

CITY OF ST. THOMAS

BY-LAW NO. 71-2011

A By-Law to provide for the registering, licensing, restricting and prohibiting the running at large of Dogs, Cats and Animal within the City of St. Thomas/Animal Control Bylaw

AS AMENDED BY:

By-Law No. 34-2012
By-Law No. 42-2017

March 12th, 2012
March 20th, 2017

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A By-Law to provide for the registering, licensing, restricting and prohibiting the running at large of Dogs, Cats and Animal within the City of St. Thomas/Animal Control Bylaw

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a municipality may pass a by-law to regulate animals;

AND WHEREAS pursuant to the provisions of the *Municipal Act, 2001*, section 103, states where a municipality has passed a by-law to regulate or prohibit with respect to the being at large or trespassing of animals, the municipality may provide for the seizure impounding and sale of seized and impounded animals;

AND WHEREAS section 391 of the *Municipal Act, 2001*, as amended, provides that a municipality may pass bylaws imposing fees or charges for services;

AND WHEREAS The Corporation of the City of St. Thomas deems it appropriate to charge a fee to Owners of animals for the provision of the service of animal control;

AND WHEREAS the Council of The Corporation of the City of St. Thomas deems it appropriate to provide animal control for the health and safety of the public.

THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law:

- (a) "Animal" includes birds and reptiles, and all other animals except Dogs, Cats and Feral Cats.
- (b) "Building Containing One Dwelling Unit" means one Dwelling Unit from basement to roofline contained within a structure, regardless if the structure is connected to other units by common wall or roof.
- (c) "Cat" means a male or female Cat (*felis Catus*) of any age and includes a Feral Cat.
- (d) "Cattery" means a lot, building, structure or establishment in which three or more Cats are housed, boarded or bred.
- (e) "City" means The Corporation of the City of St. Thomas.
- (e.1) "Cat Colony Program" shall mean the management of a Feral Cat from the City animal shelter by placing them into an organized and specified area.
(B/L 34-2012)
- (f) "Council" means the Municipal Council of the Corporation of the City of St. Thomas.
- (g) "Dog" means male or female Dog of any age.
- (h) "Dangerous Dog" means:
 - (i) a Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (ii) a Dog that, in the absence of any Mitigating Factor, has caused an injury to a Dog, Cat or domestic Animal requiring treatment by a veterinarian; or

- (iii) a Dog, previously designated as a Potentially Dangerous Dog, which is kept or permitted to be kept by its Owner in violation of the requirements under this By-law for such Dog.

- (i) “Dwelling Unit” means one or more habitable rooms occupied or designed to be occupied by one or more persons as an independent and separate housekeeping establishment within which separate kitchen and sanitary facilities are provided for the use of such persons.

- (j) “Dwelling Unit Owner” means a person who holds registered legal title of said Dwelling Unit.

- (k) “Dwelling Unit Renter” means a person who occupies a Dwelling Unit but does not own said Dwelling Unit.

- (l) “Fostering” means the possession or harbouring of a Cat and/or Kitten(s), not owned by any person, for a temporary period of not more than one year for a Cat and not more than twelve weeks from the date of birth for Kitten(s), where permitted under this By-law.

- (m) “Feral Cat” means a male or female Cat of any age that is undomesticated; that, in general, receives little human contact or care and lives outdoors or unconfined at all times.

- (n) “Kennel” means a lot, building, structure or establishment in which three or more Dogs are housed, boarded or bred.

- (o) “Kitten” means a juvenile Cat twelve weeks of age or younger.

- (p) “Litter” means Kittens or Puppies which are dependent on the mother Cat or Dog for existence.

- (q) “Mitigating Factor” means a circumstance which excuses aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
 - (i) the Dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or a Dog, Cat or Animal;
 - (ii) the Dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or Dog, Cat or Animal trespassing on the property of its Owner; or
 - (iii) the Dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

- (r) “Municipal Law Enforcement Officer” means a person appointed by the Council of the City of St. Thomas to enforce the provisions of this By-law, to act as a licence inspector and to act in the operations of the City pound and shall also include an officer of the St. Thomas Police Services.

- (s) “Muzzle” means a humane fastening or covering device of adequate strength placed over a Dog’s mouth to prevent it from biting.

- (t) “Owner” of an Animal, a Dog, or Cat includes any person, who possesses or harbours a Dog, Cat or Animal and “owns”, “owned” and “ownership” have a corresponding meaning.

- (u) “Potentially Dangerous Dog” means
 - (i) a Dog that, in the absence of any Mitigating Factor, chases or approaches any person, Dog, Cat or domestic Animal anywhere other than on the property of the Dog’s Owner, in a menacing fashion or apparent attitude of attack including, but not limited to behaviour such as growling or snarling; or
 - (ii) a Dog, the Owner of which has been convicted on at least three occasions for such Dog being at large in the municipality.

