - (a) All reasonable costs incurred by the Town to facilitate this removal shall be borne by the owner of the dog.
- (16) If an owner whose dog has been designated as a dangerous dog is unwilling or unable to comply with the requirements herein, and the owner has surrendered the dog to the Poundkeeper or Licence Agent, and evidenced in writing, the dog shall then be humanely euthanized by a veterinarian or registered veterinary technician after a ten (10) day holding period.
- (17) Any dog designated as a dangerous dog under this By-law shall not be offered for adoption or sale.
- (18) The cost of humanely euthanizing a dangerous dog shall be borne by the owner unless the dog owner surrendered the dog to the Poundkeeper or Licence Agent.

PART VII:

20. ANIMAL TRAPS

- (1) No person shall use, set or maintain a leg hold trap, a killing trap or a snare trap unless licensed to do so by the Ministry of Natural Resources and Forestry.

- (2) Subsection 20(1) does not apply to:
 - (a) reasonable use by agricultural operations to protect livestock, crops, and the agricultural operation overall;
 - (b) reasonable efforts to control and eliminate rodents and pests, such as mice and rats, in relation to a residential, commercial, industrial, or public space property; or
 - (c) a pest control company or agency which has been hired to address an identified issue utilizing reasonable and humane common trade practices and procedures.

21. FERAL CATS

- (1) An Animal Control Officer, Poundkeeper or Licence Agent, Manager, or Municipal Law Enforcement Officer may operate a “trap, neuter, return program” in respect of any feral cat or feral cat colony, and shall maintain a record of feral cat sterilizations.
- (2) Any feral cat may be sterilized and subsequently released, at the sole discretion of the Poundkeeper or Licence Agent.
- (3) If, in the opinion of the Poundkeeper or Licence Agent, a feral cat is injured or ill and euthanasia is the most humane course of action, the feral cat shall be brought to a veterinarian or registered veterinary technician for examination. If the veterinarian or registered veterinary technician concur with the opinion of the Poundkeeper or Licence Agent, the feral cat shall be euthanized.

22. LIVESTOCK

- (1) No person shall keep livestock on any premises in Town unless the premises are zoned to permit the keeping of livestock by the Town’s Comprehensive Zoning By-law No. 129-90, as amended or replaced.
- (2) No owner of livestock shall permit any livestock to be running-at-large in the Town.
- (3) 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.
- (4) An Animal Control Officer, Manager, Municipal Law Enforcement Officer, police officer or the Poundkeeper or Licence Agent may seize and impound any livestock running-at-large in the Town.
- (5) Any livestock seized pursuant to Subsection 22(4) shall be considered impounded at the time and place of the seizure by an Animal Control Officer, Manager, Municipal Law Enforcement Officer, police officer, or the Poundkeeper or Licence Agent.

- (6) The Poundkeeper or Licence Agent shall make reasonable efforts to determine the identity of the owner of the impounded livestock, and inform the owner that the livestock has been impounded in accordance with this By-law and the *Pounds Act*.
- (7) Further to impoundment of livestock, the Poundkeeper or Licence Agent shall:
 - (a) provide such veterinary or other care for any injured or ill impounded livestock necessary to preserve life or relieve distress;
 - (b) deliver any impounded livestock without delay to a veterinarian or registered veterinary technician for examination, if the owner cannot be found and, in the opinion of the Poundkeeper or Licence Agent, euthanasia is the most humane course of action. If the veterinarian or registered veterinary technician concur with the opinion of the Poundkeeper or Licence Agent, the impounded livestock shall be euthanized.
 - (c) be entitled to recover from the owner of the impounded livestock all reasonable costs of veterinary or other care provided while the livestock was impounded; and
 - (d) be entitled to recover from the owner of the impounded livestock any reasonable fees for the redemption of the livestock.
- (8) Every owner shall retrieve the impounded livestock from the Poundkeeper or Licence Agent within four (4) days of the date of impoundment, excluding the day of impoundment, pound closures, and any statutory holidays.
- (9) The owner of any impounded livestock may secure the release of livestock during the redemption period subject to:
 - (a) payment of all reasonable costs and fees incurred by the Pound; and
 - (b) fulfillment of any other action in relation to the care or control of the impounded livestock that the Town or Poundkeeper or Licence Agent may direct.
- (10) If the owner of the livestock fails to comply with Subsection 22(8) or (9), the Poundkeeper or Licence Agent is deemed to be the owner of the livestock and possesses the sole discretion to decide whether to keep, sell, or otherwise dispose of the impounded livestock.
- (11) The Poundkeeper or Licence Agent shall keep a record of all impounded livestock pursuant to Subsection 10(3).

