

The Corporation of the City of Kawartha Lakes

By-Law 2021-072

A By-Law to Repeal and Replace By-law 2017-039 as amended, Being a By-law to Regulate Animals in The City of Kawartha Lakes

Recitals

- 1 Section 10 (2) 9 of the Municipal Act, 2001 S.O. 2001 c25. authorizes the councils of municipalities to pass by-laws respecting animals.
- 2 Section 103 of the Municipal Act, 2001 authorizes municipalities to impound animals which are at large in contravention of any such by-law.
- 3 Section 105 of the Municipal Act, 2001 provides that if a municipality requires the muzzling of a dog under any circumstance, 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 part from the requirement.
- 4 Section 391 of the Municipal Act, 2001 authorizes municipalities to impose fees or charges for services rendered.
- 5 Council considers it advisable to regulate animals to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them.
- 6 Council deems it appropriate to repeal By-Law 2017-039, being a By-law to Regulate Animals in the City of Kawartha Lakes, and its amendments thereto, being By-laws 2018-200 and 2019-043 effective July 31, 2021.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-072.

Section 1.00 Definitions and Interpretation

1.01 **Definitions:** In this By-law,

"Administrative Fees" means any fees specified as set out in the Consolidated Fees By-Law;

"Aggressive animal" means an animal which, in the opinion of the Manager of the Municipal Law Enforcement or their delegate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition;

"Aggressive, dangerous or vicious" means behaviour exhibited that, without mitigating factors, the animal has:

- attacked, bitten or caused injury to a person, or
- demonstrated a propensity to do so, or
- attacked, bitten or caused injury to a domestic animal, or
- been placed on an Order to Restrain and is kept or permitted to be kept by its owner in violation of the requirements of such order;

"Altered" means spayed or neutered;

"Animal" means any member of the animal kingdom or living beings, including mammals, birds and reptiles but excluding fish;

"Animal Enclosure" means an enclosed place for the keeping of animals and includes bird lofts, bird cages, chicken coops, pigeon coops, dog runs, dog pens, doghouse, rabbit hutches, catteries and reptile tanks. Pasture land or fenced agricultural land used for livestock or other agricultural purpose, or the yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, shall not be deemed to be an animal enclosure;

"Appeal Committee" means a committee appointed by Council consisting of members of Council to conduct hearings, pursuant to sections of this by-law;

"At large" means an animal that is in a place other than the property owned, or occupied by the owner, where that animal is not being kept on a leash by its owner or by another person acting on the owner's behalf, where permission has not been granted by that owner;

"Attractant" means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals;

"Backyard Chicken Coop" shall have a similar meaning to "Coop"

"Breeding" means the production of offspring;

"Business day" means any Monday, Tuesday, Wednesday, Thursday, Friday or Saturday other than a public holiday;

"Cat" means a feline of the species *felis catus*, this may include but not be limited to a domestic cat;

"Chicken" shall mean a domesticated female chicken or chick and "Hen" shall have a corresponding meaning;

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Colony Caretaker" means a person who harbours or provides regular care for a feral cat(s) and who registers a Feral Cat Colony with the HSKL and who shall complete any training or educational program required by the City of Kawartha Lakes. Colony Caretakers need to be identified through HSKL.

"Competent person" means a person having the strength and capacity to securely control an animal so as to not permit or allow unwanted contact with another person or animal;

"Companion animal" means an animal specifically trained and used as a companion animal for persons with special needs and shall not include Livestock or chickens;

"Confining" means to prevent the animal from leaving the owner's property and coming into contact with other persons or animals who have not consented to contact; when used in connection with a dog that is the subject of an Order to Restrain at the owner's property, means that the dog must be restrained by means of an enclosure, fence, leash or tether in order to prevent the animal from leaving the owner's property;

"Control" includes care and custody;

“Coop” means a fully-enclosed weatherproof structure where hens are kept and the interior of which includes nest boxes for egg laying, perches for hens to roost on and food and water containers;

“Council” or “City Council” means the Council of the City of Kawartha Lakes;

“Daily care fee” means the ordinary cost for housing and feeding an animal per day;

“Dog” means a domesticated canine animal of the species *canis familiaris*, male or female;

“Dog Owners Liability Act” means the Dog Owners’ Liability Act, R.S.O. 1990, c. D.16, as amended;

“Domestic Animal” means an animal that is permitted in Canada, is not wild and is normally kept as a household pet or is domesticated for companionship, humane use or agricultural purposes, includes a Domestic Cat that is owned in an urban area;

“Dwelling” or “Dwelling unit” means a room or suite of two or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons and having a private entrance from outside or from a common hallway or stairway inside and which is located in a residentially zoned part of the City;

