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## The Corporation of the City of Peterborough

### By-Law Number 17-XXX

Being a By-law to enact City of Peterborough Animal By-law 17-XXX, a By-law to Regulate the Keeping of Animals and to repeal associated Animal By-laws 1984-138, and 16-079.

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**Whereas** subsection 10(2) of the **Municipal Act, 2001**, as amended, authorizes the Corporation of the City of Peterborough to pass By-laws concerning the health, safety and well-being of persons;

**And Whereas** subsection 10(2) of the **Municipal Act, 2001**, as amended, authorizes the Corporation of the City of Peterborough to pass By-laws regarding animals;

**And Whereas** subsection 103(1) of the **Municipal Act, 2001** provides that if a municipality passes a By-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such By-law;

**And Whereas** subsection 105(1) of the **Municipal Act, 2001** provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement;

**And Whereas** the Council of the Corporation of the City of Peterborough deems it advisable to enact such a By-law to encourage responsible pet ownership;

**Now Therefore** the Corporation of the City of Peterborough enacts as follows:

#### Article 1 – Definitions

**1.1 Agricultural Zone** means a property:

- i. zoned to permit agricultural uses pursuant to By-law 97-123; or
- ii for which an agricultural use is a legal non-conforming use pursuant to the **Planning Act**;

**1.2 Animal** includes any member of the animal kingdom, other than a human;

**1.3 Animal Control Officer** means a person so appointed by the Council of the Corporation of the City of Peterborough to enforce City By-laws respecting animals and includes an Animal Control Officer employed by the Humane Society, a police officer, and a By-law enforcement officer appointed by Council;

**1.4 Animal Control Order** means an order declaring a dog to be a biting dog, served on the owner, issued by an Animal Control Officer;

**1.5 At Large** means to be found in any place other than the owner's property and not under control of any person;

**1.6 Bite** includes the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog and "bitten" has a corresponding meaning;

- 1.7 Biting Dog** includes a dog that:
- i. in the absence of a mitigating factor, has attacked, bitten, or caused physical injury to a person or a domestic animal;
  - ii. in the opinion of an Animal Control Officer, is likely to attack, bite or cause physical injury to a person or domestic animal; or
  - iii. a dog that has been declared vicious or a biting dog in another municipality in Ontario;
- 1.8 Cat** includes a feline of any breed of domesticated cat or cross-breed domesticated cat, but does not include felines less than four months of age;
- 1.9 City** means the Corporation of the City of Peterborough or the geographical boundary of the municipality, as the case may be;
- 1.10 Clerk** means the corporate secretary of the City and also means their designate;
- 1.11 Commercial Event** includes an event where a fee is charged for entrance or participation, or goods or services are displayed for sale and the person, group or corporation conducting the event is for-profit;
- 1.12 Committee** means the City of Peterborough Appeals Committee as may be appointed by City Council from time to time;
- 1.13 Coop** means a fully enclosed weatherproof building where hens are kept and which the interior of includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers;
- 1.14 Distress** includes the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;
- 1.15 Dog** includes a canine of any breed of domesticated dog or cross-breed domesticated dog, but does not include canines less than four months of age;
- 1.16 Domestic or Domesticated Animal** includes any animal kept by a person as a pet and includes a service animal, but does not include any animal not listed as an exception;
- 1.17 Dwelling** includes one or more connecting rooms used, or intended for use, as a housekeeping unit containing cooking, eating, sleeping, and sanitary facilities;
- 1.18 Enclosure** includes the structure, cage or apparatus utilized to keep the animal confined for safekeeping;
- 1.19 Grandfathered** means the lawful keeping of any animal, deemed to be prohibited and, that was lawfully kept prior to the passage of this By-law and which has been registered with the Humane Society, within 90 calendar days of the passing of this By-law. The lawful keeping of the animal shall only be for the life span of the animal or until the animal is permanently removed from the City;
- 1.20 Hen** means a domesticated female chicken;
- 1.21 Hen Run** means a covered, secure enclosure that allows hens access to outdoors;
- 1.22 Humane Society** means the Peterborough Humane Society or any successor organization thereto;

- 1.23 Keep** means to own, or possess or harbour or to have custody of an animal, and “keeps” and “keeper” have a corresponding meaning;
- 1.24 Kennel** includes any building, structure or other facility or part thereof, where greater than 3:
- i. dogs or cats are kept for breeding or show purposes; or
  - ii. dogs or cats are kept for boarding purposes;
- 1.25 Leash** includes a leash attached to the collar or harness worn by a dog or cat and of sufficient strength to restrain the dog or cat;
- 1.26 Microchip** includes an approved Canadian standard encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal;
- 1.27 Minor** is a person who has not achieved the age of 18 years of age;
- 1.28 Mitigating Factor** includes a circumstance that may excuse 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 defense of an attack by a person or aggressive animal; or
  - ii. the dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing without permission or colour of right on the property of its owner; or
  - iii. the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;
- 1.29 Muzzle** includes a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog, that fits over the mouth of the dog and cannot be removed by the dog, so as to prevent the dog from biting;
- 1.30 OSPCA** means the Ontario Society for the Prevention of Cruelty to Animals;
- 1.31 OSPCA Act** means the **Ontario Society for the Prevention of Cruelty to Animals Act**, R.S.O. 1990, c. O. 36, as amended or replaced from time to time;
- 1.32 Owner** means a person or persons who keeps an animal, and where the owner is a minor, the person responsible for the minor;
- 1.33 Owner’s Property** includes the property, building or dwelling owned or occupied by the owner of an animal, or any portion thereof;
- 1.34 Police Dog** includes a dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer;
- 1.35 Possession or Harboring** of an animal shall be deemed to occur when:
- a. a person permits an animal to remain at or about the property or dwelling which s/he owns or occupies; or
  - b. an animal is habitually kept in the occupier’s dwelling or on the owner’s property;

