

The Corporation of the City of Thorold

By-law No. 79-2017

Being a by-law respecting the care and control of animals in the City of Thorold

Whereas sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended authorizes a lower tier municipality to pass By-Laws respecting animals; and

Whereas section 9(3) of the said *Act* provides that a By-Law passed under section 11 may regulate or prohibit respecting a matter, provide for a system of licences, permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration; and

Whereas section 103 of the said *Act* confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-Law under certain conditions; and

Whereas section 103 of the said *Act* confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-Law under certain conditions; and

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

Whereas the *Council* of The Corporation of the *City* of Thorold deems it expedient to licence *dogs*, to regulate and control *animals* in the municipality and to regulate the care and *keeping* of *animals* pursuant to its authority to do so under the said *Act* and any other applicable act.

Now therefore, the Council of The Corporation of the City of Thorold enacts as follows:

**SECTION 1**            **GENERAL PROVISIONS**

**1.1    SHORT TITLE**

- 1.1.1 This By-Law shall be known as the "*Animal* Care and Control By-Law".

**1.2    DEFINITIONS**

- 1.2.1 In this By-Law:

- (1) "*Animal*" means any member of the *animal* kingdom, other than a human;
- (2) "*Attack*" means physical contact by an *animal* that results in, including but not limited to, bleeding, bone breakage, a sprain, a scratch, bruising or damage to clothing worn by a *person*, other than accidental contact, and "*attacked*" or "*attacking*" have a corresponding meaning;

- (3) "Bark or Howl Excessively" means barking or howling that is of a persistent nature, over 20 minutes in duration;
- (4) "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by teeth;
- (5) "Cat" means a male or female feline of the species  
*Felis catus*; cat shall have a corresponding meaning
- (6) "Chief of Police" means the *Chief of Police* for the Niagara Regional Police Service or *persons* acting under his or her authority;
- (7) "City" means the municipal corporation known as the *City* of Thorold or the geographic area of the *City* of Thorold as context requires;
- (8) "Clerk" means the *Clerk* for the *City* of Thorold;
- (9) "Council" means the *Council* of The Corporation of the *City* of Thorold;
- (10) "Dangerous Dog" means any *dog* which has attacked, bitten or caused injury to a person or domestic animal or has demonstrated a propensity, tendency or disposition to do so and shall have the same meaning as a vicious *dog*, and includes a dog which has been declared vicious or dangerous in any other municipality in Ontario;
- (11) "Dog" means a male or female member of the canine family; dog shall have a corresponding meaning;
- (12) "Domestic Animal" means any tamed or domesticated animal;
- (13) "Dwelling Unit" means a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;
- (14) "Keep" means to have temporary or permanent control or possession of an *animal*, and the words "kept" or "keeping" have a corresponding meaning;
- (15) "Kennel" means any premises, cages, or pens, excluding animal clinics, pet shops and grooming establishments, where four (4) or more dogs, cats and other small domestic animals or household pets are lodged, treated, bred, kept or boarded. A kennel may be classified as:
  - (a) "Breeding Kennel" is a kennel where the primary purpose of the facility is for breeding of animals and the number of animals permitted within such kennel shall not exceed ten (10), excluding offspring under ten (10) weeks of age;
  - (b) "Commercial Kennel" is a kennel where the primary purpose of the facility is for the boarding of animals for hire or gain;
  - (c) "Hobby Kennel" is a kennel where four (4) to ten (10) animals, excluding offspring under ten (10) weeks of age, are kept for personal uses, hunting or show, kept

for the purpose of training or kept as pets and where there is no boarding and no revenue derived from the kennel;

- (16) "*Leash*" means a restraint consisting of a rope, light chain, or other material held by a person and used to restrain an animal;
- (17) "*Lincoln County Humane Society*" means the local Affiliated Society of the Ontario Society for the Prevention of Cruelty to Animals, incorporated on April 18<sup>th</sup>, 1935, that operates an *Animal Shelter* and *Pound* located at 160 Fourth Avenue, St. Catharines and that shall be referred to hereinafter as the "LCHS";
- (18) "*Livestock*" means any domestic or farmed *animal*, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;
- (19) "*Motor Vehicle*" means a *motor vehicle* as defined in the *Highway Traffic Act* R.S.O. 1990, c. H8, as amended;
- (20) "*Muzzle*" means a humane fastening or covering device of adequate strength placed over the mouth of an *animal* to prevent it from biting a *person* or *animal*, and the words "muzzled" and "muzzling" have a corresponding meaning;
- (21) "*Muzzle Order*" means an order issued to an *Owner* concerning his or her dangerous dog;
- (22) "*Officer*" means a *person* duly appointed by *Council* as a Municipal Law Enforcement Officer and all Canine Control Officers and *Animal* Control Officers employed by the *Lincoln County Humane Society*, including agents and inspectors designated as such under the *OSPCA Act*, and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario and the Region of Niagara and the City and includes the Chief of Police;
- (23) "*OSPCA*" means the Ontario Society for the Prevention of Cruelty to *Animals* as constituted under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, Chapter O.36, as amended;
- (24) "*Owner*" means any *person* who possesses or harbours an *animal*, and where the *owner* is a minor, the *person* responsible for the custody of the minor, and includes a *person* who is temporarily the *keeper* or in control of the *animal* and the word "owns" has a corresponding meaning;
- (25) "*Person*" includes a corporation, association, or any other non-incorporated entity;
- (26) "*Pet Shop*" means a shop or place where *animals* are sold or kept for sale for use as pets;

- (27) "*Pound*" means the part of the *premises* of the *LCHS* used for the temporary housing and care of *animals* that have been *impounded* pursuant to this By-Law, in accordance with the Animals for Research Act, R.S.O. 1990, Chapter A.22;
- (28) "*Premises*" includes land, buildings and any parts thereof;
- (29) "*Prohibited animals*" means those *animals* identified in "Schedule B" to this By-Law;
- (30) "*Service Dog*" means an *animal* trained by a recognized school for service as a guide *dog* for the blind or visually-impaired, a guide *dog* for the deaf or hearing-impaired, or a special skills *dog* for other disabled *persons*;
- (31) "*Shelter*" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the *animal* for whose use it is intended from the elements and in which the *animal* is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;
- (32) "*Sterilized*" in respect of a *dog* or *cat* means either spayed or neutered and "*sterilization*" has a corresponding meaning;
- (33) "*Tether*" means a rope, chain or any restraining device that prevents an *animal* from moving away from a localized area and the words "*tethered*" and "*tethering*" have a corresponding meaning;
- (34) "*Wild Animal*" means an untamed or undomesticated *animal* indigenous to North America, wild by nature or disposition (*faeae natural*), but does not include the domestic ferret and,
- (35) "*Without Provocation*", in reference to a *bite* or *attack* on a *person* or *animal*, means the absence of any teasing, tormenting or abusive or unwanted physical contact by the *person* or *animal* who sustained the *bite* or *attack*.

### 1.3 INTERPRETATION

1.3.1 The schedules annexed to this By-Law shall form part of this By-Law.

1.3.2 In this By-Law the numbering system shall be referenced in accordance with the following:

- 1 section
- 1.1 subsection
- 1.1.1 article
- 1.1.1 (1) sentence
- 1.1.1 (1)(a) clause

1.3.3 For the purpose of this By-Law, unless the context requires otherwise:

- (1) words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa;

- (2) where a form of words or expression are prescribed in this By-Law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

## **SECTION 2 CARE OF ANIMALS**

### **2.1 RESPONSIBILITY TO CARE FOR ANIMALS**

2.1.1 *Every person who keeps an animal within the City shall provide it, or cause it to be provided, at all times with:*

- (1) a clean and sanitary environment free from the accumulation of waste matter;
- (2) adequate and appropriate:
  - (a) care;
  - (b) fresh food;
  - (c) unfrozen, fresh and clean water;
  - (d) *shelter* from the elements;
  - (e) veterinary medical care when the *animal* exhibits signs of pain, illness or suffering; and,
- (3) the opportunity for physical activity sufficient to maintain good health.