“Enclosed property” means a pen or other enclosure that it prevents the animal from leaving the property and prevents contact with people and other animals;

“Extreme Weather” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the City including but not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds;

“Feed or feeding” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;

“Feral Cat” means a cat that is found within the City of Kawartha Lakes that has no owner, lives exclusively outdoors, is not socialized, does not allow itself to

be handled or touched, and usually is extremely fearful or resistant to human contact;

“Feral Cat Colony” means a group of feral cats living in one geographic area; a feral cat colony may be registered with the Humane Society of Kawartha Lakes; a Feral Cat found in a registered feral cat colony, may be spayed/neutered, ear-tipped, microchipped when possible and vaccinated, including vaccination against rabies and is not deemed to be at large;

“Hen” means a domesticated female chicken that is at least four months old, “chicken” may have a corresponding meaning;

“Hen Run” means a secure outdoor enclosure that provides the hens with an area to move around freely. The enclosure shall include side walls and is covered in such a way to prevent the hens from leaving and protected from entry of other birds or animals;

“Household pet” means a domestic animal that is kept for companionship and shall not include chickens or livestock;

“Humane Society of Kawartha Lakes (HSKL)” means the local animal shelter and affiliate of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) from which animals may be redeemed or lawfully adopted and which will be identified as HSKL throughout this document;

“Impound” means the animal is taken into custody and transported to a City pound and held as per this by-law;

“Keep” means to have temporary or permanent control or possession of an animal, and the words “kept” or “keeping” have a similar meaning;

“Kennel” means a facility licenced by the City dealing with the business of breeding, buying, selling, boarding or training of dogs;

“Kitten” means a young feline of the species felis catus, under 12 months of age;

“Leash” means a strap, cord or chain which is designed to restrain the breed of animal it is controlling and it may not exceed 1.8 metres (6 ft.) long;

“Leash free park” means a park identified by Council as an enclosure where dogs are permitted to run free;

“Licence” means a licence issued pursuant to this by-law;

“Licencing Enforcement Officer” means a person appointed by Council under section 15 of the Police Services Act to enforce the by-laws of the City, and includes a Municipal Law Enforcement Officer;

“Livestock” means domestic farm animal (i.e. horse, donkey, pony, mule, jackass, bovine, bull or heifer, goat, swine, deer, elk, mink, fox, sheep, chinchilla) and fowl that are kept for agricultural purposes; as designated as livestock under the Livestock and Livestock Products Act O. Regulation 318/99, the Livestock Community Sales Act; and such additional class or classes of animals as are prescribed in the regulations made under the Livestock Identification Act. This definition does not include Backyard Chickens established by permit under this by-law;

“Livestock Guardian Dog” means a dog that works and/or lives with domestic farm animals (i.e. cattle, sheep, goats) to protect them while aggressively repelling predators and is used exclusively for that purpose;

“Manager of Municipal Law Enforcement and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Microchip” means 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, which is stored in a central data base;

“Minor” means a person under the age of 18;

“Motor Vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power;

“Municipal Law Enforcement Officer” means a person appointed by Council under section 15 of the *Police Services Act* to enforce the by-laws of the City, and includes the Licencing Officer;

“Municipal property” means all property owned, leased or under the control of the municipality, and without limitation, this term shall include all parks, open

space, opened or unopened road allowances, sidewalks, footpaths or bicycle trails;

"Municipal service centre" means a designated Municipal Service Centre of the City which provides local government services;

"Municipality" means the Corporation of the City of Kawartha Lakes;

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the words "muzzled" and "muzzling" have similar meaning;

"Muzzled dog" means a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle;

"Occupied" means being in possession of a property or part of a property, for example, as a result of a tenancy agreement or as an invited guest;

"Order to restrain" means the order issued by a Municipal Law Enforcement Officer or Police Officer in accordance with the provisions of this by-law;

"Owner" includes any person who possesses, keeps or harbours an animal and, where an owner is a minor, includes the person who is responsible for the care, control or custody of the minor; and the word "owns" has a similar meaning;

"Park" means a public area controlled by the City and set aside for use by the public for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes playgrounds, sports fields, wading and swimming areas, public pathways and trails;

"PAWS" means the Provincial Animal Welfare Services Act; PAWS shall include staff referred to as Provincial Inspectors;

"Person" means an individual, property owner, tenant, leasee, partnership, association, firm or corporation and includes a Licensee or an Applicant for a License issued under the by-law, may include "Owner" as a similar meaning;

"Pet store" means a business that sells live animals as household pets;

"Pit bull" means a dog as identified in the Dog Owners' Liability Act, which includes a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire

terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to above;

"Police officer" means a chief of police or other police officer in a police service;

"Police Service dog" means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;

