



**Standing Committee Meeting
Additional Information**

**Tuesday, October 14, 2025, 4:30 p.m.
S.H. Blake Memorial Auditorium**

Pages

5. Deputations

5.1 Request for Exemption - Animal Keeping By-law

***5.1.1 Additional Information - Request for Exemption Animal
Keeping By-law - Deputation**

2 - 131

Additional material, including letters of support received from
deputant Lisa Parent relative to the Request for Exemption -
Animal Keeping By-law. (Distributed separately on Friday,
October 10, 2025)

Matthew and Bobbie Sue Caratti

bobbiesue17@hotmail.com

807-630-1585

September 11, 2025

To Whom It May Concern:

Re: Support for Exemption of Ball Pythons (*Python regius*) from Chapter 232 – Animal Keeping Bylaw

As reptile enthusiasts, we are writing in support of exempting **ball pythons (*Python regius*)** from Schedule "A" of Thunder Bay's *Animal Keeping Bylaw*.

Ball pythons are widely recognized as safe, non-venomous pets. They are typically **0.9–1.5 m (3–5 ft)** in length and **1–2.5 kg (2.5–5.5 lbs)** in weight, with the largest females rarely exceeding **4–5 kg (9–11 lbs)**. Their shy and docile nature makes them highly manageable, and their diet consists only of pre-killed, frozen-thawed rodents.

From a community safety and environmental perspective:

- Ball pythons cannot survive Canadian winters and therefore pose **no risk of establishing wild populations**.
- There are **no documented cases in Canada** of ball pythons causing serious harm to people.
- They are considered one of the safest reptile species to keep as pets.

Many Canadian municipalities already allow ball pythons under size restrictions, including **Toronto (≤3 m), Ottawa (≤2 m), Winnipeg (≤2 m), and Marathon (≤2 m)**. Several nearby communities (Neebing, Shuniah, O'Connor, Greenstone, and North Bay) also have no prohibitions. Aligning Thunder Bay's bylaw with these precedents would ensure consistency while supporting responsible pet ownership.

For these reasons, I fully support exempting **ball pythons** from the prohibited animals list in Chapter 232.

Sincerely,

Bobbie Sue

Matthew Caratti

Bobbie Sue Caratti

Matthew Caratti

Mandi

Manager, Thunder Pet

September 5, 2025

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Sincerely,


Mandi McDougall
Manager, Thunder Pet
807 632 5635

September 5, 2025

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max kivi @807 345 2938

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Sincerely,

Lesley Fonguey (807) 968-4970

Mikayla

September 5, 2025

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Sincerely,

Mikayla Pawlett

Mikayla Pawlett

807-356-587

September 5, 2025

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Sincerely,

DANI LAROCHELLE (807) 627-5999

Brendon Barancsky 807 709-1275

Morgan Nystrom (807) 633-7136

George Ferguson 807 358 2447

Jaime Mitchell 807-709-7075

Hopewyler 807-358-1831

807 629-6655

Megan Wells 289 251 6942

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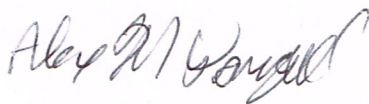
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Sincerely,



807 620 7017

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Chapter 349

ANIMALS

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[History: Adopted by the Council of the City of Toronto February 4, 1999 by By-law 28-1999; amended in its entirety June 13, 2013 by By-law 803-2013¹. Subsequent amendments noted where applicable.]

General References

Fees and charges - See Ch. 441.

City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.

ARTICLE I
Definitions

§ 349-1. Definitions.

[Amended 2017-01-31 by By-law 102-2017²]

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL - All species of fauna excluding humans, fish and aquatic invertebrates.

¹ Editor's Note: By-law 803-2013 was passed under the authority of various sections of the City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A and came into force August 1, 2013.

² Editor's Note: By-law 102-2017 deleted the definitions "Notice of Caution" and "Notice to Muzzle". The deletion of the definitions came into force March 1, 2017.

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ANIMAL CENTRE - A facility operated by or for the City of Toronto for the keeping and disposition of stray and admitted animals.

AT LARGE - An animal found on any other property than that of the owner of the animal, and not under the control of the owner except where the owner of the property permits the animal to be on his or her property.

ATTACK - An act of aggression towards a person or domestic animal causing injury. **[Added 2017-01-31 by By-law 102-2017³]**

BIRD FEEDING DEVICE - Any instrument, tool, appliance or thing meant or intended to hold food for birds. **[Added 2023-04-01 by By-law 1065-2022]**

BITE - Piercing or puncturing the skin as a result of contact with a dog's tooth or teeth.

CAT - A feline of the species *Felis catus*.

DANGEROUS ACT - Any bite, attack, act of menacing behaviour or any combination of a bite, attack or act of menacing behaviour. **[Added 2017-01-31 by By-law 102-2017⁴]**

DANGEROUS DOG - A dog that has been determined to be a dangerous dog pursuant to § 349-15 and that determination has not been rescinded pursuant to § 349-16. **[Added 2017-01-31 by By-law 102-2017⁵]**

DANGEROUS DOG REVIEW TRIBUNAL - An Adjudicative Board with five public members appointed by City Council for a term specified by City Council which shall hear appeals under § 349-16. **[Added 2018-07-27 by By-law 1191-2018]**

DOG - A canine of the species *Canis familiaris*.

DWELLING UNIT - One room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals.

EDUCATION PROGRAM - A program that imparts information and knowledge to members of the public and which program involves: a live animal or live animals, printed material conveying information about the animal and its role in nature and the presence of knowledgeable persons on site who provide oral presentations to the public. Without limiting the above, no education program shall consist of an entertainment purpose.

EXECUTIVE DIRECTOR - The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto or any person acting under his or her authority.

³ Editor's Note: By-law 102-2017 came into force March 1, 2017.

⁴ Editor's Note: By-law 102-2017 came into force March 1, 2017.

⁵ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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EXTREME WEATHER - A cold warning, heat warning or other weather warning issued by either or both the City of Toronto's Medical Officer of Health or Environment Canada for weather in the City of Toronto. **[Added 2017-01-31 by By-law 102-2017⁶]**

FEED - Providing food to, or leaving food for consumption by, wildlife, but does not include: **[Added 2023-04-01 by By-law 1065-2022]**

- A. keeping compost in accordance with City by-laws;
- B. keeping food in a bird feeding device in compliance with this chapter;
- C. providing water to a domestic animal; or
- D. growing fruits and vegetables in gardens.

FERAL CAT - A cat found in the City of Toronto that has no owner, is not socialized and is extremely fearful or resistant to humans.

FERAL CAT COLONY - A collective term, referring to a group of mostly or all feral cats in the City of Toronto that congregate as a unit.

GUARD DOG - A dog used for security purposes on land legally used for industrial or commercial purposes.

HEARING - A hearing held in pursuant to the provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22, as amended from time to time, as more particularly described in § 349-16 and in respect of the issuance to an owner of a notice to muzzle.

KEEP - To have temporary or permanent control or possession of an animal; "keeping" has the same meaning.

MEDICAL OFFICER OF HEALTH - The Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority.

MICROCHIP - An encoded identification device implanted into an animal and that contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database accessible to the Executive Director.

MUNICIPAL LICENSING AND STANDARDS DIVISION - The Municipal Licensing and Standards Division of the City of Toronto and includes employees thereof.
MUZZLE - A humane fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink.

⁶ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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OWNER - A person or persons who possess, harbour or have custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor.

PIGEON - Any of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae.

POLICE WORK DOG - A dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.

PROHIBITED ANIMAL - Those classes of animals listed in Schedule A of this chapter.

PROTECTIVE CARE - The temporary keeping of an animal at an animal centre for a maximum of five days, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the Executive Director deems appropriate.

RESCUE GROUP - A not-for-profit or charitable organization, registered with Toronto Animal Services, whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, for animal welfare purposes.

SERVICE ANIMAL - An animal described in subsection 80.45(4) of O. Reg. 191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11. **[Amended 2016-11-09 by By-law 1068-2016]**

SONGBIRD - A bird belonging to the oscine division in ornithology. **[Added 2023-04-01 by By-law 1065-2022]**

STERILIZATION - Either the spaying or neutering of a dog or cat.

TETHER - A rope or chain or similar restraining device that prevents an animal from moving beyond a localized area, and the words "tethered" and "tethering" have a similar meaning.

TRAP NEUTER RETURN PROGRAM - A trap-neuter-return ("TNR") program that traps feral cats, sterilizes and attempts to return them to the locations where they were found.

WILDLIFE - An animal that belongs to a species that is wild by nature, but does not include: **[Added 2023-04-01 by By-law 1065-2022]**

- A. domestic animals; or
- B. a feral or stray cat.

ARTICLE II
Prohibited Animals

§ 349-2. Keeping of certain animals prohibited.

Subject to § 349-4, no person shall keep, either on a temporary or permanent basis, any prohibited animal in the City.

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§ 349-3. Seizure and impoundment of prohibited animals.

- A. Any prohibited animal found in the City may be seized and impounded by the Executive Director.
- B. Where, in the opinion of the Executive Director, a prohibited animal seized under Subsection A is injured or ill and should be euthanized for humane reasons or the safety of persons, the prohibited animal may be euthanized by the Executive Director without permitting any person to reclaim the prohibited animal.
- C. Where a prohibited animal is seized or impounded by the Executive Director under Subsection A, a per diem impoundment fee shall be paid by the owner to the Executive Director, for the amount specified in Chapter 441, Fees and Charges.
- D. Where a prohibited animal seized or impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the prohibited animal, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the owner of the prohibited animal the cost of the veterinary care.
- E. Without limiting any other sections of this chapter, where a prohibited animal is seized or impounded by the Executive Director under Subsection A the Executive Director may transfer the animal to a person in a jurisdiction in which ownership and possession of the animal is lawful.

§ 349-4. Exceptions.

Section 349-2 does not apply to:

- A. The premises of a City animal centre.
- B. The premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals.
- C. The premises of an accredited veterinary hospital under the care of a licensed veterinarian.
- D. Toronto Zoo Animals. **[Amended 2017-10-04 by By-law 1109-2017]**
- E. Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes within the following premises:
 - (1) G. Ross Lord, Stables, 4777 Dufferin Street;
 - (2) Sunnybrook Stables at Sunnybrook Park;
 - (3) Riverdale Farm at Riverdale Park;
 - (4) Animal Paddocks on Deer Pen Road at High Park;

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- (5) Black Creek Pioneer Village;
 - (6) Exhibition Place;
 - (7) Far Enough Farm at Toronto Island Farm; and
 - (8) Woodbine Racetrack.
- F. Ripley's Aquarium of Canada, at the location of 288 Bremner Boulevard. **[Amended 2017-01-31 by By-law 77-2017]**
- G. The areas of the City in which professionally produced films are being made by film professionals and film production companies, and only temporarily during filming.
- H. Reserved⁷.
- I. Premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c. A.22.
- J. The premises of slaughterhouses licensed pursuant to the Meat Inspection Act, R.S.O. 1990, c. M.5.
- K. Toronto Police Service animals.
- L. Anseriformes, Galliformes and Struthioniformes and Domesticated Ungulates of the families Artiodactylus and Perissodactylus:
- (1) On lands zoned agricultural;
 - (2) Where the City has otherwise expressly permitted or authorized the activity, provided that such activity is of a temporary nature; or
 - (3) Where a person was lawfully keeping a hen or hens as part of the hens pilot program within permitted areas of the City, that person may continue to keep that hen or those hens until they have died despite the end of the pilot provided: **[Added 2023-05-15 by By-law 422-2023]**
 - (a) the person continues to keep the hens at the location approved by the City and in accordance with the terms and conditions of the pilot and their agreement with the City;
 - (b) the Executive Director, in consultation with the Medical Officer of Health, has not determined that the keeping of the hen or hens jeopardizes public health, the health of the hen or is causing community disruption; and

⁷ Editor's Note: § 349-4H was previously deleted by By-law 77-2017 which came into force July 1, 2017. A new § 349-4H was subsequently added by By-law 1048-2017 on October 4, 2017. This new § 349-4H was repealed and of no force or effect as of January 1, 2018.

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- (c) the person provides the Executive Director with information on their hens upon request so as to clearly identify them as well as any other information as requested by and to the satisfaction of the Executive Director.

- M. The premises of the Toronto Wildlife Centre.
- N. The premises of the Royal Ontario Museum.
- O. Those areas in the City that have been expressly exempted by the City.
- P. The skunk, pine martin, armadillo and porcupine animals possessed by Earth Rangers on October 3, 2017 provided that such animals are only kept in the City by Earth Rangers for educational purposes. [Added 2017-10-04 by By-law 1109-2017⁸]

§ 349-4.1. Reserved.⁹

§ 349-5. Number of animals restricted.

[Amended 2022-07-22 by By-law 1065-2022¹⁰]

- A. No person shall keep more than three dogs in and about any dwelling unit within the City, except that any person who, on the date of the passage of this chapter, was lawfully keeping more than three dogs may keep those dogs until they have died or are otherwise disposed of.
- B. No person shall keep in any dwelling unit more than six cats, except that any person who, on the date of the passage of this chapter, is lawfully keeping more than six cats, may keep those cats until they have died or are otherwise disposed of.
- C. Subsection 349-5A, 349-4B or 349-5E shall not apply to individual members of a rescue group who are keeping dogs, cats, rabbits or guinea pigs for or on behalf of that rescue group.
- D. Despite Subsection A, this section shall not count service animals required by a person or persons with a disability when determining the number of dogs in Subsection A.
- E. No person shall keep more than four rabbits or guinea pigs, or a combination of both, in and about any dwelling unit within the City.
- F. Despite Subsection E:

⁸ Editor's Note: § 349-4P was added by By-law 1109-2017. This new Section is deemed repealed and of no force or effect as of January 1, 2021 and will be deleted in January 2021.

⁹ Editor's Note: By-law 422-2023, enacted on May 15, 2023, deleted Section 349-4.1. Hens pilot program.

¹⁰ Editor's Note: Former Section 349-5. Number of cats and dogs restricted was replaced in its entirety by Section 1B of By-law 1065-2022, which came into force on December 1, 2022.

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- (1) Where a person on December 1, 2022 was lawfully keeping any combination of more than four rabbits and/or guinea pigs in and about any dwelling unit within the City, that person may continue to keep those rabbits and/or guinea pigs until they have died.
- (2) Despite § 349-5F(1), where a person on December 1, 2022 was lawfully keeping any combination of 10 or more rabbits and/or guinea pigs in and about any dwelling unit within the City, that person may keep no more than 10 of those rabbits or guinea pigs, or a combination of both, in and about any dwelling unit until they have died.

ARTICLE III
Care of Animals

§ 349-6. Responsibility to care for animals.

- A. Every person who keeps an animal within the City's boundaries shall provide the animal, or cause it to be provided with, adequate and appropriate care as may be required to meet the need of the species.
- B. For the purposes of Subsection A, adequate and appropriate care includes care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the person keeping the animal, includes, but is not limited to, the following requirements:
 - (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - (2) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs;
 - (3) Access to a barn, house or other enclosed structure sufficient to protect the animal from wind, rain, snow and sun, and that has adequate bedding to protect against cold and dampness;
 - (4) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease; and
 - (5) Continuous access to an area:
 - (a) With adequate space for exercise necessary for the health of the animal. Inadequate space may be indicated by evidence of debility, stress or abnormal behaviour patterns;
 - (b) With air temperature suitable for the health of the animal;

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- (c) With adequate ventilation;
 - (d) With regular diurnal lighting cycles of either natural or artificial light; and
 - (e) Kept reasonably clean and free from excess waste, fecal matter or any other contaminants that could affect the animal's health.
- C. No person shall allow an animal to remain outdoors during extreme weather unless the animal has access to an enclosure that will adequately protect the animal from the elements. **[Added 2017-01-31 by By-law 102-2017¹¹]**
- D. No owner of an animal other than a cat or a pigeon shall cause or permit the animal to be at large in the City. **[Added 2022-07-22 by By-law 1065-2022]**

§ 349-7. Enclosures for animals kept out of doors.

[Amended 2022-07-22 by By-law 1065-2022]

- A. If an animal, other than a cat, is, at any time, kept outside on the owner's premises for any continuous period exceeding thirty minutes, then the person having the custody or control of the animal shall provide for that animal's use, at all times, a weather-proofed and insulated enclosure that:
 - (1) includes sufficient space to allow for the normal postural and behavioural adjustments of the animal;
 - (2) includes adequate amounts of ventilation and intensity of light for the animal; and
 - (3) complies with any applicable standards under the Provincial Animal Welfare Services Act, 2019 or its regulations.

§ 349-8. Tethers.

- A. No person shall keep any animal in the City tethered on a chain, rope or similar restraining device of less than three metres in length.
- B. Every person who has tethered an animal shall ensure, at all times, that the animal has unrestricted movement within the range of the tether, and that the animal cannot suffer injury resulting from the tether.
- C. A person who has tethered an animal shall ensure that the animal is tethered in a manner that constrains the animal to the property to which the animal is tethered. **[Added 2017-03-09 by By-law 212-2017]**

¹¹ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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- D. Despite Subsections A, B and C, no person shall keep an animal tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether. **[Added 2017-01-31 by By-law 102-2017¹²]**
- E. No person shall tether an animal unsupervised for longer than one hour. **[Added 2017-01-31 by By-law 102-2017¹³]**

§ 349-8.1. Reserved.¹⁴

§ 349-9. Unsanitary conditions.

- A. No person shall keep an animal within the City in an unsanitary condition.
- B. For the purposes of Subsection A, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants, and where the accumulation of any of the aforementioned endanger or are likely to endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

§ 349-10. Protective care provided in City animal centres.

- A. Where an animal is sheltered at a City animal centre for protective care, a per diem sheltering fee shall be paid to the Executive Director in advance of redeeming the animal by the owner in the amount specified in Chapter 441, Fees and Charges.
- B. Where an animal is not redeemed at the end of the protective care period, it shall be treated as an impounded animal.

§ 349-10.1. Feeding wildlife.

[Added 2023-04-01 by By-law 1065-2022]

- A. No person shall feed or attempt to feed wildlife, or permit the feeding of wildlife on their property, except:
- (1) An officer, licensed trapper, authorized wildlife rehabilitator or employee of a licensed pest management operator or exterminator leaving food as bait to catch wildlife as part of their professional duties;

¹² Editor's Note: By-law 102-2017 came into force March 1, 2017.

¹³ Editor's Note: By-law 102-2017 came into force March 1, 2017.

¹⁴ Editor's Note: Section 349-8.1. Choke collar, choke chain, pronged collar, was deleted by By-law 419-2017.

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- (2) A person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution;
- (3) A person fishing in accordance with a valid provincial licence;
- (4) A person participating in a cultural or spiritual practice outdoors, provided the person cleans all food from the outdoor location at the conclusion of the practice;
or
- (5) A person feeding songbirds as follows:
 - (a) the food intended for the songbirds is placed in a bird feeding device that is sufficiently above grade so as to not attract or be accessible to wildlife;
 - (b) the bird feeding device is located on private property, and the property owner or occupant has given permission for the installation and use of the bird feeding device;
 - (c) any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife; and
 - (d) the bird feeding device is kept in sanitary condition and in good working order.

ARTICLE IV
Dogs¹⁵

§ 349-11. Registration; licence tags.

Every owner of a dog shall:

- A. Have registered the dog with the Executive Director, paid a licence fee in the amount specified in Chapter 441, Fees and Charges, and acquired a licence tag, including the payment of a licence tag fee in the amount specified in Chapter 441, Fees and Charges, for the dog.
- B. Until ceasing to be the owner of the dog, obtain a licence for the dog prior to the expiration of each licence issued for the dog.

¹⁵ Editor's Note: Previous Article IV, Dogs, was deleted and replaced by a new Article by By-law 102-2017. This new Article came into force March 1, 2017.

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- C. Keep the licence tag securely fixed at all times on the dog for which the licence tag is issued.
- D. Pay a licence tag replacement fee specified in Chapter 441, Fees and Charges, in the event the licence tag issued for the dog is lost.

§ 349-12. Dogs at large.

- A. No owner of a dog shall cause or permit the dog to be at large in the City, including, but not limited to, upon or in any lands or grounds owned or operated by the City, such as sidewalks, curbs, boulevards, walkways or other public places owned by the City, except where expressly permitted by City by-law.
- B. For the purposes of this chapter, a dog shall be deemed to be at large when found on property other than the property of the owner of the dog and not under the control of any person, including but not limited to the tethering of the animal.