- (v) "Poundkeeper" means the person designated from time to time by the Council of the City of St. Thomas to act as operator of the City pound, or an authorized delegate designated by the Poundkeeper.
- (w) "Puppy" means a juvenile Dog twelve weeks of age or younger.
- (x) "Recognized Animal Welfare Organization" means a) Animal Aide of St. Thomas-Elgin and b) Pets/Friends for Life.
- (y) "Redemption Period" means the minimum period for which a Dog, Cat or Animal shall be held unless released sooner to its Owner, which period shall be the first three (3) days following impoundment, excluding the day on which the Dog or Cat was impounded. Holidays or other days when the pound office is not open to the public shall not be included in calculating the redemption period.
- (z) "Running at Large" means a Dog, Cat or Animal being found not under leash to a person, not leashed to a structure, or not otherwise under the physical control of any person, unless the Dog, Cat or Animal is on the lands of its Owner or of a person who has consented to it being on his lands while it is unleashed.
- (aa) "Trap, Spay, Neuter and Release Program" shall mean the capture of a Feral Cat by trapping, the spaying or neutering of the captured Cat and the release of the captured Cat at the point of capture, where permitted under this By-law.
- (ab) "Tether" means a rope or similar restraining device, by which an animal is fastened to a fixed object so as to limit its range of movement. (B/L 42-2017)

2.0 ANIMAL CONTROL

- 2.1 No Owner of any Dog, Cat or Animal shall suffer or permit such Dog, Cat or Animal to Run at Large within the City of St. Thomas.
- 2.2 Any Dog or Cat found Running at Large in the City of St. Thomas in a public place or on privately owned property without the consent of the owner(s) of that property may be seized by any Municipal Law Enforcement Officer and may be impounded.
- 2.3 Every Owner and person having supervision of a Dog, Cat or Animal shall leash the Dog, Cat or Animal, unless the Dog, Cat or Animal is on his lands or on lands of a person who has consented to it being on that persons lands while it is unleashed.
- 2.4 Every leash used for restraining any Dog, Cat or Animal shall be substantially constructed or composed of strong material and shall be capable, at all times, of securely restraining such Dog, Cat or Animal.
- 2.5 No leash shall exceed 1.8 metres in length.
- 2.6 Every Owner and person having supervision of a Dog, Cat or Animal shall forthwith remove and dispose of any excrement left by the Dog, Cat or Animal on any property in the City of St. Thomas other than such person's own property.
- 2.7 No Owner shall permit his Dog, Cat or Animal to attack any domestic Dog, Cat or Animal, or to fight with another Dog, Cat or Animal.
- 2.8 No Owner or person having supervision of a Dog, Cat, or Animal shall permit it to trespass on any privately owned property. A Dog, Cat, or Animal shall be deemed to be trespassing unless the property owner has consented to it being on that person's lands.
- 2.9 An Owner of a Dog, Cat or Animal when such Dog, Cat or Animal is on the property of the Owner or on the privately owned property of another person with such person's consent, shall keep the Dog, Cat or Animal from leaving any such property on its own by means of:
 - an enclosure;
 - the use of electronic devices such as a invisible electric fencing and collars;
 - containment within a fenced area; or
 - a tether as per section 6.5 of this By-law. (B/L 42-2017)