"Pound" means a city or contract authorized facility in which animals are impounded under the authority of this by-law are kept;

"Premises" includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;

"Property" means a parcel of land including any buildings or other structures on the land;

"Protective care" means the temporary keeping of an animal as a result of an eviction, incarceration, medical or fire emergency, or any other situation as approved by the Manager of Municipal Law Enforcement, for the health and safety of the animal;

"Restrained" means under control and where used in connection with a dog which is the subject of an Order to Restrain means the said dog will be controlled by one or more of being muzzled, leashed with a leash no longer than 1.8 metres (6 feet) in length and under the care and control of a person who is at least 16 years of age with sufficient strength to control the dog;

"Rooster" means a domesticated male chicken;

"Rural" means a lot that is greater than 1 (one) hectare or 2.471 (two point four seven one) acres in size and may include agricultural properties;

"Sanitary Condition" means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which could endanger the health of any person or animal **or disturb the enjoyment of the property.** The definition shall not be interpreted in such a way as to restrict livestock or normal farm practices regulated by other legislation;

"Sanitize" means to clean for the purpose of controlling disease-producing organisms and "sanitized" has a corresponding meaning;

"Shelter" means a recognized facility that provides fostering or treatment programs for dogs, cats, and other small domestic animals that have been found at large, abandoned, abused or injured;

"Service Animal" means a guide dog and other trained service animal identifiable by proper identification and used principally to assist persons with a disability or impairment, includes a Police Service Dog;

"Stray Cat" means a domestic cat that is found within the City of Kawartha Lakes who has been abandoned but is socialized to human contact; this may be similar to a feral cat;

"Tag" means a conventional tag or any other device that sets out the identification number of every dog that is registered with the City;

"Tether" means a rope, chain or similar device which is used to tie, secure an animal to a post, wall or other such structures, so that the animal will stay in a particular area on a property;

"Therapy Animal" means a trained cat or dog, under the control of an owner or assigned person, identifiable by proper identification (from HSKL or an approved authority, medical note). This definition will include animals used to visit long term care facilities, retirement homes or similar facilities used by individuals for therapeutic purposes.

"Urban" means a lot located in a village, hamlet, town or subdivision that is less than 1 (one) hectare or 2.471 (two point four seven one) acres in size;

"Valid rabies certificate" means a rabies certificate issued by a licenced veterinarian certifying the dog has been immunized and verifying that it will be current on the date of application for a licence or renewal licence;

"Veterinary hospital or clinic" means premises for the medical treatment of animals and birds under the supervision of a licensed veterinarian;

"Wild Animal" means all mammals, birds and reptiles, other than domestic animals, including feral cats and wild dogs; feral or stray cats that are part of a registered colony and supervised by a colony caretaker are excluded;

“Without provocation” means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which as been bitten by the dog;

1.02 Interpretation:

- (a) Except as otherwise provided, the regulations established by this by-law apply to all animals and to their owners within the boundaries of the City.
 - (b) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
 - (c) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
 - (d) Except as otherwise provided, the fees established by this by-law shall be in accordance with the fees established within the Consolidated Fees By-law of the City and apply to all animals and their owners.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00 Licencing and Registration of Dogs

- 2.01 **Registration:** Every owner of a dog that has reached the age of 28 weeks **or domestic cat in an urban area** shall make application to register the dog with the City for either an annual or lifetime dog tag within 30 days of acquisition of the dog by its owner or by another person acting on the owner's behalf.
- 2.02 **Expiry of Annual Registrations:** The annual registration of the dog **or domestic cat** expires on December 31st of every calendar year.
- 2.03 **Registration Procedure:** A dog **or domestic cat** shall be registered at any municipal service centre, or in any other manner adopted by the City by providing the necessary information, paying the prescribed fee, and submitting a copy of a current certificate of immunization against rabies. It is an offence for an owner of a dog **or domestic cat** to provide false information about the **animal** being registered.