- 1.36 Pound** includes premises that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to an agreement between the City and the Humane Society or the **Dog Owners' Liability Act**;
- 1.37 Prohibited Animal** includes an animal of the type listed in Schedule "A", and includes animals whose ownership is prohibited under existing Provincial and Federal legislation;
- 1.38 Public Property** means any property owned by:
- i. the City;
  - ii. any local board as defined in the **Municipal Affairs Act**;
  - iii. the federal or provincial government;
- 1.39 Residential Zone** means a property:
- i. zoned to permit residential uses pursuant to By-law 97-123; or
  - ii. for which a residential use is a legal non-conforming use pursuant to the **Planning Act**;
- 1.40 Safekeeping** of an animal means the provision of such security in order to prevent an animal from attacking or injuring a person or another animal, or exposing such person or animal to infection or disease, and also includes the provision of an environment wherein the animal cannot be injured or infected by the enclosure, and in addition, the said enclosure shall not cause psychological or mental harm to the animal, which shall be ascertained by the distress caused to the animal in the said enclosure, so determined by a veterinarian or other animal expert;
- 1.41 Self-sustaining Captive Population** means an animal population that is viable in captivity without further genetic influence from the wild;
- 1.42 Service Animal** includes an animal if:
- i. it has been trained to provide assistance to a person with a disability that relates to a person's disability; and
  - ii. it is readily identifiable that the animal is used by the person for reasons relating to his or her disability; or
  - iii. the person provides a letter from a regulated health professional confirming that the person requires the animal for reasons relating to the disability; and
  - iv. where an Article in this By-law sets out a maximum number of animals allowed to be kept, a Service Animal shall not be included in the calculation;
- 1.43 Under Control** means having the animal kept secure and in the possession of the keeper by means of a leash, chain or tether, or confined in a safe and secure enclosure in the possession of the keeper.

## **Article 2 – Prohibited Animals**

- 2.1** Schedule A – Prohibited Animals are described by species. Examples of these species are provided and shall not be construed as limiting the generality of the group.

- 2.2 The keeping, harbouring, or possession, on a temporary or permanent basis, or the selling or offer of selling of any animal of any kind listed in Schedule “A” to this By-law anywhere in the City is hereby prohibited.
- 2.3 Article 2.2 does not apply to animals listed as exceptions in Schedule “A”.
- 2.4 No person shall keep an animal within the City which animal is on the list of the Convention on International Trade and Endangered Species (CITES) without the prerequisite permit in accordance with CITES.
- 2.5 No person shall keep an animal whose ownership is prohibited under existing Provincial and Federal legislation.

### **Article 3 – Grandfathering**

- 3.1 Any person who keeps, possesses or harbours more than 4 hens in the City on January 1, 2018, shall remove the hens, or make application and provide to the Humane Society proof that the hen was lawfully owned prior to January 1, 2018. Upon being satisfied that the hen was lawfully owned, the hen may be deemed “grandfathered” and such information pertaining to the hen and its owner shall be entered into a registry of grandfathered animals and the owner shall purchase an identification band for each hen in excess of 4 in accordance with the fees set out in Schedule “B” of this By-law.
- 3.2 Special terms or conditions on the keeping of any grandfathered animals (e.g. housing), may be determined by the Humane Society in consultation with and approval from the Clerk.

### **Article 4 – Keeping Animals**

- 4.1 Every person who keeps one or more animals shall be responsible to ensure that the owner’s property upon which the animal or animals are kept are maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard. This provision is in addition to further requirements relating to specific types of animals contained elsewhere in this By-law.
- 4.2 No person shall keep an animal incidental to a farm or agricultural use, except in an agricultural zone. A farm use shall be deemed to occur when the animal(s) is/are used to produce or generate food for human or animal consumption.
- 4.3 Article 4.2 does not apply to hens kept in residential zones in the City.
- 4.4 No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
- i. the tether is a minimum of 3 metres;
  - ii. the animal has unrestricted movement within the range of such tether;
  - iii. the animal is not tethered for longer than 10 consecutive hours in a 24-hour period;
  - iv. the animal has access to water and shelter while tethered; and
  - v. the animal cannot injure itself as a result of the tethering.
- 4.5 Every person who keeps an animal in the City shall ensure that the standards of care set out in the Regulations under the **Ontario Society for the Prevention of Cruelty to Animals Act** are provided for the animal.

- 4.6** Nothing under this article requires the City to assume responsibility concerning distress or care of an animal, which is the obligation of the OSPCA.