2.1.2 *Every person who keeps an animal that normally resides outside, or that is kept outside unsupervised for extended periods of time shall, in addition to complying with the requirements set out in article 2.1.1, keep the animal within a confined area on the premises and ensure that the animal is provided with, and has complete and unrestricted access to the following:*

- (1) a *shelter* that is insulated to protect the *animals* entire body from the elements, having regard to the *animal's* weight and type of coat, and that is raised above the surface of the earth and that has an entrance that faces away from the prevailing wind;
- (2) an area separate and apart from the *shelter* for the *animal* to use for defecation and urination;
- (3) an area separate and apart from the *shelter* that provides the *animal* with sufficient shade and protection from direct sunlight at any time of the day; and,
- (4) an area that is dry and free from standing water.

### **2.2 TETHERS**

2.2.1 *No person shall keep an animal tethered unless:*

- (1) the *tether* is a minimum of four (4) metres in length;
- (2) the *animal* has unrestricted and unobstructed movement within the range of the *tether*;
- (3) the *animal* has access to water, food and *shelter*;
- (4) the *tether* is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and,

- (5) the *animal* is *tethered* in a way that it will not injure itself.
- 2.2.2 In no case shall a *tether* permit the *animal* to go beyond the limits of the *person's* property.
- 2.2.3 In no case shall a *person* *tether* an *animal* by tying or affixing a rope, cord, chain or any other restraining device directly around the *animal's* neck.

## **2.3 KEEPING ANIMALS UNDER SANITARY CONDITIONS**

- 2.3.1 Every *person* who *keeps* an *animal* within the *City* shall *keep* the *animal*, or cause the *animal* to be kept, on *premises* that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any *person* or *animal*, or that may endanger the health of any *person* or *animal*.
- 2.3.2 Article 2.3.1 does not apply to *livestock* kept in accordance with the provisions of subsection 6.6 of this By-Law.

## **SECTION 3      KENNELS**

### **3.1 REGULATIONS**

- 3.1.1 No person shall construct, establish, maintain or operate a Kennel in the City unless:
  - (1) the kennel is constructed, established, maintained and operated in compliance with the provisions of this By-Law, any other applicable municipal By-Law and any applicable Act or Regulation including, without restricting, the generality of the foregoing, the City's Zoning By-Law 2140(97), as amended, and any successor thereto, the *Health Protection and Promotion Act* and Regulations, the *Building Code Act* and Regulations, the *Fire Prevention and Protection Act* and Regulations and any other applicable law;
  - (2) the kennel and its surrounding environs is so constructed, established, maintained and operated in a way that prevents escape by any dog from the kennel;
  - (3) in every year, the owner or operator of the kennel registers the kennel with the City and pays the annual kennel registration fee as set out in Schedule "A", as may be amended by Council from time to time;
  - (4) the owner or operator of the kennel renews the kennel registration annually before January 1<sup>st</sup> of each year;
  - (5) the owner or operator of the kennel ensures that any dog identification tag, issued as part of the kennel registration, is displayed on the dog's collar, and that such collar is affixed to the dog at all times, while the dog is off the owners' premises;

(6) in the event that such a dog identification tag issued as part of the kennel registration is lost, damaged or destroyed, the owner or operator of the kennel obtains a replacement identification tag by paying the fee as set out in Schedule "A" as may be amended by Council from time to time;

(7) in the event the kennel is registered on or after January 1<sup>st</sup> of any given year, the owner or operator of the kennel pays a late kennel registration surcharge as set out in Schedule "A", as may be amended by Council from time to time and;

(8) the owner or operator of a Breeding Kennel or a Commercial Kennel complies with the Standards for Breeding and Commercial Kennels as set out in Schedule "C".

3.1.2 Where an owner or operator of a kennel constructs or establishes a kennel after the 30<sup>th</sup> day of June of any year, at the time of registration the owner or operator shall pay one-half of the applicable annual registration fee as set out in Schedule "A", as may be amended by Council from time to time.

3.1.3 In order to register a kennel, the owner or operator of the kennel shall provide the City with the following information:

- (1) the name, address and telephone number of the kennel owner;
- (2) the name, address and telephone number of the kennel operator;
- (3) the name, age, gender, breed, colour and sterilization status of all dogs kept in the kennel, if applicable; and,
- (4) the Canadian Kennel Club registration number, if applicable.

3.1.4 No owner or operator of a Hobby Kennel shall permit more than ten (10) animals, excluding offspring under ten (10) weeks of age, to be kept at the Hobby Kennel.

3.1.5 No owner or operator of a Breeding Kennel shall permit more than ten (10) animals, excluding offspring under ten (10) weeks of age, to be kept at the Breeding Kennel.

3.1.6 Notwithstanding Articles 3.1.4 and 3.1.5 of this By-Law, any Person who lawfully owns or operates a Kennel with more than ten (10) animals on the date of the passing of this By-Law shall have until July 1<sup>st</sup>, 2011 to register same with the City and describe in detail the animals and shall be permitted to continue to own or operate the Kennel.

3.1.7 Every owner or operator of a kennel shall, upon request by an *Officer*, permit the *Officer* to inspect at any reasonable time the premises for the purpose of determining compliance with this By-Law.

3.1.8 Any kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an *Officer* if, in the *Officer's* opinion, the kennel does not comply with the provisions of this By-Law.

## SECTION 4

## DOGS

### 4.1 REGISTRATION

#### 4.1.1 Every *owner* of a *dog* shall:

- (1) register the *dog* with the *City* and pay an annual registration fee as set out in Schedule "A" as may be amended by Council from time to time;
- (2) in order to qualify for any discounted registration fee set out in Schedule "A" provide proof, from a qualified veterinarian, of *sterilization*;
- (3) renew the registration annually before January 1<sup>st</sup> of each year;
- (4) ensure that the *dog* identification tag, issued as part of the registration, is displayed on the *dog's* collar, and that this collar is affixed to the *dog* while the *dog* is off of the *owner's* premises;
- (5) obtain a replacement identification tag by paying the fee as set out in Schedule "A" in the event that such tag is lost;
- (6) pay any additional applicable fee as set out in Schedule "A" where the *dog* is registered on or after January 1<sup>st</sup> of any given year.

#### 4.1.2 Where an *owner* of a *dog* acquires the *dog* or moves into the *City* after 30<sup>th</sup> day of June of any year the *owner* shall pay one-half of the annual registration fee as set out in Schedule "A" at the time of registration.

#### 4.1.3 In order to register a *dog*, an applicant shall provide to the *Clerk* the following:

- (1) name, address, telephone number of the *dog owner*;
- (2) name, age, gender, breed, and general description of the *dog*;
- (3) proof of *sterilization* from a qualified veterinarian, if applicable;
- (4) whether *dog* is trained, has *attacked* in the past and/or is a *dangerous dog*; and,
- (5) the prescribed fee.

#### 4.1.4 The *owner* of a *dog* shall notify the *Clerk* within seven (7) days of the sale or death of a *dog* registered with the *Clerk* or of any change in the *owner's* name, address or telephone number.

#### 4.1.5 The *Clerk* may provide the registrant with an identification tag for each *dog* registered in accordance with this By-Law.

#### 4.1.6 All dogs shall wear the tag identified in article 4.1.5.

#### 4.1.7 No *person* shall use an identification tag for any *dog* other than the *dog* for which such identification tag was issued.



4.1.8 No *person* shall provide the *City* with any false information in respect of the registration, or renewal of a registration, of a *dog*.

4.1.9 Articles 4.1.1 to 4.1.8 inclusively shall not apply to a service dog.

## **4.2 LEASHING AND RUNNING AT LARGE**

4.2.1 No *owner* of a *dog* shall permit a *dog* to run at large in the *City* except in designated off-leash areas.

4.2.2 For the purposes of this By-Law, a *dog* shall be deemed or permitted to be running at large if it is found in any place other than on the *premises* of its *owner*, not on a *leash* held by any *person* and not under the control of any *person*.

4.2.3 No *person* shall permit a *dog* to enter upon the private property of another *person* or to remain on the private property of another *person* without the property *owner's* prior consent.

4.2.4 No *owner* shall suffer, permit, allow or for any reason have his or her *animal bark or howl excessively* or in any other manner disturb the quiet and peaceful enjoyment of any *person*.

4.2.5 No *owner* of a *dog* shall use a *leash* or other restraining device that exceeds five (5) metres in length, but in no case shall an *owner* use a *leash* of a length that does not enable him or her to properly control the *dog*.

4.2.6 The *owner* of a *dog* shall control a *dog* by means of a *leash* that is held or affixed to their *person*.

4.2.7 For the purposes of article 4.2.6, a *dog* shall not be deemed to be controlled by a *leash* if the *leash* is attached to an immovable object, a *motor vehicle* or a bicycle.