- 2.04 **Altered Dogs and Domestic Cats:** Any person who is registering an altered dog or domestic cat for the first time shall be required to provide proof that the animal has been altered in order to be eligible for the reduced fee.
- 2.05 **Issuance of Tag:** Upon registration with the City, a dog or domestic cat will be included in the dog identification system by means of the issuance of a tag.
- 2.06 **Ownership of Tag:** Every tag that is issued remains the property of the City, and no tag shall be sold except with the written consent of the City.
- 2.07 **Wearing of Tag:** Every tag that is issued shall be kept securely fixed on the dog at all times when the dog is in a place other than the dwelling of its owner.
- 2.08 **Transfer of Tag:** No tag shall be transferred to or displayed on any other animal other than the animal for which it was issued, except with the written consent of the City.
- 2.09 **Replacement of Tag:** An owner of a dog or domestic cat, or another person acting on the owner's behalf may obtain a replacement for a tag that has been lost or destroyed by paying the prescribed fee as outlined in the Fees By-Law.
- 2.10 **Exemptions:** The requirement for annual registration set out in section 2.01 does not apply to dogs or domestic cat in a:
- a pound or shelter;
 - b veterinary hospital or clinic;
 - c kennel which holds a valid licence from the City; or
 - d pet store; and
 - e Police Dogs
 - f feral cats or cats that are part of a registered cat colony.
- 2.11 **Livestock Guardian Dog Exemption:** The owner of a licenced Livestock Guardian Dog may remove the tag from a Livestock Guardian Dog's collar while the dog is being actively used for Livestock protection to repel predators, provided that the owner provides for alternative means of identification, providing the name and address of the owner.

Section 3.00 Licencing of Backyard Chicken Coops

Pilot program duration 2 years effective on the date of passage of this by-law.

- 3.01 No person shall be permitted to have a Backyard Chicken Coop or chickens on a Residential or non Agricultural property without first having been issued a municipal licence; and must comply with the provisions relating to accessory structures in the respective Zoning By-law.
- 3.02 No person shall be permitted to have a Backyard Chicken Coop unless:
- a the setbacks and lot coverage for the location of the Backyard Chicken Coop shall conform with the applicable zoning by-law and zone provisions relating to accessory structures;
 - b The Backyard Chicken Coop shall be set back from every lot line similar to other structures as designated in the applicable zoning by-law;
 - c notwithstanding the provisions of the zoning by-law, the keeping of a Backyard Chicken Coop is permitted to occur on lots that have 0.5 acres or greater area.
- 3.03 No person shall be permitted to have a backyard chicken coop in the following areas: an environmentally sensitive area, wetland, Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs), natural heritage system area, green belt and/or a flood plain area and areas zoned for commercial or industrial use.
- 3.04 Building Permits: A license issued to permit a Backyard Chicken Coop does not remove any obligation of a person and/or property owner to comply with the Building Code or any requirements for a building permit.
- 3.05 Registration: Applicants shall submit all required application documents, as outlined in this by-law, together with a License Fee as per the fees by-law submitted to the Licensing Enforcement Officer for review and to determine if a License may be issued for the keeping of Backyard Chicken Coops.
- 3.06 All registration applications for a License Backyard Chicken Coop on a Residential Property or Rural Property shall include:
- a The name, contact email, phone number and address of the Licensee where Backyard Chicken Coop will be kept;

- b Proof of Ownership for the Premises or letter of authorization from the property owner to permit a Backyard Chicken Coop, if property is leased or rented;
 - c The applicant shall provide at least 15 days notice to all adjoining property owners, with proof of delivery and any comments;
 - d A site plan of the Property, showing the proposed Backyard Chicken Coop and Hen Run location and structure dimensions all other buildings and structures, as well as the property dimensions and appropriate setbacks; and,
 - e Any other documentation, deemed necessary by the Licensing Enforcement Officer.
- 3.07 Upon completion of the application package and review by the Licensing Enforcement Officer or designate the applicant will receive notification of approval or a request for additional information or refusal of the License.
- 3.08 Once the application materials have been reviewed the Licensing Enforcement Officer shall complete a site inspection of the Backyard chicken coop prior to approval.
- 3.09 The hens and the coop may be inspected without notice to ensure that there is a safe and secure environment for the hens.
- 3.10 A License, issued pursuant to this by-law shall expire within the calendar year and all licenses shall expire upon the completion of the Pilot Project, or as declared by City of Kawartha Lakes Council.
- 3.11 A Licence shall be issued to a person whose application meets all of the requirements set out in this Bylaw, subject to section 3.06 and 3.15.
- 3.12 The Licensing Enforcement Officer or delegate may issue a License with or without conditions, refuse a License, and/or revoke a License if the applicant is not able to meet the requirements of the Pilot Project as prescribed.
- 3.13 The License to keep Backyard Chicken Coop on a Residential Property or non-agricultural property shall be in a form as prescribed by the City of Kawartha Lakes.
- 3.14 For the purpose of this 2-year Pilot Project, a maximum of 50 Licenses will be issued for Backyard Chicken Coops in each year. The Licensing Enforcement Officer or delegate shall refuse to issue any License once the maximum number of Licenses have been issued.