§ 349-12.1. Leashing and walking dogs.

- A. No person shall keep a dog off the premises of the owner other than on a leash which shall not exceed two metres in length, except in designated areas of a City park as permitted by Chapter 608, Parks.
- B. No person shall have control of more than three dogs at any time unless authorized by a commercial dog walker permit under Chapter 608, Parks.
- C. Any person seen to be in control of more than three dogs shall present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.
- D. No person seen to be in control of more than three dogs shall refuse to present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.

§ 349-13. Exceptions.

Section 349-11 does not apply to any owner of a service animal.

§ 349-14. Seizure; impoundment; redemption; fees.

- A. Any dog found at large contrary to the provisions of this chapter may be seized and impounded by the Executive Director.
- B. Where, in the opinion of the Executive Director, a dog seized under Subsection A is injured or ill and should be euthanized without delay for humane reasons or the safety of persons, the dog may be euthanized by the Executive Director without permitting any person to reclaim the dog.
- C. Any dog seized by the Executive Director under Subsection A shall be impounded for a minimum period of five days from the time of its impoundment, exclusive of the day on

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which the dog was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the dog.

- D. If a dog is not redeemed within the time period referred to in Subsection C, the dog shall become the property of the City and the City may:
- (1) Provide for the adoption of the dog for a fee in the amount specified in Chapter 441, Fees and Charges;
 - (2) Transfer ownership of the dog; or
 - (3) Euthanize the dog.
- E. Where a dog is seized and impounded by the Executive Director under Subsection A:
- (1) A daily impoundment fee for daily care, feeding and sheltering shall be paid by the owner to the Executive Director, in advance of redeeming the dog, for the amount specified in Chapter 441, Fees and Charges; and
 - (2) The owner shall ensure the dog is identified with a microchip within 24 hours of redeeming the dog.
- F. Where a dog seized and impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the dog, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the person claiming the dog under this article the cost of the veterinary care to the Executive Director.

§ 349-15. Dogs that have bitten, attacked or pose a menace.

- A. Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.
- B. Where the Executive Director has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, an officer may: **[Amended 2022-07-22 by By-law 1065-2022]**
- (1) Where the dangerous act is the first on record with the City, serve the owner of the dog with a written warning.
 - (2) Despite Subsection B(1), if it is the officer's opinion that the dangerous act is severe, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
 - (3) Where the dangerous act is the second or subsequent dangerous act on record with the City, determine the dog to be a dangerous dog and serve the owner of the dog

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with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.

- (4) Where the dangerous act occurred while the dog was the subject of a notice to muzzle or notice of caution under this Chapter or any of its predecessors, or a control order under the Dog Owners Liability Act, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.

C. Dog acting in self-defence.

- (1) Prior to the determination that a dog is a dangerous dog, the officer shall have regard to whether the dog was acting in self-defence at the time the dangerous act occurred.
- (2) Despite Subsections B(2), (3) and (4), where an officer concludes that the dog was acting in self-defence at the time the dangerous act occurred, the officer may determine that the dog is not a dangerous dog and may determine that no order to comply shall be issued.
- (3) Where an officer has concluded that a dog was acting in self-defence and elected not to issue an order to comply under Subsection C(2), that dangerous act will not be counted when determining if a subsequent dangerous act is the second or subsequent on record with the City under Subsection B(3). **[Added 2022-04-07 by By-law 256-2022]**
- (4) Where the Dangerous Dog Review Tribunal concludes that a dog was acting in self-defence at the time a dangerous act occurred and rescinded the determination of a dangerous dog on that basis, that dangerous act will not be counted when determining if a subsequent dangerous act is the second or subsequent on record with the City under Subsection B(3). **[Added 2022-04-07 by By-law 256-2022]**

D. The Executive Director will create and maintain a public record listing the following information from all served dangerous dog orders to comply: **[Added 2024-03-22 by By-law 269-2024]**

- (1) owner's forward sorting area (first three digits of postal code);
- (2) owner's ward number;
- (3) dog name, dog breed and dog colour; and
- (4) date of the dangerous act.

E. The Executive Director will post the information in subsection D in a map and easily searchable format with information organized by forward sorting area, bite severity and

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any other information deemed important by the Executive Director. **[Added 2024-03-22 by By-law 269-2024]**

§ 349-15.1 Dangerous dog requirements; order to comply.

- A. Where an owner is served with a dangerous dog order to comply pursuant to § 349-15 of this Chapter, the owner shall, at the owners' expense and for the life of the dangerous dog, ensure:
- (1) The dangerous dog is muzzled at all times when off the owners property;
 - (2) The dangerous dog is not permitted to enter into a designated leash-free area of a City park at any time;
 - (3) That a dangerous dog tag is purchased from the City, the dangerous dog tag fee specified in Chapter 441, Fees and Charges, is paid and the dangerous dog is wearing the dangerous dog tag provided by the City at all times;
 - (4) That a warning sign is posted on the owners' private property in the form and location required by the Executive Director;
 - (5) That the dangerous dog is microchipped;
 - (6) That arrangements are made with the City to enable the City to collect a photograph of the dangerous dog and any other necessary identifying information; and
 - (7) That the dangerous dog receives training in the form required by the Executive Director within 90 days of the order to comply being served on the owner.
- B. An owner shall provide proof of compliance to the satisfaction of the Executive Director within 14 days of achieving compliance with each of the following requirements:
- (1) The microchipping requirement contained in Subsection A(5); and
 - (2) The training requirement contained in Subsection A(7).
- C. This section shall not apply if the order to comply has been rescinded in accordance with § 349-16.

§ 349-16. Appeal.

[Amended 2018-07-27 by By-law 1191-2018]

- A. An owner of a dangerous dog who is served with an order to comply under § 349-15 may apply for a hearing to appeal an officer's determination of a dangerous dog. The Dangerous Dog Review Tribunal may:

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- (1) confirm the determination of a dangerous dog; or
 - (2) rescind the determination of a dangerous dog and exempt the owner from compliance with § 349-15.1.
- B. In deciding whether to confirm or rescind the determination of a dangerous dog pursuant to Subsection A, the Dangerous Dog Review Tribunal may consider whether the dog was acting in self-defence when the dangerous act leading to the order to comply under § 349-15 occurred.
- C. To receive a hearing, the owner must mail or deliver to the Dangerous Dog Review Tribunal within 30 days after a copy of an order to comply pursuant to § 349-15 is served on the owner, notice in writing requesting the hearing, accompanied by the applicable fee in the amount specified in Chapter 441, Fees and Charges.
- D. Although a request for hearing may be requested, an order to comply pursuant to § 349-15 and the requirements for owners under § 349-15.1 take effect when the order to comply is served on the person to whom it is directed.
- E. A hearing shall be held pursuant to the provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, Chapter S.22, as amended in the time, date and place set out in the order to comply.
- F. The Dangerous Dog Review Tribunal is established in accordance with the Governance Structure of the City of Toronto's Dangerous Dog Review Tribunal approved by City Council.
- G. Hearings under § 349-16 shall be heard by a panel comprised of a minimum of three members from the Dangerous Dog Review Tribunal.

§ 349-17. Guard dogs.

- A. Without limiting any other section of this chapter, no person shall use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is clearly and conspicuously posted at every entrance to the premises.
- B. For the purposes of Subsection A, such notice shall include a contact number for the owner.

§ 349-18. Removal of excrement.

[Amended 2022-07-22 by By-law 1065-2022]

- A. Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the City other than the property of the owner.
- B. Every owner of a dog shall remove excrement left by the dog on the property of the owner within 24 hours.

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§ 349-18.1. Purpose.

Without limiting the purpose and intent of this Article, this Article is enacted by the City in order to promote public safety and to protect the wellbeing of animals and members of the public.

§ 349-18.2. Transition.

- A. Where a dangerous act occurs prior to March 1, 2017, the requirements and provisions of any by-law applicable on that date shall continue to apply with respect to that dangerous act.
- B. Where a dangerous act occurs on or after March 1, 2017, the requirements and conditions of § 349-15 to § 349-15.1 shall apply.
- C. Despite Subsections A and B, a dangerous act which occurred prior to March 1, 2017 shall constitute a dangerous act on record with the City for the purpose of any subsequent dangerous act under this Article.

ARTICLE V
Cats

§ 349-19. Registration; licence tags.

Every owner of a cat shall:

- A. Have registered the cat with the Executive Director, paid a licence fee in the amount specified in Chapter 441, Fees and Charges, and acquired a licence tag, including the payment of a licence fee in the amount specified in Chapter 441, Fees and Charges, for the cat.
- B. Until ceasing to be the owner of the cat, renew a licence for the cat prior to the expiration of each licence issued for the cat.
- C. Keep the cat licence tag securely fixed at all times on the cat for which the licence tag is issued.
- D. Pay a licence tag replacement fee specified in Chapter 441, Fees and Charges, in the event the licence tag issued for the cat is lost.
- E. Despite anything to the contrary in this chapter, the owner of a cat which is a service animal shall not be required to meet the requirements of this section with regards to that service animal. **[Added 2016-11-09 by By-law 1068-2016]**

§ 349-20. Seizure and impoundment.

The Executive Director may seize and impound any cat found at large where:

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- A. In the opinion of the Executive Director, the cat is causing damage or is creating a nuisance; or
- B. In the opinion of the Executive Director, the cat is in distress, injured or ill.

§ 349-21. Impoundment; redemption; fees.

- A. Where, in the opinion of the Executive Director, a cat seized under § 349-20 is injured or ill and should be euthanized without delay for humane reasons or safety of persons, the cat may be euthanized by the Executive Director without permitting any person to reclaim the cat.
- B. Where the Executive Director has taken possession of a cat under § 349-20, it shall be impounded for a minimum period of three days from the time of its impoundment, exclusive of the day on which the cat was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the cat.
- C. If the cat is not redeemed within the time period referred to in Subsection B, the cat shall become the property of the City and the City may:
 - (1) provide for the adoption of the cat for a fee in the amount specified in Chapter 441, Fees and Charges;
 - (2) transfer ownership of the cat; or
 - (3) euthanize the cat.
- D. Where the Executive Director has taken possession of a cat or has impounded it under § 349-20, a per diem impoundment fee shall be paid to the Executive Director in advance of redeeming the cat by the owner in the amount specified in Chapter 441, Fees and Charges and the owner shall ensure the cat is identified with a microchip.
- E. Where the Executive Director has taken possession of a cat and has impounded it under § 349-20 and it is injured or ill and receives veterinary care necessary for the well-being of the cat, the Executive Director shall, in addition to any amount charged pursuant to Subsection D, be entitled to charge the person claiming the cat under this article the cost of the veterinary care to the Executive Director.

ARTICLE VI
Feral Cats, Trap Neuter Return Program

§ 349-22. Feral Cats.

- A. The Executive Director may operate a trap, neuter, return program in respect of any feral cat or feral cat colony and maintain a record of the feral cat's sterilization.

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- B. Any feral cat may be spayed or neutered by the Executive Director and subsequently released.
- C. Where, in the opinion of the Executive Director, a feral cat is injured or ill and should be euthanized without delay for humane reasons, the feral cat may be so euthanized.

ARTICLE VII
Spay/Neuter Clinics

§ 349-23. Previously established clinics continued; supervision; requirements for spaying and neutering.

- A. Clinics established for spaying or neutering dogs and cats are referred to as "City Spay/Neuter Clinics".
- B. City Spay/Neuter Clinics shall be operated under the control and supervision of the Executive Director.
- C. Subject to § 349-22B, no dog or cat shall be spayed or neutered at a clinic unless:
 - (1) The dog or cat is owned by a resident of the City;
 - (2) The dog or cat is the property of the City; or
 - (3) The dog or cat has been adopted from a City animal centre.

§ 349-24. Fees.

- A. Where a dog or cat is spayed or neutered, a fee shall be paid to the Executive Director in advance of the spaying or neutering being performed in the amount specified in Chapter 441, Fees and Charges.
- B. Despite Subsection A, an additional fee in the amount specified in Chapter 441, Fees and Charges, payable in advance of redeeming the cat or dog may be charged if the spay or neuter surgery was complicated by the physical condition, including pregnancy, of the dog or cat.

ARTICLE VIII
Pigeons

§ 349-25. Pigeons to be kept on owner's property.

- A. No person keeping pigeons shall permit the pigeons to perch, roost or rest upon lands, premises or buildings of any person or upon any public place in the City, except on the property of the person keeping the pigeons. **[Amended 2022-07-22 by By-law 1065-2022]**

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- B. No person shall keep more than the following number of pigeons on any property within the City: **[Added 2022-07-22 by By-law 1065-2022¹⁶]**
- (1) 30 pigeons from and including November 1 of one year to and including March 31 of the subsequent year; or
 - (2) 50 pigeons from and including April 1 to and including October 31 in any year.

ARTICLE IX
Fees

§ 349-26. Additional services.

- A. Additional fee schedules for services provided by the Executive Director are set out in Chapter 441, Fees and Charges.

ARTICLE X
Offences, Entry to Inspect¹⁷

§ 349-27. Offences.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A, D or E or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;

¹⁶ Editor's Note: Section 349-25B was added by Section 11 of By-law 1065-2022, which came into force on December 1, 2022.

¹⁷ Editor's Note: Previous Article X, Offences, was deleted and replaced by a new Article by By-law 102-2017. This new Article came into force March 1, 2017.

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- (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Each offence in Subsection C is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
- E. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$25,000.
- F. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 349-27.1. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) this chapter; or
 - (2) a notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 349-27.2. Toronto Police Service.

This chapter does not apply to the Toronto Police Service.

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§ 349-27.3. Orders to comply.

[Added 2022-07-22 by By-law 1065-2022]

- A. An officer who finds a contravention of this Chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- B. An order may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences.
- C. An order or any other notice or document may be served:
 - (1) personally on the person to whom it is directed;
 - (2) by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed; or
 - (3) by email, at any email address determined by the Executive Director to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
- D. If there is evidence that a person is not the registered property owner or occupant of land which is the subject of the order, the order or any other notice or document may be served on both the registered property owner or occupant and the person.
- E. If the address of the person is unknown, the City is unable to effect service on the person under Subsection C, or the delay necessary to serve an order or any other notice or document under Subsection C would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon or near to land within the City shall be deemed to be sufficient notice to the registered property owner or occupant of that land.

§ 349-27.4. Remedial action.

[Added 2022-07-22 by By-law 1065-2022]

If a person fails to comply with an order to do work to correct a contravention of this Chapter, the Executive Director, or persons acting upon their instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

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ARTICLE XI
Conflicting Provisions

§ 349-28. Conflicting by-laws.

Where this chapter conflicts with any other by-laws respecting animals, this chapter prevails to the extent of the conflict.

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Schedule A
Prohibited Animals

MAMMALS

Artiodactyla (such as cattle, goats, sheep, pigs)
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
Chiroptera (bats such as fruit bats, myotis, flying foxes)
Edentates (such as anteaters, sloths, armadillos)
Felidae (such as tigers, leopards, cougars) except cats
Hyaenidae (such as hyenas)
Lagomorpha (such as hares, pikas) except rabbits
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)
Perissodactyla (such as horses, donkeys, jackasses, mules)
Proboscidae (elephants)
Procyonidae (such as coatimundi, cacomistles)
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
Ursidae (bears)
Viverridae (such as mongooses, civets, genets)

BIRDS

[Amended 2017-10-04 by By-law 1048-2017]

Anseriformes (such as ducks, geese, swans, screamers)
Galliformes (such as pheasants, grouse, guinea fowls, turkeys)
Gruiformes (such as cranes, rails)
Phoenicopteriformes (such as flamingos)
Sphenisciformes (such as penguins)
Struthioniformes (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis)

REPTILES

Crocodylia (such as alligators, crocodiles, gavials)
All snakes which reach an adult length larger than 3 metres
All lizards which reach an adult length larger than 2 metres

OTHER

All venomous and poisonous animals

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Schedule B
Reserved¹⁸

¹⁸ Editor's Note: By-law 422-2023, enacted on May 15, 2023, deleted Schedule B, Zones for Hens Pilot Project.



Schedule B – Prohibited animals

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

(k) all other snakes that reach an adult length larger than three (3) metres; and

(l) all other lizards that reach an adult length larger than two (2) metres.

(12) Birds (Aves)

(a) all predatory or large birds (Accipitridea, Cathartidae), including but not limited to eagle, hawk, falcon, owl, vulture and condor;

(b) Anseriformes including but not limited to ducks, geese and swans;

(c) Galliformes including but not limited to pheasants, grouse, guinea fowl and turkeys; and

(d) Struthioniformes including but not limited to flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.

(e) Paragraphs (a) to (d) inclusive in subsection (1) do not apply if the birds are kept as livestock pursuant to Section 74 of this by-law.

(13) Arachnida and Chilopoda

(a) all venomous spiders including but not limited to tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean rose (Grammostola rosea), Mexican redknee (Brachypelma smithi) and pink-toed (Avicularia avicularia); and

(b) all venomous arthropods including but not limited to centipede.

(14) All large rodents (Rodentia), including but not limited to gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.

(15) All even-toed ungulates (Artiodactyla) other than domestic sheep, including but not limited to antelope, giraffe and hippopotamus.

(16) All odd-toed ungulates (Perissodactyla) other than domesticated horses (Equus caballus), including but not limited to zebra, rhinoceros and tapir.

(17) All marsupials, including but not limited to Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.

(18) Sea mammals (Cetacea, Pinnipedia and Sirenia), including but not limited to dolphin, whale, seal, sea lion and walrus.

(19) All elephants (Proboscides).

(20) All hyrax (Hyracoidea).

(21) All pangolin (Pholidota).

(22) All sloth and armadillo (Edentata).

(23) All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater, shrew, otter shrew, mole and hedgehog.

(24) Gliding lemur (Dermoptera).

CONSOLIDATION UPDATE: JANUARY 25, 2024

THE CITY OF WINNIPEG

BY-LAW NO. 92/2013

A By-law of THE CITY OF WINNIPEG to regulate the presence of wild and domesticated animals within the City, their activities and the activities of their owners

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the Responsible Pet Ownership By-law.

Definitions and interpretation

2(1) in this By-law

"animal", unless otherwise defined in this By-law, means a live non-human being with a developed nervous system;

"animal rescue organization" means an organization that the General Manager has determined meets all of the following criteria:

amended 5/2022

- (a) it is not operating for the preponderant purpose of earning a profit;
- (b) its primary goal is the rescue, rehabilitation and adoption of dogs or cats;
- (c) it does not adopt dogs or cats unless the dog or cat is sterilized at the time of the adoption or, if the adopted dog or cat is under the age of six months, only adopts the dog or cat on condition that the adopter sterilize it within six months of the adoption and it is actively enforcing that condition;
- (d) it is not engaged in the breeding of dogs or cats;
- (e) it has been endorsed as to its care of animals by a veterinarian licenced to practice in the Province of Manitoba;
- (f) it is not in contravention of *The Animal Care Act* or the zoning by-law applicable to its location; and
- (g) if required, it has obtained an excess animal permit under this Part.