23. EXOTIC ANIMALS

- (1) No person shall own, breed, harbour, possess, keep, sell or offer for sale any exotic animal listed in Schedule "A" herein unless through statutory authorization.
- (2) Notwithstanding Subsection 23(1) herein and Section 6.22 of the Town's Comprehensive Zoning By-law No. 129-90, as amended or replaced, no person shall keep an exotic animal within the Town except in the following places or circumstances and in accordance with Schedule "A":
 - (a) a veterinary hospital under the care of a veterinarian;
 - (b) on the lands and premises of the Poundkeeper or Licence Agent or authorized agency to house or shelter exotic animals, on a temporary basis, due to spatial or other special requirements;
 - (c) on the lands and premises listed under Schedule "B" herein;
 - (d) permitted non-venomous snakes, non-venomous lizards, insects, turtles, spiders, or squamata in an escape-proof enclosure;
 - (e) a maximum of five (5) permitted non-venomous snakes, non-venomous lizards or spiders in one (1) residential area owned or occupied by that person;
 - (f) any permitted lagomorph, marsupial or rodent in an approved enclosure; or
 - (g) a provincially authorized wildlife custodian with statutory authorization.
 - (h) animals that are part of an agricultural operation and specifically enumerated in Schedule "B".
- (3) Exotic animals may be kept on lands and premises where exotic animals are kept for public exhibition and display as part of a commercial establishment provided such lands and premises are enumerated in Schedule "B".
- (4) Exotic animals may be kept at a Rehabilitation Centre provided the Rehabilitation Centre is specifically listed in Schedule "B".
- (5) Any person may apply to Council to have lands or premises added to Schedule "B", and the application may only be approved if he or she satisfies Council that the exotic animal(s) will only be kept for the purposes of an agricultural operation, public exhibition and display, or Rehabilitation Centre.
- (6) All exotic animal registrations in effect prior to the passage of this By-law shall remain valid subject to the following conditions:

- (a) any person possessing an exotic animal registration shall immediately notify the Poundkeeper or Licence Agent of the loss, death, or sale of the exotic animal; and
 - (b) failure to notify the Poundkeeper or Licence Agent pursuant to Clause 23(6)(a) shall lead to the cancellation of the registration.
- (7) All registrations for exotic animals are non-transferable.
- (8) If an exotic animal is seized or impounded pursuant to this By-law, the owner shall pay to the Poundkeeper or Licence Agent any and all fees, costs and charges involving the capture, care, transportation, disposal of, and veterinary services of the animal seized or impounded, in addition to all other fees and charges payable under the Town's Fees and Charges By-law No. 40-09, as amended or replaced.

PART VIII:

24. LICENCE SUSPENSIONS, REFUSALS, AND REVOCATIONS

- (1) A Poundkeeper or Licence Agent may refuse to issue a licence, or may suspend or revoke a licence, if:
- (a) the owner has been found guilty of an offence or failed to comply with a provision under this By-law on at least two (2) occasions within the preceding twelve (12) months;
 - (b) there are reasonable grounds to believe that the licensee or applicant will not comply with this By-law;
 - (c) the licensee or applicant refuses to permit an inspection; or
 - (d) a veterinarian confirms an outbreak of a disease that would require any form of quarantine.

25. APPEALS

- (1) A dog owner may appeal an Order designating a dog as a potentially dangerous dog or as a dangerous dog.
- (2) An appeal shall be made in writing and delivered to the Clerk within fifteen (15) days of the owner receiving notice of the Order, including the prescribed appeal fee pursuant to the Town's Fees and Charges By-law No. 40-09, as amended or replaced.