- 3.15 The Licensing Enforcement Officer or delegate may refuse to issue or **may** revoke a License issued pursuant to this bylaw if:
- a. The Licensee fails to comply with:
 - i. Any of the conditions upon which the License was issued;
 - ii. Any of the provisions of this by-law;
 - b. The License was issued in error, or as a result of mistaken, false or incorrect information;
 - c. For any other purpose, as deemed fit by the Licensing Enforcement Officer.
- 3.16 No person shall transfer a Backyard Chicken Coop license to another person or property except with the written consent of the Licensing Enforcement Officer or delegate.
- 3.17 No person shall keep roosters on a residential property.
- 3.18 No person shall keep more than 4 chickens or chicks on a residential property.
- 3.19 No person shall keep Chickens or a Backyard Chicken Coop on their property unless the following conditions are maintained:
- a. The Backyard Chicken coop must be located in the rear yard of the property; in the case of irregular-shaped lot or a corner lot the exterior side yard may be used;
 - b. No person shall construct a Backyard Chicken Coop unless the coop is located 8 metres from any dwelling, school, store or shop and at least 2 metres from each property boundary on which it is located;
 - c. No person shall construct a Backyard Chicken Coop on a residential property that is adjacent to an agricultural property that houses a poultry farming operation.
 - d. The Backyard Chicken coop must be large enough (min. 0.92 m²/chicken) for the chickens to move around freely and must contain hen boxes and perch areas sufficient to accommodate all chickens;
 - e. The Backyard Chicken coop must contain sufficient feeders and water containers for all chickens;

- f. The Backyard Chicken coop is soundly constructed of hard durable material, which is impervious to water;
- g. The Backyard Chicken coop shall be maintained in a state of good repair free from holes, cracks, rust or other damage;
- h. The Backyard Chicken coop and run is enclosed completely and covered in such a way to prevent the chickens from leaving and free ranging;
- i. The Backyard Chicken coop and chicken run shall be protected from entry of other birds or animals;
- j. Chickens must remain in their coops from 8pm until 8am;
- k. The Backyard Chicken coop must be protected from the weather, adequately ventilated, insulated and heated in the winter;
- l. The Backyard Chicken coop is lined with an appropriate material to absorb fecal matter which is resistant to mold and will facilitate daily cleaning, and is disinfected regularly;
- m. Backyard Chicken coops and hen runs must be kept in a clean condition and shall be kept free of obnoxious odours;
- n. Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with regulations, and no more than 0.1 m³ may be stored at one time;
- o. Manure shall be disposed of in accordance with Municipal bylaws;
- p. All stored feed must be kept in rodent proof containers and secured at all times;
- q. Home slaughter of chickens is prohibited and any deceased chickens must be disposed of at a livestock disposal facility or at a facility approved by the Ministry of Agriculture or at a City of Kawartha Lakes landfill.
- r. No person shall place or dispose of a deceased chicken within their household garbage or by placement at the curbside for collection by waste services.
- s. No person shall offer the sale of eggs, meat or manure or anything associated with chickens.

Section 4.00 Order to Restrain and Appeals - Dogs

- 4.01 **Order to Restrain:** Where a dog exhibits aggressive, dangerous or vicious behaviour towards a person or domestic animal, a Municipal Law Enforcement Officer may issue an "Order to Restrain" to the owner or person responsible for the dog.
- 4.02 Any Order to Restrain may include but is not limited to:
- i. confining the dog to the owner's property;
 - ii. restraining the dog with a leash;
 - iii. restraining the dog with a muzzle;
 - iv. the posting of warning signs;
 - v. any additional restriction as deemed reasonable by the Municipal Law Enforcement Officer
- 4.03 **Under Age:** An owner or person responsible for the dog which is the subject of an Order to Restrain shall ensure that the dog is under the control of a person at least sixteen (16) years of age when the dog is not on the owner's premises.
- 4.04 **Transfer of Ownership:** An owner or person responsible for the dog which is the subject of an Order to Restrain shall notify the Manager of Municipal Law Enforcement within five (5) days of transfer if the dog is transferred to a new location or if the ownership of the dog is transferred to another person.
- 4.05 **Compliance:** Every owner or person responsible for the dog shall at all times comply with an Order to Restrain.
- 4.06 **Appeal Committee:** An Appeal Committee is established, consisting of three (3) members of Council. Council will appoint the members of the Appeal Committee for terms of office equivalent to the Council's term of office. The Manager of Municipal Law Enforcement shall ensure that a member of City staff is assigned the role of secretary to the Appeal Committee.
- 4.07 **Duties of the Appeal Committee:** The Appeal Committee is delegated Council's decision making authority as it applies to the Order to Restrain to conduct a hearing relating to an Order to Restrain, and shall be governed by the City's Procedural By-law and the Municipal Law Enforcement By-law Appeals Committee Terms of Reference, as amended from time to time by Council.
- 4.08 Appeal of Order To Restrain:**