## **Article 5 – Animals At Large**

- 5.1** No owner of an animal shall permit his/her animal to be at large in the City.
- 5.2** No owner of an animal shall cause or permit an animal to be at large on the lands of any other person, provided, however, that this clause does not apply if the owner or the keeper have not intentionally or deliberately caused or permitted the animal to be at large and the owner or keeper has proceeded with proper dispatch to recover the animal according to law.
- 5.3** An Animal Control Officer may capture and take into custody an animal that is at large upon any property.
- 5.4** Any person may humanely capture an animal found:
- i. at large on his or her property; or
  - ii. at large on public property, and
- deliver the animal to the custody of an Animal Control Officer or the Humane Society.

## **Article 6 – Impounded Animals**

- 6.1** The Humane Society is appointed as poundkeeper for the purposes of this By-law.
- 6.2** Where an Animal Control Officer captures and takes into custody an animal running at large or has a captured animal delivered to him or her, the animal Control Officer may in his or her discretion:
- i. deliver the animal to the Humane Society;
  - ii. release the animal to its owner;
  - iii. if the animal is sick or injured, deliver the animal to a licensed veterinarian;
  - iv. if the animal is severely sick, injured or vicious, destroy the animal; or
  - v. deliver the animal to the Riverview Park and Zoo, where in the opinion of the Animal Control Officer such animal should be kept at the Riverview Park and Zoo.
- 6.3** The Humane Society shall keep a record of every animal impounded, including:
- i. the date it was impounded;
  - ii. a description of the animal;
  - iii. a description of any identification;
  - iv. the disposition made with respect to the animal.
- 6.4** Where an animal is impounded for being at large, the owner of the animal shall pay to the Humane Society reimbursement of its expenses with respect to the animal including:
- i. the cost of taking the animal into custody, (impound fee) fixed at the amount listed in Schedule “B”;

- ii. the daily boarding fees of the Humane Society for the care of the animal fixed in the amount listed in Schedule "B";
  - iii. actual veterinarian fees incurred with respect to the animal.
- 6.5** No person shall retrieve an impounded animal from the Humane Society without payment of the expenses in full referred to in Schedule "B".
- 6.6** Every owner shall retrieve the impounded animal from the Humane Society within 5 calendar days of the day of impound, excluding the day of impound and any statutory holidays.
- 6.7** Where an animal is not claimed by its owner within 5 calendar days, the animal may be sold or disposed of or destroyed in a humane manner.
- 6.8** Where an animal bears identification in accordance with this By-law, the Humane Society shall make at least one attempt to contact the owner in accordance with the information provided prior to selling or otherwise disposing of the animal.
- 6.9** Where an animal is injured or diseased before or after being taken into custody such that in the opinion of the Humane Society it should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Humane Society may destroy the animal in a humane manner without giving notice to the owner or permitting any person to reclaim the animal or offering it for sale.
- 6.10** An impounded animal not wearing an identification tag for the current year, or which has not been microchipped may be given an inoculation to provide temporary immunization against common diseases.
- 6.11** Where the Humane Society is entitled to sell or dispose of an animal and receives proceeds for the disposition, the proceeds of disposition shall be applied as follows:
  - i. to the costs of taking the animal into custody, (impound fee) fixed at the amount listed in Schedule "B";
  - ii. the daily boarding fee of the Humane Society for the care of the animal fixed in the amount listed in Schedule "B";
  - iii. actual veterinary fees incurred with respect to the animal;
  - iv. the costs of any damage caused by the animal in trespassing or being at large on the property of someone other than the owner; and
  - v. the residue, if any, to the owner if known, otherwise to be provided to the City.

## **Article 7 – Licenses**

- 7.1** Within 7 calendar days of the later of becoming:
  - i. an owner of a dog or cat required to be licensed under this By-law; or
  - ii. a resident of the City if already an owner of a dog or cat required to be licensed under this By-law;
 every person shall obtain a license and pay the fee prescribed by Schedule "B".
- 7.2** Every service animal shall be registered/licensed and receive a tag, but at no cost to the owner.

- 7.3** No person shall operate a kennel without obtaining a license and paying the fee prescribed in Schedule “B”.
- 7.4** All licenses shall be valid for one calendar year (January 1<sup>st</sup> – December 31<sup>st</sup>) annually.
- 7.5** A record shall be kept by the Humane Society, showing the name and address of the owner of the dog or cat and the serial number of the tag provided to the person.
- 7.6** Where an owner obtains a license for a dog or cat under this By-law, the owner will be issued a Peterborough identification tag. Every dog or cat licensed under this By-law shall have their Peterborough identification tag securely attached to a breakaway collar and attached to the animal at all times unless the dog or cat:
- i. is receiving veterinary treatment;
  - ii. is being cleaned;
  - iii. otherwise cannot have the tag affixed because it would represent a danger to the animal;
  - iv. the dog is being lawfully used for hunting.
- 7.7** No person shall place a Peterborough identification tag upon any dog or cat other than the dog or cat for which it was obtained.
- 7.8** Tags which are lost may be replaced by providing sufficient proof that the license for the dog or cat has been issued for the current year, and paying to the Humane Society the sum of \$10.00 for each lost tag.
- 7.9** Licensing and registration of hens shall be in accordance with the provisions set out in Article 11 and Schedule “B” of this By-law.