- 2.10 There shall be established a pound for Dogs and Cats within the City of St. Thomas and the Council shall appoint from time to time a Poundkeeper to operate such pound in accordance with the *Animals for Research Act*, R.S.O. 1990,c.A 22 and regulations under said Act, as amended.
- 2.11 Any Dog or Cat impounded under this By-law by a Municipal Law Enforcement Officer shall be dealt with by such officer pursuant to the provisions of the *Animals for Research Act*, R.S.O. 1990,c.A 22, and Regulations made pursuant to said Act.
- 2.12 The Owner of any Dog or Cat impounded under this By-law may within the Redemption Period, and thereafter if the Dog or Cat has not been sold or destroyed, reclaim the Owner's Dog or Cat on application to the Poundkeeper and possession of the Dog or Cat may be returned to the Owner upon the Owner providing:
- proof of Ownership of such Dog or Cat to the satisfaction of such Municipal Law Enforcement Officer; and
 - proof that the current year's licence fee has been paid; and
 - payment of the pound fees, as shown in Appendix "A" for each day and part day for which the Dog or Cat has been impounded; and
 - on payment of the cost of any inoculation given under section 2.20 of this By-law and the costs incurred for the provision of any veterinary or other special care or services required for such Dog or Cat after it was seized for impoundment.
- 2.13 Female - in heat. Any female Dog or Cat found to be Running at Large in heat, (oestrus), shall be held at the pound until no longer in heat, but in any case not longer than twenty-one (21) days. The Owner shall pay the pound fees as shown in Appendix "A" for such period of impoundment, and any application for redemption under Section 2.12 shall not be effective until expiry of the holding period under this Section.
- 2.14 When any Dog or Cat is held in the pound at the request of the Medical Officer of Health, a Judge or a Justice of the Peace, the Owner of the Dog or Cat shall pay the pound fees as shown in Appendix "A" for such period of impoundment, and the other costs referred to in Section 2.12.
- 2.15 Any Dog or Cat impounded under any provision of this By-law, except those impounded under section 2.14, may, after expiry of the Redemption Period or the extended holding period under Section 2.13, be sold by the Poundkeeper to a research facility or for adoption pursuant to the provisions of the *Animals for Research Act*, R.S.O. 1990,c.A 22, and Regulations made pursuant to said Act, upon payment by the purchaser of the pound fees as shown in Appendix "A" together with the inoculation, veterinary and special care costs referred to in Section 2.12, if any, and, where the purchaser is a resident temporarily or permanently within the limits of the City of St. Thomas upon payment of the licence fee provided for in section Appendix "A".
- 2.16 Except where a Dog or Cat is impounded pursuant to the provisions of section 2.14 any person depositing any Dog or Cat with the Poundkeeper for euthanasia or disposition thereof, shall pay the Poundkeeper a fee as shown in Appendix "A" and, except where the Owner has paid the fee for euthanasia, such Dog or Cat may be sold to a research facility or for adoption pursuant to the provisions of the *Animals for Research Act*, R.S.O. 1990,c.A 22, and Regulations made pursuant to said Act upon payment by the purchaser of the pound fee as shown in Appendix "A", together with the inoculation, veterinary and special care costs referred to in Section 2.12, if any, and where the purchaser is a resident, temporarily or permanently, within the limits of the City of St Thomas upon payment of the applicable licence fee provided for in Appendix "A".
- 2.17 All fees, costs and charges payable pursuant to this By-law with respect to Dogs or Cats shall be collected by or paid over to the Poundkeeper who shall pay over the same to the City Treasurer and they shall belong to the City.
- 2.18 The Poundkeeper shall cause to be maintained the records required by Regulations pursuant to the *Animals for Research Act*, R.S.O. 1990,c.A 22, and such other records as may be reasonably required for the administration by this By-law.
- 2.19 Where a Dog or Cat which has been seized for impoundment is ill or injured and, in the opinion of a Municipal Law Enforcement Officer, is incapable of being so cured or healed

as to live thereafter without suffering, such officer may dispose of the Dog or Cat in a humane manner as soon after seizure as the officer thinks fit without permitting any person to reclaim the Dog or Cat, and without offering it for sale, and no damages or compensation shall be recoverable by the Owner of the Dog or Cat on account of such disposition by the Municipal Law Enforcement Officer.

- 2.20 Any Dog or Cat impounded for any reason under this By-law that is not wearing a licence tag for the current year may be given an inoculation to provide immunization against rabies.
- 2.21 Where a Dog, Cat or Animal is impounded but kept in a facility other than the City pound in accordance with any contract with the City or purchase of service by the City, the Owner of such Dog, Cat or Animal shall be liable for the pound fees as shown in Appendix "A" and also other costs incurred by the City for appropriate care, to the extent such other costs exceed the pound fees, and shall pay all such fees to the Poundkeeper on demand. If in the discretion of a Municipal Law Enforcement Officer, Animals are impounded for Running at Large or otherwise under this By-law, such Animals shall be housed in a facility deemed by a Municipal Law Enforcement Officer to be suitable to the species and condition of the Animal.
- 2.22 Where an Animal which has been seized by a Municipal Enforcement Officer is ill or injured and, in the opinion of a Municipal Law Enforcement Officer, is incapable of being so cured or healed as to live thereafter without suffering, such officer may dispose of the Animal in a humane manner as soon after seizure as the officer thinks fit, without permitting any person to reclaim the Animal, and without offering such Animal for sale, and no compensation or damages shall be recoverable by the Owner of the Animal on account of such disposition by the Municipal Law Enforcement Officer.
- 2.23 Notwithstanding the definition of Running at Large in this By-law the following Animals, namely Pythons, Boa Constrictors, Venomous Snakes and Scorpions shall also be deemed to be Running at Large when observed on the person of an individual having apparent care and control thereof, if found in any highway, sidewalk, park or other public place or if found on any privately owned property without the consent of the owner of that property.
- 2.24 Without detracting from Section 2.1 and 2.2, a Trap, Spay Neuter and Release Program may be authorized by the City if undertaken by a Recognized Animal Welfare Organization. The point of capture and release for a Trap, Spay Neuter and Release Program shall be subject to prior approval by the Poundkeeper, which approval shall not be unreasonably withheld. (B/L 34-2012)
- 2.25 Without detracting from Section 2.1 and 2.2, a Cat Colony Program may be authorized by the City if undertaken by a Recognized Animal Welfare Organization. The specified area for placing a Feral Cat shall be subject to prior approval by the Poundkeeper, which approval shall not be unreasonably withheld. (B/L 34-2012)