4.2.8 No *person* shall use a collar on a *dog* that restricts, or may restrict, the *dog's* ability to breathe or swallow, or that causes, or may cause, the *dog* discomfort.

4.2.9 Articles 4.2.1 to 4.2.7 inclusively shall not apply to:

- (1) police working *dogs* while they are in the course of fulfilling their duties; and
- (2) hunting *dogs* that are under the direct supervision of a person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c.41, as amended, and any other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the *City* and provided that such person has obtained the prior consent of the *owner* of the parcel of land on which the hunting *dogs* are at large, which consent is obtained not more than one year prior to the date of the occasion on which the *dogs* are at large.

### 4.3 IMPOUNDMENT OF DOGS

- 4.3.1 The *Chief of Police* or an *Officer* may seize any *dog* that is found running at large in the *City* and may cause such *dog* to be delivered to the *Pound*.
- 4.3.2 Any *person* may seize any *dog* that is found running at large in the *City* and shall immediately cause such *dog* to be delivered to the *Pound* or, if known, returned to its *owner*.
- 4.3.3 A *dog* seized pursuant to articles 4.3.1 or 4.3.2 shall be considered *impounded* at the time and place when it comes under the control of the *Chief of Police*, an *Officer* or, in any other case, when delivered to the *Pound*.
- 4.3.4 Upon seizing or taking possession of any seized *dog*, the *Pound* shall impound the *dog* and make reasonable efforts to determine the identity of the *owner* of the *dog* and inform such *person* that his or her *dog* has been *impounded*.
- 4.3.5 The *Pound* shall keep any *dog impounded* pursuant to this By-Law for a redemption period of three (3) days. This redemption period shall be calculated by excluding:
- (1) the day on which the *dog* was *impounded*;
  - (2) statutory holidays; and,
  - (3) days on which the *Pound* is closed.
- 4.3.6 During the redemption period, the *Pound*:
- (1) may provide such veterinary care or other care for an injured or ill *impounded dog* as may be necessary to sustain its life or relieve any distress;
  - (2) shall be entitled to recover from the owner of the *dog*, the cost of any veterinary or other care provided while the *dog* was *impounded*; and,
  - (3) shall be entitled to recover from the owner of the *dog* any other fees, including *Pound* fees, for the redemption of the *dog*.
- 4.3.7 During the redemption period, the *Pound* may euthanize an *impounded dog* without delay if, in the opinion of the *Pound Keeper*, such action is warranted for humane reasons.
- 4.3.8 During the redemption period, the *owner* of a *dog impounded* may obtain release of such *dog* by first:
- (1) paying the redemption fee and any veterinary expenses incurred in relation to the *dog* while it was *impounded*, in accordance with article 4.3.6;
  - (2) providing evidence that the *dog* is registered in accordance with the requirements of this By-Law or, if the *dog* is not registered, by registering the *dog* with the *City* in accordance with articles 4.1.1 through 4.1.3 of this By-Law; and,
  - (3) taking any other action in relation to the care or control of the *dog* that the *City* or *Pound* may direct.

4.3.9 After the expiration of the redemption period, the *Pound* may:

- (1) release the *dog* to its *owner* upon compliance with article 4.3.8 of this By-Law; or,
- (2) keep, sell, euthanize or dispose of the *dog* in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.

4.3.10 Whenever an *impounded dog* is released to its *owner*, a record of such release shall be kept by the *Pound* and made available to the *Clerk* upon request.

#### 4.4 DANGEROUS DOGS

4.4.1 Where an *Officer* becomes aware, through his or her own investigation that a *dog* has bitten or *attacked* a *person* or *animal without provocation*, the *Officer* may, by written notice upon the *owner*, require the *owner* to comply with any or all of the requirements set out in subsection 4.4 "Dangerous Dogs" of this By-Law within the time stipulated in said notice, and the *dog* shall thereafter be deemed to be a dangerous dog and the *owner* shall comply with the notice.

4.4.2 Every *person* who owns or keeps a *dangerous dog* shall keep the *dangerous dog* restrained in accordance with the provision of this By-Law.

4.4.3 Every *owner* of a *dangerous dog* shall, at all times while the *dangerous dog* is not in the *owner's dwelling unit*, but is otherwise within the boundaries of the *owner's premises*, ensure that the *dangerous dog* wears a *muzzle* in accordance with article 4.5.2 and that:

- (1) the *dog* is securely *tethered* in accordance with subsection 2.2 "Tethers" of this By-Law;
- (2) the *dog* is contained within an area securely enclosed by a locked fence of an appropriate height for the breed of *dog*, or an area enclosed by other means such that the *dog* cannot come into contact with members of the public or other *animals*; and,
- (3) a sign, no smaller than 5" x 7" (12.7 cm x 17.8 cm), is displayed at all entrances to the property upon which the *dog* is kept, bearing words and a symbol that warn that there is a *dangerous dog* on the property.

4.4.4 Every *owner* of a *dangerous dog* shall, at all times while the *dog* is not within the boundaries of the *owner's premises*, keep the *dog*:

- (1) under the control of a competent *person* eighteen (18) years of age or older;
- (2) on a *leash* that does not exceed two (2) metres in length; and,
- (3) *muzzled* in accordance with article 4.5.2.

4.4.5 Every owner of a *dangerous dog* shall notify the *Clerk* or the *LCHS* immediately of the following:

- (1) any change in ownership or residence of the *dangerous dog* and provide the name, current address and telephone number of the new owner,
- (2) if the *dog* runs at large, attacks or bites any person or animal; and,
- (3) if the *dog* dies.

4.4.6 The owner of a *dangerous dog* shall ensure that the *dog* is spayed or neutered and that the required licence fee is paid for a *dangerous dog* as set out in Schedule "A" as may be amended by Council from time to time.

4.4.7 The *City* or the *LCHS* shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with subsection 4.4 "*Dangerous Dogs*".

4.4.8 No person shall keep a *dangerous dog* in the *City* if the *dangerous dog* has been found running at large in the *City* or not restrained when on the premises of the owner of the *dangerous dog*, or not restrained in accordance with written directives of an *Officer*.

4.4.9 This subsection 4.4 "*Dangerous Dogs*" shall not apply to police working dogs while they are carrying out their duties.

#### **4.5 DOG BITES AND MUZZLING OF DOGS**

4.5.1 No owner of a *dog* shall willfully cause a *dog*, allow or permit a *dog* through neglect or failure to control, to, without provocation, bite, attack or chase a person or another animal, or to damage public or private property.

4.5.2 No owner shall muzzle a *dog* in any manner that restricts, or may restrict, the *dog's* breathing, its ability to drink water or in any manner that causes the *dog* pain, suffering or injury.

#### **4.6 STOOP AND SCOOP**

4.6.1 Every owner of a *dog* shall immediately remove any feces left by the *dog* in any place other the premises of the owner and dispose of it in a proper waste receptacle.

4.6.2 Article 4.6.1 does not apply to:

- (1) the handler of a *service dog*, where the handler is unable to remove the excrement left by such *dog* due to a physical disability or impediment,
- (2) a blind or visually impaired handler of a *service dog* if the feces were left while the *dog* was off the premises of the handler and carrying out its duties; or,
- (3) a police working *dog* while they are carrying out its duties.

#### **4.7 NUMBER OF DOGS RESTRICTED**

4.7.1 No *person* shall keep on his or her *premises* more than three (3) *dogs* over twenty (20) weeks of age, unless:

- (1) the *premises* is licenced by the *City* as a *kennel* or a *pet shop*;
- (2) the *premises* is used by the *LCHS*; or
- (3) the *premises* is an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.
- (4) The person has registered and been granted an exemption.

### **SECTION 5      CATS**

#### **5.1 NUMBER OF CATS RESTRICTED**

5.1.1 No *person* shall keep, on his or her *premises*, more than five (5) *cats* that are spayed and neutered or three (3) *cats* that are not, unless:

- (1) the *premises* is licenced by the *City* as a *kennel* or *pet shop*;
- (2) the *premises* is used by the *LCHS*; or,
- (3) the *premises* is an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.

### **SECTION 6      GENERAL ANIMALS**

#### **6.1 ANIMALS IN A VEHICLE**

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

6.1.2 No *person* shall cause an *animal* to be confined in an enclosed space, including a car, without adequate ventilation.