## **Article 8 – Dogs - General**

- 8.1** The owner of every dog shall cause the dog to be licensed under this By-law in accordance with the annual license fee outlined in Schedule “B”, and the owner of such dog shall provide proof of current rabies immunization.
- 8.2** Owners that have more than one dog within their household must have all of the dogs within the household spayed or neutered with the exception of registered and licensed dog breeders.
- 8.3** No person shall keep, or permit to be kept, in or about an owner’s property in the City, more than 3 dogs at any one time, with the exception of:
- i. a registered and licensed shelter or pound;
  - ii. a kennel;
  - iii. dogs under the age of four months.
- 8.4** No owner of a dog shall permit the dog to be at large in the City. A dog shall be deemed to be at large if it is found in any place other than the owner’s property or a City designated “leash-free zone” and accompanied by the owner.
- 8.5** Every owner of a dog shall ensure that the dog is kept on a leash and under the control of a person when the dog is on any land in the City unless:
- i. the land is the premises of the owner of the dog;



- ii. the land is owned by a person who has given prior consent to the dog being off the leash;
- 8.6** No owner of a dog shall permit the dog to be within the following areas, unless the dog is a service animal:
  - i. the grass covered areas of Del Crary Park, shown as outlined on the map attached hereto as Schedule “C”, between the 1<sup>st</sup> day of May and the 31<sup>st</sup> day of October; or
  - ii. the fenced playing field in the North West portion of King Edward Park.
- 8.7** The owner of a dog shall forthwith remove, or cause to be removed, any excrement left by the dog on land within the City. The owner shall dispose of the excrement in a proper refuse receptacle.
- 8.8** Every person who owns a dog shall remove from his or her premises, in a timely manner, excrement left by the dog.
- 8.9** Article 8.8 does not apply to:
  - i. a handler of a service animal, where the handler is unable to remove the excrement left by such dog due to physical disability or impediment; or
  - ii. a blind or visually impaired handler of a service animal if the excrement was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

## **Article 9 – Dogs – Biting**

- 9.1** No owner shall permit a dog to bite or attack a person or a domestic animal.
- 9.2** Where an Animal Control Officer has reason to believe that a dog is a biting dog, an Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a biting dog.
- 9.3** A Committee shall be established to conduct a hearing to determine whether or not to exempt the owner in whole or in part from the Animal Control Order.
- 9.4** An Animal Control Order declaring a dog to be a biting dog shall set out such measures as are required by the owner of the dog to take in respect of such dog, which may include the following requirements:
  - i. the owner shall, when the dog is not securely inside the owner’s dwelling but is otherwise on the owner’s property, at all times keep the dog securely restrained in one of the following manners so as to prevent the dog from escaping and to prevent the dog from biting or causing injury to any person or domestic animal entering onto the owner’s property:
    - a. the dog shall be located within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the dog from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
    - b. the dog shall be located in a rear or side yard within a fully enclosed pen or run of sufficient dimension, design and strength to be humane and to prevent the dog from digging its way out of or otherwise escaping from the enclosed pen or run; or
    - c. the dog shall be muzzled so as to prevent it from biting a person or domestic animal and securely restrained within a rear or side yard

by means of a leash or chain to prevent the dog from escaping from the yard; and

- d. the dog shall not be kept in the front yard of the owner's property.
  - ii. the owner shall securely attach a muzzle to the dog at all times when the dog is in any place other than the owner's property;
  - iii. the owner shall keep the dog under the physical control of a person 18 years of age or older by means of a non-retractable leash with a maximum length of 3 metres held by the said person at all times when the dog is in any place other than the owner's property;
  - iv. the owner shall have a microchip implanted in the dog, and proof of the implantation shall be supplied in writing to the Animal Control Officer within 30 calendar days of the issuance of the Animal Control Order, or on appeal, within 30 calendar days of the date of the Committee's decision, unless the Committee exempts the owner of this requirement;
  - v. the owner shall provide to the Animal Control Officer a copy of all immunization records of the dog within 48 hours of service of the Animal Control Order;
  - vi. the owner shall notify the Animal Control Officer within 48 hours of any changes to the residency or ownership of the dog;
  - vii. the owner shall notify the Animal Control Officer within 48 hours of the death of the dog.
- 9.5** Every Animal Control Order shall include a statement advising the owner of the dog of the ability to make application for a hearing before the Committee in accordance with the provisions of this By-law.
- 9.6** Unless varied by the Committee on an appeal, a requirement of an Animal Control Order that the owner shall keep the dog leashed at all times when the dog is any place other than the owner's property shall apply to and be deemed to include all areas in the City that may, from time to time, be designated as leash-free zones.
- 9.7** An Animal Control Order may be served on the owner personally by handing it to the owner, but where the Animal Control Order cannot be given or served by reason of the owner's absence from the owner's property or by reason of evasion of service, the Animal Control Order may be given or served, by:
- i. leaving it at the owner's last known or usual place of abode with an inmate thereof who appeared at least 16 years of age; or
  - ii. posting it in a conspicuous place upon some part of the owner's property and by sending a copy by regular mail; or
  - iii. sending it by prepaid registered mail to the owner at the address where he or she resides.
- 9.8** An owner of a dog may apply for and is entitled to a hearing before the Committee in respect of an Animal Control Order, provided the application for a hearing is made in writing and delivered to the Clerk within 15 calendar days after the Animal Control Order has been served.
- 9.9** An Animal Control Order takes effect when it is served on the person to whom it is directed, and remains fully in effect unless it has been varied by the Committee.