"Animal Services Agency" means the Animal Services Agency established as a special operating agency by the Council of the City of Winnipeg effective January 1, 2000;

"body hold trap" means any trap that restrains an animal and does not include a live release trap. This includes a glue trap;
added 5/2022

"bee colony" means a cluster of worker bees with a queen and drones;

"cat" means a member of the subspecies *Felis catus*;

deleted 5/2022

"commercial animal" means animals of a domesticated species used for agricultural purposes and includes horses, cattle, hogs, goats, sheep, poultry and bee colonies but does not include wildlife as defined by *The Wildlife Act*, even if used for agricultural purposes;

"community cat" means an unowned domestic cat or kitten that lives outdoors and typically avoids human contact;
added 1/2024

"designated committee" means the Standing Policy Committee on Protection, Community Services and Parks;
amended 106/2015

"designated employee" means

- (a) the General Manager; and
amended 5/2022
- (b) any other employee of the City, to the extent that he or she is acting within the authority delegated to him or her to enforce or administer all or part of this By-law;

"dispose", when referring to the disposition of an animal to which this By-law applies, includes

- (a) adopting the animal to an individual in accordance with policies developed or approved by the General Manager;
amended 5/2022
- (b) releasing the animal to the care of an animal rescue organization; and
- (c) euthanizing the animal;

"dog" means a member of the subspecies *Canis lupus familiaris*;

"dog daycare" means a facility that typically provides short-term care and play opportunities for dogs in return for payment for the activity or booking. This includes a home-based facility;
added 5/2022

"enforcement officer" includes

- (a) a designated employee of the City of Winnipeg, to the extent that he or she has been appointed a special constable with authority to enforce all or part of this By-law;
- (b) an officer of the Winnipeg Police Service; and
- (c) any other person appointed as a special constable and authorized to enforce this By-law;

"General Manager" means the General Manager of the Animal Services Agency or designate;
added 5/2022

"harbourer" means a person who is harbouring an animal;
added 1/2024

"harbouring" in relation to an animal, includes constructing, erecting, locating or keeping on the premises of which the person is the occupant a structure designed to be used as a shelter by the animal;

"live release trap" means a trap that confines an animal;
added 5/2022

"owner", in respect of an animal, means a person, including a corporation,

- (a) who has been identified on the animal's licence as the owner of the animal;
- (b) who has legal title to the animal;
- (c) who has possession or custody of the animal, whether temporarily or permanently;
or
- (d) who harbours the animal, or allows the animal to remain on his or her premises;

"off-leash area" means an area that has been designated by the Chief Administrative Officer of the City of Winnipeg or designate pursuant to the Parks By-law as an area in which dogs are not required to be restrained by leashes;

"park" has the same meaning as in the Parks By-law;

"petting zoo" means a collection of commercial animals which are made available to the public to touch, pet or feed, and which are of a size and temperament that are suitable for this purpose;

"poultry" includes, but is not limited to, chickens, turkeys, ducks and, geese but does not include pigeons;

"pet store" means a business selling animals or offering animals for sale which operates at a location approved for a retail sales use under the Winnipeg Zoning By-law or the Downtown

Winnipeg Zoning By-law;

"playground" means a property owned or leased by the City of Winnipeg in which swings, slides, a climbing apparatus, wading pool or other equipment or facilities for the use and enjoyment of children have been installed but does not include adjacent areas, benches or tables set back from the equipment or facilities;

"prohibited animal" means an animal that is not permitted to be harboured or kept in the City of Winnipeg under section 29 (*Keeping commercial animals in violation of zoning by-law prohibited*) of this By-law;

"pursue", in the context of an animal pursuing, means to chase in an aggressive or menacing manner;

"rodenticide" means pest control products for controlling mice, rats, and other rodents;
added 5/2022

"running at large", unless otherwise defined, means that an animal is not

- (a) either on its owner's property, or on other property with the consent of the owner or occupant;
- (b) securely confined in a vehicle or other enclosure; and
- (c) securely leashed and in the custody of someone competent to control it;

"school" means a public school or a private school, as those terms are defined in *The Education Administration Act*;

"service animal" means an animal that is determined by the General Manager to have been legitimately trained and certified to provide assistance to a person with a disability that relates to that person's disability;
amended 5/2022

"sports field" means an area in a park owned or leased by the City of Winnipeg that has been clearly identified by lines or other markers as a field of play and does not include areas adjacent thereto;

"sterilized", in relation to an animal, means a male animal that has been neutered or a female animal that has been spayed;

"stray" means running at large, homeless or abandoned;
amended 14/2023

"veterinarian" means a currently licenced member of the Manitoba Veterinary Medical Association.

2(2) In this By-law, a reference to a period of impoundment includes the day on which the impoundment began but does not include any day in which the place of impoundment is closed to the public.

PART 1 - DOGS**Definitions**

3 Notwithstanding subsection 2(1) (*Definitions and interpretation*), in this Part,

"animal" means a dog, cat or commercial animal;

"running at large", in reference to a dog, means that the dog is not

- (a) on its owner's property;
- (b) on other property with the consent of the owner or occupant;
- (c) in an off-leash area;
- (d) securely confined in a vehicle or other enclosure; or
- (e) securely leashed and in the custody of someone competent to control it.

Owner's care responsibilities

amended 73/2022

4(1) Subject to this section, the owner of a dog that is in the City of Winnipeg must

- (a) ensure that, if the dog is over the age of six months, it is sterilized unless a valid dog licence for an unsterilized dog has been issued for the dog.
- (b) ensure that the dog does not run at large;
- (c) ensure that, except when it is
 - (i) on the owner's property;
 - (ii) on the property of another person who has consented to the presence of the unleashed dog; or
 - (iii) in an off-leash area;

the dog is at all times kept on a leash that is never longer than 20 feet in length and no longer than 6 feet in length when the dog is on a street, on a path or any other place that is not an open space or when people or other animals are within 20 feet of the dog;

- (d) subject to subsection (2), ensure that the dog has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;

- (e) ensure that the dog does not bark or howl or otherwise unduly disturb the quiet of any individual;
- (f) where the dog defecates on any property other than the property of the owner, cause the excrement to be removed immediately and disposed of in a sanitary manner;
- (g) ensure that the dog does not damage public or private property belonging to someone other than the owner;
- (h) ensure that the dog does not pursue any individual or animal;
- (i) ensure that the dog does not bite, wound or otherwise injure any individual or animal;
- (j) ensure that the dog is not in any of the following areas;
 - (i) school grounds,
 - (ii) playgrounds,
 - (iii) sports fields,
 - (iv) any other area where dogs are prohibited by posted signs;
- (k) ensure that the dog does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and
- (l) ensure that a female dog that is in heat is confined on the owner's property during the entire period that she is in heat.
- (m) ensure that the dog is not tethered, chained or housed outdoors or in a similar structure or otherwise kept outdoors for prolonged periods of time; and
added 5/2022
- (n) ensure that a resident of the property is at home and that the dog is being actively supervised at all times when placed outdoors of the residence on the owner's property or on the property of another person who has consented to the presence of the dog;
added 5/2022

4(2) The requirement set out in clause (1)(d) (*vaccination for rabies*) does not apply to the owner of a dog who can provide a written statement from a veterinarian declaring that vaccinating the dog for rabies is not advisable for medical reasons.

4(3) The requirements in clauses (1)(f) (*owner must remove excrement*) and (1)(j) (*dog not permitted on certain properties*) do not apply if the dog is a service animal accompanying the disabled individual the service animal dog is serving.

4(4) The requirement in clause (1)(j) (*dogs not permitted on certain properties*) does not apply to the grounds of a school if the appropriate school authorities authorize the dog to be on the school grounds.

4(5) When the dog is in an off-leash area, the owner of a dog must

- (a) be present and have the dog within view at all times;
- (b) ensure that the dog is not in heat and that it does not act in a dangerous or aggressive manner towards humans or other dogs;
- (c) remove the dog from the off-leash area immediately if the dog is in heat or acts in a dangerous or aggressive manner towards humans or other dogs;
- (d) ensure that the dog comes when called;
- (e) have a leash available to restrain the dog if needed;
- (f) remedy any harm caused by the dog, including filling in holes dug by the dog; and
- (g) immediately remove and properly dispose of any excrement left by the dog.

Dog licence mandatory

5(1) Subject to this By-law, if a dog over the age of six months is in the City of Winnipeg, its owner must ensure that the dog has a valid dog licence issued under this section. This obligation does not apply to any dog owner who can provide proof that he or she owns the dog and is not a resident of the City of Winnipeg.

5(2) In order for the designated employee to issue a dog licence

- (a) the owner, who must be at least 18 years of age, must
 - (i) pay the licence fee and any other applicable fees;
 - (ii) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this By-law; and
amended 5/2022
- (b) the dog must not be prohibited under section 7 (*Prohibited dog breeds*) or otherwise from being in the City; and
amended 5/2022
- (c) in addition to the requirements of clauses (a) and (b), for a dog that is unsterilized, the following is also required:
added 5/2022
 - (i) the dog must have active veterinarian care, including a current rabies vaccination;

- (ii) the owner and/or harbourer must have a history of compliance with the requirements of this By-law and minimal impact on the community;
- (iii) the dog must have no more than two incidents of having been in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);
- (iv) the dog must have no more than one incident of having been in violation of clause 4(1)(i) (biting an individual or animal);
- (v) the dog must have no more than one incident of having been impounded at an animal shelter; and
- (vi) the owner and/or harbourer must have no history of any animals having been designated as dangerous per subsection 13(1), exceptionally dangerous per subsection 15(1), at risk per subsection 12.1(1), or needing protection per subsection 44.1(1).
amended 73/2022

5(2.1) Where an unsterilized dog does not meet the requirements of clause 5(2)(c) in order to qualify for an intact dog licence, the owner is required to have the dog sterilized. Failure to have the dog sterilized may result in the dog being designated as at risk per clause 12.1(1)(f).

added 5/2022; amended 73/2022

5(2.2) Notwithstanding subsection (2.1), the requirements set out in clause (2)(c) do not apply to the owner of an unsterilized dog who can provide a written statement, in a form acceptable to the General Manager, from a veterinarian declaring that sterilizing the dog is not advisable

added 5/2022

- (a) due to medical issues, or
- (b) because the dog has not yet reached growth maturity.

5(3) If a cheque used to pay for a licence is returned for insufficient funds, the licence purchased by the cheque is void.

5(4) An applicant for a dog licence must provide accurate information when applying for a licence. In particular, an applicant for a dog licence must not provide incorrect information concerning whether a dog is sterilized.

5(5) A dog licence is not valid after its expiry date. In order to ensure that his or her dog has a valid dog licence, an owner must renew its dog licence before its expiration date.

5(6) A dog licence may not be transferred to another dog.

5(7) The licence fee set by Council or Council's delegate for a dog that is unsterilized must be higher than the licence fee for a dog that is sterilized.

Valid licence tag must be worn by dog

6(1) The owner of a dog must ensure that his or her dog wears a valid licence tag when the dog is not on the owner's property.

6(2) Unless he or she is a designated employee, the dog's owner or has the consent of the dog's owner, no person may remove a valid licence tag worn by a dog.

Dog breeding permit mandatory

6.1(1) Subject to this By-law, where a dog owner who resides in the City of Winnipeg intends to use a specific female dog for breeding purposes, the owner must obtain a valid dog breeding permit issued under this section.

added 5/2022

6.1(2) Where a dog breeding permit is issued under subsection (1), the owner of the dog may only allow the dog to have

added 5/2022

- (a) up to one litter per year; and
- (b) up to four litters during the life of the dog.

6.1(3) In order for the designated employee to issue a dog breeding permit

added 5/2022

- (a) the owner and/or harbourer, who must be at least 18 years of age, must
 - (i) have a valid permit for the dog under subsection 5(2);
 - (ii) pay the permit fee and any other applicable fees;
 - (iii) provide, in a form acceptable to the General Manager, a letter from a veterinarian supporting the breeding of the specific dog or proof of purebred breed registration;
 - (iv) submit to an inspection of the breeding property by a designated employee and exhibit
 - A. clean and sanitary conditions;
 - B. little or no animal-related odors;
 - C. ample room for enrichment; and
 - D. wholesome food and water for the dog;
 - (v) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this By-law; and

- (vi) have a history of compliance with the requirements of this By-law and minimal impact on the community;
- (b) the dog must
 - (i) have active veterinarian care, including a current rabies vaccination;
 - (ii) no more than two incidents of having been in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);
 - (iii) no more than one incident of having been in violation of clause 4(1)(i) (biting an individual or animal); and
 - (iv) no more than one incident of having been impounded at an animal shelter.

6.1(4) If a cheque used to pay for a dog breeding permit is returned for insufficient funds, the permit purchased by the cheque is void.

added 5/2022

6.1(5) An applicant for a dog breeding permit must provide accurate information when applying for a permit. In particular, an applicant for a dog permit must not provide incorrect information concerning the number and frequency of litters that the dog has had.

added 5/2022

6.1(6) The holder of a dog breeding permit must submit to inspections of the breeding property by a designated employee at any time after the dog breeding permit is issued. 6.1(6) A dog breeding permit issued under subsection (1) is valid for the life of the dog but may be revoked by the General Manager if the owner fails to remain in compliance with the requirements of this By-law, and in particular subsection (3), at any time after the dog breeding permit is issued.

added 5/2022

6.1(7) A dog breeding permit may not be transferred to another dog.

added 5/2022

Display of dog breeding permit mandatory

6.2 Every person is required to display a dog breeding permit number where puppies are advertised for sale.

added 5/2022

Prohibited dog breeds

7(1) Subject to this section, no person may bring into the City of Winnipeg or, being its owner, allow to be in the City of Winnipeg, a dog which has the appearance and physical characteristics predominantly conforming to the standards of the Canadian Kennel Club or the United Kennel Club for any of the following breeds:

amended 77/2014

- (a) *repealed 77/2014*
- (b) American Pit Bull Terrier;
- (c) Staffordshire Bull Terrier;
- (d) American Staffordshire Terrier;

7(2) Upon payment of a fee established by Council, the owner of a dog is entitled to obtain a written opinion by a veterinarian retained by the General Manager as to whether a dog meets the criteria established in subsection (1). Where the veterinarian concludes that a dog does not meet the criteria established in subsection (1), such a statement is conclusive proof that the dog is not prohibited under subsection (1) and no prosecution or enforcement action under subsection (1) may be undertaken with respect to the dog.

amended 5/2022

7(3) Notwithstanding subsection (1), the General Manager is authorized to issue a special permit authorizing a dog prohibited by that subsection to be in the City of Winnipeg for a temporary period of time and may impose any conditions on the permit he or she considers sufficient to protect individuals and animals from any harm caused by the dog.

amended 5/2022

8 *repealed 54/2021*

Impoundment of dog running at large

9(1) An enforcement officer is authorized to capture and impound a dog that he or she finds running at large.

9(2) A designated employee is authorized to impound a dog that has been turned over to the Animal Services Agency as having been running at large if the designated employee has reasonable grounds to believe that the dog was in fact running at large. The designated employee is authorized to require the person turning over a dog to execute a statutory declaration concerning the circumstances in which he or she took possession of the dog.

9(3) Unless it is redeemed earlier under section 12 (*Redemption of impounded dogs*), a designated employee shall impound such a dog

amended 73/2022

- (a) for a minimum period of ten days in the case of a dog that is wearing a valid licence tag; or
- (b) for a minimum period of three days, in the case of any other dog.

9(4) If a dog being impounded under subsections (1) or (2) is wearing a valid licence tag, a designated employee must notify the owner of the dog's impoundment. The owner is entitled to redeem the dog under section 12 (*Redemption of impounded dogs*) at any time during its impoundment.

9(5) If a dog has been impounded for the period of time specified in subsection (3) without having been redeemed, the General Manager is authorized to dispose of the dog in any manner he or she considers appropriate.

amended 5/2022

Impoundment and quarantine for rabies observation

10(1) Subject to this section, if

- (a) a designated employee suspects that a dog has been exposed to rabies; or
- (b) a dog bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch,

the designated employee is authorized to capture, impound and quarantine the dog at the facilities of the Animal Services Agency for a period of no less than ten days from the day of the bite or scratch for observation.

10(2) If a designated employee gives notice to the owner of a dog that he or she is acting under the authority of subsection (1), the owner must surrender the dog to the designated employee for impoundment and quarantine immediately.

10(3) As an alternative to impounding and quarantining the dog under subsection (1), the designated employee is authorized to permit or require the owner of the dog, at the owner's expense, to

- (a) have the dog quarantined at a veterinary clinic within the City of Winnipeg; or
- (b) have the dog quarantined on the property of its owner.

The designated employee is authorized to act under this subsection if he or she determines that the dog will be securely held and will not leave the property. The designated employee may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the dog is appropriately confined during the quarantine period. An owner who fails to ensure that the dog is securely held on the property or fails to ensure compliance with other conditions imposed by a designated employee commits an offence.

10(4) If a dog is quarantined at the Animal Services Agency or on the property of its owner, a designated employee must observe it for symptoms of rabies. If it is quarantined at a veterinary clinic, the veterinarian must observe it for symptoms of rabies. If, during the quarantine period, it is determined to have rabies, the dog must be euthanized, if it has not already died or been euthanized. The dog's body must then be examined for proof of rabies at the expense of the owner of the dog.

10(5) If a dog impounded and quarantined at the facilities of the Animal Services Agency is wearing a valid licence tag, a designated employee must notify the owner of the dog's impoundment and quarantine.

amended 73/2022

10(6) A dog quarantined at the Animal Services Agency, unless it is determined to have rabies,

may be redeemed under section 12 (*Redemption of impounded dogs*) after its mandatory period of impoundment and quarantine has ended. If it has not been redeemed within 48 hours after the end of its period of impoundment and quarantine under this section, the General Manager is authorized to dispose of the dog in any manner he or she considers appropriate.

amended 5/2022

Impoundment of potentially dangerous dog

11(1) A designated employee is authorized to impound a dog if

- (a) there is evidence that the dog has acted in a dangerous or aggressive manner toward humans or animals; and
- (b) the designated employee concludes that leaving the dog in the keeping of its owner could pose a danger to humans or animals.

11(2) Rather than impounding a dog under subsection (1), the designated employee may impose conditions on the dog's owner designed to minimize any threat posed by the dog pending a determination under section 13 (*Dangerous dog designation*) or section 15 (*Destruction of exceptionally dangerous dog*) or both.

11(3) A dog impounded under subsection (1) is not eligible to be redeemed under section 12 (*Redemption of impounded dogs*) until and unless either

- (a) the General Manager has determined that the dog should neither be designated as dangerous under section 13 (*Dangerous dog designation*) nor destroyed as exceptionally dangerous under section 15 (*Destruction of exceptionally dangerous dog*); or
- (b) the General Manager has designated the dog as dangerous under section 13 (*Dangerous dog designation*) and its owner is able and willing to comply with the restrictions resulting from that designation.

amended 5/2022

11(4) Where the General Manager has determined that a dog impounded under this section should neither be designated as dangerous under section 13 (*Dangerous dog designation*) nor destroyed as exceptionally dangerous under section 15 (*Destruction of exceptionally dangerous dog*), it is eligible to be redeemed within 48 hours after its owner has been notified of this determination in compliance with subsection 13(4). After that point, the General Manager is authorized to dispose of the dog in any manner he or she considers appropriate.

amended 5/2022

11(5) *amended 5/2022; repealed 73/2022*

Sterilization of impounded dogs

11.1(1) A designated employee, the Winnipeg Humane Society, an animal rescue organization or some other agent of the City of Winnipeg is authorized to sterilize a dog that has been impounded or sheltered prior to its release to an owner where the dog

added 5/2022

- (a) was not licenced and appeared to be stray when impounded or sheltered; or
replaced 14/2023
- (b) has been impounded or sheltered twice in its lifetime, regardless of licence status.

11.1(2) Any surgeries performed under clause (1) are at the expense of the owner.
added 5/2022

Redemption of impounded dogs

12(1) The owner of a dog that has been impounded under this By-law and that is eligible to be redeemed may redeem it if he or she can demonstrate to the satisfaction of a designated employee that he or she is the owner of the dog.

12(2) In order to redeem an impounded dog, its owner must:

- (a) pay all applicable fees;
- (b) pay the monetary penalty imposed in section 42 (*Monetary penalty for the costs of capturing animals*); and,
- (c) if the dog requires a licence, obtain a licence for the dog.

At risk dog designation

added 73/2022

12.1(1) The General Manager is authorized to determine that a dog is at risk if there is evidence of irresponsible pet ownership, including but not limited to

- (a) the dog having more than two incidents of being in violation of clause 4(1)(b) (running at large) and/or clause 4(1)(h) (pursuing an individual or animal);
- (b) the dog having more than one incident of being in violation of clause 4(1)(i) (biting an individual or animal);
- (c) the dog having more than one incident of being impounded at an animal shelter;
- (d) unsanitary confinement of the dog;
- (e) lack of veterinary care for the dog for medical issues; or
- (f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this By-law.

12.1(2) If a dog is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the dog

into the custody of the Animal Services Agency and have the dog rehomed.

12.1(3) The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to designate a dog as being at risk and provide the reasons why such determination has been made.

Dangerous dog designation

13(1) The General Manager is authorized to designate a dog as dangerous if he or she concludes that the dog

amended 5/2022

- (a) is likely to cause harm or injury to individuals or animals; or
amended 1/2024
- (b) is used primarily to guard property.