- a. In the event that the owner or person responsible for the dog disagree with the Order to Restrain, he or she may appeal the Order to Restrain to the Manager of Municipal Law Enforcement within 7 days of receipt of said order by filing a "Notice to Appeal" including an administrative fee, as set out in the Consolidated Fees bylaw. Upon receipt of notification of an appeal, the Manager of Municipal Law Enforcement shall prepare a report for the consideration of the Appeal Committee. The Applicant and any other interested party shall be provided with at least two (2) weeks notice of the meeting of the Appeal Committee to consider the Order to Restrain and shall have the opportunity on the hearing date to address the Appeal Committee prior to the Appeal Committee making a decision. The report shall be made available to the Applicant and any other interested party upon request.
- b. The Order to Restrain shall remain in full force and effect between the date of the Order to Restrain and the date of the hearing of the appeal by an Appeal Committee, the owner or person responsible for said dog, shall comply with all the requirements as outlined in the Order to Restrain.
- c. At such time as the Appeal Committee makes its decision to confirm, modify or quash the Order to Restrain, the decision shall be considered to be final and binding and the owner of the dog shall comply therewith.
- d. Within seven (7) days of the decision of the Appeal Committee, the Manager of Municipal Law Enforcement shall provide a written decision letter to the Applicant.

4.09 **Order Expiration:** An Order to restrain only expires upon the provision of proof that the dog is deceased or the Manager of Municipal Law Enforcement is satisfied that it no longer resides in the City.

Section 5.00 Feeding of Wild Animals

5.01 **Feeding of Wild Animals:** No person shall intentionally feed wild animals or leave food or attractants of any type, in any form and in such a manner as to attract, be accessible to wild animals, feral or stray domestic animals. **or a colony of feral or stray cats on private or public property, except where that person is an identified colony caretaker.**

5.02 **Exemptions:** Section 5.01 does not apply in the following situations:

- a. The leaving of food as bait for the purposes of hunting or in a trap by a property owner or person authorized to legally hunt or to

capture a nuisance wild animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O.1997, c.41 or other hunting regulation.

- b. The leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector or a Police Officer, in the performance of their work.
- c. The leaving of food **on private or public property** for a colony of stray or feral cats, **where that person is an identified colony caretaker.**
- d. The feeding of birds on a property provided the owner or occupier places seed in a bird feeding device that is sufficiently above grade and maintained in a sanitary condition.

Section 6.00 Keeping of Animals – General Provisions

- 6.01 **Animal Welfare:** Every owner of an animal shall treat the animal in a human manner, as provided in the Provincial Animal Welfare Services Act, 2019, Ontario Regulation 444/19, Standards of Care and Administrative Standards.
- 6.02 **Tethering:** No person shall tether an animal using a choke chain or a prong type collar.
- 6.03 **Tethering Device:** Notwithstanding section 6.02 of this By-law and normal farming practices, a tether restraining device used to tether an animal must:
 - a. be at least three (3) metres long (9.84 feet);
 - b. be attached to a permanently fixed object;
 - c. allow the animal to move safely and unrestricted (except by the length of the tether) on its own property;
 - d. allow the animal to have access to adequate water, shelter; and
 - e. be designed to prevent injury to the animal.

6.04 Nothing under this section requires the City to assume responsibility concerning distress or care of an animal, which is the obligation of the Provincial Animal Welfare Services Act, 2019

6.05 **Prohibited Animals:** No person shall keep, or cause to be kept, any animals listed in Schedule "A",

6.06 **Number of Animals:** Notwithstanding section 6.05, no person shall keep, or cause to be kept, more than four (4) dogs, four (4) cats or a total of eight (8) individual animals, except:

- i. a licensed pet shop;
- ii. a Police Canine Unit;
- iii. a kennel licensed by the Corporation;
- iv. a security firm licensed and authorized by the Province of Ontario to provide guard dog services;
- v. where the keeping of animals is on lands zoned and used for agricultural, agricultural support or agriculturally-related purposes;
- vi. a retirement or group home premises.

6.07 **Exemptions:** Sections 6.05 and 6.06 do not apply to:

- i. an animal hospital or clinic that is lawfully operated and supervised by a veterinarian licensed by the Ontario Veterinary Association;
- ii. a pound or shelter lawfully operated by or under license by the City, or the Humane Society of Kawartha Lakes HSKL and the affiliated **Ontario Society for the Prevention of Cruelty to Animals** or any organization permitted by law to provide protection and humane treatment of animals **including fostering**;
- iii. any person while rendering emergency treatment to an injured or abandoned animal;

- iv. the Corporation or other governmental authority while lawfully operating a public park, exhibition, or zoological garden, and maintaining animals therein;
- v. any person in charge of a travelling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals;
- vi. persons operating premises registered as research facilities under the Animals for Research Act, R.S.O. 1990, c. A-22, as amended, or the persons in charge, or the employees thereof, during the course of their duties;
- vii. persons operating "agriculture" operation including farming in all its branches, including but not limited to dairying, beekeeping, aquaculture, the raising of livestock including non-traditional livestock, furbearing animals and poultry, including eggs, and any practices performed as an integral part of an agricultural operation.