**9.10** In accordance with subsection 105(4) of the **Municipal Act, 2001**, an application by the owner of a dog for a hearing under this By-law does not act as a stay of any requirement imposed by an Animal Control Order.

**9.11** Upon receipt of an application for a hearing pursuant to the provisions of this By-law, the Clerk shall convene a meeting of the Committee and shall give the owner of the dog at least 7 calendar days written notice of the hearing.

The Committee may:

- i. confirm, vary, or reverse the declaration in an Animal Control Order that the subject dog is a biting dog, as the case may be;
- ii. confirm or vary any of the requirements of an Animal Control Order as the Committee considers appropriate;
- iii. exempt the owner of the dog in whole or in part from any of the requirements of an Animal Control Order, subject to such terms and conditions as the Committee considers appropriate;
- iv. impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order; or
- v. combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as the Committee considers appropriate.

**9.12** Any notice or document that has been served pursuant to the provisions of this By-law by prepaid registered or regular mail shall be deemed to have been received by the person to whom it is addressed on the 5th day after the day it is mailed.

**9.13** No person shall:

- i. fail to comply with an Animal Control Order;
- ii. fail to restrain a dog that is required to be restrained pursuant to an Animal Control Order;
- iii. fail to muzzle a dog that is required to be muzzled pursuant to an Animal Control Order; or
- iv. fail to leash a dog that is required to be leashed pursuant to an Animal Control Order.

## **Article 10 – Cats**

**10.1** The owner of every cat shall cause the cat to be licensed under this By-law in accordance with the annual license fee outlined in Schedule “B” and the owner of such cat shall provide proof of current rabies immunization.

**10.2** Every owner of a cat shall ensure that the cat is kept on a leash and under control of a person unless the:

- i. land is the premises of the owner of the cat; or
- ii. land is owned by a person who has given prior consent to the cat being off the leash;

**10.3** No person shall keep, or permit to be kept, in or about an owner’s property in the City, more than 3 cats at any one time, with the exception of:

- i. a registered and licensed shelter or pound;
  - ii. cats under the age of four months;
  - iii. the following Cat Rescue Groups in the City: “Operation Catnip” and “ARK” (Animal Rescue Krew); or
  - iv. a kennel.
- 10.4** Owners that have more than one cat must have all cats within that household spayed or neutered with the exception of registered and licensed cat breeders.
- 10.5** No owner of a cat shall permit the cat to be at large in the City. A cat shall be deemed at large if found in any place other than the owner’s property.
- 10.6** Article 10.5, does not apply to cat rescue groups in the City, including but not limited to “Operation Catnip” and “ARK” colony cats that are ear tipped, spayed/neutered and brought into the pound will be returned to the rescue group at no charge.
- 10.7** The owner of every cat shall forthwith remove, or cause to be removed, any excrement left by the cat on land within the City. The owner shall dispose of the excrement in a proper refuse receptacle.
- 10.8** Every person who owns or keeps a cat shall remove from his or her premises, in a timely manner, excrement left by the cat.

## **Article 11 – Hens**

- 11.1** No person shall keep, possess or harbour a hen in the City, unless that person first signs a declaration that they have read and are in compliance with this By-law and the rules for keeping hens and files the declaration with the Humane Society.
- 11.2** Every person who files a signed declaration as indicated in Article 11.1 shall receive a minimum of 2 and a maximum of 4 identification bands upon payment of the hen registration fee as set out in Schedule “B”.
- 11.3** Every identification band issued for a hen in the City, shall be issued by the Humane Society and placed on the leg of the hen for the life of the hen.
- 11.4** No person shall keep, or permit to be kept, on or about an owner’s property in the City, more than 4 or less than 2 hens at any time, with the exception of:
- i. a registered and licensed shelter or pound;
  - ii. any person designated by the Humane Society as a shelter or foster home; or
  - iii. grandfathered hens in accordance with article 3.1 of this By-law.
- 11.5** Every person who keeps a hen in the City, who is not the owner of the property where the hen is to be kept, shall first obtain written permission from the owner to keep hens on the owner’s property. The owner of the hens must reside on the property where the hens are kept.
- 11.6** A property owner may withdraw consent to the keeping of hens on their property by notifying the owner of the hens and the Humane Society in writing, and the owner of the hens shall remove the hens within 90 days of the date the Humane Society is notified.

- 11.7** The owner of every hen shall cause the hen to be licensed under this By-law in accordance with the annual license fee outlined in Schedule “B”.
- 11.8** Every person who keeps hens shall erect a coop that does not exceed 10 square metres in size, and an enclosed hen run in a manner that contains the hens on the owner’s property and prevents their escape from such coop or run.
- 11.9** Every owner of a hen and every property owner on which hens are kept shall ensure that the hens are housed in a coop that is constructed and maintained:
- i. to provide protection from weather and be adequately ventilated;
  - ii. to exclude rodents and predators;
  - iii. with flooring that is resistant to moisture and mold and retains heat in the cold weather;
  - iv. with a hen box sufficient to accommodate all hens;
  - v. with a perch area sufficient to accommodate all hens; and
  - vi. with an accessible dust bath area.
- 11.10** Every owner of a hen and every property owner on which hens are kept shall ensure that:
- i. coops and runs are maintained in a clean condition;
  - ii. coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the City;
  - iii. coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
  - iv. coops are deep cleaned at least 2 times yearly including disinfecting of troughs, perches, and nests;
  - v. feeders and water containers are provided and are cleaned and disinfected regularly;
  - vi. food and water is not allowed to freeze;
  - vii. all stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
  - viii. feeding of hens is done in a manner that minimizes the attraction of rodents or other animals;
  - ix. manure and droppings are cleaned out daily and stored in a secured container or composter until disposed of or used as fertilizer;
  - x. each hen is banded with such band containing current information for the hen’s owner;
  - xi. hens have access to an enclosed outdoor run area;
  - xii. deceased hens are disposed of at a livestock disposal facility, through the services of a veterinarian, chicken exchange program, or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all laws;