13(2) In making a dangerous dog designation on the basis of clause (1)(a), the General Manager must take into account:

amended 5/2022

- (a) any incident in which the dog has
amended 1/2024
 - (i) caused harm or injury to individuals or animals; or
 - (ii) pursued or menaced individuals or animals;
- (b) the nature of any incidents referred to in clause (a), including the seriousness of any harm or injury caused by the dog;
- (c) all the circumstances of any incidents referred to in clause (a) and, in particular, whether the dog was provoked; and
- (d) the behaviour of the dog since the incident.

13(3) Before making a dangerous dog designation under subsection (1), the General Manager must

amended 5/2022

- (a) give notice to the dog's owner that a determination as to whether the dog should be designated a dangerous dog will be made;
- (b) provide the reasons why such determination is being made; and
- (c) give the dog's owner a reasonable opportunity to be heard.

13(4) The General Manager, in compliance with section 116 of *The City of Winnipeg Charter*, must give notice to the owner of a decision to designate a dog as dangerous or not to designate

it as dangerous.

amended 5/2022

13(5)

repealed 73/2022

13(6) The owner of a dog that is primarily used to guard property may apply to the General Manager to have the dog designated as dangerous.

amended 5/2022

Consequences of dangerous dog designation

14(1) The owner of a dog that has been designated as dangerous must thereafter

- (a) ensure that, while on the owner's property, the dog is either kept securely confined indoors or is kept in a securely enclosed and locked pen, structure or yard which
 - (i) prevents the dog from escaping and young children from entering;
 - (ii) is at least ten feet wide and five feet deep;
 - (iii) provides adequate protection from the elements for the dog;
- (b) not permit the dog off the owner's property unless it is muzzled and restrained by a harness and leash of no more than six feet in length which is held by a person capable of controlling the dog;
amended 73/2022
- (c) *amended 5/2022; repealed 73/2022*
- (d) notify a designated employee immediately if
 - (i) the dog is running at large;
 - (ii) the dog has harmed any individual or animal;
- (e) provide a designated employee with the name and address of the new owner within two working days of selling or giving away the dog;
- (f) have a microchip containing the owner's name and current address as well as the fact of its dangerous dog designation implanted into the dog's skin by a licenced veterinarian;
- (g) notify a designated employee of the dog's death within two working days and provide evidence to prove the dog's death;
- (h) pay any applicable licence fees for the dangerous dog;
- (i) permanently and prominently display at each entrance to the property and any building in which a dangerous dog is kept, a sign designed and provided by a designated employee which warns visitors of the presence of a dangerous dog;
amended 73/2022

- (j) ensure that the dog is sterilized;
amended 73/2022
- (k) submit the dog for training by a certified dog trainer; and
added 73/2022
- (l) not permit the dog to attend at any dog daycares or off-leash areas of parks or other public properties.
added 73/2022

14(2) *repealed 90/2022*

14(3) The requirement in clause (1)(j) does not apply to any dog that has been designated as dangerous prior to the coming into force of this By-law.

14(4) If the owner of a dog that has been designated as dangerous under this section fails to comply with the requirements of subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized under the City's authority to act in emergencies to immediately impound the dog and the General Manager is authorized to
amended 5/2022; replaced 73/2022

- (a) have the dog rehomed, or
- (b) consider whether the dog is exceptionally dangerous and should be euthanized under section 15 (Euthanization of exceptionally dangerous dog).

Euthanization of exceptionally dangerous dog

amended 73/2022

15(1) The General Manager must make a determination as to whether a dog is exceptionally dangerous and should be euthanized where either

amended 5/2022; amended 73/2022

- (a) the dog
 - (i) has repeatedly bitten, clawed or otherwise attacked individuals or animals;
 - (ii) has engaged in an exceptionally brutal attack on an individual or an animal;
 - (iii) after having been designated as "dangerous" under section 13 (*Dangerous dog designation*), has caused injury or harm to, or has pursued or menaced, individuals or animals; or
 - (iv) has demonstrated other behaviour that causes the General Manager to consider that the dog may be exceptionally dangerous; or
amended 5/2022

- (b) the owner of a dog that has been designated as dangerous fails to comply with the restrictions in section 14 (*Consequences of a dangerous dog designation*).

15(2) The General Manager is authorized to determine that a dog is exceptionally dangerous and should be euthanized if

amended 5/2022; amended 73/2022

- (a) he or she concludes that the dog's behaviour is such that it poses a serious risk to the safety of individuals or animals that cannot be adequately addressed by restrictions imposed with respect to the dog, including those imposed with respect to a dangerous dog under section 14 (*Consequences of a dangerous dog designation*); or
- (b) the owner refuses to, or there are reasonable grounds to believe that he or she will fail to, comply with restrictions that the General Manager concludes are necessary to protect the safety of individuals or animals.

amended 5/2022

15(3) Before making a determination under subsection (1), the General Manager must:

amended 5/2022

- (a) give notice to the dog's owner that a determination under subsection (1) will be made;
- (b) provide the reasons why a determination under subsection (1) is being made; and
- (c) give the dog's owner a reasonable opportunity to be heard.

15(4) In making a determination under subsection (1), the General Manager may consider any facts or evidence that are relevant to this determination.

amended 5/2022

15(5) Where the General Manager makes a determination under subsection (1), he or she must give notice of this determination to the owner pursuant to section 116 of *The City of Winnipeg Charter*.

amended 5/2022

15(6)

repealed 73/2022

15(7) If a dog that has been determined to be exceptionally dangerous under this section is not impounded at the time the determination is made, its owner must euthanize the dog or surrender it to an enforcement officer for impoundment within 24 hours of being given notice of the determination under subsection (5). If the dog is neither euthanized nor surrendered within 24 hours' notice, the General Manager shall act immediately to impound the dog.

amended 5/2022; 73/2022

15(8) If a dog has been determined to be exceptionally dangerous, unless its owner

euthanizes it under subsection (7), the General Manager shall have the dog euthanized as soon as is practicable.

amended 5/2022; 73/2022

15(9)

amended 5/2022; repealed 73/2022

Police dogs exempted

16 Sections 10 (*Impoundment and quarantine for rabies observation*), 11 (*Impoundment of potentially dangerous dog*), 13 (*Dangerous dog designation*) and 15 (*Destruction of exceptionally dangerous dog*) do not apply to a Winnipeg Police Service dog or a dog owned by a law enforcement agency.

PART 1.1 – DOG DAYCARES

General requirements for dog daycares

16.2 Subject to this section, the owner of a dog daycare that is located in the City of Winnipeg must, or cause his, her or their staff to

added 5/2022

- (a) ensure that all dogs that are attending at the dog daycare for the first time are assessed before being admitted to a playgroup;
- (b) maintain a client tracking system that includes
 - (i) records of up-to-date vaccinations;
 - (ii) emergency contacts, and
 - (iii) basic information regarding each dog that attends the dog daycare;
- (c) prohibit all female dogs that are known to be in heat (estrus) from participating in any multiple-dog playgroups;
- (d) prohibit shock collars and harnesses from being used on any dogs that are participating in playgroups;
- (e) ensure that all staff are trained to understand dog behaviour and playgroup management;
- (f) have emergency plans in place and provide staff training for
 - (i) dog veterinary emergencies;
 - (ii) fires;

- (iii) power outages; and
 - (iv) breaking up dog fights;
- (g) use separate areas to separate large dogs from small dogs by size for play groups;
- (h) ensure that the following minimum size of play area is provided:
 - (i) 20 square feet per dog for a small dog play area; and
 - (ii) 35 square feet per dog for a large dog play area;
- (i) ensure that multiple-dog play groups maintain a minimum staff to dog ratio of
 - (i) one staff member for every 25 small dogs; and
 - (ii) one staff member for every 20 large dogs.
- (j) ensure that climate control systems are put in place and are used so that the facility has fresh air circulation and safe temperatures at all times;
- (k) ensure that safe indoor construction materials are used throughout the facility that allow for proper sanitation;
- (l) have formalized cleaning and sanitizing processes for the facility; and
- (m) ensure that dog rest areas are provided.

amended 90/2022

PART 2 – CATS

Definitions

17 Notwithstanding subsection 2(1), in this Part,

“animal” means a dog, cat or commercial animal;

“running at large”, in reference to a cat, means that the cat is not

- (a) on its owner’s property;
- (b) on other property with the consent of the owner or occupant;
- (c) securely confined in a vehicle or other enclosure; or
- (d) securely leashed.

Owner's care responsibilities*amended 73/2022***18(1)** Subject to this section, the owner of a cat that is in the City of Winnipeg must

- (a) ensure that, if the cat is over the age of six months, it is sterilized unless a valid licence for an unsterilized cat has been issued for the cat;
- (b) ensure that the cat does not run at large;
- (c) ensure that, except when it is
 - (i) on the owner's property; or
 - (ii) on the property of another person who has consented to the presence of the unleashed cat;

the cat is at all times kept on a leash that is never longer than 20 feet in length and no longer than 6 feet in length when the cat is on a street, on a path or any other place that is not an open space or when people or other animals are within 20 feet of the cat;

- (d) subject to subsection (2), ensure that the cat has been vaccinated for rabies and, where requested to do so by an enforcement officer, provide a certificate of vaccination demonstrating this fact;
- (e) where the cat defecates on any property other than the property of the owner, cause the excrement to be removed immediately in a sanitary manner;
- (f) ensure that the cat does not damage public or private property belonging to someone other than the owner;
- (g) ensure that the cat does not bite, wound or otherwise injure any individual or animal;
- (h) ensure that the cat does not upset garbage cans and other waste receptacles, or scatter the contents of waste receptacles; and
- (i) ensure that a female cat that is in heat is confined on the owner's property during the entire period that she is in heat.

18(2) The requirement set out in clause (1)(c) (*vaccination for rabies*) does not apply to the owner of a cat who can provide a written statement from a veterinarian declaring that vaccinating the cat for rabies is not advisable for medical reasons.

Cat licence mandatory

19(1) Subject to this By-law, if a cat over the age of six months is in the City of Winnipeg, its owner must ensure that the cat has a valid cat licence issued under this section. This obligation does not apply to any cat owner who can provide proof that he or she owns the cat and is not a

resident of the City of Winnipeg.

19(2) In order to obtain a cat licence, the owner, who must be at least 18 years of age, must

- (a) pay the licence fee and any other applicable fees; and
- (b) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this By-law;
amended 5/2022
- (c) in addition to the requirements of clauses (a) and (b), for a cat that is unsterilized, the following is also required:
added 5/2022
 - (i) the cat must have active veterinarian care, including a current rabies vaccination;
 - (ii) the owner and/or harbourer must have a history of compliance with the requirements of this By-law and minimal impact on the community;
 - (iii) the cat must have no more than two incidents of having been in violation of clause 18(1)(b) (running at large);
 - (iv) the cat must have no more than one incident of having been in violation of clause 18(1)(g) (biting an individual or animal);
 - (v) the cat must have no more than one incident of having been impounded at an animal shelter; and
 - (vi) the cat must have no history of having been designated as at risk per subsection 24.1(1) or needing protection per subsection 44.1(1).
amended 73/2022

19(2.1) Where an unsterilized cat does not meet the requirements of clause 19(2)(c) in order to qualify for an intact cat licence, the owner is required to have the cat sterilized. Failure to have the cat sterilized may result in the cat being designated as at risk per clause 24.1(1)(f).
added 5/2022; amended 73/2022

19(2.2) Notwithstanding subsection 2.1, the requirements set out in clause (2)(c) do not apply to the owner of an unsterilized cat who can provide a written statement, in a form acceptable to the General Manager, from a veterinarian declaring that sterilizing the cat is not advisable
added 5/2022

- (a) due to medical issues, or
- (b) because the cat has not yet reached growth maturity.

19(3) If a cheque used to pay for a licence is returned for insufficient funds, the licence purchased by the cheque is void.

19(4) An applicant for a cat licence must provide accurate information when applying for a licence. In particular, an applicant for a cat licence must not provide incorrect information concerning whether a cat is sterilized.

19(5) A cat licence is not valid after its expiry date. In order to ensure that his or her cat has a valid cat licence, an owner must renew its cat licence before its expiration date.

19(6) A cat licence may not be transferred to another cat.

19(7) The licence fee set by Council or Council's delegate for a cat that is unsterilized must be higher than the licence fee for a cat that is sterilized.

Valid licence tag must be worn by cat

20(1) Subject to subsection (3), the owner of a cat must ensure that his or her cat wears a valid licence tag when the cat is not on the owner's property.

20(2) Unless he or she is a designated employee, the cat's owner or has the consent of the cat's owner, no person may remove a valid licence tag worn by a cat.

20(3) Subsection (1) does not apply to a cat that is identifiable by a tattoo or imbedded microchip that has been registered with the Animal Services Agency.

Impoundment of cat running at large

21(1) A designated employee is authorized to impound a cat that has been turned over to the Animal Services Agency as having been running at large. In acting under this provision, a designated employee may require that a person turning over a cat do so at the facilities of the Winnipeg Humane Society or some other agent.

21(2) Unless it is redeemed earlier under section 24 (*Redemption of impounded cats*), the designated employee shall impound or ensure that a cat impounded under subsection (1) is impounded

- (a) for a minimum period of eight days in the case of a cat that is wearing a valid licence tag; or
- (b) for a minimum period of three days, in the case of any other cat.

21(3) If a cat being impounded under subsection (1) is wearing a valid licence tag, a designated employee must notify the owner of the cat's impoundment. The owner is entitled to redeem the cat under section 24 (*Redemption of impounded cats*) at any time during its impoundment.

21(4) If a cat has been impounded for a period of time specified in subsection (2) without having been redeemed, the General Manager is authorized to dispose of the cat in any manner he or she considers appropriate.

amended 5/2022

Cat breeding permit mandatory

21.1(1) Subject to this By-law, where a cat owner who resides in the City of Winnipeg intends to use a specific female cat for breeding purposes, the owner must obtain a valid cat breeding permit issued under this section.

added 5/2022

21.1(2) Where a cat breeding permit is issued under subsection (1), the owner of the cat may only allow the cat to have

added 5/2022

- (a) up to one litter per year; and
- (b) up to four litters during the life of the cat.

21.1(3) In order for the designated employee to issue a cat breeding permit

added 5/2022

- (a) the owner and/or harbourer, who must be at least 18 years of age, must
 - (i) have a valid permit for the cat under subsection 5(2);
 - (ii) pay the permit fee and any other applicable fees;
 - (iii) provide, in a form acceptable to the General Manager, a letter from a veterinarian supporting the breeding of the specific cat or proof of purebred breed registration;
 - (iv) submit to an inspection of the breeding property by a designated employee and exhibit
 - A. clean and sanitary conditions;
 - B. little or no animal-related odors;
 - C. ample room for enrichment; and
 - D. wholesome food and water for the cat;
 - (v) provide, in a form acceptable to the General Manager, any information reasonably required to administer and enforce this Bylaw; and
 - (vi) have a history of compliance with the requirements of this By-law and minimal impact on the community;
- (b) the cat must
 - (i) have active veterinarian care, including a current rabies vaccination;

- (ii) no more than two incidents of having been in violation of clause 18(1)(b) (running at large);
- (iii) no more than one incident of having been in violation of clause 18(1)(g) (biting an individual or animal); and
- (v) no more than one incident of having been impounded at an animal shelter.

21.1(4) If a cheque used to pay for a cat breeding permit is returned for insufficient funds, the permit purchased by the cheque is void.

added 5/2022

21.1(5) An applicant for a cat breeding permit must provide accurate information when applying for a permit. In particular, an applicant for a cat permit must not provide incorrect information concerning the number and frequency of litters that the cat has had.

added 5/2022

21.1(6) The holder of a cat breeding permit must submit to inspections of the breeding property by a designated employee at any time after the cat breeding permit is issued.

added 5/2022

21.1(7) A cat breeding permit issued under subsection (1) is valid for the life of the cat but may be revoked by the General Manager if the owner fails to remain in compliance with the requirements of this By-law, and in particular subsection (3), at any time after the cat breeding permit is issued.

added 5/2022

21.1(8) A cat breeding permit may not be transferred to another cat.

added 5/2022

Display of cat breeding permit

21.2 Every person is required to display a cat breeding permit number where kittens are advertised for sale.

added 5/2022

Use of cat traps

22(1) A designated employee is authorized to rent or loan cat traps to individuals for the purpose of capturing cats running at large on condition that the individual agrees to

- (a) turn a captured cat over to the Animal Services Agency or its designated agent for impoundment;
- (b) treat the captured cat humanely; and
- (c) comply with any other conditions imposed by the General Manager.

amended 5/2022

22(2) A person who borrows or rents a cat trap from the Animal Services Agency must comply with the terms and conditions imposed under subsection (1).

Trap, neuter and return of community cats

added 1/2024

22.1(1) Subject to this section, the designated employee may on such terms and conditions as the designated employee considers appropriate authorize an animal rescue organization or a person to

- (a) capture a community cat in the City of Winnipeg using a live release trap or other humane means;
- (b) have the community cat sterilized and/or vaccinated by a veterinarian, as needed; and
- (c) following post-operative care after sterilization and/or other medical treatment, return the cat to the same environment from which the cat was captured, if safe to do so.

22.1(2) An authorization under subsection (1) exempts the animal rescue organization or person from the requirements set forth in sections 18(1) and 19(1) of this by-law with respect to the community cat.

24.2(3) An animal rescue organization or person who is authorized under subsection (1) shall:

- (a) either
 - (i) have a community cat management program that is recognized by the General Manager, or
 - (ii) be registered with a community cat management program that is recognized by the General Manager, or become registered within 14 days of being requested to do so by a designated employee;
- (b) provide food and water to the community cat, as needed;
- (c) remove and rehome an adoptable community cat;
- (d) limit the number and/or size of structures used for shelter when directed to do so by a designated employee;
- (e) maintain sanitary and uncluttered conditions at the premises where a community cat is harboured; and
- (f) follow such other terms and conditions imposed by the designated employee under subsection (1).

Impoundment and quarantine for rabies observation**23(1)** Subject to this section, if

- (a) a designated employee suspects that a cat has been exposed to rabies; or
- (b) a cat bites or scratches an individual with its teeth so that the skin is broken, regardless of the circumstances of the bite or scratch,

the designated employee is authorized to capture, impound and quarantine the cat at the expense of the owner for a period of no less than ten days from the day of the bite or scratch for observation.

23(2) If a designated employee gives notice to the owner of a cat that he or she is acting under the authority of subsection (1), the owner must surrender the cat to the designated employee for impoundment and quarantine immediately.

23(3) As an alternative to impounding and quarantining a cat under subsection (1), the designated employee is authorized to permit or require the owner of the cat, at the owner's expense, to

- (a) have the cat quarantined at a veterinary clinic within the City of Winnipeg; or
- (b) have the cat quarantined on the property of its owner.

The designated employee is authorized to act under this subsection if he or she determines that the cat will be securely held and will not leave the property. The designated employee may impose conditions on a quarantine permitted or required by this section that are reasonable to ensure that the cat is appropriately confined during the quarantine period. An owner who fails to ensure that the cat is securely held on the property or fails to ensure compliance with other conditions imposed by a designated employee commits an offence.

23(4) If a cat is quarantined by a designated employee or on the property of its owner, a designated employee must observe it for symptoms of rabies. If it is quarantined at a veterinary clinic, the veterinarian must observe it for symptoms of rabies. If, during the quarantine period, it is determined to have rabies, the cat must be euthanized, if it has not already died or been euthanized. The cat's body must then be examined for proof of rabies at the expense of the owner of the cat.

23(5) A cat quarantined by the designated employee under subsection (1), unless it is determined to have rabies, may be redeemed under section 24 (*Redemption of impounded cats*) after its mandatory period of impoundment and quarantine has ended. If it has not been redeemed within 48 hours after the end of its period of impoundment and quarantine under this section, the General Manager is authorized to dispose of the cat in any manner he or she considers appropriate.

amended 5/2022

Sterilization of impounded cats

23.1(1) A designated employee, the Winnipeg Humane Society, an animal rescue organization or some other agent of the City of Winnipeg is authorized to sterilize a cat that has been

impounded or sheltered pursuant to this By-law prior to its release to an owner where the cat
added 5/2022

- (a) was not licenced and appeared to be stray when impounded or sheltered; or
replaced 14/2023
- (b) has been impounded or sheltered twice in its lifetime, regardless of wearing a valid licence tag.

23.1(2) Any surgeries performed under clause (1) are at the expense of the owner.
added 5/2022

Redemption of impounded cats

24(1) The owner of a cat that has been impounded under this By-law and that is eligible to be redeemed may redeem it if he or she can demonstrate to the satisfaction of a designated employee that he or she is the owner of the cat.