3.0 MAXIMUM NUMBER OF ANIMALS

- 3.1 No land, building or structure in the City of St. Thomas shall be used for the keeping of Dogs or Cats except a Dwelling Unit, a veterinary clinic, a retail store selling Dogs or Cats or a Kennel or Cattery as specifically described under this By-law.
- 3.2 No Building Containing One Dwelling Unit, which is occupied by the Dwelling Unit Owner in the City of St. Thomas shall, be used for the keeping of more than three Dogs or three Cats nor a combination thereof totalling more than three.
- 3.3 No Building Containing One Dwelling Unit, which is occupied by a Dwelling Unit Renter in the City of St. Thomas, shall be used for the keeping of more than two Dogs or two Cats nor a combination thereof totalling more than two, except that with permission of a Dwelling Unit Owner or such owner's representative a Dwelling Unit Renter may keep one additional Dog or one additional Cat for a combination thereof totalling not more than three.
- 3.4 No Dwelling Unit in a building containing two Dwelling Units in the City of St. Thomas shall be used for the keeping of more than two Dogs or two Cats per Dwelling Unit or a combination thereof totalling more than two per Dwelling Unit.

- 3.5 No Dwelling Unit in a building containing more than two Dwelling Units shall be used for the keeping of more than one Dog or one Cat for a total of one per Dwelling Unit.
- 3.6 Notwithstanding sections 3.2, 3.3, 3.4 and 3.5 of this By-law, Puppies and Kittens may be kept with the mother Dog or Cat for a period not exceeding 12 weeks following birth.
- 3.7 Notwithstanding sections 1.0(d), 3.2, 3.3, 3.4 and 3.5 of this By-law, one additional Cat or a Cat and Kitten(s) may be Fostered in a Dwelling Unit authorized and approved by a Recognized Animal Welfare Organization as evidenced by the signature of the president of such organization on the Application For Fostering form, "Appendix "C" of this By-law, which shall be completed in triplicate, one of which shall be submitted to the Poundkeeper. Fostering by any Dwelling Unit Renter shall not be permitted unless the Dwelling Unit Owner has given permission. Fostering shall allow for the temporary housing of one Cat or a Cat and up to nine of her Kitten(s) beyond the limits prescribed in sections 3.2, 3.3, 3.4 and 3.5 such that the total in excess of the applicable limit is never more than 1 adult Cat and nine Kittens.
- 3.8 No person shall keep, or permit to be kept, more than six rabbits on any privately owned property within the City of St. Thomas.
- 3.9 No person shall keep, or permit to be kept, pigeons in the City of St. Thomas except persons qualified and recognized in accordance with this By-law, who shall not keep more than 75 pigeons on any privately owned property.

4.0 LICENSING DOGS AND CATS

- 4.1 Every person who is the Owner of a Dog or Cat over twelve weeks of age and who is residing temporarily or permanently within the City of St. Thomas shall cause such Dog or Cat to be registered with the City before the 15th day of February in each year, or within 7 days from the date on which such Dog or Cat is acquired by such person or from the date when the Owner becomes a resident of St. Thomas, whichever occurs first, upon registration the Owner shall procure from the City, or an authorized agent of the City, a licence for such Dog or Cat, which licence shall expire on the 31st day of December in the year in which the same is issued.
- 4.2 The Owner shall concurrently also procure for each such Dog or Cat a licence tag authorized by the City, which tag shall be kept securely fixed on the Dog or Cat until a tag is procured for the following year. Such tag shall bear figures or marks thereon indicating that the licence fee has been paid for the then current year.
- 4.3 The licence fee payable by the Owner of every Dog and Cat shall be at the rates approved by the Council, as set out in Appendix "A" of this Bylaw.
- 4.4 Owners of a Puppy or Kitten that will reach the age of twelve weeks after September 1, may be issued a Dog or Cat licence for a reduced fee, as shown in Appendix "A", valid for the remainder of that calendar year.
- 4.5 Owners newly residents in the City of St. Thomas, upon producing proof of a valid Dog or Cat licence from another municipality, may be issued a St. Thomas Dog or Cat licence for that Dog or Cat for a reduced fee, as set out in Appendix "A", valid for the remainder of that calendar year.
- 4.6 No licence or tag issued by the City shall be transferable from one Owner to another or from one Dog or Cat to another. No person shall affix a St. Thomas licence tag to a Dog or Cat other than the Dog or Cat for which the licence was issued.
- 4.7 The City shall maintain a record of every Dog and Cat in respect of which a licence fee has been paid and the name, address and telephone number of the Owner of such Dog or Cat.
- 4.8 Every person who owns or operates a veterinary clinic, a Kennel, Cattery or a pet shop selling Dogs or Cats shall submit to the City on a monthly basis the name and address of each St. Thomas resident who has purchased or adopted a Dog or Cat from their clinic, Kennel, Cattery or pet shop during the month of report.