6.1.3 No *person* shall allow an *animal* to be outside of the passenger cab of a *motor vehicle* on a roadway, regardless of whether the *motor vehicle* is moving or parked.

6.1.4 Notwithstanding article 6.1.3, no *person* shall allow an *animal* to be outside the passenger cab of a *motor vehicle* while on a roadway, including riding in the bed of a pick up truck or flat bed truck, unless the *animal* is:

- (1) in a fully enclosed trailer;
- (2) in a fully enclosed bed area of a truck, the dimensions of which permit the *animal* to fully stand up, sit down, turn around and lay down; or,

- (3) contained in a crate or similar device manufactured for the confinement or transport of an *animal*, the dimensions of which permit the *animal* to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.

6.1.5 Notwithstanding article 6.1.3, no *person* shall transport an *animal* in the bed of a pick up truck or flat bed truck unless the *animal* is securely *tethered* in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the back of the truck.

6.1.6 No *person* shall *keep* an *animal* in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes, or may cause, the *animal* illness, pain, injury or suffering or to become subject to undue or unnecessary hardship, privation or neglect.

6.1.7 An *Officer* may use any reasonable means as are necessary to remove an *animal* in need of assistance from a vehicle or any enclosed space.

## **6.2 INJURED OR KILLED ANIMALS**

6.2.1 A *person* who, in the course of operating a *motor vehicle*, injures an *animal* shall, immediately stop and provide care and attention to the *animal* where to do so does not pose risk to their safety or that of any other *person*.

6.2.2 Where it is not possible to stop and provide care and attention to an injured *animal*, the *person* shall, as soon as reasonably possible, notify the LCHS of such injury and provide it with any information requested.

6.2.3 A *person* who comes into the possession of an *animal* that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than 24 hours after coming into possession of the *animal*;

- (1) if owned, release or return the *animal* back to the *owner*, and

- (2) surrender the *animal* to the care of the LCHS.

6.2.4 A *person* who, in the course of operating a *motor vehicle*, kills an *animal*, shall immediately notify the LCHS of that fact and provide it with any information requested.

## **6.3 TORMENTING ANIMALS**

6.3.1 No *person* shall torment, assault, batter, annoy, tease or willfully or recklessly kill or cause injury, pain or suffering to an *animal*.

6.3.2 Article 6.3.1 of this By-Law shall not be interpreted so as to prohibit:

- (1) a *person* who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended from time to time and other applicable law; or

- (2) a person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the City.

#### **6.4 TRAPPING ANIMALS**

##### **6.4.1 No person shall trap any animal unless:**

- (1) the *animal* is causing a nuisance to, or damaging, the aggrieved *person's* property;
- (2) the animal is trapped in a live trap;
- (3) the *animal* is trapped in a humane manner;
- (4) the *animal* is not kept in a trap for more than 24 hours;
- (5) once trapped, the *animal* is *sheltered* from the elements, and;
- (6) the *animal* is trapped on the property of the aggrieved *person*.

##### **6.4.2 No Person shall set out any trap that causes or may cause injury, pain or suffering to an animal including, without limiting the generality thereof, conibear traps, killer traps, leg-hold traps and snares.**

##### **6.4.3 Any person who traps a tamed or domesticated animal, in addition to the provisions of article 6.4.1 and 6.4.2 of this By-Law, shall only release the animal to:**

- (1) the rightful owner of the animal;
- (2) an Officer; or
- (3) the *Pound*.

##### **6.4.4 Articles 6.4.1 and 6.4.2 do not apply to the trapping of an animal where the animal is trapped by a person who is licenced with the Ministry of Natural Resources or is otherwise authorized by law to trap the animal, and the trapping is conducted in accordance with any applicable legislation.**

#### **6.5 RABIES IMMUNIZATION**

##### **6.5.1 Every owner of a dog or cat four (4) months of age or over shall ensure that the dog or cat is duly immunized against rabies and that the immunization is current.**

#### **6.6 LIVESTOCK**

##### **6.6.1 No person shall keep livestock in any area of the City unless the area is zoned for that purpose by the City's Zoning By-Law 2140(97), as amended, and any successor thereto, or is lawfully used for that purpose.**

6.6.2 For the purposes of this By-Law, *livestock* shall be deemed to be running at large if found in any place other than the *premises* of the *owner* of the *livestock* and not under the control of any *person*.

6.6.3 No *owner* of *livestock* shall permit any *livestock* to run at large in the *City*.

6.6.4 An *Officer* may seize any *livestock* that is found running at large in the *City* and may cause such *livestock* to be delivered to the *Pound*.

6.6.5 Any *person* may seize any *livestock* that is found running at large in the *City* and shall immediately cause such *livestock* to be delivered to the *Pound* or, if known, returned to the *owner*.

6.6.6 Any *livestock* seized pursuant to articles 6.6.4 and 6.6.5 of this By-Law shall be considered *impounded* at the time and place when it comes under the control of an *Officer*, the *Chief of Police*, or in any other case, when delivered to the *Pound*.

6.6.7 The *Pound* may seize and *impound* any *livestock* running at large in the *City* and shall make reasonable efforts to determine the identity of the *owner* of the *livestock* and to inform the *owner* that the *livestock* has been *impounded*, in accordance with the *Pounds Act*, R.S.O. 1990, c P.17, as amended.

6.6.8 The *Pound*:

- (1) may provide such veterinary or other care for any injured or ill *impounded* *livestock* as may be necessary to sustain its life or relieve any distress;
- (2) shall be entitled to recover from the *owner* of the *livestock*, the cost of any veterinary or other care provided while the *livestock* is *impounded*; and,
- (3) shall be entitled to recover from the *owner* of the *livestock*, any *Pound* fees for the redemption of the *livestock*.

6.6.9 The *Pound* may euthanize any *impounded* *livestock* without delay if, in the opinion of the *Pound Keeper*, such action is warranted for humane reasons.

6.6.10 The *owner* of any *livestock* *impounded* may obtain release of such *livestock* by first:

- (1) paying the costs and fees provided for in articles 6.6.8 and 6.6.12 of this By-Law; and,
- (2) taking any other action in relation to the care or control of the *livestock* that the *City* or *Pound* may direct.

6.6.11 The *Pound* may, in accordance with the *Pounds Act*, R.S.O. 1990, C P.17, as amended:

- (1) release the *livestock* to its *owner* upon compliance with articles 6.6.10 and 6.6.12 of this By-Law; or,



- (2) keep, sell or dispose of the livestock.

6.6.12 The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses incurred by the City or LCHS in seizing and/or impounding the livestock.

6.6.13 Whenever any *impounded* livestock is released to its owner, a record of such release shall be kept by the *Pound*.

6.6.14 Article 6.6.1 shall not apply to:

- (1) *premises* owned or operated by the University of Guelph or Brock University;
- (2) *premises* used by the LCHS; or,
- (3) *premises* of an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

## 6.7 WILD ANIMALS

6.7.1 No person shall remove any wild animals from any public land in the City unless authorized to do so by the City and provided that the removal is done in a humane manner.

6.7.2 No *person* shall *keep*, or cause to be kept, any *wild animal* in the City unless they are authorized to do so by law.

6.7.3 Despite article 6.7.2, a *person* who comes into the possession of a *wild animal* that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than 24 hours after coming into possession of the *wild animal* shall:

- (1) release the *wild animal* back into the wild, within one (1) kilometer of where it was found;
- (2) surrender the *wild animal* to the care of the LCHS; or,
- (3) surrender the *wild animal* to a *person* or facility licenced by the Ministry of Natural Resources to care for *wild animals*.

## 6.8 PROHIBITED ANIMALS

6.8.1 No person shall keep a prohibited animal as set out in Schedule "E" within the City of Thorold, either on a temporary or permanent basis subject to Section 6.8.2 and 6.8.5 unless the

- (a) the animal is a bird used for falconry.

6.8.2 Despite Section 6.8.1 of this by-law, any Person who, on the date of passage of this by-law, was lawfully Keeping a Prohibited Animal shall be permitted to keep that animal until the animal has died or has otherwise been disposed of, provided that:

- (a) the animal is kept in an environment which is appropriate for the species as determined by the LCHS and/or OSPCA in its sole discretion and subject to inspection;

- (b) the Owner has registered the animal that is currently in their physical possession with the City of Thorold by notifying the Clerk in writing of the species of the animal, the location of the animal, a clear and current photograph of the animal, age of the animal the owner's name, current address and telephone number within 90 days of passing of this by-law;
- (c) the animal remains securely at the Owner's premises, except for necessary visits to a veterinarian's office;
- (d) the animal is not shown to, or displayed to the public, unless the animal is kept at a place of business used for the display of such animals and the animal remains securely at that premises, except for necessary visits to the veterinarian's office;
- (e) the animal is not permitted to breed with other animals;
- (f) the animal is kept in accordance with the regulations set out in 6.8.4; and
- (g) the onus of proving the exemption provided for in Section 6.8.2 of this By-law is upon the person seeking the exemption.