24(2) In order to redeem an impounded cat, its owner must:

- (a) pay all applicable fees; and
- (b) pay the monetary penalty imposed in section 45 (*Monetary penalty for costs of capturing animals*); and,
- (c) if the cat requires a licence, obtain a licence for the cat.

At risk cat designation

added 73/2022

24.1(1) The General Manager is authorized to determine that a cat is at risk if there is evidence of irresponsible pet ownership, including but not limited to

- (a) the cat having more than two incidents of being in violation of clause 18(1)(b) (running at large);
- (b) the cat having more than one incident of being in violation of clause 18(1)(g) (biting an individual or animal);
- (c) the cat having more than one incident of being impounded at an animal shelter;
- (d) unsanitary confinement of the cat;
- (e) lack of veterinary care for the cat for medical issues; or
- (f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this

24.1(2) If a cat is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the cat into the custody of the Animal Services Agency and have the cat rehomed.

24.1(3) The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to designate a cat as being at risk and provide the reasons why such determination has been made.

PART 3 – EXCESS ANIMAL PERMITS

Restriction on number of cats and dogs on property

25(1) This section does not apply to properties in the use category “kennel” or “animal hospital of veterinary clinic” under the Winnipeg Zoning By-law or the use category “veterinary” under the Downtown Winnipeg Zoning By-law.

25(2) Subject to this section, unless the person holds a valid excess animal permit issued under section 26 (*Procedure for obtaining excess animal permit*), no person may own, harbour, keep, have in his or her possession, or have on a single parcel of land of which he or she is the occupant a total of more than six dogs and cats over the age of six months, of which no more than four may be dogs.

25(3) The obligation in subsection (2) applies even though a person holds a valid companion animal breeding premises licence or a kennel licence issued under *The Animal Care Act*.

Procedure for obtaining excess animal permit

26(1) When an application is made in compliance with this section, the Community Committee within whose geographical area the parcel of land for which an excess animal permit is sought is located is authorized to issue an excess animal permit authorizing the applicant to harbour, keep or have on a particular parcel of land dogs, cats or both dogs and cats that exceed the number permitted by section 25 (*Restriction on number of dogs and cats on property*).

26(2) In order to obtain an excess animal permit under subsection (1), an applicant must

- (a) apply to the General Manager using a form acceptable to the General Manager
amended 5/2022
- (b) provide all information reasonably required in order to consider the application;
and
- (c) pay the requisite application fee.

26(3) After receiving an application, the General Manager must forward to the Community Committee

amended 5/2022

- (a) the application; and
- (b) a report prepared by the General Manager setting out the following information:
amended 5/2022
 - (i) whether the applicant or the parcel of land for which the excess animal permit is sought has ever been the subject of an application for an excess animal permit or an approval for excess numbers of animals in the past;

- (ii) the use and nature of the parcels of land immediately adjacent to the subject parcel and the character of the district within which the subject parcel is located;
- (iii) any other information the General Manager considers relevant to the application.
amended 5/2022

26(4) At least 4 days before the application is considered by the Community Committee, the City Clerk must post on the City of Winnipeg website, a copy of the report that has been or will be submitted to the Community Committee under clause (3)(b).

26(5) At least 14 days before the application is considered by the Community Committee, the applicant must post in conspicuous locations on the subject parcel of land copies of a notice which sets out:

- (a) the date, time and place of the Community Committee meeting at which the application for an excess animal permit will be dealt with; and
- (b) the website referred to in subsection (4) on which the report referred to in clause (3)(b) can be found when it is posted.

The copies of the notice must be posted facing every street or alley adjacent to the parcel and must be no more than one metre inside the parcel. The copies of the notice must remain posted until the meeting has taken place.

26(6) If the parcel of land for which an excess animal permit is sought is rented or leased, the applicant must, at least 14 days before the application is considered by the Community Committee, serve the notice referred to in subsection (5) on the owner of the property by personal service, or by sending it by registered mail or delivery to the owner's address.

26(7) Before deciding to issue or refuse to issue an excess animal permit, the Community Committee must consider written or verbal representations from any person who wishes to be heard.

Decision re. excess animal permit

27(1) An excess animal permit may only be issued if the Community Committee considers that

- (a) the dogs, cats or both dogs and cats for which the applicant is seeking a permit will not unduly annoy or disturb the occupants of nearby properties; and
- (b) the applicant can and will comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats for which the applicant is seeking an excess animal permit.

27(2) The excess animal permit may be issued in respect of specifically identified dogs or cats or both dogs and cats, or may permit a specific number of unidentified dogs or cats or both dogs and cats. The excess animal permit may be issued indefinitely or for a limited time and may have conditions imposed on it.

27(3) It is a condition of every excess animal permit that the permit holder must comply with this By-law, *The Animal Care Act* and all other applicable legislation in respect of the dogs, cats or both dogs and cats to which the permit applies. If this condition or any other condition imposed on the permit is violated, the Community Committee is authorized to suspend or revoke the permit.

27(4) An excess animal permit applies to a specific person and to a specific parcel of land. It is not capable of being transferred to another person or to another parcel of land.

27(5) The City Clerk must give notice of the decision of the Community Committee to the applicant and every person who made representations at the Community Committee meeting in accordance with section 116 of *The City of Winnipeg Charter*.

27(6) The decision of the Community Committee concerning an excess animal permit is final and may not be appealed.

Variation of conditional excess animal permit

28 The holder of an excess animal permit may seek a variation or the removal of conditions imposed on the permit from the Community Committee that would have jurisdiction if a new application were being made for an excess animal permit. The procedure that applies to an application for an excess animal permit applies to the application for the variation or removal of conditions imposed on the permit.

PART 4 – COMMERCIAL ANIMALS

Keeping commercial animals in violation of zoning by-laws prohibited

29(1) Subject to this section, no person may keep a commercial animal in the City of Winnipeg except on a property where this is permitted under the Downtown Winnipeg Zoning By-law or the Winnipeg Zoning By-law.

29(2) Notwithstanding subsection (1), no person may keep or raise poultry except in districts zoned "agricultural" or "Rural Residential 5 (RR5)" under the Winnipeg Zoning By-law.

amended 5/2022

29(3) The prohibitions in subsections (1) and (2) do not apply to

- (a) schools and post-secondary institutions that harbour commercial animals for educational or research purposes; and
- (b) petting zoos that are located in one location for a maximum period of one week.

Running at large prohibited

30(1) An owner and a person having custody of a commercial animal must ensure that it does not run at large.

30(2) For the purposes of this Part, a bee colony is running at large if it is swarming.

Impoundment of commercial animals

31(1) An enforcement officer is authorized to capture and impound a commercial animal that is running at large, has caused or is likely to cause damage or harm to people or property, or otherwise poses a danger to individuals or property.

31(2) Unless it is redeemed earlier under section 32 (*Redemption of commercial animals*), a designated employee shall impound a commercial animal impounded under subsection (1) for a minimum period of five days.

31(3) If a commercial animal has been impounded for five days without having been redeemed, the General Manager is authorized to dispose of the animal in any manner that he or she considers appropriate.

amended 5/2022

Redemption of commercial animals

32(1) The owner of a commercial that has been impounded under this By-law may redeem it if he or she can demonstrate to the satisfaction of a designated employee that

- (a) he or she is the owner of the animal; and
- (b) when redeemed, the animal will either be kept outside the boundaries of the City or kept on a property zoned for this use under the Downtown Winnipeg Zoning By-law or the Winnipeg Zoning By-law.

32(2) In order to redeem an impounded commercial animal, its owner must pay:

- (a) all applicable fees; and
- (b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

PART 5 – PROHIBITED ANIMALS**Prohibited animals**

33(1) Subject to this section, no person may keep or harbour within the City of Winnipeg an animal of a species identified in Schedule A, which is attached to and forms part of this By-law, or a hybrid of such an animal.

33(2) Subsection (1) does not apply to an animal that is in the custody and care of

- (a) the Assiniboine Park Zoo;
- (b) the Health Sciences Centre;
- (c) the Manitoba Museum;
- (d) the Manitoba Wildlife Rehabilitation Organization;
- (e) the Prairie Wildlife Rehabilitation Centre;
- (f) the University of Manitoba;
- (g) the University of Winnipeg;
- (h) FortWhyte Alive;
- (i) St. Boniface Hospital and St. Boniface Hospital Research Centre.

33(3) Subsection (1) does not prohibit a person from keeping or harbouring a specific animal if the owner registers the animal under subsection (4) within 90 days after this By-law has been enacted.

33(4) A person is entitled to register an animal with a designated employee for the purpose of exempting it from the prohibition in subsection (1) if the person can show that, at the time this By-law came into effect,

- (a) the person owned the animal; and
- (b) the animal was being lawfully kept within the City of Winnipeg;

Special permits issued by General Manager

amended 73/2022

34(1) Notwithstanding section 33 (*Prohibited animals*) but subject to subsection (2), the General Manager is authorized to issue a special permit authorizing an animal prohibited by section 33 to be kept or harboured in the City of Winnipeg and may impose any conditions on the permits he or she considers appropriate to

amended 5/2022

- (a) protect people, property or the environment from the animal; and
- (b) ensure humane treatment of the animal.

34(2) Notwithstanding subsection (1), the General Manager does not have the authority to issue a special permit in order to authorize a travelling zoo, travelling exhibit or a circus from keeping or harbouring a prohibited animal while in Winnipeg.

amended 5/2022

Impoundment of prohibited animal

35(1) An enforcement officer is authorized to seize and impound an animal that is prohibited under section 33 (*Prohibited animals*) immediately where the animal is running at large or where the enforcement officer considers that

- (a) the animal poses a danger to people or property; or
- (b) it is likely to be concealed by its owner to prevent enforcement of this Part.

35(2) Unless it is redeemed earlier under section 36 (*Redemption of impounded prohibited animals*), a designated employee shall impound an animal that is impounded under this section for a minimum period of five days.

35(3) If a prohibited animal has been impounded for five days without having been redeemed, the General Manager is authorized to dispose of the animal in any manner that he or she considers appropriate.

amended 5/2022

Redemption of impounded prohibited animals

36(1) The owner or person responsible for an animal impounded under section 35 (*Impoundment of prohibited animal*) may redeem the animal if he or she can demonstrate to the satisfaction of a designated employee that

- (a) he or she is the owner of the animal;
- (b) if redeemed, the animal will not pose a danger to people or property; and
- (c) the animal will be removed from the City of Winnipeg within a reasonable period of time determined by the designated employee.

36(2) In order to redeem an impounded prohibited animal, its owner must pay:

- (a) all applicable fees; and
- (b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

PART 6 – GENERAL**Other animals running at large**

37(1) The owner of an animal that is not a cat, dog or commercial animal must ensure that the animal does not run at large.

37(2) An enforcement officer is authorized to seize and impound, or accept for impoundment,

an animal that is running at large in contravention of subsection (1).

37(3) Unless it is redeemed earlier under subsection (4), a designated employee shall impound an animal that is impounded under this section for a minimum period of five days.

37(4) The owner or person responsible for an animal impounded under this section may redeem the animal if he or she can demonstrate to the satisfaction of the designated employee that he or she is the owner of the animal and by paying

- (a) all applicable fees; and
- (b) the monetary penalty imposed in section 42 (*Monetary penalty for costs of capturing animals*).

37(5) If an animal has been impounded for five days without having been redeemed, the General Manager is authorized to dispose of the animal in any manner that he or she considers appropriate.

amended 5/2022

Other animals at risk

added 73/2022

37.1(1) The General Manager is authorized to determine that an animal is at risk if there is evidence of irresponsible animal ownership, including but not limited to

- (a) the animal having more than two incidents of being in violation of clause 37(1) (running at large);
- (b) the animal having more than one incident of biting an individual or animal;
- (c) the animal having more than one incident of being impounded at an animal shelter;
- (d) unsanitary confinement of the animal;
- (e) lack of veterinary care for the animal for medical issues; or
- (f) the owner has a history of non-compliance with the requirements of this By-law or the owner refuses to, or there are reasonable grounds to believe that the owner will fail to, comply with the requirements of this By-law.

37.1(2) If an animal is designated as being at risk under subsection (1), in addition to any other remedies or enforcement actions available, a designated employee is authorized to take the animal into the custody of the Animal Services Agency and have the animal rehomed.

37.1(3) The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to designate an animal as being at risk and provide the reasons why such determination has been made.

Prohibitions re. confined animals*amended 5/2022***38(1)** No person may:

- (a) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the City;
- (b) entice an animal to run at large;
- (c) tease an animal caught in an enclosed space; or
- (d) throw or poke any object into an enclosed space when an animal is caught or confined therein.

38(2) No person other than the owner of an animal or with the consent of the owner may untie, loosen or otherwise free an animal which has been tied or otherwise restrained;

Prohibition on use of body hold traps

38.1(1) Subject to this section, the outdoor use of body hold traps is prohibited.

added 5/2022

38.1(2) The prohibition in subsection (1) does not apply to

added 5/2022

- (a) Governmental agencies;
- (b) live release traps, subject to section 38.2; or
- (c) a licenced pest control company that has obtained a permit from the Animal Services Agency for the outdoor use of body hold traps pursuant to subsection (3).

38.1(3) Notwithstanding subsection (1) but subject to subsection (2), the General Manager is authorized to issue a special permit authorizing a licenced pest control company for the outdoor use of body hold traps and may impose any conditions on the permits he, she or they consider(s) appropriate to

added 5/2022

- (a) protect people, property or animals; and
- (b) ensure humane treatment of any trapped animals.

Conditions on use of live release traps

38.2 Live release traps may be used on condition that

added 5/2022

- (a) users are required to check traps at minimum once per day; and
- (b) live trapped animals must be released from the trap or humanely euthanized by a licenced pest control company, governmental agency, or veterinarian.

Restrictions on use of rodenticide

38.3 The outdoor use of rodenticide may only be conducted by licenced pest control companies or governmental agencies.

added 5/2022

Prohibition on feeding of wildlife

38.4(1) Subject to this section, the intentional feeding of wildlife is prohibited.

added 5/2022

38.4(2) The prohibition in subsection (1) does not apply to

added 5/2022

- (a) feeding for the purpose of trapping;
- (b) the feeding of birds; or
- (c) feeding performed by animal rescue organizations, societies, zoos, researchers, universities or governmental agencies.

Temperature restrictions on leaving animals in vehicles

38.5(1) No person may leave a dog, cat or other companion animal unattended in a vehicle when the outside temperature is at or warmer than 22 degrees Celsius, or at or colder than -10 degrees Celsius.

added 5/2022

38.5(2) The restriction in subsection (1) does not apply to a running vehicle with a working air-conditioning or heating system, as applicable to outside temperature, that is actively being used to maintain the internal temperature of the vehicle within the permitted range outlined in subsection (1).

added 5/2022

38.5(3) A designated employee is authorized to remove any dog, cat or other companion animal that is left unattended in a vehicle in violation of this section by any means that the designated employee deems necessary. This removal is done at the expense of the owner.

added 5/2022

38.5(4) Any damage that may be done to a vehicle by the designated employee, in order to remove a dog, cat or other companion animal from a vehicle pursuant to this section, is at the sole cost and responsibility of the owner to repair.

added 5/2022

Temperature restrictions on cycling with dogs tethered

38.6 Cycling with dogs tethered to a bicycle or similar device, including but not limited to skateboards, in-line skates, or scooters, when the temperature is 22 degrees Celsius or greater is prohibited

added 5/2022

PART 7 - ADMINISTRATION AND ENFORCEMENT**Interference with enforcement officers prohibited**

39 No person may:

- (a) interfere with or attempt to obstruct an enforcement officer who is attempting to capture or who has captured an animal which is subject to impoundment under this By-law;
- (b) release or attempt to release an animal from a vehicle in which an animal that has been captured by an enforcement officer is being held for impoundment; or
- (c) remove, or attempt to remove any animal from the possession of an enforcement officer.

Identification must be provided

40 When an enforcement officer intends to issue a document to initiate a prosecution against an individual for a contravention of this By-law, the individual must at the request of the enforcement officer provide identification sufficient to establish the individual's name and address.

Compliance with adoption contract required

41(1) Where a designated employee arranges for the adoption of a dog or cat as a means of disposing of the dog or cat, the dog or cat must be sterilized prior to the adoption or, alternatively, the adoption contract must require that the dog or cat be sterilized by the new owners within six months.

41(2) The owners of a dog or cat adopted from the Animal Services Agency must comply with the obligation set out in the adoption agreement to sterilize the dog or cat within the time period set out in the adoption contract.

Monetary penalty for costs of capturing animals

42(1) Where a designated employee captures or impounds an animal that is subject to impoundment under this By-law, the animal's owner must pay a monetary penalty imposed pursuant to subclause 175(d)(i) of *The City of Winnipeg Charter* in the amount of the costs directly attributable to the capture and the impoundment of the animal.

42(2) The costs referred to in subsection (1) may include, but are not limited to, the following:

- (a) overtime pay required for the capture;
- (b) vehicles and equipment rented for the purposes of the capture;
- (c) additional personnel retained for the capture; and
- (d) the provision of food, shelter, veterinary care and other care reasonably required by the animal during the impoundment.

42(3) Subject to subsection (4), the monetary penalty imposed under subsection (1) is due and payable 30 days after an invoice setting out the amount of the monetary penalty is sent by the General Manager to the animal's owner at an address determined in accordance with section 47 (*Address for service*) by registered mail or delivery. It may be collected in any manner in which a tax imposed by the City of Winnipeg may be collected under *The City of Winnipeg Charter*.

amended 5/2022

42(4) The animal's owner may appeal the application of the monetary penalty or the amount of the monetary penalty within 14 days after the invoice has been sent to the owner under subsection (3).

Powers of designated employees and enforcement officers

43(1) Designated employees and enforcement officers have authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.

43(2) Without restricting the general authority given in subsection (1), enforcement officers have the authority, after providing reasonable notice to the occupant of the property, to enter into a property to examine an animal or to capture and impound an animal in order to administer and enforce this By-law.

43(3) Because it is impractical or impossible to give notice to the occupant of property when in pursuit of an animal running at large, enforcement officers who are in pursuit of an animal running at large are hereby authorized to enter property, other than a building, without the requirement to give notice to the occupant of the property before the entry.

Powers of General Manager

amended 73/2022

44 In addition to his or her powers under section 43 (*Powers of designated employees and enforcement officers*), the General Manager has authority to:

amended 5/2022

- (a) waive licence and other fees, charges or monetary penalties
 - (i) for specific categories of animals, including service animals and animals recently adopted from registered animal rescue organizations;
 - (ii) for animal rescue organizations;
 - (iii) as part of an amnesty program or another program that serves the long-term interests of the Animal Services Agency;
 - (iv) in order to relieve pressure on the capacity of the City's animal care facilities;
 - (v) in order to ensure the adoption of an animal that would not otherwise be adopted; or
 - (vi) where it would be unjust or unreasonable to impose the fee, charge or monetary penalty;
- (b) subject to the Materials Management Policy, make arrangements with veterinary clinics, pet stores and other businesses to sell licences on behalf of the City of Winnipeg, which may provide for a commission to be retained by the business;
- (c) allow, or choose not to allow, a licence to be transferred to the new owner of the same animal.

Care for animals in need of protection

amended 54/2021

44.1(1) A designated employee is authorized to take into the custody of the Animal Services Agency an animal whose owner is unable to provide it with proper care due to the owner's mental or physical illness, incarceration, death or for any other reason.

amended 54/2021

44.1(2) A designated employee is authorized to release an animal referred to in subsection (1) into the care of the owner's family or friends or any other person he or she considers to be able and willing to care for the animal on condition that the person agrees to return the animal to the owner if and when the owner is able to care for the animal.

amended 54/2021

44.1(3) If a designated employee has not released the animal under subsection (2) within ten days after the animal was taken into custody, the General Manager may dispose of the animal in any manner he or she considers appropriate.

amended 54/2021; amended 5/2022

Restrictions on animal ownership

added 73/2022

44.2(1) The General Manager is authorized to restrict an owner either temporarily or permanently from acquiring additional animals based on the owner's current or former animals being designated as:

- (a) dangerous per section 14,
- (b) exceptionally dangerous per section 15,
- (c) at risk per section 12.1, 24.1, or 37.1, or
- (d) needing protection per section 44.1.

