

CORPORATION OF THE CITY OF PORT COLBORNE

By-law No. 4086/81/01

**A BY-LAW RESPECTING THE KEEPING
OF ANIMALS**

WHEREAS paragraph 1, section 210 of the *Municipal Act* authorizes a municipality to pass by-laws for prohibiting or regulating the keeping of animals;

WHEREAS paragraph 4, section 210 of the *Municipal Act* authorizes a municipality to pass by-laws for prohibiting or regulating the being at large or trespassing of animals;

WHEREAS paragraph 7, section 210 of the *Municipal Act* authorizes a municipality to pass by-laws for determining the compensation to be allowed for services rendered in carrying out the provisions of any *Act* with respect to animals impounded or distrained and detained in the possession of the distrainer;

AND WHEREAS section 220.1 of the *Municipal Act* authorizes a municipality to pass by-laws imposing fees or charges on any class of persons;

The Council of the Corporation of the City of Port Colborne **HEREBY ENACTS** as follows:

DEFINITIONS

1. In this by-law, unless the context otherwise requires:
 - (1) **“animal”** includes birds and reptiles;
 - (2) **“domesticated animal”** means any animal that has traditionally been kept as a pet including those listed on Schedule E;
 - (3) **“endangered animal”** means any animal listed on the CITES #1 Endangered Species list;
 - (4) **“farm animal”** means any animal that has been generally kept as livestock on Canadian farms and includes agricultural animals listed on Schedule F;
 - (5) **“prohibited or dangerous animal”** means any animal that is or is deemed to be potentially harmful to humans by nature, aggression, venom, toxins or size and that requires specifically designed, secure enclosures to ensure safekeeping including those animals listed on Schedule B;
 - (6) **“restricted animal”** means any animal that is or is deemed to be potentially harmful to humans by nature, aggression, venom, toxins or size including those animals listed on Schedule A;
 - (7) **“animal control officer”** means a person appointed as a Provincial Offences Officer by the City who shall have the ability to impound animals and enforce this by-law;
 - (8) **“at large”** includes the circumstances in which an animal is found in any place other than on lands owned or lawfully occupied by its owner and when not under the physical control or restraint of any person;

- (9) **“by-law enforcement officer”** means a person appointed as a Provincial Offences Officer by the City to enforce this by-law;
- (10) **“City”** means the Corporation of the City of Port Colborne and its geographical area, as the context may allow;
- (11) **“Council”** means the Council of the Corporation of the City of Port Colborne;
- (12) **“enclosure”** means any cage, container, or structure, to keep an animal confined for safekeeping and includes the descriptions and specifications set out in Schedule C;
- (13) **“identification”** means establishing through registration the legal name (Latin) and the common name as well as any brands, unique markings, colour, size and age of the animal;
- (14) **“keep”** means the act of having the care, custody, control or possession of an animal;
- (15) **“owner”** means the person who owns the animal and includes any person who keeps, harbors, or is in control of the animal within the City, and where the owner is a minor, the person responsible for the custody of the minor;
- (16) **“public property”** means any property owned by the City or any other local board as defined by the *Ontario Municipal Affairs Act* or any federal or provincial lands;
- (17) **“safekeeping”** means the provision for security in order to prevent any animal from attacking or injuring a person or domesticated animal or farm animal or exposing same to infection or disease.

CARE OF ANIMALS

- 2. (1) 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, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.
- (2) If an animal is customarily kept out of doors, the owner of the animal shall provide for the safekeeping of the animal including for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension.
- (3) No person shall keep any animal in the City tethered on a chain, rope or similar restraining device or less than three metres in length.
- (4) 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 tethering.
- (5) No person shall keep an animal within the City in an unsanitary condition.
- (6) For the purposes of subsection (5), an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of faecal 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.

- (7) Every owner of an animal is responsible for the safekeeping of such animal and shall provide an environment wherein the animal cannot be injured or infected by the enclosure and the enclosure shall not cause physiological or mental harm to the animal enclosed as determined, if required, by a veterinarian or expert with knowledge and experience related to the species.
3. No person shall permit any animal other than a dog, to run at large or to trespass within the City.