6.8.3 Section 6.8.2 of this By-law shall not apply to premises listed below however all premises may be subject to inspection and other provisions of this By-law:

- (a) any premises used by the LCHS and/or OSPCA including all affiliates and branches;
- (b) any premises of Government of Canada, Province of Ontario, Region of Niagara or City of Thorold;
- (c) premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended;
- (d) areas of the City on which professionally produced films are being lawfully made using such animals, provided that there is supervision by an agent or inspector of the OSPCA or one of its affiliates or branches;
- (e) premises registered as a research facility pursuant to the Animals for Research Act, R.S.O., c.A.22;
- (f) premises owned or operated by an Ontario College or University;
- (g) premises that are authorized by the Ontario Ministry of Natural Resources;

#### 6.8.4 Regulations for Keeping Prohibited Animals

Subject to Section 6.8.2 the following shall apply to the Keeping of a Prohibited Animal:

- (a) Prohibited venomous reptiles and constrictors shall be kept in an escape proof enclosure or container, which complies with the requirements set out in Schedule "F";

- (b) Where Prohibited Animals are to be shown or displayed to the public, there shall be limited opportunity for physical contact between members of the public and the animals. An Owner who shows or displays a Prohibited Animal to the public shall take all steps to ensure that members of the public are safe from harm;
- (c) All Prohibited Animals shall be kept in an enclosure that is adequate and sufficient for their safekeeping.
- (d) Notwithstanding Section 6.8.2, all provisions of this by-law shall apply to prohibited animals not registered.

6.8.5 An established business operating the day this by-law is adopted that is used for the purposes of rescue/adoption sanctuary and/or educational zoo may be subject to inspection by the OSPCA, LCHS or Niagara Public Health Department and will be grandfathered under this by-law. Despite Section 6.8.2(d) the owner of such established business shall be permitted to display or show to the public non-venomous prohibited animals.

Should an established business owner opt to sell the business after the by-law is enacted, the owner shall provide notice to the City of Thorold and/or LCHS of such intention. The notice must include new owners name, mailing address and contact phone number. The new owner will be subject to the same conditions as the present owner would have been.

Despite Section 6.8.2 the established business will be limited to a maximum of 10 venomous snakes at any one time to be held on a temporary basis. A list of such snakes shall be provided upon request by the City Clerk within 10 working days of such request.

6.8.6 For the purposes of this By-law, a prohibited animal shall be deemed to be running at large if found in any place other than the premises of the owner of the prohibited animal and not under the control of any person.

Notwithstanding Section 6.8.2, all provisions of this by-law shall apply to prohibited animals not registered.

6.8.7 No person shall permit a prohibited animal to run at large.

## **SECTION 7 ADMINISTRATION AND ENFORCEMENT**

### **7.1 APPLICATION AND ENFORCEMENT**

7.1.1 This by-law shall apply to any and all property within the limits of the City of Thorold.

7.1.2 Unless otherwise provided for herein, all provisions of this By-Law shall be enforced by an Officer as defined in this By-Law.

7.1.3 An Officer may issue an order or direction requiring that a person comply with the provisions of this By-Law.

7.1.4 An Officer may issue a Muzzle Order to any owner of a dangerous dog, containing such particulars as the Officer

deems necessary concerning compliance with this By-Law or deemed necessary by the Officer for the safety of the public.

7.1.5 An Officer may enter upon any land or structures at any reasonable time for the purposes of carrying out an inspection for the purposes of determining whether or not:

- (1) the provisions of this By-Law are being complied with; or
- (2) an order under this By-Law is being or has been complied with.

7.1.6 Every owner shall permit an Officer employed, upon production of identification and for the purpose of the inspection by the City or LCHS, to enter the land or structure for the purpose of article 8.1.5.

7.1.7 No person shall hinder or obstruct any Officer, or any person awfully acting in aid of such Officer, in the execution of their duties under this By-Law.

7.1.8 No person shall refuse to produce any documents or things required by an Officer in the exercise of a power or performance of a duty under this By-Law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.

7.1.9 No person shall knowingly furnish false information to an Officer.

## **7.2 OFFENCES AND PENALTIES**

7.2.1 Every person who contravenes any provision of this By-Law is guilty of an offence and is liable upon conviction to a fine of not more than \$25,000.

7.2.2 Notwithstanding article 8.2.1, a person who contravenes any provision of this By-Law concerning a dangerous dog, or who fails to comply with a Muzzle Order is guilty of an offence and liable upon conviction to a fine of not more than \$25,000 for a first offence, and to a maximum fine of not more than \$50,000 for a subsequent offence, where there has been a previous conviction under this By-Law.

7.2.3 In addition to the fine established in article 8.2.2, each day that a breach of this By-Law continues concerning a dangerous dog or failing to comply with a Muzzle Order, is considered a continuing offence. A person convicted of a continuing offence is liable to a fine of not more than \$25,000 for each day or part of a day that the offence continues.

## **7.3 VALIDITY**

7.3.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to provide a minimum standard for the care and control of animals.

7.3.2 Where a provision of this By-Law conflicts with the provision of another By-Law, Act, or Regulation in force within the City of Thorold, the provisions that establishes the higher standards for the care and control of animals and the protection of the health and safety of persons shall prevail.

#### **7.4 FEES**

7.4.1 Any fee required by or described in this By-Law shall be as set out in Schedule "A" to this By-Law.

#### **7.5 TRANSITION RULES**

7.5.1 After the date of the passing of this By-Law, those By-Laws identified under subsection 7.6 shall apply only in those instances in which an order has been issued prior to the date of passing of this By-Law, and then only in such instances until such time as the actions required by such order has been completed or any enforcement proceedings with respect to such order have been concluded.

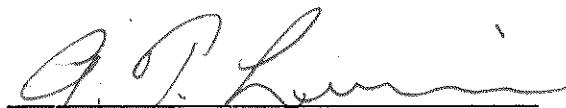
#### **7.6 BY-LAWS REPEALED**

7.6.1 By-Law 17-2017 of The Corporation of the City of Thorold and any amendments made thereto are hereby repealed.

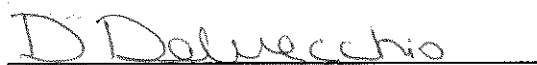
#### **7.7 ENACTMENT**

7.7.1 This By-Law shall come into force and effect on the day after it is passed.

Read a first, second and third time and finally passed by Council this 8th day of August, 2017.



A. T. (Ted) Luciani, Mayor



Donna Delvecchio, City Clerk

**The Corporation of the City of Thorold**

**SCHEDULE "A"**

**TO ANIMAL CARE AND CONTROL BY-LAW NO. 79-2017**

***"SCHEDULE OF FEES"***

**SECTION 1 DOG REGISTRATION FEES**

1. Early Purchase - Unsterilized Dog ..... \$50.00
2. Early Purchase - Sterilized Dog ..... \$25.00
3. Dangerous Dog..... \$50.00
4. Late Registration (January 1<sup>st</sup> to December 31<sup>st</sup>) ..... \$10.00
5. Replacement of lost or damaged identification tag ..... \$2.00

Note: Early Purchase is for tags purchased between November 1<sup>st</sup> and  
December 31<sup>st</sup> of the year prior.

**SECTION 2 KENNEL REGISTRATION FEES**

1. Early Purchase - Kennel Registration ..... \$150.00
2. Late Registration (January 1<sup>st</sup> to December 31<sup>st</sup>) ..... \$50.00

Note: Early Purchase is for licences issued between November 1<sup>st</sup> and December  
31<sup>st</sup> of the year prior.

**SECTION 3 REDEMPTION FEES**

Redemption fees shall be set by the Lincoln County Humane Society.