6.08 **Grandfathering:** Owners of prohibited animal(s) kept, possessed or harboured in any one premise in the City of Kawartha Lakes shall when requested supply proof to the Municipal Law Enforcement Division that the animal(s) existed prior to passage of this By-law. Upon being satisfied that the animal(s) existed prior to the passage of this by-law, the animal(s) may be deemed to be "grandfathered". The grandfathering clause will not apply to future animals, offspring or allow animal(s) to be replaced due to death or other cause in a premises if the number exceeds the amount specified in Section 6.06.

6.09 **Onus of proof of Qualification for Exemption:** Any person claiming an exemption or grandfathering under Sections 6.07 or 6.08 shall provide to the Manager of Municipal Law Enforcement appropriate evidence in support of the claim for exemption or grandfathering.

6.010 **Restriction – Livestock or Agricultural Animals:** No person shall keep livestock or agricultural animals such as but not limited to a horse, donkey, pony, mule, jackass, bovine, bull, heifer, goat, swine, mink, fox, sheep, peafowl in any premises or on property that is zoned and primarily used for residential purposes as defined in the applicable Zoning by-law.

Section 7.00 Keeping of Animals

7.01 **Requirement to Clean Up:** Every owner and other person, who is in control of an animal, shall immediately remove any excrement left by the animal on any property other than a property owned or occupied by the owner.

- 7.02 **Mode of Clean Up:** If an Animal is on any public or private property other than the property of its Owner, the animal Owner shall have in his possession a suitable means of facilitating the removal of the Animal's feces.
- 7.03 **Exemption:** The requirement set out in section 7.01 and 7.02 is not applicable to the owner who is physically unable to comply with this requirement, activity that is agricultural support or agriculturally-related or to a police officer who is engaged in work related activities.
- 7.04 **Being at Large:** No owner or person shall cause or permit his or her animal to be at large; this section shall not apply to domestic or feral cats in rural areas. A Domestic cat in an urban area shall only be deemed to be at large if the owner's address can be supplied. Livestock shall only be deemed to be at large if found on a Municipal Property.
- 7.05 **Exemption:** An animal shall not be deemed to be at large, as set out in section 7.04, if, without being kept on a leash or lead, it is on a property other than a property owned or occupied by its owner with the express permission of the owner or occupant of that property or with its owner at a leash free park.
- i. **This exemption will include farm practices that include Livestock movement, such as a cattle drive, between properties, where the activity is supervised and monitored.**
 - ii. **This exemption will include domestic cats in urban areas, if the address of the owner is not known.**
- 7.06 **Administrative Fee:** Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as set out in the Consolidated Fees By-law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

Section 8.00 Animal Enclosures

- 8.01 **Requirements:** Every owner of an animal shall ensure that the animal enclosure provided for the animal meets the following requirements, regardless of whether the animal enclosure is located indoors or outdoors:
- i. The animal enclosure shall be of a size and in a condition such that the animal may:
 - a. extend its legs, wings, and body to their full natural extent;

- b. stand, turn around and lie down;
 - c. sit; and
 - d. perch.
- ii. Every reptile and amphibian shall be provided with an enclosed space adequate for the needs of the species.
 - iii. The enclosure is of such a nature and condition that the animal contained therein would not be harmed and its health would not be negatively affected for the reason of being placed in such an animal enclosure.
 - iv. Every animal contained therein may be readily observed unless the natural habits of the animal require otherwise.
 - v. The animal enclosure shall be sufficiently lit, ventilated and kept in a clean and sanitary condition.
 - vi. The animal enclosure is kept free of offensive odour.
 - vii. The animal enclosure (except for doghouses) is escape proof.

8.02 **Agriculture Purpose:** Section 8.01 shall not be interpreted to regulate a Livestock animal enclosure on lands zoned and used for agricultural purposes.

8.03 **Enclosure Requirement:** No person shall keep, or cause to be kept, a reptile, insect or amphibian permitted under this By-law outside a building or structure unless it is in an animal enclosure.

Section 9.00 Seizure and Impoundment

9.01 **Impoundment:** Any domestic animal found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound or facility. This section shall not be used to impound Livestock found to be at large.