- (3) If an appeal is received after the prescribed appeal period, the Clerk may dismiss the appeal with written notification to the parties. The Clerk, in his or her sole discretion, may accept a late appeal provided it is received within thirty (30) days and there is compelling proof of extraordinary circumstances that caused the failure to appeal within the prescribed period.
- (4) An appeal does not operate as a stay. The Order remains in force and all conditions must still be fulfilled pending disposition of the appeal.
- (5) The Clerk shall give an appellant at least five (5) days written notice of a Hearing by delivering a Notice of Hearing by registered mail or e-mail to the addresses shown in his or her appeal. The Notice of Hearing shall include:
 - (a) a statement setting out the time, place, and manner in which the Committee will convene for the appeal hearing; and
 - (b) a statement that, if the owner does not attend the hearing, the Committee will proceed with the hearing in the absence of the owner.
- (6) Every appeal shall be considered at a public Hearing held before the Committee, and may be held electronically pursuant to the *Statutory Powers Procedure Act*, R.S.O. 1990, S.22, as amended or replaced.
- (7) A Hearing shall be held pursuant to the *Statutory Powers Procedure Act*.
- (8) At the conclusion of a Hearing in respect to Subsection 25(1), the Committee shall consider the following:
 - (a) the dog's behaviour;
 - (b) the seriousness of the injuries caused by the bite or attack on a person or a domestic animal;
 - (c) extraordinary circumstances or mitigating factors;
 - (d) the likelihood that a similar attack will be repeated;
 - (e) the dog's physical potential for inflicting harm;
 - (f) the seriousness of the owner's previous convictions under this By-law, any other by-law or statute;
 - (g) the steps taken by the owner to comply with this By-law and avoid further violations; and
 - (h) any agreed statement of facts or joint resolution tendered by the parties.
- (9) The Committee shall consider the evidence presented at a Hearing and has the authority to make one (1) of the following Rulings with Reasons:
 - (a) confirm the Order;
 - (b) confirm the Order with modified conditions;
 - (c) change the designation from dangerous to potentially dangerous, subject to the provisions of Section 19, with conditions;
 - (d) change the designation from potentially dangerous to dangerous, subject to the provisions of Section 19, with conditions; or

- (e) quash the Order.
- (10) The Clerk shall deliver to the appellant the Ruling of the Committee with Reasons by registered mail or e-mail to the addresses shown on his or her appeal and to the Poundkeeper or Licence Agent, Manager, Animal Control Officer, or Municipal Law Enforcement Officer within fifteen (15) days of the Committee's Ruling.
- (11) The Ruling of the Committee shall be final and binding.
- (12) Nothing in this By-law, nor any decision of the Committee shall preclude a court of competent jurisdiction from imposing an Order under any other applicable law. The Ruling of the Committee shall terminate if a court of competent jurisdiction makes an Order respecting the Order of the Poundkeeper or Licence Agent, Manager, Animal Control Officer, Municipal Law Enforcement Officer.
- (13) An appeal to the Dangerous Dogs Appeals Committee that was commenced under By-law No. 176-2001, as amended by By-law No. 33-04, but not disposed of before passage of this By-law, shall be continued and disposed of under the same provisions of By-law No. 176-2001, as amended, as if those By-laws were still in force and effect.

26. SERVICE

- (1) An Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent shall serve any Decision, Notice or Order by handing it to the person, failing which the Order shall be served:
 - (a) by handing it to an adult person on the property of the owner or occupant and by sending a copy by registered mail to the address last known to the Town;
 - (b) by posting it in a conspicuous place at the property of the owner or occupant and by sending a copy by registered mail to the address last known to the Town; or
 - (c) by sending it by e-mail and by registered mail to the person to the addresses last known to the Town.
- (2) Any Decision, Notice or Order issued by the Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent, or Appeal Ruling of the Committee by the Clerk, or appeal filed by a person pursuant to this By-law shall be deemed received as follows:
 - (a) by registered mail: five (5) days after the date of mailing by registered mail;
 - (b) by e-mail delivered before 5:00pm on a weekday: the same business day;
 - (c) by e-mail delivered after 5:00pm on a weekday: the next business day;
 - (d) by e-mail delivered on a weekend or a holiday: the next business day.