**The Corporation of the City of Thorold**

**SCHEDULE "B"**

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**The Corporation of the City of Thorold**

**SCHEDULE "C"**

**TO ANIMAL CARE AND CONTROL BY-LAW NO. 79-2017**

***"STANDARDS FOR BREEDING AND COMMERCIAL KENNELS"***

**All Breeding and Commercial Kennels operating in the City of Thorold shall maintain dogs in a clean, secure, and humane manner and every Owner and Operator of a Breeding or Commercial Kennel shall ensure the Kennel complies with the following standards:**

1. Dog cages, kennels and dog houses shall be so constructed as to be easily cleaned. All Dogs shall be provided with food and water and treated in a humane manner.
2. Floors shall be:
  - a) Soundly constructed of hard, durable material;
  - b) Constructed of a material that may be readily sanitized; and
  - c) Maintained in a good state of repair free from cracks, holes and other damage.
3. Where there are floor drains:
  - a) A floor drain and any trench installed in connection therewith that is used for waste disposal shall be flushed at such intervals as may be necessary to prevent any accumulation of waste that might impair the health or welfare of any Dog in the room;
  - b) The floor shall be so constructed and maintained that surface liquids thereon will drain into the drain; and
  - c) The operator of the Kennel shall cause the drains to be examined as often as is necessary to ensure that they are functioning properly, have an adequate water seal and are not harbouring vermin.
4. Walls shall be:
  - a) Soundly constructed of hard, durable material;
  - b) Impervious to water to a height adequate for sanitary maintenance;
  - c) Constructed of a material that may be readily sanitized; and
  - d) Maintained in a good state of repair free from cracks, holes and other damage.
5. Where there is a door:
  - a) Every frame or moulding around the door opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin; and
  - b) The door shall be maintained in a good state of repair free from cracks, holes and other damage.



6. Where there is a window:
  - a) Every frame or moulding around the window opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin;
  - b) Means shall be provided to prevent the effect of direct sunlight through the window;
  - c) The window shall be so constructed and maintained as to prevent the entrance of vermin through the window; and
  - d) The window shall be maintained in a good state of repair free from cracks, holes and other damage.
7. Roofs and ceilings shall be:
  - a) Soundly constructed; and
  - b) Maintained in a good state of repair free from cracks, holes and other damage.
8. Where any pipe, drain, conduit or other service facility is installed through any floor, wall, or ceiling, the place where the pipe, drain, conduit or other service facility enters or leaves the room shall be so sealed as to prevent the entrance of vermin into the room.
9. Alleyways and service aisles between cages or pens shall be of sufficient width to permit the safe and efficient movement of persons and equipment and shall not be used for storage or accumulation of materials or equipment of any kind.
10. Every room in a Kennel shall be maintained in a clean condition.
11. The operator of every Kennel shall take all reasonable steps to prevent the spread of and to destroy vermin and invertebrates that maybe be harmful to the health, comfort or welfare of any Dog in the Kennel.
12. Every room that is used for the housing of Dogs within a Kennel shall be equipped with a lighting system that is so designed, constructed and maintained that:
  - a) It distributes light as evenly and with as little glare as possible; and
  - b) It provides adequate light for the proper observation of every Dog in the room.
13. Every room that is used for the housing of Dogs within a Kennel shall be adequately lighted for a continuous period of at least eight (8) hours in every twenty-four (24) hour period.
14. Every room that is used for the housing of Dogs within a Kennel shall at all times be adequately ventilated for the health, welfare and comfort of every Dog therein.
15. Every room that is used for the housing of Dogs within a Kennel shall at all times be adequately maintained at a temperature suitable for the health, welfare and comfort of every Dog therein.
16. The operator of a Kennel shall ensure that there are, in every day, on the premises on which the Kennel is located, an adequate number of persons competent in the care of Dogs to properly care for every Dog in the Kennel.

17. Every cage or pen used in a Kennel for the housing of Dogs shall be so constructed and maintained that:
  - a) Every Dog in the cage or pen may comfortably:
    - i. Extend its legs to their full extent,
    - ii. Stand,
    - iii. Sit,
    - iv. Turn around, and
    - v. Lie down in a fully extended position;
  - b) Is not likely to harm any Dog therein;
  - c) Any Dog therein cannot readily escape therefrom;
  - d) It minimizes as nearly as practicable the transfer of pathogenic agents; and
  - e) It may be readily sanitized.
18. Where a group of Dogs in a Kennel is housed in a communal cage, pen or dog run, no individual Dog shall be placed in the cage, pen or dog run with the group of Dogs where the placing of the individual Dog would result in harm to any of the Dogs and, where the behaviour of the Dogs in the cage, pen or dog run is such that harm is likely to result, any Dog whose removal will prevent the harm from occurring shall forthwith be removed.
19. All pens or cages in every Kennel shall be maintained such that:
  - a) Bedding material in every cage or pen shall be changed as often as is necessary to keep it dry, clean and free of noxious fumes;
  - b) Every Dog that is housed in a cage or pen shall be removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;
  - c) No Dog shall be placed in a cage or pen that is vacant unless the cage or pen and equipment used in connection therewith have first been sanitized;
  - d) Where a cage is cleaned or sanitized, the cage rack or portion thereof used in connection with the cage shall be cleaned or sanitized at the same time;
  - e) Every Dog shall be protected against liquid spray while a cage or pen is being cleaned;
  - f) Every device used to supply drinking water to a Dog shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure:
    - i. That the Dog is receiving water; and
    - ii. The device is functioning properly;
  - g) Every container for food or water shall be maintained in a sanitary condition.
20. The operator of every Kennel shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any Dog and to prevent distress to the Dog.

21. Every pen used for the housing of Dogs in any Kennel shall be so constructed and maintained as to provide a clean, dry and safe surface adequate to permit the Dogs to lie down in comfort at all times.
22. An outdoor dog run in a Kennel may be used to provide Dogs in the Kennel with exercise subject to the following conditions:
  - a) No Dog shall be removed from indoor housing and placed in the outdoor dog run or removed from the outdoor dog run and placed in the indoor housing where to do so would result in the change in environment likely to cause harm to the Dog;
  - b) The surface on which the dog run is established shall be so maintained as to rapidly drain all excess surface water;
  - c) The dog run shall be so fenced as to prevent any Dog from escaping;
  - d) The dog run shall be kept in a clean condition free from any materials or equipment likely to cause harm to a Dog;
  - e) Every Dog in the dog run shall have access to individual shelters that are:
    - i. Readily accessible to the Dog;
    - ii. Large enough to comfortably accommodate the Dog;
    - iii. Constructed and maintained so as to provide protection from the effects of direct sunlight, precipitation and wind; and,
    - iv. Dry and well drained.
23. All surfaces of yards and runways shall be covered in concrete or other nonporous materials or any other equivalent material.
24. All doorways and windows and outside openings shall be screened during the period of May 1<sup>st</sup> to October 1<sup>st</sup> of each year; and provide an effective barrier against the escape of any Dog.
25. All Kennels must at all times be maintained in a clean, sanitary condition.
26. Excretions, dead animals and other waste resulting from the operation of a Kennel shall be removed and disposed of daily from the premises in a sanitary manner.
27. Subject to the *Dead Animal Disposal Act*, R.S.O. 1990, c. D.3, as amended, in any Kennel, the carcass of an Animal shall be:
  - a) Forthwith removed from the cage or pen; and
  - b) Except for the whole or a part of the carcass that is retained in a sanitary manner for research, forthwith disposed of.
28. Where the carcass of an Animal is disposed of and the dead Animal is not a dead Dog as defined in the *Dead Animal Disposal Act*, R.S.O. 1990, c. D.3, as amended, the carcass shall be disposed of by:
  - a) Burying it with a covering of at least two (2) feet of earth;
  - b) Incineration; or

c) Delivery to a rendering plant that is:

- i. Licensed under the *Dead Animal Disposal Act*, R.S.O. 1990, c. D.3; or
- ii. Approved under the Meat Inspection Act (Canada) in a vehicle constructed and equipped in accordance with the *Dead Animal Disposal Act*.

29. A whelping facility or area shall be separate from any individual or group Kennel enclosures housing other Kennel Dogs, thereby providing the whelping Dog with privacy.
30. Wire floors shall not be permitted in any Kennel housing Dogs. If wire floors must be used, a solid floored sleeping area must be provided and every Dog or pup must be given an opportunity to exercise on a larger solid floored area at least three (3) times daily.