- xiii. there is no sale of eggs, manure, or other products associated with the keeping of hens;
  - xiv. no slaughtering or butchering of hens is done on the property. Slaughtering or butchering of hens is only permitted at a livestock disposal facility, through the services of a veterinarian, or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs;
  - xv. hens are kept in accordance with all other laws including the City's Noise By-law, Property Maintenance By-law, and any municipal, provincial or federal legislation respecting the keeping of animals; and
  - xvi. the applicable registration and or licensing fee as set out in Schedule "B" has been paid to the Humane Society.
- 11.11** Coops and hen runs shall be a distance of at least 1.2 metres from the rear lot line and at least 1.2 metres from any side lot line of the dwelling on which the coop is located.
- 11.12** No person shall erect a coop or hen run within 15 metres of any school, church or business.
- 11.13** No person shall erect a coop or hen run closer than 3 metres from any windows and doors of dwellings that are located on an abutting property and on the owner's property.
- 11.14** No person shall erect a coop or hen run in any front or side yard.
- 11.15** No person shall keep hens on lands in the City unless the land is zoned for residential use.
- 11.16** No owner of a hen shall permit their hen to be at large in the City. A hen shall be deemed to be at large if it is found in any place other than the owner's property.
- 11.17** No person shall keep a rooster in the City.
- 11.18** Every person who keeps a hen shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this Article are being complied with.

## **Article 12 – Exemptions**

- 12.1** Nothing in this By-law shall apply to prohibit the keeping of an animal in the following places or circumstances:
- i. in a veterinary clinic or hospital under the care of a licensed veterinarian;
  - ii. by the OSPCA;
  - iii. by the Humane Society;
  - iv. in a retail pet shop, in relation to the keeping for sale or display of those animals specified as an exception in Schedule "A";
  - v. at a Peterborough Agricultural Society event;
  - vi. by anyone licensed by the Provincial or Federal Government which permits the keeping of animals under certain conditions;
  - vii. within educational facilities where animals are being kept for study, research or teaching purposes;

- viii. by the Riverview Park and Zoo;
- ix. by the Indian River Reptile Zoo, or the Kawartha Turtle Trauma Centre while in the City; or
- x. on the premises of a licensed circus, non-profit exhibition or commercial event, or authorized parade or procession and during such parade or procession if kept under control.

**12.2** This By-law does not apply to a police dog actually engaged in law enforcement for the Peterborough Police Service or other law enforcement agency.

### **Article 13 – Enforcement**

**13.1** This By-law may be enforced by a person or class of persons designated by By-law of the Council of the City to enforce City By-laws respecting animals and includes an Animal Control Officer employed by the Humane Society and an inspector or agent, authorized by the OSPCA under the provisions of the **OSPCA Act**, or a police officer.

### **Article 14 – Offences**

**14.1** Every individual who contravenes any provision of this By-law, including those contained in any of the Schedules, is guilty of an offence and on conviction liable to a fine of not more than \$5,000.00, exclusive of costs, under the **Provincial Offences Act**, R.S.O. 1990, c. P.33, as amended.

### **Article 15 – Power of Entry**

**15.1** Pursuant to Section 436 of the **Municipal Act, 2001**, an Animal Control Officer, and anyone under the Officer's direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of the Animal By-law are being complied with.

### **Article 16 – Duty to Identify**

**16.1** Where an Animal Control Officer has reasonable grounds to believe that an offence has been committed by a person, the Animal Control Officer may require the name, address and proof of identity of that person and the person shall supply the required information. A failure by the person to supply the required information constitutes a hindrance or obstruction of the Animal Control Officer.

### **Article 17 – Severability**

**17.1** In the event any provision of this By-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect unless the court makes an order to the contrary.

### **Article 18 – Transitional Provision**

**18.1** Notwithstanding the repeal of By-laws 1984-138 and 16-079, those By-laws shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

### **Article 19 – Short Title**

**19.1** This By-law may be known as the “Animal By-law.”

### **Article 20 – Interpretation**

**20.1** Whether any word, phrase or term defined in this By-law is capitalized or not, the use of that word, phrase or term is a reference to the defined word, phrase or term. Where the context requires, the plural shall mean the singular and vice versa.

**Article 21 – Reference to Legislation**

- 21.1** Reference to any legislation shall include any and all amendments made thereto.
- 21.2** Reference in any document to a By-law repealed by this By-law shall be deemed to be reference to this By-law.