PART IX:**27. ENFORCEMENT AND RIGHT OF ACCESS**

- (1) This By-law shall be enforced by the Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent.
- (2) Subject to sections 436 and 437 of the *Municipal Act, 2001*, an Animal Control Officer, Manager, or Municipal Law Enforcement Officer may, at all reasonable times, enter upon any place to ensure compliance with this By-law, any Decision or Order issued pursuant to this By-law, or licence conditions. Any animal that is perceived as a threat or potential threat, may be restrained during the course of the inspection.
- (3) Subject to sections 436 and 437 of the *Municipal Act, 2001*, an Animal Control Officer, Manager, or Municipal Law Enforcement Officer may, at all reasonable times, enter upon any place if he or she has reasonable grounds to believe an animal is in critical distress.
- (4) The Animal Control Officer, Manager, or Municipal Law Enforcement Officer may, for the purposes of an inspection under Subsections 27(2) or 27(3):
 - (a) require the production for inspection of relevant documents or things;
 - (b) inspect, remove, and make copies or extracts of relevant documents or things;
 - (c) require information from any person concerning a matter relevant to the inspection;
 - (d) make examinations or take tests, samples or photographs necessary for the purposes of the inspection; and
 - (e) be accompanied by persons possessing special or expert knowledge related to the purpose of the inspection.
- (5) Subject to section 438 of the *Municipal Act, 2001*, if an Animal Control Officer, Manager, or Municipal Law Enforcement Officer has been prevented from carrying out an inspection, he or she may undertake an inspection pursuant to a judicial order.
- (6) Subject to section 439 of the *Municipal Act, 2001*, an Animal Control Officer or Municipal Law Enforcement Officer may apply for a search warrant to carry out an inspection of a place.
- (7) If an Animal Control Officer, Manager, or Municipal Law Enforcement Officer has reasonable grounds to believe a contravention of this By-law has occurred, he or she may issue an Order requiring any person who contravened the By-law, or who caused or permitted the contravention, to discontinue the contravention.

- (8) If an Animal Control Officer, Manager, or Municipal Law Enforcement Officer has reasonable grounds to believe a contravention of this By-law has occurred, he or she may make an Order requiring the person to do work to correct the contravention.
- (9) No person shall hinder or obstruct, or attempt to hinder or obstruct an Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent in carrying out his or her duties under this By-law.
- (10) No person shall neglect or refuse to produce or provide any information or thing requested by an Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent in carrying out his or her duties under this By-law.
- (11) No person shall knowingly make, participate in, assent to, or acquiesce, in the provision of false information in a statement, affidavit, application, appeal or other document prepared, submitted or filed under this By-law.
- (12) No shall person shall fail to comply with an Order issued pursuant to this By-law.

PART X:

28. PENALTIES

- (1) Every person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and, upon conviction, is liable to a fine and such other penalties, as provided for in the *Provincial Offences Act*, S.O. 1990, c. P.33 and the *Municipal Act, 2001*.
- (2) Pursuant to Section 429 of the *Municipal Act, 2001*, every person who is guilty of an offence under this By-law shall be subject to the following penalties:
 - (a) Upon a first conviction, to a fine of not less than \$500 and not more than \$50,000;
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500 and not more than \$100,000;
 - (c) Upon conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part thereof that the offence continues.
The total daily fines shall not exceed \$100,000; and
 - (d) Upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100 and not more than \$10,000.
The total of all fines for each included offence is not limited to \$100,000.

- (e) If a person convicted of an offence is a corporation, the corporation is liable to a fine of not less than \$500 and not more than \$100,000.

29. ADMINISTRATIVE MONETARY PENALTIES

- (1) Instead of laying a charge under the *Provincial Offences Act* for failure to comply with any provision of this By-law, an Order, or any licence condition, an Animal Control Officer, Manager, or Municipal Law Enforcement Officer may issue an administrative monetary penalty to a person who has contravened this By-law, subject to Section 434.1 of the *Municipal Act, 2001*.
- (2) An Animal Control Officer, Manager, or Municipal Law Enforcement Officer possesses the discretion to decide whether to pursue a charge under the *Provincial Offences Act* or issue an administrative monetary penalty.
- (3) If an administrative monetary penalty is issued to a person for failure to comply with a provision in this By-law, no charge shall also be laid under the *Provincial Offences Act* against the same person for the same non-compliance.
- (4) Every person who has contravened any provision of this By-law is liable to the corresponding administrative monetary penalty enumerated in Schedule “C” herein, in accordance with the Town’s Administrative Penalty By-law No. 111-2019, as amended or replaced.