44.2(2) Before making a decision under subsection (1), the General Manager must

- (a) give notice to the owner that a determination as to whether the owner may be either temporarily or permanently restricted from acquiring additional animals will be made;
- (b) provide the reasons why such determination is being made; and
- (c) give the owner a reasonable opportunity to be heard.

44.2(3) The General Manager, in compliance with section 116 of The City of Winnipeg Charter, must give notice to the owner of a decision to restrict the owner either temporarily or permanently from acquiring additional animals

Responsibility and powers of General Manager for animals within the custody of Animal Services

amended 73/2022

45(1) While an animal is impounded under this By-law or is otherwise within the custody of the City, the General Manager must ensure that it is properly housed, fed, watered and provided with appropriate veterinary care.

amended 5/2022

45(2) Notwithstanding any provision of this By-law, the General Manager is authorized to euthanize an impounded animal or an animal within the custody of the City where he or she, in consultation with a veterinarian, determines that

amended 5/2022

- (a) euthanasia constitutes a humane measure to end the animal's suffering;
- (b) the animal is suffering from a terminal illness which will shortly end in death; or
- (c) the costs of necessary veterinary or other care for the animal would be significant and are unlikely to be reimbursed by the animal's owner.

Appeals

46(1) Subject to this section, where an appeal from an order or decision under this By-law is authorized by *The City of Winnipeg Charter*, the appeal may be made to the designated committee in accordance with The City of Winnipeg Charter.

46(2) Subject to subsection (3), an administration fee in an amount determined by Council or by a person to whom Council has delegated this power is hereby imposed for an appeal made under this By-law. An appeal may not be accepted by the City Clerk until the administration fee has been paid to the City Clerk.

46(3) The designated committee is authorized to order the administration fee imposed by subsection (2) to be refunded to the appellant if the appeal has been made in good faith and has some merit.

Address for service

47 Where it is necessary to determine an address for sending or delivering an order, notice or some other document under this By-law, any one of the following methods of determining the address may be used:

- (a) if the person to be served has been issued a licence under this By-law or is registered pursuant to this By-law, the address provided by the person when applying for the licence or when registering, or any updated address provided by the person, may be used;
- (b) if the person to be served is a registered corporation that is not dissolved, the registered office of the corporation shown in the articles of incorporation or in the last notice filed under section 19 of *The Corporations Act* may be used;
- (c) if the person to be served is reasonably determined to reside at a particular address in the City of Winnipeg, the address of his or her residence may be used.

Fines for offences and method of enforcement

amended 57/2017

48(1) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a person who contravenes a provision of this By-law that is referred to in Schedule A of the Municipal By-law Enforcement Act (MBEA) Enabling By-law must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

amended 57/2017

48(2) Schedule B to this By-law sets out provisions of this By-law that are enforceable by way of a preset fine or a minimum fine under The Provincial Offences Act. If Schedule B sets out a preset fine for a provision, a person who contravenes that provision must pay that preset fine, plus applicable court costs and surcharges under The Provincial Offences Act. If Schedule B sets out a minimum fine for a provision, a person who contravenes that provision must pay a fine imposed by a justice under The Provincial Offences Act that is not less than the minimum fine set out, plus applicable court costs and surcharges under The Provincial Offences Act.

amended 57/2017

48(3) Despite subsections (2), if an Early Payment Discount amount is set out for a provision referred to in Schedule B to this By-law, a person who is issued a ticket for a contravention of that provision may, within 14 days after the ticket has been signed, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

amended 57/2017

Consequential amendment to Parks By-law

49 The Parks By-law No. 85./2009 is amended by renumbering section 6 as subsection 6(1) and adding the following immediately thereafter:

6(2) Without restricting the generality of subsection (1), the Chief Operating Officer may designate parks or areas of parks in which dogs are not required to be restrained by leashes. The Chief Operating Officer may only make such a designation if he or she determines that the parks or areas of parks so designated will minimize the risks that unleashed dogs will

(a) be injured by or interfere with nearby vehicular, railroad or pedestrian traffic;

(b) interfere with activities taking place in or on children's play areas, school grounds, athletic fields and public open spaces, including picnic areas and public gardens.

Pound By-law and Exotic Animals By-law repealed

50(1) Subject to subsection (2), the Pound By-law No. 2443/79 and the Exotic Animals By-law No. 3389/83 are repealed upon enactment of this By-law by Council.

50(2) Subsections 28(13) and (14) of the Pound By-law are repealed on January 1, 2015.

Coming into force

51 Sections 19 (*Cat licence mandatory*) and 20 (*Valid licence must be worn by cat*) of this By-law come into force on January 1, 2015. All other provisions of this By-law come into force immediately upon enactment of this By-law by Council.

DONE AND PASSED, this 17th day of July, 2013.

**SCHEDULE "A" TO
THE RESPONSIBLE PET OWNERSHIP BY-LAW**

LIST OF PROHIBITED ANIMALS (Section 33)

amended 77/2014

- 1 All dogs, other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyaena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
- 2 All cats other than domesticated cats (*Felis catus*), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat.
- 3 All bears, including polar, grizzly, brown and black bear.
- 4 All fur bearing animals of the family Mustelidae, including, but not limited to, weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
- 5 All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatiundi.
- 6 All carnivorous mammals of the family Viverridae, including, but not limited to, civet, mongoose, and genet.
- 7 All bats (Chiroptera).
- 8 All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
- 9 All squirrels (Sciuridae).
- 10 Reptiles (Reptilia)
 - (a) all Helodermatidae (e.g. gila monster and Mexican bearded lizard);
 - (b) all front-fanged venomous snakes, even if de venomized, including, but not limited to:
 - i. all Viperidae (e.g. viper, pit viper),
 - ii. all Elapidae (e.g. cobra, mamba, krait, coral snake),
 - iii. all Atractaspididae (e.g. African burrowing asp),
 - iv. all Hydrophiidae (e.g. sea snake), and
 - v. all Laticaudidae (e.g. sea krait);

- (c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de venomized;
 - (d) any member or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda, except members of the family Boidae reaching an adult length of no greater than two (2) meters;
 - (e) any member of the family Pythonidae, including, but not limited to, the African rock python, the Indian or Burmese python, the Amethystine or scrub python, except members of the family Pythonidae reaching an adult length of no greater than two (2) meters;
 - (f) any member of the family Varanidae, including, but not limited to, the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, except members of the family Varanidae reaching an adult length of no greater than one (1) meter;
 - (g) any member of the family Iguanidae, including the green or common iguana;
 - (h) any member of the family Teiidae, including, but not limited to, the golden, common or black and white tegu;
 - (i) all members of the family Chelydridae, including snapping turtle and alligator snapping turtle;
 - (j) all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile;
 - (k) all other snakes of a species or subspecies that can reach an adult length greater than three meters, whether the particular snake exceeds that length or not; and
 - (l) all other lizards of a species or subspecies that can reach an adult greater than two meters, whether the particular lizard exceeds that length or not.
- 11 Birds (Aves) in the following categories unless they are kept as commercial animals under Part 4 of the By-law:
- (a) all predatory or large birds (e.g. Accipitrids, Cathartids), including, but not limited to, eagle, hawk, falcon, owl, vulture and condor;
 - (b) anseriformes, including, but not limited to, ducks, geese and swans;
 - (c) galliformes, including, but not limited to, pheasants, grouse, guinea fowl and turkeys; and
 - (d) struthioniformes, including, but not limited to, flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.
- 12 Arachnida and Chilopoda

- (a) all venomous spiders, including, but not limited to, tarantula, black widow and solifugid, scorpion, except the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*) and Pink-Toed (*Avicularia*); and
 - (b) all venomous arthropods, including, but not limited to, centipede.
- 13 All large rodents (Rodentia), including, but not limited to, gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
 - 14 All even-toed ungulates (Artiodactyla) other than domestic sheep, including, but not limited to, antelope, giraffe and hippopotamus.
 - 15 All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including, but not limited to, zebra, rhinoceros and tapir.
 - 16 All marsupials, including, but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, and greater glider, except the sugar glider.
 - 17 Sea mammals (Cetacea, Pinnipedia and Sirenia), including, but not limited to, dolphin, whale, seal, sea lion and walrus.
 - 18 All elephants (Proboscidea).
 - 19 All hyrax (Hyracoidea).
 - 20 All pangolin (Pholidota).
 - 21 All sloth, anteater, and armadillo (Xenarthrata).
 - 22 Insectivorous mammals, including, but not limited to, armadillo, tenrec, shrew species, mole species and hedgehog species, except the African pygmy hedgehog.
 - 23 Gliding lemur (Dermoptera).
 - 24 All other venomous or poisonous animals.
 - 25 All protected or endangered animals, whether native or non-native, whose possession or sale is prohibited in Manitoba because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement. This prohibition does not apply to an animal that has been obtained in accordance with international, federal or provincial law, as applicable, unless it is otherwise identified on this List.

**SCHEDULE "B" TO
THE RESPONSIBLE PET OWNERSHIP BY-LAW**

**Specified Fine Provisions
Enforceable through The Provincial Offences Act**

*amended 77/2014; 57/2017;
replaced 103/2021; 3/2023*

Provision	Contravention Summary	Preset Fine (\$)	Early Payment Discount	Minimum Fine
4(1)(i)	Fail to prevent dog from injuring person or animal	N/A	N/A	350
18(1)(g)	Fail to prevent cat from injuring person or animal	N/A	N/A	350

THE CORPORATION OF THE TOWN OF MARATHON

BY-LAW NO. 1788

Being a by-law to regulate and govern animals including exotic animals within The Corporation of the Town of Marathon and to repeal By-Laws 964, 1191, and 1197.

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, C.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8(1), of the said Act, 2001, R.S.O. 2001, states the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 10(2), of the said Act, 2001, S.O. 2001, C.25 provides that a single-tier municipality may pass by-laws respecting matters including animals;

AND WHEREAS this by-law and any other by-laws thereafter passed with respect to rates or fees to be charged will be established in the current municipal "Fees and Charges" by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARATHON HEREBY ENACTS AS FOLLOWS:

1.0 Short Title

1.1 This by-law may be cited as the "Animal Care and Control By-Law".

2.0 Interpretation

2.1 In this by-law:

- (a) words importing the singular number only, include more persons, parties or things of the same kind than one and the converse, and
- (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.2 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

3.0 Definitions

For the purpose of this by-law:

Aggressive Dog – means a dog which, in the opinion of the Town Clerk or his/her designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition.

Animal – means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit an urban centre, a park, environmentally protected land or open space.

Animal Control Officer – means any person appointed by the municipality whose duties include the enforcement of this by-law and shall include any person who has entered into a contract with the Corporation of the Town of Marathon to control animals and any delegate or agent of such person.

Animal Shelter – is a facility which houses homeless, lost or abandoned animals, primarily dogs or cats, running at large.

Competent Person – means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

Dog – means any member of the species *Canis Familiaris*.

Domestic Cat – shall mean a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.

Domestic Fowl – means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, song birds or vertebrates commonly kept at domestic pets such as parrots, budgies, cockatiels etc.

Grandfathered – means the lawful keeping of any animal, currently prohibited under the provisions of this by-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.

Guide Dog – means an assistance dog trained to lead persons with sight or hearing impairment.

Impound – means to confiscate, confine, hold or take possession.

Neutered Male – means a dog or cat which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered.

Licence – means a dog tag issued pursuant to the requirements of this by-law.

Municipal By-Law Enforcement Officer – means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws.

Municipality – means The Corporation of the Town of Marathon.

O.S.P.C.A – means the Ontario Society for the Prevention of Cruelty to Animals.

O.S.P.C.A Order – means a control and muzzle order.

Owner – means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal.

Physically Disabled Person – means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device including but not limited to crutches or braces.

Police Work Dog – means a dog trained to aid law enforcement officers and is actually being used for police work purposes.

Pound – means premises which are used for the temporary housing and care of animals that have been impounded pursuant to this by-law.

Premises – means a building or part of a building or a place.

Proof – means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the City at such time.

Purebred Dog – means a dog bred from stock having no admixture as certified by the Canadian Kennel Club or other competent authority.

Residential Dwelling Unit – means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Running at Large – means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash having maximum length of 6 feet, and not under the control of a competent person.

Senior Citizen – Means a person that has reached an age of sixty (60) years or older at the time of application.

Service Dog – means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person by means of, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

Society – means the Ontario Society for the Prevention of Cruelty to Animals.

Spayed Female – means any female dog or cat which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed.

Town – means the municipal corporation known as the Town of Marathon or the geographic area of the Town of Marathon as the context requires.

Tether – means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a similar meaning.

Visually Impaired – means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

CARE OF ANIMALS

4.0 Responsibility to Care for Animals

- 4.1 Every person who keeps an animal within the Town shall ensure that such animal is provided with:
- (a) a clean and sanitary environment free from an accumulation of fecal matter;
 - (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity; and
 - (c) an environment free of physical, emotional abuse or neglect.
- 4.2 Subsection (1) shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of The Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, as amended.

5.0 Tethers

- 5.1 No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
- (a) the tether is of appropriate length for the species tethered,
 - (b) the animal has unrestricted movement within the range of such tether, and
 - (c) the animal cannot injure itself as a result of the tethering.
- 5.2 Despite clause (a) of subsection (1), in the case of dogs, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person's property.
- 5.3 Despite subsection (1), no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

6.0 Restraint in Moving Motor Vehicle

- 6.1 No person shall allow a dog to be in a moving motor vehicle in an area that is not enclosed, including the back of a pickup truck or a flatbed truck, unless the dog is:

- (a) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck, or
- (b) Securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.

7.0 Keeping Animals Under Sanitary Conditions

- 7.1 Every person who keeps an animal within the Town shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
- 7.2 Subsection (1) does not apply to livestock kept in accordance with the provisions of Section 74 of this by-law.
- 7.3 Subsection (1) shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of the OSPCA Act, R.S.O. 1990, c. O.36, as amended.

8.0 Noise From Animals

- 8.1 No person shall keep, own, or harbour in the Town any animal which makes or causes noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
 - (a) any person in any dwelling, apartment, or other type of residence in the neighbourhood;
 - (b) any person in the vicinity; or
 - (c) the neighbourhood.

DOGS

9.0 Registration

- 9.1 Every owner of a dog shall:
 - (a) register the dog with the Town in accordance with Section 8 and pay an annual tag and registration fee, as set out in the "Fees and Charges" By-Law,
 - (b) obtain and renew such registration annually,
 - (c) keep the dog identification tag, issued by the Town as part of the registration, securely affixed on the collar or harness on the dog at all times, and
 - (d) obtain a replacement tag, and pay the fee as set out in the "Fees and Charges" By-Law
- 9.2 Every applicant for dog registration shall provide to the Town the following information:
 - (a) name, address, telephone number of the dog owner,

- (b) name, age, gender, breed, and colour of the dog,
- (c) proof of sterilization from a qualified veterinarian, if applicable, and
- (d) proof of a microchip implant, if applicable.

9.3 Despite subsection (1), where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilization procedure, the Town may issue a tag and register the dog at the same fee as that for a sterilized dog.

9.4 The owner of a dog shall notify the Town of any change in information provided in subsection (1) or of the sale or death of the dog, as applicable.

9.5 The Town shall:

- (a) keep a complete registry of all dogs in respect of which tags are issued, and
- (b) provide each registrant with a numbered tag, and
- (c) every dog tag shall be consecutively numbered and bear the name of the municipality and the year of issuance.

9.6 The identification tag issued by the Town in respect of a dog is not transferable.

9.7 No owner of a dog shall fail to ensure that the dog has been inoculated with an anti-rabies vaccine within the previous twenty-four (24) months.

9.8 No owner of an animal shall fail to produce a Certificate of Proof issued by a qualified veterinarian attesting to an up-to-date anti-rabies vaccine if requested to do so by the Animal Control Officer or Peace Officer.

10.0 Replacement Dog Licence Tag

10.1 Every owner of a dog, having lost the dog licence tag for the current year, shall immediately make application to the Town for the replacement of such tag, and shall, upon request provide any information as may be required by the Town. The replacement fee for a replacement licence tag shall be in accordance with the fees established and set out in the Town of Marathon "Fees and Charges" By-Law.

11.0 Number of Dogs

11.1 No owner shall have more than three (3) dogs in or about any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the Town.

11.2 Section does not apply to:

- (a) the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals;
- (b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;

- (c) a pet store licensed in accordance with the provisions of municipal by-laws;
- (d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or
- (e) the Marathon Humane Society; or
- (f) dogs under the age of six (6) months.

12.0 Control of Dogs

- 12.1 For the purposes of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under control of any person.
- 12.2 No owner of a dog shall permit the dog to run at large in the Town.
- 12.3 Every owner of a dog shall ensure that the dog is kept on a leash and under the control of a competent person when the dog is on any land in the Town unless:
 - (a) the land is the premises of the owner of the dog,
 - (b) the land is owned by a person who has given prior consent to the dog being off the leash.
- 12.4 No owner of a dog shall allow his dog to trespass on private property even when on a leash.
- 12.5 No person shall allow a leash to extend beyond a length of 3 metres and such leash must be held or restrained by a competent person who can reasonably control the dog.
- 12.6 No person shall leave a dog unattended within any permitted public park area.
- 12.7 A dog shall not be considered to be running at large if it is a police work dog as defined in this by-law.
- 12.8 Any dog found running at large pursuant to the provisions of this by-law may be impounded by a Municipal By-Law Officer or other duly appointed officer and delivered to the Pound.
- 12.9 Any person may capture any dog running at large on his property and deliver same to a Municipal By-Law Officer or other duly appointed officer, who may impound the said dog.
- 12.10 A Municipal By-Law officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this by-law.
- 12.11 Where an animal seized under this By-law is injured, or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer is given discretion to euthanize the animal in a humane manner at the Officer's discretion

and no damages or compensation shall be recovered by the owner of the animal for such action.

12.12 Where an injured animal is impounded or other wise detained and requires the immediate attention of a Veterinarian, the Animal Control Officer or Peace Officer may deliver the injured animal to a Veterinarian for treatment or to be euthanized and the owner, if known, shall be responsible for all costs incurred. No damages or compensation shall be recoverable by the owner or any other person.

12.13 Where an animal is captured, seized, impounded or taken into custody by the Animal Control Officer or designated agents, including by court order, the owner shall pay to the Town of Marathon all fees and charges payable under this by-law or any other applicable by-law, including the cost of the services of a veterinarian, whether the animal is alive, dies or is euthanized.

13.0 Impoundment

13.1 A dog seized pursuant to Section 12.8 or 12.9 shall be considered impounded at the time and place it comes under the control of the Municipality, or its designated agents.

13.2 The Municipality following the impoundment of a dog shall make reasonable efforts to determine the identity of such dog and its owner to inform such person the dog has been impounded.

13.3 The Municipality shall keep any impounded dog for a redemption period of three (3) days, excluding:

- (a) the day on which the dog is impounded,
- (b) statutory holidays, and
- (c) days on which the municipal offices are not open.

13.4 During the redemption period, the operator of the pound shall provide such care towards the dog so as to maintain its health and well being.

13.5 During the redemption period, the owners of a dog impounded pursuant to this by-law may obtain release of such dog provided the owner;

- (a) pays the redemption fee, as set out in the "Fees and Charges" By-Law, and
- (b) provides evidence the dog is registered with the Town pursuant to Section 9.1 of this by-law or, if not, obtains such registration and pays the registration fee, as set out in the "Fees and Charges" By-Law prior to release of the dog, and
- (c) takes such other action as the Municipality or its designated agents may direct

13.6 Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the animal shall become the property of the Animal Shelter and the Animal Control Officer may retain the animal for such further time as the officer may consider proper and during that time the officer may:

- (a) keep, sell or dispose of the dog, subject to the provisions of the Animal for Research Act, R.S.O. 1990, Chap. A.22, as amended,
- (b) release the dog to the Marathon Humane Society, or
- (c) dispose of the animal as the officer deems appropriate.

13.7 Whenever a dog impounded pursuant to this by-law is released to its owner pursuant to Section 13.2 or Section 13.5 a record of such release shall be kept by the Municipality.

14.0 Stoop and Scoop

14.1 Every owner of a dog shall immediately remove any feces left by the dog in the Town:

- (a) on a highway or roadway,
- (b) in a public park,
- (c) on any public property other than a public park, or
- (d) on any private property other than the property of,
 - (i) the owner of the dog, or
 - (ii) the person having care, custody or control of the dog.