PROHIBITED OR DANGEROUS ANIMALS

4. (1) No person shall keep in the City, either on a temporary or permanent basis, any prohibited or dangerous animal.

(2) For the purposes of subsection (1), prohibited and dangerous animal includes any animal listed in or falling within those classes of animals listed in Schedule B attached to and forming part of this by-law.
5. Despite section 4 of this by-law, any person who, on the date of the passage of this by-law, was lawfully keeping any prohibited or dangerous animal at their place of residence may keep that animal until the animal has died or has otherwise been disposed of, but only if,
 - (1) the animal has been registered with the City of Port Colborne by December 31st, 2001;
 - (2) the animal remains securely at the owner's place of residence, except for necessary visits to a veterinarian's office;
 - (3) the animal is not shown to, or displayed to the public;
 - (4) the animal is prohibited from breeding with other animals;
 - (5) the animal is kept in accordance with the regulations set out in section 9 of this by-law; and
 - (6) a licence for that animal has been obtained from the Council of the City of Port Colborne.
6. Despite section 4 of this by-law, any person who, on the date of the passage of this by-law, was lawfully keeping any prohibited or dangerous animal and allows that animal to be shown to or displayed to the public may keep that animal until the animal has died or has otherwise been disposed of, but only if,
 - (1) the animal has been registered with the City of Port Colborne by December 31st, 2001;
 - (2) the animal remains securely at the owner's place of residence or place of business if the premises used for the business are exclusively devoted to the display of such animals, except for necessary visits to a veterinarian's office;
 - (3) the animal is prohibited from breeding with other animals;
 - (4) the animal is kept in accordance with the regulations set out in section 10 of this by-law; and

- (5) an Exotic Animal Licence for that animal has been obtained from the Council of the City of Port Colborne.

EXEMPT FACILITIES

7. Section 4 of this by-law does not apply to prevent the keeping of animals at,
 - (1) the premises of a City facility used for keeping impounded animals;
 - (2) the premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to animals;
 - (3) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
 - (4) the premises of facilities accredited by the *Canadian Association of Zoos and Aquariums*;
 - (5) premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22;
 - (6) premises licensed as slaughterhouses pursuant to the *Meat Inspection Act*, R.S.O. 1990, c. M 5;
 - (7) premises of the Niagara Regional Police Department; and
 - (8) premises or facilities with a recognized wildlife authorization from the Ministry of Natural Resource Ontario

DOMESTICATED AND FARM ANIMALS

8.
 - (1) Domesticated animals including any animal listed in or falling within those classes of animals listed in Schedule E are not subject to the registration and licencing requirements in Sections 12 and 13 of this by-law.
 - (2) Farm animals including any animal listed in or falling within those classes of animals listed in Schedule F, shall be kept on lands in the City zoned Agricultural, and are not subject to the registration and licencing requirements in Section 12 and 13 of this by-law.

REGULATIONS FOR KEEPING PROHIBITED OR DANGEROUS ANIMALS

9. The following regulations shall apply to the keeping of a prohibited or dangerous animal for the purposes of section 5(5) of this by-law:
 - (1) Venomous reptiles and constrictors shall be kept in an escape-proof enclosure or container, which complies with the requirements set out in Schedule C ;
 - (2) Any person who owns a venomous reptile anywhere within the geographic limits of the City shall be required to keep appropriate antitoxins, where feasible, at a local hospital or health centre and shall provide proof of compliance to the City Clerk;
 - (3) Felids shall be kept in an escape-proof enclosure or container, which complies with the requirements set out in Schedule C; and

- (4) All prohibited and dangerous animals shall be kept in an enclosure that is adequate and sufficient for their safekeeping.
10. The following regulations shall apply to the keeping of a prohibited or dangerous animal for the purposes of section 6(4) of this by-law;
- (1) Venomous reptiles and constrictors shall be kept in an escape-proof enclosure or container, which complies with the requirements set out in Schedule C;
 - (2) Any person who owns a venomous reptile anywhere within the geographic limits of the City shall be required to keep appropriate antitoxins, where feasible, at a local hospital or health centre and shall provide proof of compliance to the City Clerk;
 - (3) Felids shall be kept in an escape-proof enclosure or container, which complies with the requirements set out in Schedule E;
 - (4) Where prohibited or dangerous animals are to be shown or displayed to the public, there shall be no opportunity for physical contact between members of the public and the animals;
 - (5) An owner who shows or displays a prohibited or dangerous animal to the public shall take all reasonable steps to ensure that members of the public are safe from harm; and
 - (6) All prohibited and dangerous animals must be kept in an enclosure that is adequate and sufficient for their safekeeping.