30. COLLECTION OF UNPAID FINES

- (1) The Town may recover its expenses of remedying a contravention of this By-law by invoicing the person who engaged in the contravention, by instituting legal proceedings, or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes.
- (2) An administrative monetary penalty issued to a person in accordance with the Town’s Administrative Penalty By-law No. 111-2019, as amended or replaced, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

PART XI:

31. MODIFICATIONS

The Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this By-law or its schedules after the passage of this By-law.

32. SEVERABILITY

If 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 unless the Court makes an Order to the contrary.

33. IMMUNITY

No Animal Control Officer, Manager, Municipal Law Enforcement Officer, Poundkeeper or Licence Agent, is personally liable for any act or omission done in good faith in the execution or intended execution of the person's powers or duties under this By-law.

34. REPEAL

By-law Nos. 119-97, 156-97, 23-2000, 82-2001, 146-2001, 176-2001, 81-2003, 32-04, 33-04, 135-10, 58-12, 106-2015, 107-2015, 74-2018, and 13-20 are repealed in their entirety.

35. FORCE AND EFFECT

This By-law shall take effect on the date of enactment.

Read a first, second and third time and finally passed this 31st day of May, 2021.

Mayor

Clerk

I, Carol Schofield, the Clerk of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 73-2021 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

Schedule "A"

Animal Species
Classifications

1. The following non-exhaustive list of animal classes shall be considered exotic animals:
 - (a) All Amphibians
 - (b) All Anseriformes (e.g. ducks, geese, swans and screamers), except domesticated Anseriformes if located on rural or agricultural premises zoned under the Town's Comprehensive Zoning By-law, as amended or replaced, permitting such a use;
 - (c) All Artiodactyla (e.g. cattle, goats, sheep, pigs, deer, elk, alpacas and llamas, antelopes, giraffes and hippopotamuses), except domesticated Artiodactyla if located on rural or agricultural premises zoned under the Town's zoning by-law permitting such a use;
 - (d) All Birds, the keeping of which is prohibited in the *Migratory Birds Convention Act*, S.C. 1994 c.22, and regulations thereto; and all animals, the keeping of which is prohibited in the *Fish & Wildlife Conservation Act*, S.O. 1997, c.41 and regulations thereto.
 - (e) All Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except *Canis Familiaris* (domestic dog);
 - (f) All Carnivora (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and raccoons), except dogs, cats and ferrets;
 - (g) Chelydridae (Common snapping turtle, Alligator snapping turtle)
 - (h) All Chiroptera (bats such as fruit bats, myotis, flying foxes);
 - (i) All Crocodylia (such as Alligators, Gavials, Caymans and Crocodiles);
 - (j) All Dermoptera;
 - (k) All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls) unless authorized by the Ministry of Natural Resources and Forestry;
 - (l) Erinacidae (hedgehog)
 - (m) All Felidae (such as tigers, leopards, cougars, and Savannah Cats) except the *Felis catus*(domestic cat);
 - (n) All Galliformes (e.g. pheasants, grouse, guinea fowls, turkeys, chickens and peafowls), except domesticated Galliformes if located on rural or agricultural premises zoned under the Town's Comprehensive Zoning By-law, as amended or replaced permitting such use;