14.2 Every owner of a dog shall dispose of any feces removed pursuant to Section 14.1 in a sanitary manner.

14.3 Every owner of a dog shall remove from his or her premises, in a timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any such person in the vicinity of the premises.

14.4 Section 14.3 does not apply to a handler of a service dog, where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.

14.5 Section 14.1 does not apply to blind or visually impaired handler of a service dog if the feces was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

15.0 Dogs In Parks

15.1 No owner of a dog shall have a dog on parkland, or any part thereof, that is designated by sign as an area where dogs are prohibited.

15.2 No owner of a dog shall have a dog on parkland, or any part thereof, where the dog is within five (5) metres of:

- (a) a play structure,
- (b) a beach area used commonly for swimming, or
- (c) a beach volleyball court.

15.3 A dog may be kept off leash on parkland where the activity is not prohibited by this or any other by-law, providing the person in control of such dog shall keep such dog in sight and under voice control at all

times, and shall promptly leash such dog when confrontations with humans or other animals may potentially develop.

- 15.4 Every owner of a dog that takes a dog onto parkland or a part thereof or has a dog on parkland or a part thereof that is not designated by sign as an area where dogs are prohibited shall comply with the by-laws of the Town including this by-law.
- 15.5 No person shall, without authority from the Municipality erect, alter, move, remove or deface or in any manner interfere with any sign designating an area where dogs are prohibited.
- 15.6 Sections 15.1 to 15.5 inclusive shall not apply to a service dog or police work dog when accompanied by its handler.

16.0 Control of Aggressive Dogs

- 16.1 Where a dog has been declared an aggressive dog by the Animal Control Officer, Clerk of the Corporation or a Court of a competent jurisdiction the owner of the dog shall restrain the dog at all time.
- 16.2 Where an aggressive dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
 - (a) the dog is secured so as to meet its environmental needs and in such a manner as to prevent the dog from leaving the owners property; and,
 - (b) such restraint prevents the dog from having contact with any person who has not consented to being in contact with the dog.
- 16.3 Where an aggressive dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
 - (a) the dog is leashed on a leash of not more than one (1) metre in length.
 - (b) the dog is under control of an adult at all times so as to prevent the dog from having any contact with any person who has not consented to being in contact with the dog.

17.0 Dog Bites or Attacks

- 17.1 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal By-Law Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal By-Law Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.
- 17.2 Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Town against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 and any amendments thereto.

18.0 Control and Muzzle Order – Appeal

- 18.1 The owner of a dog to which a Control and Muzzle Order has been issued may request and is entitled to a hearing by a committee of the Municipal Council which may exempt the owner from the muzzling or leashing requirement or both.
- 18.2 An owner who wishes to have a hearing as a result of a Control and Muzzle Order has 7 days from the day of the receipt of the Order to file a request for a hearing with the Clerk of the Municipality. The Clerk shall provide a copy of the notice to the Animal Control Officer.
- 18.3 Upon determination of the hearing date the committee shall give notice in writing to the owner that:
 - (a) includes a statement of the time, date, place and purpose of the hearing, and:
 - (b) includes a statement that if the owner of the dog does not attend the hearing, the committee may proceed in the absence of the owner and the owner will not be entitled to any further notice.
- 18.4 The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the owner at the owner's last known address on file with the Municipality. When service is made by registered mail, the service shall be deemed to be made on the third (3rd) day after the day of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive the written notice until a later date.
- 18.5 The committee shall hold a hearing with the date and place set out in the notice referred to in this section and the committee may:
 - i) exempt the owner from the muzzling and/or leashing requirements,
 - ii) confirm the muzzling and/or leashing requirements,
 - iii) vary the muzzling and/or leashing requirements and other requirements of the Order, or
 - iv) combine any exemption confirmation or variance as it sees fit.

19.0 Surrendering of Animals

- 19.1 An owner of a dog may give up ownership of the animal by surrendering the canine to the Marathon Humane Society.
- 19.2 Where an owner has surrendered a dog to the Marathon Humane Society, the owner is deemed to have relinquished all rights of ownership and possession of the animal.
- 19.3 To surrender a dog to the Marathon Humane Society, the owner, at the discretion of the Society, shall pay the appropriate fee as required by the Society.

- 19.4 A dog that has been surrendered to the Society shall become the property of the Marathon Humane Society and may be kept or disposed of as the Marathon Humane Society deems appropriate.

CATS

20.0 Number of Domestic Cats

- 20.1 No person shall keep in or about a residential dwelling more than six (6) cats over twenty (20) weeks of age.
- 20.2 The total number of both dogs and cats being kept in or about a residential dwelling shall not exceed six (6), with a maximum number of three (3) dogs permitted.
- 20.3 Sections 20.1 and 20.2 do not apply to:
- a) a premises licensed under the provisions of municipal by-law and operated for the purpose of breeding or boarding;
 - b) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended;
 - c) a pet store licensed in accordance with the provisions of municipal by-laws;
 - d) a shelter or pound of the Marathon Humane Society or of the Ontario Society for the Prevention of Cruelty to Animals;
 - e) premises registered with the Municipality as premises where cats and/or dogs are receiving temporary foster care; and
 - f) cats under the age of six (6) months.
- 20.4 Despite Section 20.1, any person who owns more than the permitted number of cats on the date this by-law comes into force shall be permitted to keep those cats provided the owner has advised the Town in writing of the number of cats and his or her name, address and phone number within ninety (90) days of the date this by-law comes into force.
- 20.5 The burden of proving the exemption from Section 20.4 is upon the person making assertion, of which written notice to the Municipality provided in subsection (1) shall be sufficient proof thereof.
- 20.6 The exemption provided for in subsection (1) shall be for the life of the cat.
- 20.7 The Municipal By-Law Officer shall maintain a list of all cats for which notice has been received in accordance with Section 20.4.

21.0 Rabbits

- 21.1 No person shall keep rabbits in an area of the Town where the zoning permits residential land use unless:
- (a) no more than five (5) rabbits over the age of seven (7) weeks are kept on the property of any dwelling unit,

- (b) the rabbits are kept as pets only,
- (c) the rabbits, if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape by the rabbit, and
- (d) all lands and premises where rabbits are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.

22.0 Exotic Animals

22.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed in Schedule "B" as a pet or for any other purpose or for any period of time.

22.1.1 Notwithstanding Section 22.1, the prohibition shall not apply to:

- (a) circuses;
- (b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals;
- (c) a veterinary hospital under the control of a licensed veterinarian;
- (d) anyone holding a licence under any statute of the Legislature of Ontario of the Government of Canada, which permits the keeping of animals under stated conditions;
- (e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all by-laws of the municipality;
- (f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended; or,
- (g) the Marathon Humane Society.

23.0 Animals – Other

23.1 No person shall keep any fox(es) within the limits of the Town, except in a licensed zoological park or menagerie.

23.2 No person shall keep any mink within the limits of the Town, except in a licensed zoological park or menagerie.

23.3 No person shall keep any domestic fowl as defined by the by-law, on any residential lot or in any residential dwelling unit within the Town.

23.4 Domestic fowl, cattle, goats, sheep or swine may be kept pursuant to the "Zoning By-Law" of the Corporation of the Town of Marathon.

23.5 Domestic animals, not including dogs and cats and domestic fowl as defined by this by-law, must be contained, when not kept indoors, within the owner's property by means of fencing or other reasonable method including but not limited to pens and flight cages so as to not disturb or

hinder any neighbouring properties from the enjoyment of such property.

24.0 Registry of Grandfathered Animals

- 24.1 Any person, may seek “grandfathered” status for such prohibited animal within 12 months of a prohibition of the keeping of an animal by making application and providing to the Town, proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the Town Clerk or his designate may deem the animal to be ‘grandfathered’ and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.
- 24.2 Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the Town Clerk or designate.
- 24.3 The Town may, at the discretion of the Town Clerk or his designate impose special conditions on the keeping of any grandfathered animal (e.g. housing).

25.0 Schedules

- 25.1 Schedule “A” and Schedule “B” attached hereto form part of this by-law.

26.0 Enforcement

- 26.1 Any person who contravened any of the provisions of this by-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990 c. P.33 as amended.

27.0 Continuation – Repetition – Prohibited – By Order

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

28.0 By-Laws Repealed

- 28.1 By-laws 964, 1191 and 1197, as amended, of the Corporation of the Town of Marathon are hereby repealed.

Effective Date

This by-law shall come into force on the date of its final passing.

READ A FIRST AND SECOND TIME THIS 8TH DAY OF APRIL, A.D., 2013.

.....
Mayor

(SEAL)

.....
Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 8THTH DAY OF APRIL,
A.D. 2013.

.....
Mayor

(SEAL)

.....
Clerk

Schedule “A”



DECLARATION REGARDING A VICIOUS DOG

Owner of Dog:

Name: _____

Address: _____

Name of Dog: _____ Dog Tag Number: _____

Description of Dog:

Breed: _____

Colour: _____

Other: _____

Rabies Tag Number: _____ Other Identification: _____

Location of Incident:

Address: _____

Location on
Property: _____

Location on
Street: _____

Description of Incident:

Date of Incident: _____ Time of Incident: _____

Signature of Witness who actually saw the alleged
vicious dog bite a person or domestic animal

Signature of By-law Enforcement Officer

Name of witness: _____
(Please Print)

Address of witness: _____

Telephone number of witness: _____

Personal information contained in this form is collected under the authority of the Municipal Act, R.S.O., 1990, c. M.45, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the By-law Officer of the Town of Marathon, 4 Hemlo Drive, Marathon, Ontario P0T 2E0, (807) 229-1340 ext.2250.

Schedule “A-1”



ORDER TO MUZZLE

Issued pursuant to Municipality of Marathon By-Law No. ____

To (Name of Owner): _____

Address: _____

Telephone: _____

I, _____, Animal Control Officer, or By-Law Enforcement Officer of The Municipality of Marathon, have reasonable grounds to believe that the dog residing at _____ has bitten or attacked a person or another domestic animal, as per the provisions of the Animal Care and Control By-law No. _____.

You are hereby ordered:

- (a) To keep the dog, when on the owner’s premises, confined to within the dwelling and under effective control of an adult person, or enclosed in a pen constructed with a secure top, bottom and sides. The pen shall provide humane shelter for the dog, while preventing escaping there from and preventing any entry therein of unsupervised persons.
- (b) To keep the dog under effective control of an adult person and on a leash of not more than 1 metre in length when it is not confined in accordance with paragraph (a).
- (c) To securely attach a muzzle to the dog at all times when it is not confined in accordance with paragraph (a).
- (d) To provide the Animal Control Officer, or By-Law Officer with a new address and telephone number within two working days of moving, selling, or giving the dog away.
- (e) To advise the Animal Control Officer, or By-Law Officer within two days of the death of the dog.
- (f) To advise the Animal Control Officer, or By-Law Officer forthwith if the dog is running at large, or has bitten or attacked a person or a domestic animal.
- (g) To display at the front of the house where it can be easily removed, but is visible to any person who may enter onto the property a sign warning of the presence of the dog. The Animal Control Officer or the By-Law Officer must approve such sign.
- (h) _____

This **CONTROL AND MUZZLE ORDER** takes effect immediately.

If you wish to **APPEAL** this Control and Muzzle Order you must apply to the Clerk of the Municipality of Marathon within seven (7) days from the date this Control and Muzzle Order is received by you setting out your request for a hearing by a committee of the Municipal Council which shall include the reasons for appealing this Control and Muzzle Order, and the payment of the hearing fee, failing which this Control and Muzzle Order is final and binding.

Please be advised that notwithstanding the making of an application for a hearing by a committee of Council regarding this Control and Muzzle Order, this Control and Muzzle Order takes effect immediately upon its receipt by you and remains in effect for so long as the dog shall live or until the committee makes a decision on an appeal to rescind this Control and Muzzle Order or until an action under the provisions of the Dog Owners’ Liability Act has concluded or until it is deemed by the Municipal By-Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such bite or attack.

A full copy of By-law No. __, being a by-law of the Corporation of the Town of Marathon for the licensing and registration of dogs and for the regulation of dogs within the Town of Marathon, is available from the Municipal Clerk during normal business hours or on the Town of Marathon website at www.marathon.ca. It is RECOMMENDED that you obtain a copy of the By-law in order to be more fully aware of your rights and obligations in this matter and the basis for the issuing of this Control and Muzzle Order.

DATED at the _____ this _____ day of _____, 20____.

i. **Animal Control Officer for the** Town of Marathon for purposes of By-law No. _____

ii. **Signature** _____

Schedule “A-2”



CONDITIONS OF MUZZLING DOG

1. While the dog is on the property of the owner or harbourer as described above, the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device is to be designed in such manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.
2. While a dog is off the property of the owner, as described above, the owner shall ensure that:
 - i) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
 - ii) a muzzle is fastened humanely over the mouth of the dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of the dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal;
 - iii) it is under the control of a person sixteen (16) years of age or older;
 - iv) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the dog;
 - v) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the dog is transferred to another person;
 - vi) the Animal Control Officer is notified should the dog die of natural causes or be euthanized.

Initials of the Animal Control Officer

Schedule “B”

**PROHIBITED ANIMALS**

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.
2. All dogs, other than domesticated dogs (*Canis familiaris*) including but not limited to: wolf, fox, coyote, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
3. All cats other than domesticated cats (*Felis catus*) including but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat
4. All bears, including polar, grizzly, brown and black bear.
5. All fur bearing animals of the family Mustelidae including, but not limited to weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
6. All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.
7. All carnivorous mammals of the family Viverridae including, but not limited to, civet, mongoose, and genet.
8. All bats (Chiroptera).
9. All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
10. All squirrels (Sciuridae).
11. Reptiles (Reptilia)
 - (a) all Helodermatidae (gila monster and Mexican bearded lizard);
 - (b) all front-fanged venomous snakes, even if de venomized, including, but not limited to,
 - i) all Viperidae (viper, pit viper),
 - ii) all Elapidae (cobra, mamba, krait, coral snake),
 - iii) all Atractaspididae (African burrowing asp),
 - iv) all Hydrophiidae (sea snake), and
 - v) all Laticaudidae (sea krait).

- (c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de-venomized,
 - (d) any member or hybrid offspring of the family Boidae, including but, not limited to the common or green anaconda and yellow anaconda, save and except members of the family Boidae reaching an adult length of no greater than two (2) meters,
 - (e) any member of the family Pythonidae, including but, not limited to the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family Pythonidae reaching an adult length of no greater than two (2) meters.
 - (f) any member of the family Varanidae, including but, not limited to the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family Varanidae reaching an adult length of no greater than one (1) meter,
 - (g) any member of the family Iguanidae, including the green or common iguana,
 - (h) any member of the family Teiidae, including but not limited to the golden, common or black and white tegu,
 - (i) all members of the family Chelydridae, including snapping turtle and alligator snapping turtle,
 - (j) all members of the family Crocodylia, including, but not limited to alligator, caiman and crocodile,
 - (k) all other snakes that reach an adult length larger than three (3) meters, and
 - (l) all other lizards that reach an adult length larger than two (2) meters.
12. (1) Birds (Aves)
- (a) all predatory or large birds (Accipitrids, Cathartids), including but not limited to eagle, hawk, falcon, owl, vulture and condor,
 - (b) anseriformes including but not limited to ducks, geese and swans,
 - (c) galliformes including but not limited to pheasants, grouse, guinea fowl and turkeys, and
 - (d) struthioniformes including but not limited to flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.
- (2) Paragraphs (a) to (d) inclusive in subsection (1) do not apply if the birds are kept as livestock pursuant to Section ___ of this by-law.
13. Arachnida and Chilopoda
- (a) all venomous spiders including, but not limited to tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*), Pink-Toed (*Avicularia avicularia*), and

- (b) all venomous arthropods including, but not limited to centipede.
14. All large rodents (Rodentia), including, but not limited to gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
 15. All even-toed ungulates (Artiodactyla) other than domestic sheep, including but not limited to antelope, giraffe and hippopotamus.
 16. All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*), including but not limited to zebra, rhinoceros and tapir.
 17. All marsupials, including but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.
 18. Sea mammals (Cetacea, Pinnipedia and Sirenia), including but not limited to, dolphin, whale, seal, sea lion and walrus.
 19. All elephants (Proboscidea).
 20. All hyrax (Hyracoidea).
 21. All pangolin (Pholidota).
 22. All sloth and armadillo (Edentata).
 23. All insectivorous mammals (Insectivora), including armadillo (Tubulidentata), anteater, shrew, otter shrew, mole and hedge hog.
 24. Gliding lemur (Dermoptera).
 25. All other venomous or poisonous animals.

ANIMAL

Chapter 232 ANIMAL - KEEPING

CHAPTER INDEX

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- 232.1.1 Prohibited animals - Schedule 'A'
- 232.1.2 Prohibited animals - exemptions - Schedule 'B'
- 232.1.3 Animal - kept - prior to enactment - permitted

Article 2 ENFORCEMENT

- 232.2.1 Fine - for contravention

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- 232.3.1 Effective date

SCHEDULE

Schedule 'A' - Prohibited animals

Schedule 'B' - Prohibited animals - exemptions

Article 1 GENERAL PROVISIONS

232.1.1 Prohibited animals - Schedule 'A'

Except as hereinafter provided, the keeping of any animal of the kind listed in Schedule 'A' of this Chapter for sale, for exhibition, as a pet or for any other purpose is hereby prohibited in the City.

232.1.2 Prohibited animals - exemptions - Schedule 'B'

This Chapter does not apply to prohibit the keeping of an animal of the kind listed in Schedule 'A' in the places or circumstances provided for in Schedule 'B' of this Chapter.

232.1.3 Animal - kept - prior to enactment - permitted

The provisions of this Chapter shall not be construed as prohibiting the keeping of any of the animals referred to in Section 232.1.2 if such animal was actually kept within the corporate limits of the City as at the date of enactment of the enabling by-law, the onus of proof of which shall be upon the person keeping such animal. By-law 120-1983, 14 June, 1983.

**Article 2
ENFORCEMENT****232.2.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-1996, 28 October, 1996.

**Article 3
ENACTMENT****232.3.1 Effective date**

This Chapter shall come into force and take effect on the final passing of the enabling by-law. By-law 120-1983, 14 June, 1983.

ANIMAL - KEEPING

SCHEDULE

Schedule 'A' - Prohibited animals

The keeping of the following animals in the City is prohibited except as otherwise specifically provided in this Chapter.

- All Marsupials (such as Kangaroos and Opossums)
- All Non-Human Primates (such as Gorillas and Monkeys)
- All Felids, except the domestic cat
- All Canids, except the domestic dog
- All Viverrids (such as Mongooses, Civets and Genets)
- All Mustelids (such as Skunks, Weasels, Otters, Badgers except the domestic Ferret)
- All Ursids (Bears)
- All Artiodactylus Ungulates
- All Procyonids (such as Racoons, Coatis and Cacomistles)
- All Hyaenas
- All Perissodactylous Ungulates
- All Elephants
- All Pinnipeds (such as Seals, Fur Seals and Walruses)
- All Snakes of the Families Pythonidae and Boidae
- All Venomous Reptiles
- All Ratite Birds (such as Ostriches, Rheas, Cassowaries)
- All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls)
- All Edentates (such as Anteaters, Sloths and Armadillos)
- All Bats

ANIMAL - KEEPING

- All Crocodilians (such as Alligators and Crocodiles)
- All Venomous Arachnids

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the class.

Despite the foregoing, this Chapter does not prohibit the keeping of domestic goats, sheep, pigs, cattle, horses, asses, chickens, geese, turkeys and ducks in those areas of the City in which either agriculture or personal farming, both as defined in the Zoning By-law of the City applicable to the area, is either a use expressly permitted by such Zoning By-law or a use which by virtue of legal non-conforming status is not permitted by such Zoning By-law.

Nothing in this Chapter derogates from any requirements of any such Zoning By-law. By-law 278-1995, 18 December, 1995; Exhibit '1'; By-law 195-2000, 23 October, 2000.

ANIMAL - KEEPING

Schedule 'B' - Prohibited animals - exemptions

Places or circumstances which are exempt from the application of this Chapter:

- (a) on the premises of a park, zoo or animal display operated by, or on behalf of the City;
- (b) on the premises of the Ontario Humane Society;
- (c) in a veterinary hospital under the care of a licensed veterinarian;
- (d) on the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under the *Animals for Research Act*;
- (e) by anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- (f) on the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;
- (g) during the transportation of such animals between the places or circumstances listed herein;
- (h) premises which are temporarily used for travelling shows such as a circus or other like shows;
- (i) premises of the municipal animal shelter/pound, or any other premises operated by, or on behalf of the City, for the purpose of housing animals.