**Article 22 – Effective Date and Repeal**

- 22.1** This By-law and the attached Schedules come into effect on the day it receives third reading.
- 22.2** By-law 1984-138, A By-law to Amend By-law Number 2016 and By-law 16-079, A By-law to Regulate the Keeping of Animals are repealed on the date this By-law receives third reading.

By-law read a first, second and third time this day of

\_\_\_\_\_  
Daryl Bennett, Mayor

\_\_\_\_\_  
John Kennedy, City Clerk



Schedule “A” Prohibited Animals

| Species   | Specifics  |
|---|--|
| Animals whose ownership is prohibited under existing Provincial and Federal legislation |  |
| Anseriformes  | Including but not limited to ducks, geese, swans, screamers (unless kept in agricultural zones)  |
| Artiodactyla  | Including but not limited to camels, giraffe, deer, elk (except goats, sheep, pigs or cattle which must be kept in agricultural zones and except Pot-bellied pigs, Vietnamese pot-bellied pigs and Kune Kune pigs) |
| Canidae   | Except the domestic dog, but including hybrid wolf dog or hybrid coyote dog  |
| Chiroptera  | Including but not limited to bats, myotis, flying foxes  |
| Columbidae  | Including pigeons, doves   |
| Crocodylia  | Including but not limited to alligators, crocodiles, gavials, caiman   |
| Edentate  | Including but not limited to anteaters, sloths, armadillos   |
| Erinacidae  | Except African pygmy hedgehogs   |
| Felidae   | Except the domestic cat  |
| Galliformes   | Including but not limited to turkeys, grouse, peacock (except hens kept in residential zones and except chickens and turkeys kept in agricultural zones)   |
| Hyaenidae   | Hyenas   |
| Hyracoidea  | Hyrax  |
| Lagomorpha  | Including but not limited to hares, pikas (except domestic rabbits)  |
| Lizards which reach an adult length larger than 2 meters                                | From snout to the tip of the tail  |
| Marsupiala  | Including but not limited to kangaroos, possums and sugar gliders (except sugar gliders derived from self-sustaining captive population)   |
| Mustelidae  | Including but not limited to skunks, weasels, otters, badgers (except domestic ferrets derived from self-sustaining captive population)(except descended domestic skunks)  |
| Perissiodactyla   | Including but not limited to zebra, tapir (except horses, donkey or asses kept in agricultural zones)  |
| Pholidota   | Pangolin   |
| Pinnipedia  | Including but not limited to seals, sea lions, walruses  |
| Poisonous or venomous animals   | Including but not limited to spiders, snakes, lizards, insects   |
| Primates  | Including but not limited to gorillas, monkeys, lemurs, apes   |
| Proboscidae   | Including but not limited to elephants, rhinoceros, hippopotamus   |
| Procyonidae   | Including but not limited to raccoon, panda, coatimundi  |

|  |  |
|--|--|
| <b>Raptors</b>   | Including but not limited to hawks, eagles, kites, harriers, osprey, owls, vultures, buzzards  |
| <b>Rodents</b>   | Including but not limited to porcupines, prairie dogs, nutria (except rodents which do not exceed 1500 grams and are derived from self-sustaining captive populations such as chinchillas, hamsters, gerbils, mice, rats, guinea pigs) |
| <b>Sciuridae</b>   | Squirrels, flying squirrels, red squirrels   |
| <b>Snakes which reach an adult length larger than 3 metres</b> | From snout to the tip of the tail, including but not limited to Green Anaconda, Yellow Anaconda, Reticulated Python, African Rock Python, Burmese Python, Indian Python, Amethyst Python.  |
| <b>Struthioniformes</b>  | Including but not limited to cassowaries, rhea, ostrich, emu, kiwi   |
| <b>Ursidae</b>   | Bears  |
| <b>Viverridae</b>  | Including but not limited to mongoose, civet, genet  |
| <b>Wild animals brought captive</b>                            |  |

**Schedule “B” Fees**

**Impoundment Fees**

|                  | Fees                 |
|------------------|----------------------|
| Boarding Fee     | \$15.00/day          |
| Cat Impound Fee  | \$50.00              |
| Dog Impound Fee  | \$100.00             |
| Hen Impound Fee  | \$25.00              |
| Veterinarian Fee | Based on actual fees |

\*An additional boarding fee of \$15.00 applies to any subsequent day(s) the animal is impounded.

**General Annual License Fees – Dogs**

|   | Price – Spayed/Neutered | Price - Unaltered |
|---|-------------------------|-------------------|
| If renewed by January 31st                                | \$25                    | \$50              |
| If renewed between February 1 <sup>st</sup> and May 31st  | \$50                    | \$75              |
| If renewed between June 1 <sup>st</sup> and December 31st | \$75                    | \$100             |
| New dogs obtained after September 1st                     | \$15                    | \$15              |
| Replacement of a lost tag                                 | \$10                    | \$10              |

**General Annual License Fees – Dogs – Fees for Senior Citizens (60+ years)**

|   | Price - Spayed/Neutered | Price - Unaltered |
|---|-------------------------|-------------------|
| If renewed by January 31 <sup>st</sup>                    | \$15                    | \$35              |
| If renewed between February 1 <sup>st</sup> and May 31st  | \$30                    | \$50              |
| If renewed between June 1 <sup>st</sup> and December 31st | \$45                    | \$65              |
| New dogs obtained after September 1st                     | \$15                    | \$15              |
| Replacement of a lost tag                                 | \$10                    | \$10              |

**General Annual License Fees – Cats**

|                        | Price – Spayed/Neutered | Price - Unaltered |
|------------------------|-------------------------|-------------------|
| Cats                   | \$20.00                 | \$25.00           |
| Cats (Fee for Seniors) | \$10.00                 | \$15.00           |

**Service Animals**

In accordance with Article 7.2, all service Animals must be licensed, but shall pay no licensing fee.