- 4.9 All persons operating or intending to operate a Kennel of Dogs or Cattery of Cats shall make application to the City for a Kennel or Cattery permit.
- 4.10 All Kennel or Cattery applications shall be accompanied by the following information
- name and address of Kennel or Cattery owner;
 - location of Kennel or Cattery;
 - proof of zoning approval for Kennel or Cattery at said location;
 - the applicable Kennel or Cattery permit fee as set out in Appendix "A".
- 4.11 Prior to February 15th in each year the owner of every Kennel or Cattery shall pay an annual permit fee as set out in Appendix "A" of this By-law as a fee for the Kennel or Cattery and no individual Dog or Cat licence fees shall be payable in respect of the included Dogs or Cats while in the Kennel or Cattery operation.
- 4.12 As a condition of retaining the Kennel or Cattery permit, the owner of every Kennel or Cattery shall remove or cause to be removed all droppings and soiled bedding from which odour may arise, not less than weekly during the period November 1st to March 31st inclusive and daily during the other months. Failure to do so shall be an offence under this By-law and may also result in revocation of the permit by a Municipal Law Enforcement Officer.

5.0 DANGEROUS DOGS

- 5.1 The Poundkeeper may either on his own initiative, or as a result of a complaint received from a resident of the City of St. Thomas, conduct an inquiry into whether a Dog should be designated a Potentially Dangerous Dog or a Dangerous Dog, as the case may be.
- 5.2 The Poundkeeper may designate a Dog as a Potentially Dangerous Dog, and the Poundkeeper shall thereupon serve written notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with any or with all of the following requirements:
- (i) to keep such Dog, when it is on the lands and premises of the Owner, confined:
 - within the Owner's dwelling; or
 - in an enclosed pen of sufficient dimension and construction to provide humane shelter for the Dog while preventing it from escaping therefrom and preventing unsupervised children from entering therein; or
 - by physical restraint of the Dog by chain or other similar means;
 - (ii) to securely attach a Muzzle to such Dog at all times when it is not confined or restrained by a chain or other similar means on the property of the Owner or on the property of another person with such person's consent to be present without a muzzle;
 - (iii) - to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than One Million (\$1,000,000) Dollars for any damage or injury caused by such Potentially Dangerous Dog and to provide to the Poundkeeper a certificate of such policy and each subsequent renewal thereof, and such policy shall contain a provision requiring the insurer to immediately notify the Poundkeeper should the policy expire, be cancelled or be terminated for any reason; and/or
 - (iv) to permit the Poundkeeper to insert a microchip implantation in such Dog, at the Dog Owner's expense, for the purpose of identifying such Dog as a Potentially Dangerous Dog.
- 5.3 The Poundkeeper may designate a Dog as a Dangerous Dog, and the Poundkeeper shall thereupon serve written notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with all of the following requirements:
- (i) to keep such Dog confined
 - within the Owner's Dwelling Unit, or
 - on the Owner's property in an enclosed pen of sufficient dimension and construction to provide humane shelter for the Dog while preventing it from escaping therefrom and preventing unsupervised children from entering therein;
 - (ii) to securely attach a Muzzle to such Dog at all times when, for essential transportation or other necessity, it is not confined in accordance with Section 5.3(i);

- (iii) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than One Million (\$1,000,000) Dollars for any damage or injury caused by such Dangerous Dog and to provide to the Poundkeeper a certificate of such policy and each subsequent renewal thereof, and such policy shall contain a provision requiring the insurer to immediately notify the Poundkeeper should the policy expire be cancelled or be terminated for any reason; and
- (iv) to permit the Poundkeeper to insert a microchip implantation in such Dog for the purpose of identifying such Dog as a Dangerous Dog.

5.4 The notice referred to in Sections 5.2 and 5.3 shall include:

- (i) a statement that the Poundkeeper has reason to believe that the Dog is a Potentially Dangerous or a Dangerous Dog, as the case may be;
- (ii) the requirements that the Owner must comply with in accordance with this By-law and when such requirements take effect; and
- (iii) a statement that within three (3) working days after receipt of the Poundkeeper's notice, the Owner may request and is entitled to a hearing by a committee designated by the Council which may affirm or rescind the Poundkeeper's designation of the Owner's Dog as Potentially Dangerous, or Dangerous as the case may be, and that such committee may substitute its own designation or its own requirements of the Owner of a Potentially Dangerous Dog pursuant to Sections 5.2. (i) to (iv) or Dangerous Dog pursuant to Sections 5.3 (i) to (iv).

5.5 Where the Owner of a Dog who receives a notice from the Poundkeeper designating such Dog as a Potentially Dangerous Dog, or as a Dangerous Dog, so requests in writing to the City Clerk of the City within three (3) working days of receipt of such notice, a committee of Council, to be known as the "Dangerous Dog Appeal Committee", shall hold a hearing pursuant to the provisions of the *Ontario Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22 within fifteen (15) working days of the City Clerk's receipt of the request for a hearing, and such committee may in its discretion decide to do any of the following:

- (i) affirm or rescind the Poundkeeper's designation of the Dog as a Potentially Dangerous Dog or as a Dangerous Dog, as the case may be;
- (ii) substitute its own designation of the Dog as Potentially Dangerous Dog or as a Dangerous Dog; and/or
- (iii) substitute its own requirements of the Owner of a Potentially Dangerous Dog pursuant to Sections 5.2. (i) to (iv) or a Dangerous Dog pursuant to Sections 5.3 (i) to (iv).