**The Corporation of the City of Thorold**

**SCHEDULE "D"**

**TO ANIMAL CARE AND CONTROL BY-LAW NO. 79-2017**

***"PART 1 PROVINCIAL OFFENCES ACT"***

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Failing to provide an Animal with clean and sanitary environment	2.1.1(1)	\$250.00
2.	Failing to provide an Animal with adequate/appropriate care	2.1.1(2) (a)	\$250.00
3.	Failing to provide an Animal with adequate/appropriate food	2.1.1(2) (b)	\$250.00
4.	Failing to provide an Animal with adequate/appropriate water	2.1.1(2) (c)	\$250.00
5.	Failing to provide an Animal with adequate/appropriate shelter	2.1.1(2) (d)	\$250.00
6.	Failing to provide an Animal opportunity for sufficient physical activity	2.1.1(3)	\$250.00
7.	Failing to provide an Animal with enclosure of sufficient area	2.1.2(1)	\$100.00
8.	Failing to provide an Animal with shelter elevated above the earth	2.1.2(1)	\$100.00
9.	Failing to provide an Animal with shelter facing away from the prevailing winds	2.1.2(1)	\$100.00
10.	Failing to provide an Animal with separate area for defecation and urination	2.1.2(2)	\$100.00
11.	Failing to provide an Animal with sufficient shade	2.1.2(3)	\$200.00
12.	Failing to provide an Animal with an area dry and free from standing water	2.1.2(4)	\$150.00
13.	Improper Tethering of an Animal – Tether of less than four (4) metres	2.2.1(1)	\$150.00
14.	Improper Tethering of an Animal – failing to give Animal unrestricted/unobstructed movement within range of Tether	2.2.1(2)	\$150.00
15.	Improper Tethering of an Animal – no access to food and/or water and/or shelter	2.2.1(3)	\$250.00
16.	Improper Tethering of an Animal – Tether attached to choke collar and/or choke chain and/or pronged collar	2.2.1(4)	\$150.00
17.	Improper Tethering of an Animal – permitting Animal to injure itself	2.2.1(5)	\$100.00
18.	Improper Tethering of an Animal – permitting Animal to reach beyond limits of Premises	2.2.2	\$100.00

19.	Improper Tethering of an Animal – tying (rope/cord/chain/restraining device) directly around Animal's neck	2.2.3	\$100.00
20.	Keeping an Animal in unsanitary conditions	2.3.1	\$250.00
21.	Failing to register a Dog with the City	4.1.1(1)	\$100.00
22.	Failing to renew a Dog registration with the City	4.1.1(3)	\$100.00
23.	Failing to display a Dog identification tag on collar affixed to the Dog	4.1.1(4)	\$50.00
24.	Failing to obtain a replacement Dog identification tag	4.1.1(5)	\$50.00
25.	Failing to notify the City within seven (7) days of the (sale/death/change of ownership) of a Dog	4.1.4	\$50.00
26.	Improper use of a Dog tag – use of tag on a Dog other than one for which tag was issued	4.1.7	\$75.00
27.	Providing false information respecting a (Dog registration/renewal of Dog registration)	4.1.8	\$100.00
28.	Failing to construct and/or establish and/or maintain and/or operate a Kennel in compliance with the By-law	3.1.1(1)	\$250.00
29.	Operate Kennel where escape is not prevented	3.1.1(2)	\$100.00
30.	Failing to pay Kennel registration fee	3.1.1(3)	\$200.00
31.	Failing to renew Kennel registration	3.1.1(4)	\$200.00
32.	Failing to display a Dog identification tag on collar affixed to the Dog	3.1.1(5)	\$50.00
33.	Failing to obtain replacement Dog identification tag	3.1.1(6)	\$50.00
34.	Failing to comply with Kennel Operations Standards, Schedule "C"	3.1.1(8)	\$200.00
35.	Hobby Kennel keeping more than ten (10) Dogs	3.1.4	\$250.00
36.	Breeding Kennel keeping more than ten (10) Dogs	3.1.5	\$250.00
37.	Failing to permit an Officer to inspect Kennel Premises	3.1.7	\$250.00
38.	Permitting a Dog to run at large	4.2.1	\$150.00
39.	Improper use of a Leash on a Dog – Leash longer than five (5) metres	4.2.5	\$100.00
40.	Failing to properly control a Dog on a Leash	4.2.5	\$100.00
41.	Failing to use a Leash on a Dog	4.2.6	\$100.00

42.	Failing to control a Dog with Leash and/or affixing Leash to an immovable structure and/or motor vehicle and/or bicycle	4.2.7	\$100.00
43.	Improper use of collar on a Dog – restricts the Dog's ability to breath and/or swallow	4.2.8	\$250.00
44.	Improper use of collar on a Dog – causes the Dog discomfort	4.2.8	\$250.00
45.	Failing to turn over a found Dog to the <i>Pound</i>	4.3.2	\$100.00
46.	Failing to turn over a found Dog to its Owner	4.3.2	\$100.00
47.	Permitting a Dog to bite and/or attack and/or chase a Person	4.5.1	\$250.00
48.	Permitting a Dog to bite and/or attack and/or chase an Animal	4.5.1	\$250.00
49.	Permitting a Dog to damage public and/or private property	4.5.1	\$250.00
50.	Improper Muzzling of a Dog – restricts Dog's ability to breath and/or drink water	4.5.2	\$250.00
51.	Improper Muzzling of a Dog – muzzle causes Dog pain and/or suffering and/or injury	4.5.2	\$250.00
52.	Failing to comply with notice respecting a dangerous Dog	4.4.1	\$400.00
53.	Failing to muzzle a dangerous Dog on Owner's Premises	4.4.3	\$300.00
54.	Failing to securely Tether a dangerous Dog	4.4.3(1)	\$400.00
55.	Failing to properly confine a dangerous Dog with an appropriate fence	4.4.3(2)	\$400.00
56.	Failing to display a dangerous Dog sign on property	4.4.3(3)	\$200.00
57.	Failing to display a dangerous Dog sign at least 5" x 7" in size	4.4.3(3)	\$200.00
58.	Failing to Muzzle a dangerous Dog	4.4.4(3)	\$400.00
59.	Failing to keep a dangerous Dog under control of a competent Person when off owner's Premises	4.4.4(1)	\$400.00
60.	Failing to keep a dangerous Dog under control of person eighteen years of age or older when off owner's Premises	4.4.4(1)	\$400.00
61.	Using Leash of more than two (2) metres on dangerous Dog	4.4.4(2)	\$400.00



62.	Failing to notify City of change in ownership and/or residence of a dangerous Dog	4.4.5(1)	\$300.00
63.	Failing to provide City with current information for a new Owner of a dangerous Dog	4.4.5(1)	\$300.00
64.	Failing to notify the City of a dangerous Dog running at large and/or attacking a person and/or biting a person	4.4.5(2)	\$400.00
65.	Failing to notify City of a dangerous Dog attacking an Animal and/or biting an Animal	4.4.5(2)	\$400.00
66.	Failing to notify the City operator of the death of a dangerous Dog	4.4.5(3)	\$150.00
67.	Failing to immediately remove Dog feces	4.6.1	\$100.00
68.	Failing to dispose of Dog feces in a proper waste receptacle	4.6.1	\$100.00
69.	Keeping more than three (3) Dogs over ten (10) weeks of age on a Premises	4.7.1	\$150.00
70.	Failing to register additional Dog(s) for three (3) Dog limit exemption	4.7.1	\$100.00
71.	Failing to have dog and/or cat immunized against rabies	6.5.1	\$100.00
72.	Failing to maintain (Dog/Cat) with current immunization against rabies	6.5.1	\$100.00
73.	Failing to keep an Animal inside of a passenger cab of a Motor Vehicle while the Motor Vehicle is parked and/or moving	6.1.3	\$150.00
74.	Animal outside of passenger cab of Motor Vehicle – not in fully enclosed trailer	6.1.4(1)	\$150.00
75.	Animal outside of passenger cab of Motor vehicle – not in fully enclosed bed area of truck	6.1.4(2)	\$250.00
76.	Animal in fully enclosed bed area of truck of insufficient dimensions	6.1.4(2)	\$150.00
77.	Animal outside of passenger cab of Motor Vehicle – not in crate	6.1.4(3)	\$150.00
78.	Animal confined in crate on the bed of a truck of insufficient dimensions	6.1.4(3)	\$150.00
79.	Improper transportation of Animal – failure to securely Tether the Animal in bed of a pick-up truck and/or flat-bed truck	6.1.5	\$150.00
80.	Improper transportation of Animal – causing and/or permit illness and/or pain and/or injury and/or suffering or undue or unnecessary distress and/or hardship and/or privation and/or neglect to an Animal while in vehicle or trailer.	6.1.6	\$250.00