**Other Fees**

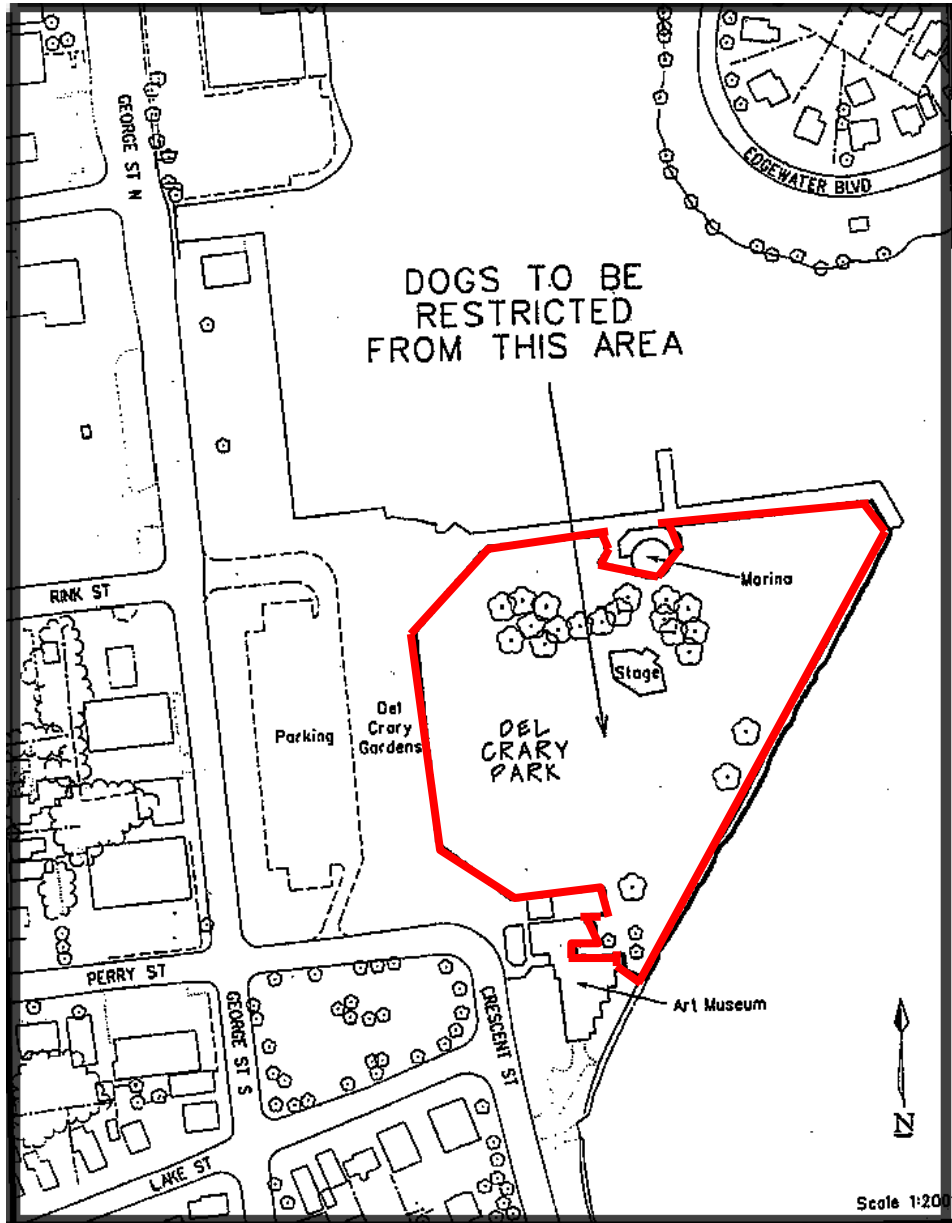
|                     | Price             |
|---------------------|-------------------|
| Kennel Fee          | \$150.00          |
| PayPal Fee (Online) | \$1.50 per charge |
| Replacement Tag     | \$10.00           |

**Hen Fees**

|                    | Price           |
|--------------------|-----------------|
| Registration Fee   | \$100.00        |
| Annual Licence Fee | \$10.00/chicken |
| Replacement Band   | \$5.00/band     |
| Grandfathering Fee | \$10.00/band    |

## Schedule "C"

### Del Crary Park - Dog Prohibition Area May 1<sup>st</sup> – October 31<sup>st</sup> annually



The owner of a dog who has permitted the dog to be on the grass covered areas of Del Crary Park, shown as outlined on the map attached hereto as Schedule "C", between the 1<sup>st</sup> day of May and the 31<sup>st</sup> day of October, or in the fenced playing field in the north west portion of King Edward Park may be subject to a fine under this By-law, unless the dog is a service animal.