5.6 (i) Compliance with the requirements under Sections 5.2 and 5.3 imposed by the Poundkeeper pursuant to this By-law shall not be mandatory until either the time for appeal under Section 5.5 has elapsed without the Dog Owner requesting such an appeal pursuant to that section or until the Dangerous Dog Appeal Committee has made its order regarding such requirements, whichever occurs earlier.

- (ii) Where, by determination of the Poundkeeper, or if such determination is appealed upon resolution of such appeal in the City's sole discretion pursuant to Section 5.5, the City has determined that a Dog is a Dangerous Dog for the purposes of this By-law, the City shall upon such determination either impound the said Dog at the Owner's expense for a maximum of 10 days or order the Owner of the said Dog to impound the Dog on the Owner's property for 10 days or until such earlier time that the Owner of the said Dog has complied with all the requirements then applicable under this By-law for the keeping of the Dangerous Dog. If the Owner fails to comply with all such requirements for the keeping of the Dangerous Dog within the said 10 day period, the City shall without further notice humanely destroy the impounded Dangerous Dog at the expense of the Owner of such Dog.

5.7 An Owner of a Dog which has been designated a Potentially Dangerous Dog or a Dangerous Dog pursuant to this By-law shall advise the Poundkeeper immediately upon every occurrence of each of the following:

- Ownership of such Dog is transferred to another person, and if
- there is a change in the address at which such Dog is kept,
- the Dog is euthanized,

and the Owner shall furnish the Poundkeeper with relevant particulars of each such occurrence.

- 5.8 Any notices served by the Poundkeeper pursuant to Sections 5.2 and 5.3 of this By-law, shall be provided by hand delivery or prepaid registered mail and in the event of service by prepaid registered mail, shall be deemed received on the fifth (5th) business day after the date of mailing.

6.0 ANIMALS

- 6.1 No person shall keep or permit to be kept within the City of St. Thomas bees, a horse, cow, donkey, mule, pig, goat, sheep, goose, turkey, guinea fowl, chicken, duck, emu, rhea, ostrich, alpaca, lama, family Elphantidae, venomous reptile, snake longer than 60 cm., reptiles longer than 30 cm. from nose to vent, family Felidae (excepting *Felis catus*), fox, wolf, skunk, raccoon or any wild Animal native to Canada, or no more than one of any of these Animals, nor any combination thereof.
- 6.2 No person shall keep, or permit to be kept, pigeons within the City of St. Thomas except up to 75 pigeons which are kept for sporting or exhibition purposes by a person who is a bona fide member of an organized pigeon club or association, provided that person has applied for and been granted recognition for this exception, by resolution of the Council, and provided also that each such pigeon is kept banded with an identifying leg band issued by the said pigeon organization.
- 6.3 No person shall, within the City of St. Thomas, keep or permit to be kept pigeons or rabbits other than in an enclosure consisting of a cage, building or structure or any part thereof, used or intended to be used for the keeping of pigeons or rabbits, that
- (i) where it is not a cage, has its inside wall and ceiling washed or painted at least annually; and
 - (ii) in the opinion of a Municipal Law Enforcement Officer after consultation with the Chief Building Official of St. Thomas or his designate, provides adequate space, lighting and ventilation having regard to the number of pigeons or rabbits kept therein; and
 - (iii) in the opinion of the Regional Medical Officer of Health, does not house pigeons or rabbits in such a manner or in such number as to constitute an actual or potential threat or hazard to human health; and
 - (iv) is maintained in such a manner as to prevent the emission of noxious odors therefrom; and
 - (v) is readily maintained in a clean and sanitary condition; and
 - (vi) is constructed and maintained in compliance with the provisions of any applicable Act or regulation and any other municipal By-law including without restricting the generality of the foregoing, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act* and Regulations, the *Fire Marshals Act* and Regulations, the City of St. Thomas Property Standards and Zoning By-laws; and
 - (vii) is constructed in such manner as to prevent the escape of any pigeon or rabbit kept therein; and
 - (viii) is screened to the maximum extent possible from adjacent premises and streets by hedges, shrubs, fences or other suitable screening; and
 - (ix) is located to the rear of the property and situated not less than 12.2m from any school, church, dwelling, unit or other premises used for human habitation or occupancy, other than the premises occupied exclusively by the keeper or members of the keeper's immediate family.
 - (x) except that an enclosure in existence prior to the date of passage of this By-law shall, notwithstanding the fact that it does not comply with clause (ix) above, be deemed to comply with this By-law provided it complies in all other respects with the provisions of this section 6.3 and provided it cannot be re-located to comply with the said clause (ix).
- 6.4 Every person keeping pigeons or rabbits shall:
- (i) remove from such rabbit or pigeon enclosure and surroundings and dispose of in a sanitary manner at least three times each week all refuse including droppings, soiled bedding or offal, and any dropped or scattered feed; and
 - (ii) never store, spread or burn such removed materials anywhere on or within the lands and premises from which the materials originated or on any other lands within the City of St. Thomas except by composting with a mixture of other compostable material in a suitable composting facility within the lands from which such refuse originated; and
 - (iii) store all feed in rodent-proof containers.