By-law 120-1983, 14 June, 1983; Schedule 'B'; By-law 195-2000, 23 October, 2000.

ANIMAL

Chapter 237 ANIMAL - REGULATION

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Article 1
INTERPRETATION**237.1.1 Blind person - defined**

“blind person” means a blind person within the meaning of the *Blind Persons’ Rights Act*.

237.1.2 Cat - defined

“cat” means a male or female cat.

237.1.3 City park - defined

“City park” means a property owned by or made available by lease, agreement or otherwise to the Corporation that is dedicated, set apart or made available for use as a public park, garden, athletic field, or playground, including any and all avenues, boulevards and drives therein, the approaches thereto and streets connecting the same and all buildings, structures, facilities, erections, and improvements located in or on such property, so long as such property is so established, dedicated, set apart or made available, for the aforementioned purposes.

237.1.4 Corporation - defined

“Corporation” means The Corporation of the City of Thunder Bay.

237.1.5 Dog - defined

“dog” means a male or female dog. By-law 22-1995, 23 January, 1995.

237.1.6 Guide dog - defined

“guide dog” includes any dog specifically trained for and actually used by any person whose sight is impaired or is blind, or whose hearing is impaired or who is deaf, or who, that because of a handicap (within the meaning of the Human Rights Code) relies upon a dog as a guide. By-law 195-2000, 23 October, 2000.

237.1.7 Kennel - defined

“kennel” includes any building, part of a building or area used for breeding, raising, boarding or the keeping of animals for compensation or for selling animals.

237.1.8 Owner - defined

“owner” of a dog, cat or other animal includes a person who possesses or harbours a dog, cat or other animal and, where the owner is a minor, includes the person responsible for the custody of the minor, and “owns” and “owned” have corresponding meanings.

237.1.9 Public highway - defined

“public highway” includes a public lane, public sidewalk, public pedestrian walkway, public boulevard and a public highway within the meaning of the *Municipal Act* and includes the travelled and untravelled portions thereof.

237.1.10 School property - defined

“school property” means any land in the City of Thunder Bay owned by a Board of Education established under the *Education Act*. By-law 22-1995, 23 January, 1995.

237.1.11 Hobby breeder - defined

“hobby breeder includes any person who keeps more than three unaltered registered animals or animals eligible for registration with an association incorporated under the *Animal Pedigree Act*, (Canada) at his or her principal residence for the purpose of breeding to produce animals for personal use to show and/or train and/or further the bloodline and who may sell excess stock. By-law 195-2000, 23 October, 2000.

Article 2

DOG

237.2.1 Registered - licenced - requirement

No person shall own a dog without causing the dog to be registered and licenced by the Corporation in accordance with the provisions of this Chapter.

237.2.2 Licence required - upon ownership - annually

Every owner of a dog shall annually and not later than the last day of February in each year, or within fourteen days of becoming the owner of a dog at any later date, cause the dog to be registered with the Corporation and to be licenced by the Corporation.

237.2.3 Application - to Corporation

All applications for licences under this Chapter shall be made to the Corporation.

237.2.4 Tag - issued - for each dog

The owner of every dog shall procure from the Corporation a tag for each dog required to be licenced under this Chapter.

237.2.5 Tag - securely fixed - to dog - at all times

The owner of every dog shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced. By-law 22-1995, 23 January, 1995.

237.2.6 Tag - information requirements

The dog tag shall consist of a plate with included thereon:

- (a) the words "Thunder Bay";
- (b) the year for which the licence has been issued; and
- (c) a number corresponding with the number under which the dog is registered. By-law 195-2000, 23 October, 2000.

237.2.7 Fee - annual - each dog

The annual licence fee for each dog required to be licenced under this Chapter shall be prescribed by Council, from time to time, by by-law and shall be remitted to the Corporation.

237.2.8 Fee - replacement - lost tag

A tag which has been lost may be replaced upon payment of a fee in the amount prescribed by Council, from time to time, by by-law upon application therefor and upon proof that the licence fee for the current year has been paid. By-law 105-1998, 15 June, 1998.

237.2.9 Fee - guide dog - exemption

Every person who owns a dog as a guide dog shall not be required to pay the licensing fee upon presentation of a certificate from a recognized institution stating the dog is a certified working dog. Despite exemption from the payment of fees, all guide dogs must be registered pursuant to Section 237.2.1. By-law 195-2000, 23 October, 2000.

**Article 3
RUNNING AT LARGE****237.3.1 When deemed to be**

For the purposes of this Chapter, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

237.3.2 Prevention - owner responsibility

Every owner of a dog shall prevent such dog from running at large.

237.3.3 Impounding - for violation - by authorized officer

A provincial offences officer or peace officer may impound any dog found to be running at large. By-law 22-1995, 23 January, 1995.

237.3.4 Impounding - fees - conditions

Subject to the rights of the Corporation to retain possession of any dog or cat, any dog or cat impounded pursuant to the provisions of this Chapter may be redeemed by the owner during the minimum redemption period provided for in the *Animals for Research Act* or during any greater period provided for in any by-law passed by the Council of the Corporation pursuant to section 20 of the *Animals for Research Act*, R.S.O. 1990, c. A.22 upon payment of the sums prescribed by Council, from time to time, by by-law. By-law 105-1998, 15 June, 1995; By-law 195-2000, 23 October, 2000.

**Article 4
KENNEL - REGULATION****237.4.1 Registered - fee - annual**

The owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act*, (Canada), shall pay an annual licence fee as prescribed by Council from time to time, by by-law to the Corporation as a licence fee for the kennel licence. By-law 105-1998, 15 June, 1998.

237.4.2 Inspection - report - upon application

Every application for a licence under this Article shall be accompanied by a report from an inspector of the Corporation as to the adequacy of the kennel premises for the keeping and raising of dogs.

237.4.3 Licence issued - two dog tags included

Every person obtaining a licence for a kennel under this Article shall be entitled to be supplied with two dog tags at no additional charge.

237.4.4 Owner - compliance - all regulations

All persons owning or operating a kennel shall comply with the regulations of this Article.

237.4.5 Building - compliance with Ontario Building Code

The kennel building shall conform to the Ontario Building Code and shall be maintained in such a manner as to be safe.

237.4.6 Separate - from human habitation

The kennel shall be in a separate building or shall be a building or part thereof not directly connected to a building which is or can be used for human habitation.

237.4.7 Floor - hard - durable - impervious

A kennel building shall be such that the area housing the animals shall have a floor soundly constructed of hard, durable material which is impervious to water.

237.4.8 Floor drain - required

A kennel building shall be such that the area housing the animals shall have a floor drain.

237.4.9 Environment - clean - dry - safe

A kennel building shall be such that every cage or pen used for the housing of animals shall be constructed so as to provide each animal with a clean, dry, and safe environment.

237.4.10 Housing - maintained clean - comfortable - safe

A kennel building shall be such that the area housing the animals shall be maintained in a clean condition suitable for the health, welfare, and comfort of every animal therein.

237.4.11 Lighting - adequate - minimum illumination period

A kennel building shall be such that the area housing the animals shall be adequately lighted for a continuous period of at least eight hours in every twenty-four-hour period.

237.4.12 Ventilation - adequate - healthy

A kennel building shall be such that the area housing the animals shall be adequately ventilated for the health, welfare and comfort of every animal therein.

237.4.13 Temperature - maintained - healthy comfortable

A kennel building shall be such that the area housing the animals shall at all times be maintained at a temperature suitable for the welfare and comfort of every animal therein.

237.4.14 Outside area - enclosed - fenced in area - provided

Where animals are permitted to be in an outside area from a kennel, there shall be placed around such area a solidly constructed fence having a height of at least 1.2 metres (four feet), provided that the wall of an adjacent building may be included as part of such fenced in area, and further provided that such fenced in area shall not be required where the outside area is restricted to more than sixty metres from all property lines.

237.4.15 Clipping - grooming - in kennel building - only

Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

237.4.16 Cage - pen - minimum requirements

Every animal shall be maintained in a cage or pen which enables the animal to:

- (a) extend its legs to their full extent;
- (b) stand;
- (c) sit;
- (d) turn around; and
- (e) lie down in a fully extended position.

237.4.17 Food - type - amount - nutritionally adequate

Every animal shall be supplied with food of a type and in amounts nutritionally adequate for the animal.

237.4.18 Water - fresh - adequate supply

Every animal shall be supplied with adequate amounts of fresh water.

Article 5
CAT - OTHER ANIMAL
BEING AT LARGE - TRESPASSING

237.5.1 When deemed to be

For the purposes of this Article, a cat or any other animal other than a dog shall be deemed to be at large or trespassing when found in any place other than the premises of the owner and not under the control of any person.

237.5.2 Prevention - owner responsibility

An owner of a cat or any other animal other than a dog shall prevent such animal from being at large or trespassing within the City.

237.5.3 Impounding - seizure - authority

The provisions of Article 3 respecting impounding, seizure and redemption apply *mutatis mutandis* to the impounding, seizure and redemption of cats and other animals other than dogs. By-law 22-1995, 23 January, 1995.

237.5.4 Registered - requirement

No person shall own a cat without causing the cat to be registered by the Corporation in accordance with the provisions of this Chapter.

237.5.5 Registration required - upon ownership - annually

Every owner of a cat shall annually and not later than the last day of February in each year, or within fourteen days of becoming the owner of a cat at any later date, cause the cat to be registered with the Corporation

237.5.6 Tag - issued - for each cat

The owner of every cat shall procure from the Corporation a tag for each cat required to be registered under this Chapter.

237.5.7 Tag - securely fixed - to cat - at all times

The owner of every cat shall keep the tag securely fixed on the cat at all times until the tag is renewed or replaced.

237.5.8 Tag - information - requirements

The cat tag shall consist of a plate with included thereon:

- (a) the words "Thunder Bay";
- (b) the year for which the registration has been issued; and
- (c) a number corresponding with the number under which the cat is registered.

237.5.9 Fee - annual - each cat

The annual registration fee for each cat required to be registered under this Chapter shall be the amount prescribed by Council, from time to time, by by-law and shall be remitted to the Corporation.

237.5.10 Fee - replacement - lost tag

A tag which has been lost may be replaced upon payment of a fee in the amount prescribed by Council, from time to time, by by-law upon application therefor and upon proof that the registration fee for the current year has been paid. By-law 196-2000, 23 October, 2000.

Article 6**FOULING - PUBLIC PARK
HIGHWAY - MUNICIPAL PROPERTY****237.6.1 Defecation - removal by owner - immediately**

Any owner or any person harbouring, or having control or supervision over any animal which defecates in or upon any City park, public highway, or any land of which the Corporation is the owner shall immediately cause such excrement to be removed and deposited in a lawful place.

237.6.2 Defecation - removal - exception - blind person

Section 237.6.1 shall not apply to a blind person who is with a guide dog. By-law 22-1995, 23 January, 1995.

237.6.3 Entry - on public land - leash requirement

No person who owns, harbours or has control or supervision over any animal shall bring or permit such animal to enter or be in or upon any City park or upon any public highway or upon any other land owned by The Corporation of the City of Thunder Bay unless such animal is connected to the person by a leash or similar apparatus no longer than 3.66 metres in length. By-law 195-2000, 23 October, 2000.

Article 7**FOULING - SCHOOL PROPERTY****237.7.1 School property - within City - applicable**

Section 237.7.2 applies to those areas of the City which are school property.

237.7.2 Defecation - removal by owner - immediately

Any owner or person having control or supervision over any animal which defecates in or upon any school property shall immediately cause such excrement to be removed and deposited in a lawful place. By-law 22-1995, 23 January, 1995.

Article 8 HUMANE CARE

237.8.1 Provision of needs - animals

Every person who keeps an animal within the City's boundaries shall provide the animal or cause it to be provided with appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.

237.8.2 Unsanitary conditions - prohibited

No person shall keep an animal within the City's boundaries in unsanitary conditions. An animal is kept in unsanitary conditions where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

237.8.3 Shelter requirements

If an animal is customarily kept out-of-doors, the person having custody or control of the animal shall provide for its use at all times, a structurally sound, weatherproof, insulated enclosure with off-the-ground flooring. The enclosure shall enable the animal to:

- (a) extend its legs to their full extent;
- (b) stand;
- (c) sit;
- (d) turn around; and
- (e) lie down in a fully extended position.

237.8.4 Length of tether

No person shall keep any animal within the City's boundaries tethered on a chain, rope or similar restraining device, of less than three metres in length.

Article 9 HOBBY BREEDER - REGULATION

237.9.1 Registered - fee - annual

All hobby breeders shall be required to purchase an annual licence to operate as a hobby breeder and shall pay an annual licence fee as prescribed by Council, from time to time, by by-law to the Corporation as a licence fee for the hobby breeders licence.

237.9.2 Inspection - report - upon application

Every application for a licence under this Article shall be accompanied by a report from an Animal Control Officer of the Corporation as to the adequacy of the hobby breeder's premises for the keeping and raising of animals.

237.9.3 Authority - Council - revocation

Council may revoke any hobby breeder's licence issued under this Chapter where the premises of the licensee cease, in the opinion of an Animal Control Officer of the Corporation, to be adequate for keeping and raising of animals, or if the licensee is guilty of repeated violations of this Chapter.

237.9.4 Hobby breeders - compliance - regulations

All hobby breeders shall ensure that:

- (a) animals are kept in a clean, sanitary environment, both inside and outside;
- (b) outside facilities include an exercise area for dogs/cats that is fenced or adequately secured so as not to allow animals to run at large and the surface should be easy to clean and free of animal waste; and
- (c) pregnant females have a heated, dry area, free of disturbances to whelp their litter. By-law 195-2000, 23 October, 2000.

**Article 10
ENFORCEMENT****237.10.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

**Article 11
REPEAL - ENACTMENT****237.11.1 By-law - previous**

By-law 196-1989, as amended, is hereby repealed.

237.11.2 Effective date

This Chapter shall come into force and take effect upon the final passing of the enabling by-law. By-law 22-1995, 23 January, 1995.

ANIMAL

Chapter 248 PIGEON - KEEPING

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Article 5 REPEAL - ENACTMENT

248.5.1	By-law - previous
248.5.2	Effective date

Article 1 PIGEON - KEEPING

248.1.1 Maximum - 30 adults - 20 young birds

No person shall keep or permit to be kept on any land or premises owned or occupied by him or her and situate within the area of the City to which this Chapter applies more than thirty adult pigeons and during the period commencing on April 1 and ending on November 30, the population of any pigeon loft situate in that area of the City to which this Chapter applies shall not be increased by more than twenty young pigeons.

248.1.2 Permit - required - from Medical Officer of Health

Any person keeping pigeons shall first obtain a permit from the Medical Officer of Health and the Medical Officer of Health shall grant such a permit if the applicant's premises for keeping pigeons meet the standards as set forth in this Chapter.

248.1.3 Permit - expiry - annual

All permits shall expire on the 31st day of December in each year and a new permit must be obtained on or before the beginning of the succeeding year.

**Article 2
COOP - PEN - LOFT****248.2.1 Building - structure - plans - material - approval**

Each applicant for a permit shall submit to the Medical Officer of Health a plan of the proposed building or buildings, and details as to the type of materials to be used for the said building or buildings which are to house the pigeons.

248.2.2 Building - structure - requirements - set out

No building or structure used or intended to be used as a coop, pen, run or loft shall be deemed to be suitable unless the same meets the requirements set out in Sections 248.2.3 through 248.2.14 inclusive.

248.2.3 Escape - prevented - location - restrictions

Any such pigeons shall be kept and confined in a pigeon loft which shall be constructed of such material or materials to prevent the escape of the pigeons therefrom and such pigeon loft shall be located a distance of not less than 7.6 metres (25 feet) from any store, shop, dwelling house, apartment building or other premises used for human habitation or occupancy, nor located a distance of not less than 328 metres (100 feet) from any school, church, museum, library, park, playground, community centre, or other public building or property used for public purposes, nor shall such loft be closer than two feet from the boundary line of any adjoining land.

248.2.4 Location - distance from street

In the case of a lot having frontage on two streets, the minimum distance of such pigeon loft shall be 246 metres (75 feet) from the street on which the occupied building on the lot fronts and 7.6 metres (25 feet) from any street at the side or rear of the lot.

248.2.5 Wall - smooth - painted - washed - every six months

Every building which is erected or maintained as a pigeon loft for the housing of pigeons shall have the interior walls thereof smoothly finished and kept painted and shall be washed, cleaned or lime-washed, every six months.

248.2.6 Construction - rodent proof

Every pigeon loft shall be constructed in such a manner that it will be rodent-proof and shall be kept free from rodents.

248.2.7 Floor - concrete - wooden - height above ground

The floor of every building used as a pigeon loft shall be of concrete or wooden construction and shall be at least 45.7 centimetres (18 inches) above ground level.

248.2.8 Floor - washed - weekly

The floor of a loft whether wooden or of concrete construction shall be properly washed each week with water and soap or detergent.

248.2.9 Floor - minimum area - per bird

The minimum floor area of a building used as a pigeon loft shall be 0.24 m² (2½ square feet) per bird.

248.2.10 Exercise cage - running pen - construction

The exercise cage or running pen of the pigeon loft shall be constructed of wire or mesh of a size which will contain the pigeons.

248.2.11 Escape - pigeon - owner in violation

The owner of any pigeon or pigeons shall be in violation of this Chapter should any pigeon or pigeons escape from or leave his or her loft.

248.2.12 Height - minimum - requirement

The minimum height of such building used as a pigeon loft shall be six feet from the floor level up.

248.2.13 Building - outside appearance - clean - painted

The outside of the building shall be kept clean and shall be painted when materials other than brick or similar impervious materials are used.

248.2.14 Ventilation - adequate - disinfected weekly

The pigeon loft shall be so constructed as to provide for adequate ventilation, and shall be thoroughly cleaned and disinfected once a week.

248.2.15 Window - opened - screened

Windows shall be constructed so that they can be opened and shall have screens attached.

248.2.16 Exercise pen - frame - clean - durable

The frame of the exercise pen shall be kept clean and shall be constructed of a durable material.

248.2.17 Yard - floor - concrete - earth

The floor of the yard shall be either concrete or earth.

248.2.18 Earth run - dug - sanitary - prevention odour

All earthen runs and outside areas of confinement shall be dug in such a manner as to be sanitary and to prevent odour.

248.2.19 Floor - concrete - cleaned - three times weekly

Concrete floors shall be cleaned at least three times a week.

Article 3 GENERAL PROVISIONS

248.3.1 Keeping - causing health nuisance - prohibited

No person may keep pigeons in such a manner as to constitute a public health nuisance.

248.3.2 Waste - disposal - storage - minimum requirement

All refuse and waste matter from any pigeon loft shall be disposed of at least three times a week in a proper and sanitary manner by being kept in substantial air-tight containers until it is removed from the premises or is dug into the earth in such a manner as to prevent odours arising therefrom. No such refuse or waste matter shall be burned. Every pigeon loft shall be kept free of rodents.

248.3.3 Inspection - land - premises - at all times

The land and premises upon which pigeons are to be kept shall be kept clean and sanitary and the Medical Officer of Health or one of his or her inspectors may inspect the land and premises at any time.

248.3.4 Revocation - permit - unclean - unsanitary condition

If the land and premises are not kept in a clean and sanitary condition, the Medical Officer of Health may revoke the permit of the holder.

248.3.5 Release - for homing - exercise - times permitted

All persons keeping pigeons shall keep them securely penned at all times except when homing or when being exercised; pigeons may be released for homing or exercising purposes between the hours of 6 a.m. and 8 a.m. and between the hours of 6 p.m. and 8 p.m. only. By-law 188-1971, 26 October, 1971.

**Article 4
ENFORCEMENT****248.4.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-1996, 28 October, 1996.

**Article 5
REPEAL - ENACTMENT****248.5.1 By-law - previous**

This Chapter shall apply to that portion of the City comprising the area which, on the 31st day of December, 1969, comprised the Cities of Port Arthur and Fort William. By-law 5194 of The Corporation of the City of Port Arthur and By-law 20-1967 of The Corporation of the City of Fort William are hereby repealed.

248.5.2 Effective date

This Chapter shall come into force and take effect upon the final passing of the enabling by-law. By-law 188-1971, 26 October, 1971.