SEIZING IMPOUNDING AND SALE OR KILLING

11. (1) Animals running at large within the City may be impounded by a designate of the City.
- (2) Animals which are impounded shall be kept by a person appointed or designated by the City with facilities to maintain impounded animals.
 - (3) All animals that are deemed on inspection to be improperly enclosed or cared for may be impounded.
 - (4) Any owner of an animal impounded pursuant to this by-law shall be liable to pay all the costs of impounding the animal, its care and upkeep and all other reasonable costs related thereto.
 - (5) Nothing in this by-law shall prevent an animal control officer, provincial offences officer, police officer or any designate of the City from exercising the right to kill any animal if it is deemed to be dangerous or potentially a danger to any person, domesticated animal, farm animal or property within the City or neighbouring cities or villages.
 - (6) Nothing in this by-law shall prevent an animal control officer, provincial offences officer, police officer or any designate of the City from exercising the right to kill any animal if the animal is injured or diseased.
 - (7) The person designated by the City to impound animals may euthanise any animal impounded and kept by him or her as is allowed by application of provincial and federal law.

REGISTRATION AND LICENSING

Registration - Notification Only

12. (1) An owner shall notify the Clerk of the City that any animal listed in or falling within the classes of animals listed in Schedule A - Restricted animals, is being kept within the municipality and upon notification the Clerk shall register the animal.
- (2) There shall be no charge for registering animals as defined in Schedule A - Restricted animals.

Registration - Licence

13. (1) An owner shall obtain a Licence from the Clerk of the City to permit the keeping of any prohibited or dangerous animal.
- (2) An owner shall obtain an Exotic Animal Licence from the Clerk of the City to permit the showing or display of any prohibited or dangerous animal to the public.
- (3) A Licence shall not be issued pursuant to (1) and (2) until the owner has satisfied the City that the enclosures required for venomous reptiles, constrictors and felids comply with the specifications set out in Schedule C.
- (4) A Licence shall not be issued pursuant to (1) and (2) until the owner has satisfied the City that enclosures for any prohibited or dangerous animal, not specified in Schedule C, are adequate and sufficient for the safekeeping of such animal.
- (5) Prior to the issuance of a Licence pursuant to (1) and (2), the City may require that plans and specifications for any enclosure required by this by-law be submitted to the City for approval to ensure that they are adequate and the owner shall make any changes as required by the City.
- (6) Prior to the issuance of a Licence pursuant to (1) and (2), the City may inspect the enclosures to ensure that they are adequate and the owner shall make any changes as required by the City.
- (7) The Licence shall permit a provincial offences officer or an authorized inspector appointed by the City to inspect any enclosures from time to time.
- (8) The fee for licensing is set out on Schedule D and is based on the estimated costs of inspection and registration to the City.
- (9) A Licence is valid for two years from date of issue.
- (10) At the time of licensing and at each renewal thereafter, the owner is required to submit to the City Clerk an inventory of all prohibited or dangerous animals, including the identification of each animal, kept on the premises.
- (11) The owner shall display all Licences on the enclosure or in a prominent place near the enclosure.

- (12) All Licences shall be available to any by-law inspector, police officer or person designated to inspect by the City.
- (13) The Council may revoke any licence issued under this by-law and without limiting the generality and the foregoing, the Council may revoke any and all licences held by an owner for violation of any provision of this by-law.

INSPECTIONS

- 14. (1) The City or the Humane Society may authorize an inspection of the facilities and enclosures of the owner of any licensed animal from time to time.
- (2) If a complaint related to matters governed by this by-law is registered with the City, then an investigation, including inspection, may take place.