81.	Annoying an Animal and/or assaulting an Animal and/or battering an Animal and/or tormenting an Animal or wilfully and recklessly kill and/or causing injury to and/or causing pain to and/or cause suffering to an Animal	6.3.1	\$250.00
82.	Trapping an Animal when the Animal is not causing a nuisance and/or damaging property	6.4.1(1)	\$150.00
83.	Trapping an Animal in other than a live trap	6.4.1(2)	\$250.00
84.	Trapping an Animal in an inhumane manner	6.4.1(3)	\$250.00
85.	Keeping a trapped Animal in a trap for more than twenty-four (24) hours	6.4.1(4)	\$250.00
86.	Failing to Shelter a trapped Animal from the elements	6.4.1(5)	\$250.00
87.	Trapping an Animal on property not owned by the aggrieved Person	6.4.1(6)	\$150.00
88.	Trapping an Animal – using a trap that causes and/or may cause the Animal injury and/or pain and/or suffering	6.4.2	\$250.00
89.	Failing to release a Domestic Animal to the Owner	6.4.3(1)	\$150.00
90.	Failing to release a Domestic Animal to an Officer	6.4.3(2)	\$150.00
91.	Failing to release a Domestic Animal to the <i>Pound</i>	6.4.3(3)	\$150.00
92.	Keeping Livestock in area not zoned to permit the Keeping of Livestock	6.6.1	\$250.00
93.	Permitting Livestock to run at large	6.6.3	\$300.00
94.	Failing to turn over found Livestock to the <i>Pound</i>	6.6.5	\$200.00
95.	Failing to turn over found Livestock to its Owner	6.6.5	\$200.00
96.	Did remove a Wild Animal from public lands in the City where unauthorized to do so	6.7.1	\$150.00
97.	Did remove a Wild Animal from public lands in the City in an inhumane manner	6.7.1	\$150.00
98.	Did keep and/or cause to be kept a Wild Animal	6.7.2	\$150.00
99.	Failing to release a Wild Animal after possessing it for more than twenty-four (24) hours	6.7.3 (1)	\$150.00
100.	Failing to release a Wild Animal within one (1) kilometre from where it was found	6.7.3(1)	\$150.00
101.	Failing to surrender a Wild Animal to the LCHS	6.7.3(2)	\$150.00

102.	Failing to surrender a Wild Animal to a Person and/or facility licenced as a Wild Animal rehabilitator	6.7.3(3)	\$150.00
103.	Keeping a Prohibited Animal	6.8	\$300.00
104.	Failing to register a grandfathered Prohibited Animal, namely a (indicate Prohibited Animal)	6.8.2	\$150.00
105.	Failing to keep a Prohibited Animal in an appropriate environment for the species	6.8.2	\$300.00
106.	Permitting a Prohibited Animal to run at large	6.8.6	\$300.00
107.	Obstructing an Officer in the execution of his/her duties	8.1.7	\$300.00

**NOTE:** The penalty provision for the offences listed above is in accordance to section 61 of the *Provincial Offences Act* R.S.O., 1990, Chapter P33, as amended.

**The Corporation of the City of Thorold**

**SCHEDULE "E"**

**TO ANIMAL CARE AND CONTROL BY-LAW NO. 79-2017**

**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, provincial law, regulation, rule 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, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
- 3) All hyenas (*Hyaenidae*).
- 4) All cats other than domesticated cats (*Felis catus*) including, but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wildcat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat, except for small domesticated hybrid breeds namely the Bengal Cat, Ocicat and Savannah Cat.
- 5) All bears, including polar, grizzly, brown and black bear (*Ursidae*).
- 6) All fur bearing animals of the family *Mustelidae* including, but not limited to, weasel, martin, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
- 7) All *Procyonidae*, including raccoon, kinkajou, cat-bear, cacomistle, panda and coatimundi.
- 8) All carnivorous mammals of the family *Viverridae* including, but not limited to, civet, mongoose, and genet.
- 9) All bats (*Chiroptera*).
- 10) All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
- 11) a) All snakes that produce venom (even if de venomized) that is medically significant to humans, that will require emergency medical treatment, 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);
  - (v) All *Laticaudidae* (sea krait);
  - (vi) All genus *Dispholidus* (boom slang snakes);
  - (vii) All genus *Thelotomis* (twig snakes);
  - (viii) Coral reef snakes;
  - (ix) All genus *Rhabdophis* (keel backs);
  - (x) All genus *Atractaspis* (burrowing vipers, mole vipers, etc.)
- b) All members of the family *Chelydridae* (except alligator snapping turtle);

- c) All members of the order Crocodylia, including, but not limited to, alligator and crocodile; save and except the species *Paleosuchus palpebrosus*, the Cuvier's dwarf caiman;
  - d) All snakes that reach an adult length of over three (3) meters;
  - e) All lizards that reach an adult length larger than two (2) meters; save and except the species *Varanus salvator*, the Asian Water Monitor;
- 12) (1) All of the following Birds (Aves), including:
- 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 12(1) do not apply if the birds are kept as livestock pursuant to Section 6.6 of this By-Law.
- 13) All Arachnida and Chilopoda that produce venom (even if de venomized) that is medically significant to humans, that will require emergency medical treatment including, but not limited to:
- a) All venomous spiders save and except all species of Tarantulas;
  - b) All venomous scorpions of the family Buthidae, including but not limited to fat tailed scorpions and bark scorpions;
  - c) The family of Ctenidae (wandering spiders);
  - d) The genus *Latrodectus* (black widow spiders);
  - e) The family Sicariidae (Brown recluse spider, Assassin spider, etc.);
  - f) The family Hexathelidae (Australian Funnel web spiders);
- 14) All rodents over 3 lb. (Rodentia), including, but not limited to, gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine and squirrels (Sciuridae).
- 15) All even-toed ungulates (Artiodactyla) including, but not limited to, antelope, giraffe and hippopotamus.
- 16) (1) All marsupials including, but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, greater glider, cuscus, numbat and pigmy; excluding short-tail opossum and sugar glider.
- (2) Items 15 and 16 do not apply if the referenced animals are kept as livestock pursuant to Section 6.6 of this By-law.
- 17) All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*) including, but not limited to, rhinoceros and tapir.
- 18) All 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 sloth and armadillo (Cingulata), pangolin (Pholidota), anteater and sloth (Pilosa),  
aardvark (Tubulidentata).
- 22) All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater,  
shrew, otter shrew and mole. Save and except the domestic hedgehog and species  
Echinops telfairi, the lesser (hedgehog) tenrec;
- 23) All Gliding lemur (Dermoptera).
- 24) Any other animal that produces venom that is medically significant to humans.  
Medically significant shall mean able to cause harm by natural toxin requiring  
emergency medical treatment.

**The Corporation of the City of Thorold**

**SCHEDULE "F"**

**TO ANIMAL CARE AND CONTROL BY-LAW NO. 79-2017**

**ENCLOSURE REQUIREMENTS FOR PROHIBITED ANIMALS**

**Enclosure for Prohibited Venomous Reptiles**

- 1) Enclosures for venomous reptiles shall be kept indoors in a secure and locked area, which shall be under the direct control and supervision of the animal owner. All enclosures shall be constructed of ½" wood, fiberglass, ABS/PVC plastic or metal. Enclosures must be secure and locked with appropriate locking device in a secure and key locked room. All enclosures shall be kept within a secured (escape proof) and locked area. 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, including poison control and the owner.

**Enclosures for Constrictors**

- 2) Enclosure for constrictors including, but not limited to, Pythonidae (Large python) and Boidae (Boa), shall be constructed of minimum ½" wood, fiberglass, metal or ABS/PVC plastic of a size sufficient for the animal to allow movement of the animal. All enclosures must be kept indoors and shall be secure and locked with appropriate locking device in a secure area and/or key locked room. All provisions for safekeeping and care and maintenance must be adhered to.

**Enclosures for Felids**

- 3) 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 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 be weighed 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.
- 4) 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 of a size no less than 5"x8" must be posted on the outer fence and be visible to the public, from all angles.
- 5) The enclosures are subject to requirements under the Ontario Building code and Zoning By-law.