- 6.5 No person shall tether a dog:
- (i) using a choke chain or prong collar; and
 - (ii) using a tether less than three metres long (9.84 feet); and
 - (iii) using a tether that is not attached to a permanently fixed object; and
 - (iv) unless the dog can move safely and unrestricted (except by the length of the tether); and
 - (v) unless the dog has access to adequate water, food, shelter and shade; and
 - (vi) for more than four (4) consecutive hours in a 24 hour period. (B/L 42-2017)

7.0 OFFENCES

- 7.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence. Pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33, any person upon summary conviction shall be liable to set fines for offenses listed in Appendix “B” or if otherwise convicted is liable to a fine of not more than \$5,000 for each offence committed.

8.0 GENERAL

- 8.1 The headings of this By-law are for convenience of reference only and they are not to be considered as part of the By-law and do not in any way limit or amplify the provisions of the same.
- 8.2 In this By-law, words in the singular include the plural and vice-versa and words in one gender include all genders.
- 8.3 Each clause of this By-law is an independent clause and the holding of any clause or part of any clause to be void or ineffective for any cause shall not be deemed to affect the validity of any other clause or parts of any clause
- 8.4 That this By-law shall come into force and effect upon the final passing thereof.

READ a First and Second time this 16th day of May, 2011.

READ a Third time and Finally passed this 16th day of May, 2011.

“Wendell Graves”
Wendell Graves, CAO/ Clerk

“Heather Jackson-Chapman”
Heather Jackson-Chapman, Mayor

THE CORPORATION OF THE CITY OF ST. THOMAS
BY-LAW NO. 71-2011

APPENDIX "A"

FEE SCHEDULE

a) Dog Identification/ Licence Fees (for 2011)

	Before Feb.15	After Feb.15	After July 1
(i). Initial Dog - neuter or spayed Dog	\$20.00	\$25.00	\$12.00
(ii). Male or Female Dog not neuter or spayed	\$25.00	\$30.00	\$15.00
(iii). Additional Dogs	\$30.00	\$35.00	\$35.00
(iv). 12 week old Puppy after September	\$10.00	\$10.00	\$10.00
(v). New Resident's Dog	\$10.00	\$10.00	\$10.00
(vi). Kennel or Cattery Permit	\$50.00	\$50.00	\$50.00
(vii). Replace Tag	\$ 5.00	\$ 5.00	\$ 5.00

b) Cat Identification/Licence Fees (for 2011)

(i). Initial Cat - neuter or spayed Cat	\$10.00		
(ii). Male or Female Cat not neuter or spayed	\$15.00		
(iii). 12 week old Kitten after September	\$ 5.00		
(iv). New Resident's Cat	\$ 5.00		
(v). Replace Tag	\$ 5.00		

c) Dog Identification/ Licence Fees (for 2012 and beyond)

	Before Feb.15	After Feb.15	After July 1
(i). Initial Dog - neuter or spayed Dog	\$30.00	\$35.00	\$17.00
(ii). Male or Female Dog not neuter or spayed	\$55.00	\$60.00	\$30.00
(iii). 12 week old Puppy after September	\$10.00	\$10.00	\$10.00
(iv). New Resident's Dog	\$10.00	\$10.00	\$10.00
(v). Kennel or Cattery Permit	\$50.00	\$50.00	\$50.00
(vi). Replace Tag	\$ 5.00	\$ 5.00	\$ 5.00

d) Cat Identification/Licence Fees (for 2012 and beyond)

	Before Feb. 15	After Feb 15	After July 1
(i). Initial Cat - neuter or spayed Cat	\$10.00	\$15.00	7.00
(ii). Male or Female Cat not neuter or spayed	\$35.00	\$40.00	20.00
(iii). 12 week old Kitten after September	\$10.00	\$10.00	10.00
(iv). New Resident's Cat	\$10.00	\$10.00	10.00
(v). Replace Tag	\$ 5.00	\$ 5.00	5.00

e) Pound Fees - Dogs or Animals

First full day or part day in the pound	\$25.00
Additional day or part day	\$15.00

f) Adoptions

Dogs	\$50.00 each plus licence fee for a Dog
Puppies up to 12 weeks	\$50.00 each if not with mother No fee if adopted with mother in a Litter
Cats	\$35.00 each plus licence fee for a Cat
Kittens up to 12 weeks	\$35.00 each if not with mother No fee if adopted with mother in a Litter

g) Owner Surrender

Dogs and Cats	\$50.00
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h) Euthanasia

	Dogs, Cats or Animals	\$100.00
i)	<u>After Hours</u>	
	Request for response on impounded Dog or Cat	\$ 60.00