OFFENCES

- 15. Any person who contravenes any provision of this by-law is guilty of an offence.

PENALTIES

- 16. Any person or corporation convicted of a breach of any provision of this by-law shall be subject to such penalties or orders provided for under the *Provincial Offences Act*, as amended from time to time.

CONFLICT

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

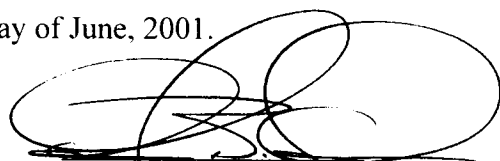
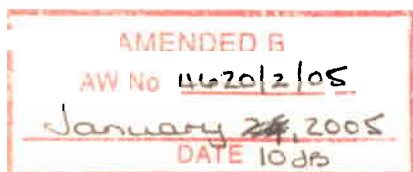
SCHEDULES

- 18. All schedules referred to in this by-law and attached to this by-law shall be deemed to be a part of the by-law.

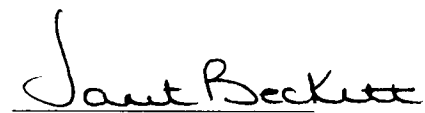
VALIDITY

- 19. If a court of competent jurisdiction declares any provisions or part of this by-law to be invalid or of no force and effect, it is the intention of the Council in enacting this by-law that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.
- 20. This by-law comes into force on June 25th, 2001 .

ENACTED AND PASSED this 25th day of June, 2001.



Vance M. Badawey
Mayor



Janet Beckett
Clerk

SCHEDULE "A"

TO BY-LAW 4086/81/01

RESTRICTED ANIMALS

Notification and registration with the City Clerk is required for these animals.

The following animals are permitted in the City subject to compliance with Section 12 of the by-law:

1. All domestic ferrets
2. All de-scented domestic skunks
3. All Arachnids (including tarantulas)
4. All rodents kept domestically with the exception of hamsters white rats, gerbils guinea pigs, or mice.
5. All "exotic" pigs if the same is kept in a dwelling unit.

SCHEDULE "B"

TO BY-LAW 4086/81/01

PROHIBITED OR DANGEROUS ANIMALS

1. Animals on the list of the Convention on International Trade and Endangered Species (CITES #1 Endangered Species List).
2. Marsupials, including kangaroos and opossums, except the Sugar Glider (*Petauridae Breviceps*).
3. Non-human primates.
4. Felids, except the domestic cat.
5. Canids, except the domestic dog.
6. Mustelids, including weasels, otters, badgers and skunks, except domesticated ferrets and de-scented domestic skunks.
7. Ursids.
8. Artiodactylus Ungulates, except domesticated goats, sheep, pigs or cattle.
9. Procyonids, including racoons, coatis and cacomistles.
10. Hyaenas.
11. Perissodactylus Ungulates, except domesticated horses, donkeys or asses.
12. Elephants.
13. Pinnipeds, including seals, fur seals and walruses.
14. Venomous Reptiles, including snakes and lizards.
15. Ratite Birds, which includes Ostriches, Rheas and Cassowaries.
16. Raptors, which includes eagles, hawks and owls, whether diurnal or nocturnal.
17. Edentates, which includes Anteaters, Sloths and Armadillos.
18. Bats
19. Cockroaches.
20. Crocodilian, which includes alligators and crocodiles.
21. Viverids, which includes Mongooses, Civets and Genets.
22. Constrictors, which includes Pthonidia and Biodae, Rock Pythons, Burmese Pythons, Reticulated Pythons and Green Anaconda.

SCHEDULE "C"

TO BY-LAW 4086/81/01

**APPROVED ENCLOSURES REQUIREMENTS FOR
PROHIBITED OR DANGEROUS ANIMALS**

Enclosure for Venomous Reptiles

1. Enclosures for venomous reptiles shall be kept indoors in a secure and locked area. All enclosures should be constructed of wood, fibreglass, ABS plastic or metal. Enclosures must be secure and key locked. All enclosures shall be kept within a secured (escape proofed) and locked area indoors. There shall be a sign displaying the words "**LIVE VENOMOUS ANIMALS, DO NOT TOUCH**", which shall be posted outside the secure and locked area and include a listing of emergency phone numbers.
2. The owner shall ensure that antitoxins are provided pursuant to Sections 9(2) and 10(2) of the by-law.
3. The owner of the venomous reptiles shall notify the local fire/ rescue department to the fact that venomous animals are being kept within the premises.