- (o) All Gruiformes (such as cranes, rails);
- (p) All Hyaenidae (such as hyenas);
- (q) All Hyracoidea (such as all Hyrax);
- (r) All Lagomorpha (such as Hares and Pikas), except domesticated (*Oryctolagus cuniculus domesticus*) Rabbits;
- (s) Marbled crayfish (*Procambarus virginalis*)
- (t) All Marsupialia (e.g. koalas, kangaroos, opossums and wallabies), except sugar gliders derived from self-sustaining captive populations;
- (u) All Mustelidae (such as mink, skunks, weasels, otters, wolverines, badgers) except domesticated ferrets (*Mustela putorius furo*);
- (v) Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs);
- (w) All Perissodactyla (e.g. horses, donkeys, jackasses, mules, zebras and ponies), except domesticated Perissodactyla if located on rural or agricultural premises zoned under the Town's Comprehensive Zoning By-law, as amended or replaced, permitting such a use;
- (x) Phoenicopteriformes (such as flamingos);
- (y) All Pholidota (such as all Pangolin);
- (z) All Pinnipeds (such as Seals, Fur Seals and Walruses);
- (aa) All Procyonidae (such as Raccoons, Coatis and Cacomistles);
- (bb) All Proboscidea (such as Elephant);
- (cc) Psittaciformes (parrots), except budgie, cockatiel, monk parakeet (Quaker parrot), Rosy-faced lovebird, Yellow-collared lovebird, Fischer's lovebird.
- (dd) All snakes of the families Pythonidae and Boidae (such as pythons, boa constrictors and anacondas);
- (ee) Red-eared slider (*Trachemys scripta elegans*)
- (ff) All Venomous Reptiles (such as front or rear fanged snakes and helodermid lizards);
- (gg) All Rodentia (e.g. porcupines, prairie dogs, nutria and chinchillas) except domesticated species of Rodentia:
 - (i) where neither the female nor the male of the species exceeds or will exceed fifteen hundred (1,500) grams in weight before or at maturity; and

- (ii) that are derived from a self-sustaining captive population;
 - (hh) All other Venomous or Poisonous Animals except *Grammostola rosea* (Chilean Rose), *Brachypelma smithi* (Mexican Red-Knee) and *Avicularia avicularia* (Pink-Toe) Tarantulas;
 - (ii) All *Sciuyridae* (such as Flying Squirrels and Red Squirrels);
 - (jj) All *Sphenisciformes* (such as penguins);
 - (kk) All *Struthioniformes* (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis).
 - (ll) All families of Venomous Snakes, even if de-venomized;
 - (mm) All families of Venomous Spiders, except Tarantulas in accordance with subsection 1(hh);
 - (nn) All *Squamata* (e.g. lizards and snakes) except:
 - (i) non-venomous snakes where neither the female nor the male of the species exceeds or will exceed three (3) metres in length from nose to tip of tail before or at maturity; and
 - (ii) non-venomous lizards where neither the female nor the male of the species exceeds or will exceed two (2) metres in length from nose to tip of tail before or at maturity;
 - (oo) All *Teiidae* (tegu lizards);
 - (pp) All *Ursids* (such as bears);
 - (qq) All *Varanidae* (monitor) lizards (e.g. Komodo Dragon);
 - (rr) All *viverrids* (such as civets, and binturongs);
 - (ss) All *Xenarthra* (such as Anteaters, Sloths, and Armadillos);
2. All endangered or protected animals, whether native or non-native to Canada, whose possession, sale or trade is prohibited because they are designated as protected, endangered, threatened, vulnerable or of special concern pursuant to an international, federal, provincial law, regulation, rule or agreement.

Schedule "B"

Exotic Animal Exceptions

1. Agricultural Operations;
2. Public Exhibition and Display;
3. The lands and premises at 2821 Stevensville Road, Fort Erie, Ontario L0S 1S0 (commonly called Safari Niagara) and being more particularly described as PIN 64245-0189 (LT), and 4206 Fox Road, Fort Erie, Ontario, L0S 1S0 (commonly called Safari Niagara) and being more particularly described as PINs 64245-0194 (LT) and 642460191(LT);
4. Rehabilitation Centres

Schedule “C”

Administrative Monetary Penalties

For the purposes of this By-law:

Column 1 (“Description of Offence”) in the table sets out the short form wording to be used in a Penalty Notice for a contravention of the designated provisions listed.

Column 2 (“Section”) in the table lists the specific section of the provision that has been contravened.

Column 3 (“Penalty Tier 1”) sets out the Administrative Monetary Penalty amounts that are payable for contraventions of the designated provisions listed in Columns 1 and Column 2.

Column 4 (“Penalty Tier 2”) sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period since the previous offence conviction.