CORPORATION OF THE CITY OF ST. THOMAS

**BY-LAW NO. 71 -2011, as amended.
Animal Control By-Law**

APPENDIX “B”

**PART 1 PROVINCIAL OFFENCES ACT
SET FINE SCHEDULE**

<u>ITEM SHORT FORM WORDING</u>	<u>PROVISION</u>	<u>SET</u>
<u>NO.</u>	<u>CREATING</u>	<u>FINE</u>
	<u>OR DEFINING</u>	
	<u>OFFENCE</u>	
1.	Permit Dog/Cat/Animal to run at large	2.1 \$105.00
2.	Having Dog/Cat/Animal under control on Leash exceeding 1.8 metres (6) in length	2.5 \$105.00
3.	Failing to forthwith remove/dispose of Dog/Cat/Animal excrement	2.6 \$105.00
4.	Permit Dog/Cat/Animal to attack/fight another Dog/Cat or Animal	2.7 \$105.00
5.	Permit Dog/Cat/Animal to trespass on private property	2.8 \$105.00
6.	Keeping of more than 3 Dogs/Cats	3.2 \$105.00
7.	Keeping of more than 2 Dogs/Cats	3.3 \$105.00
8.	Keeping of more than 2 Dogs/Cats	3.4 \$105.00
9.	Keeping of more than 1 Dog/Cat	3.5 \$105.00
10.	Keeping of more than 6 rabbits	3.8 \$105.00
11.	Failing to register Dog or Cat for a licence	4.1 \$105.00
12.	Failing to renew Dog or Cat tag for current year	4.1 \$105.00
13.	Failing to fix tag securely on Dog or Cat	4.2 \$105.00
14.	Unlawfully transfer Cat or Dog tag from Cat or Dog	4.6 \$105.00
15.	Failure to remove droppings/soiled bedding from Kennel Or Cattery	4.12 \$105.00
16.	Failure to notify of change of Ownership of Potentially Dangerous/Dangerous Dog	5.7 \$105.00
17.	Keeping a prohibited Animal in the City	6.1 \$105.00
18.	Keeping pigeons contrary to By-law	6.2 \$105.00
19.	Keeping of pigeons/rabbits in place other than enclosure	6.3 \$105.00
20.	Failure to remove/dispose dropping, refuse or offal from enclosure	6.4i) \$105.00
21.	Store, spread or burn removed materials	6.4 ii) \$105.00
22.	Failure to keep feed in a rodent proof container	6.4.iii) \$105.00

NOTE: The general penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.



Corporation of the City of St. Thomas

APPLICATION FOR TEMPORARY EXEMPTION TO ANIMAL CONTROL BY- LAW 71- 2011

This application to be filed with the City Clerk and must be accompanied with a \$20.00 cash fee.

I/We hereby apply to the Council of the Corporation of the City of St. Thomas for a temporary exemption to section 6.1 of Animal Control By-Law 71-2011 as outlined in this application.

1. Name of Applicant _____
Address _____
Telephone _____
2. Is the applicant the Owner of the land? YES _____ NO _____
If not, proof of Owner's consent must be filed with the application.
3. Type and number of Animal(s) _____

4. Proposed use of Animal(s) _____
5. Proposed location of Animal(s) _____
6. Will the Animal(s) be re-located during the exemption period. YES _____ NO _____
If so, where? _____
7. Date(s) the Animal(s) will be in the City _____
8. List the names and addresses of the neighbours you have notified of your intent to apply for this temporary exemption. If necessary, please use the back of the form.

Signature of Applicant

If you wish to provide any further information, please attach on a separate page.

No two requests from one individual or group are permitted within a six month period.
Exemptions may be granted by Council for a maximum period of 4 days.
Applicants must comply with Federal, Provincial, and Municipal regulations pertaining to the care and control of Animals.



APPLICATION FOR FOSTERING

Note: Prepare in triplicate, one copy to applicant, one copy to Recognized Animal Welfare Organization, one copy to St. Thomas Animal Control.

I/We hereby apply to the Corporation of the City of St. Thomas for temporary Fostering of a Cat and Kitten(s) in accordance with section 3.2 (g) of By-law 71- 2011, as amended.

1. Name of Applicant _____

Address _____

Telephone _____

2. Type and number of fostered Cat and/or Kitten(s):

Description of fostered Animal 1: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 2: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 3: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 4: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 5: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 6: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 7: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 8: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 9: Breed: _____ Age: _____ Sex: _____

Description of fostered Animal 10: Breed: _____ Age: _____ Sex: _____

3. Is the applicant the Owner of the land? YES _____ NO _____

4. Authorization of Property Owner, if not owned property.

Name of Owner _____

Address of Owner _____

Telephone _____

Property Owner's Signature

Date

I hereby certify that the information provided herein is correct and true.

Applicant's Signature

Date

Applicants Signature

Date

Authorized by:

President

Recognized Animal Welfare Organization

Date