Enclosures for Large Constrictors

4. Enclosure for Phthorida (large Python) and Boidae (Boa) shall be constructed of solid wood, 1/2" thick of fibreglass, metal or PVC plastic of a size to allow movement of the animal. All enclosures must be kept indoors and shall be secure and key locked. All provisions for safekeeping and care and maintenance must be adhered to.

Enclosures for Felids

1. Enclosures for Felids (large cats) shall be no less than thirty (30) x forty (40) feet comprised of nine (9) gauge chain-linked fence, which fence is to be ten (10) feet high with an additional three (3) feet on an angle to a height of twelve (12) feet. The top of the enclosure must be enclosed and shall be comprised of nine (9) gauge chain-linked fence with the required trusses. Main corner posts are to be three (3) inch metal posts. There will be additional cross posts placed horizontally at three (3) feet and six (6) feet from the bottom of the fence. The bottom of the enclosure shall be anchored securely to the ground every two (2) feet. Four inch reinforced mesh shall be attached to the bottom of the enclosure and shall extend no less than three (3) feet into the enclosure and weighted down by rocks. Such enclosures shall provide an additional secured area attached to the main enclosure for the Felids when the enclosure is being cleaned. The access to the whole enclosure shall be through a double door entry system.
2. There is to be a second chain link fence six (6) feet out from the enclosure and at least four (4) feet high. Danger signs must be posted on the outer fence and visible to the public.

SCHEDULE "D"

TO BY-LAW 4086/81/01

LICENCE FEES

The licence fee is not an annual fee.

Fee are to be paid by the owner for licence, inspection, registration and identification of the animal(s) to the City Clerk.

For animals listed on Schedule D- prohibited or dangerous animals having defined enclosure specifications, the licence shall include the notation ENC.

- Payment of the required fees and compliance with any changes to enclosures as required by the City must be verified prior to the issuance of a licence.

	FEE
■ For the first animal of each species	\$20.00
■ For the second and third animal of each species	\$2.00
■ For each species the aggregate of which exceed three in number	\$1.00
Maximum Licencing fee*	\$5,000.00 in total

(*regardless of the number of animals, animal species or sub-species held in a single location)

SCHEDULE "E"

TO BY-LAW 4086/81/01

DOMESTICATED ANIMALS

No registration under this by-law is required for these animals.

1. All tropical fish, marine fish and goldfish.
2. All hamsters, gerbils, guinea pigs, domestic rats, mice and rabbits.
3. All domestic parakeets, cockatiels, canaries, finches, lovebirds, parrots and macaws.
4. All non venomous lizards and turtles and snakes (excluding any listed on Schedule C - Restricted animals and Schedule D - prohibited or dangerous animals).
5. Dogs (licenced and regulated under by-law 2876/55/93, as may be amended from time to time)
6. Cats
7. Any other animal specifically exempted in any Schedule of this by-law.

Note: If an animal is not on this list, then provided it is not included in Schedule B of this by-law; it can only be kept within the City if it is first identified to the Clerk by the owner pursuant to Section 12 of this by-law.

SCHEDULE "F"

TO BY-LAW 4086/81/01

FARM ANIMALS

The following animals are permitted on lands zoned Agricultural within the City and are not subject to the licensing and registration requirements of this by-law.

CLASS OF ANIMAL	COMMON NAMES Set out in this column are <u>some</u> of the names of animals included in the classes of animals referred to in this schedule. The common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to.
Anatids	ducks, swan
Anserins	goose
Domestic goat, sheep, pig, cattle, deer	
Gallus Domesticus	chicken, pheasant, turkey
Mustelids, except domestic ferrits	including chincilla and mink
Horse, mule, ass	
Ratites	cassawaries, emus, kiwis, ostriches, rheas
Domestic dogs	
Domestic cats	