Column 5 (“Penalty Tier 3”) sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd) contravention of the designated provisions listed in Columns 1 and Column 2 by the same person within a one (1) year period since the previous offence conviction.

Offence	Section	Penalty Tier 1	Penalty Tier 2	Penalty Tier 3
Fail to notify Poundkeeper or Licence Agent of address change in prescribed period of time	5(17)(b)	\$200	\$300	\$450
Fail to notify Poundkeeper or Licence Agent of ownership change in prescribed period of time	5(17)(c)	\$200	\$300	\$450
Failure to provide a rabies certificate	5(9)	\$250	\$350	\$500
Fail to ensure that identification tag corresponding to the licence issued for dog or cat is attached to the dog or cat at all times	6(3)	\$250	\$350	\$500
Fail to obtain kennel licence	7(1)	\$500	\$650	\$750
Construct, erect, or maintain a kennel not in accordance with Town By-laws	7(4)	\$300	\$450	\$750
Fail to ensure standards of care regarding Kennel Care	7(16)	\$300	\$450	\$750
Fail to maintain a log of all dogs on premise	7(18)	\$250	\$350	\$500
Admit a dog into the kennel without rabies immunization	7(19)	\$250	\$350	\$500

No person shall own, possess or harbour in any one (1) household or on any premises more than three (3) dogs	8(1)	\$250	\$350	\$500
No owner shall keep or permit to be kept on any one (1) premise owned or occupied by them more than six (6) cats in a residential area	8(2)	\$250	\$350	\$500
Fail to obtain a dog licence	8(3)	\$250	\$350	\$500
No person shall breed or offer for sale dogs without a kennel license or pet shop license	8(4)	\$300	\$450	\$650
No person shall possess or harbour a rescue foster dog without a licence	8(5)	\$250	\$350	\$500
Permit a dog to be on or in any cemetery, public beach, or park within the Town	8(7)	\$200	\$300	\$450
No owner shall allow, permit or cause any animal to be running-at-large	9(1)	\$250	\$500	\$750
Fail to keep dog on a leash of no more than 182cm (6ft)	9(2)	\$200	\$300	\$450
Permit dog in off leash area where muzzle order issued	9(4)	\$400	\$550	\$750
Fail to provide a Basic Standard of Care	11(1)	\$300	\$450	\$750
Fail to adhere to an obligation to report	11(3)	\$250	\$350	\$500
Fail to provide a standard of care for a dog outdoors	12(1)	\$250	\$350	\$500
Fail to provide an animal with adequate sanitary conditions	13(1)	\$250	\$350	\$500
Fail to remove and dispose of animal excrement	13(5)	\$250	\$300	\$450
Fail to remove animal excrement on property within prescribed period of time	13(4)	\$200	\$300	\$450
Fail to provide an animal with a proper pen or enclosure	15(1)	\$250	\$350	\$500
Fail to provide a proper enclosure for an animal outdoors for more than 30 minutes	15(2)	\$250	\$350	\$500
Tether an animal not in accordance with the provisions in the by-law	16(1)	\$300	\$450	\$600
Leave animal unattended in vehicle not in accordance with the By-law	17(1)	\$350	\$500	\$750
Fail to ensure dog or cat immunized against rabies	17(5)	\$250	\$350	\$500
No owner shall permit or allow the persistent barking, calling, whining or other similar persistent sound	18(1)	\$250	\$350	\$500

Fail to ensure a dog does not bite or attack another person or domestic animal	19(1)	\$350	\$500	\$750
Fail to comply with a dangerous dog order	19(9)	\$350	\$500	\$750
Offer dangerous dog for adoption	19(17)	\$350	\$500	\$750
Use, set, or maintain a leg hold trap, a killing trap, or snare trap	20(1)	\$500	\$650	\$750
No person shall keep livestock on any premises unless permitted.	22(1)	\$250	\$500	\$750
No person shall own, breed, harbour, possess, keep, sell or offer for sale any exotic animal	23(1)	\$350	\$500	\$750
Fail to comply with an Order	27(12)	\$350	\$500	\$750
No person shall hinder or obstruct an authorized person in the administration of the by-law	27(9)	\$350	\$500	\$750