9.02 **Impound Note to section 9.01:** Municipal Law Enforcement Officers may be requested by City of Kawartha Lakes staff, Police, Fire, EMS or other services or agency to attend a location in the Municipality to assist with the removal of a domestic animal, to allow safe access and entry to a property or premises. Any animal detained in this way will not be considered an impounded animal as per this by-law, and will be housed and released only at the direction of the original

service or agency requesting this assistance. Any associated fee/costs will be recovered as set out in the Consolidated Fees By-law or by other action. Application of this section will not be considered as a violation of this By-law.

- 9.03 **Injured or Vicious Animals:** Despite section 9.01, any animal found at large in contravention of this by-law that is gravely injured or that is exhibiting the characteristics of viciousness to such an extent that a municipal law enforcement officer or police officer attending the animal fears for his or her own health or safety or the health and safety of others in the vicinity, may be destroyed immediately at the officer's sole discretion.
- 9.04 **Recovery of Impounded Animals:** The owner of an impounded animal or another person acting with the authorization of the owner may recover the animal from a pound within three (3) business days, excluding the day on which the animal was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the animal has been in the pound and all costs incurred by the City in impounding the animal, including the full amount of any emergency veterinary care that was required for the animal and administration fee, as set out in the Consolidated Fees By-law.
- 9.05 **Recovery of Unregistered Dogs:** The owner of an impounded animal or other person acting with the authorization of the owner, may recover the animal, that is not registered with the City, from a pound within three (3) business days, excluding the day on which the animal was impounded.
- 9.06 If the animal is a dog and it has reached the age of 28 weeks, the owner shall, in addition to paying the costs set out in section 9.04, be required to register the dog in the manner set out in section 2.03.
- 9.07 **Disposal:** If an impounded animal is not recovered from a pound within the time period specified in section 9.00, the animal may be sold, disposed of, **relinquished** or destroyed by the City in any lawful and humane manner.

Section 10.00 Surrendering of Animals

- 10.01 **Surrender Ownership:** An owner of an animal may give up ownership of the animal by surrendering the animal to Municipal Law Enforcement, a member of a Police Service or the City approved Pound.
- 10.02 **Ownership and Possession:** By surrendering the animal, the owner is deemed to have relinquished all rights of ownership and possession of the animal.
- 10.03 **Fees:** To surrender the animal, the owner shall pay the appropriate fees as required under the applicable Consolidated Fees By-law.

10.04 **City Property:** An animal that has been surrendered immediately becomes the property of the City and may be kept or disposed of as the City deems appropriate, including:

1. placing the animal for adoption;
2. euthanasia, where in the opinion of the Municipal Law Enforcement Officer, the animal is not suitable for adoption or should be euthanized for humane reasons.

Section 11.00 Quarantine of Animals

11.01 **Quarantine Requirements and Fees:** This section shall not apply to agricultural Livestock;

11.02 **Quarantine Process:** If, in the opinion and by the direction of the Haliburton, Kawartha, Pine Ridge District Health Unit inspector, bites of persons by animals or contacts to persons that may result in human rabies, may result in the animal being put into quarantine by the Municipal Law Enforcement Division in addition to other regulation or direction, the owner of the animal shall:

1. quarantine the animal, in premise or property, as per the direction of the Health Inspector; or
2. bring or ensure that the animal is brought to the Municipal Law Enforcement approved pound facility to be put in quarantine; if the owner is not able to transport the animal, the animal shall be transported by or on behalf of the Municipal Law Enforcement Officer;
3. be responsible for the costs associated with the quarantine, including the costs of any transportation costs, veterinary care required for the animal and any other daily care fees as provided in the applicable City Consolidated Fees By-law.

Section 12.00 Adoption of Animals

12.01. **Adoption Fee:** A person adopting an animal from the City or City authorized Pound facility shall pay the appropriate adoption fee calculated as the Daily Care fee established in the Pound Contract and any other fee established in the Consolidated Fees By-law.

Section 13.00 Feral Cat Colonies

- 13.01. A colony caretaker shall register a feral cat colony with the City of Kawartha Lakes and the Humane Society of Kawartha Lakes.
- 13.02. A colony caretaker shall complete any training or educational programs required by the City of Kawartha Lakes.
- 13.03. A colony caretaker shall only operate a feral cat colony on a property where a colony caretaker is the owner of the property or has written consent from the owner of the property to operate.
- 13.04. A colony caretaker shall be required to participate in a trapping, neuter (ear notching) and release program; and shall report every 160 days to the City of Kawartha Lakes and the Humane Society of Kawartha Lakes regarding number and health of the cats in the colony.
- 13.05. All trap, neuter and release groups, including the colony caretaker operating in the municipality, shall be required to notify residents within 50m of a trapping operation.
- 13.06. No colony caretaker shall allow a feral cat colony to exceed a total population of 25 feral cats.
- 13.07. A colony caretaker shall deliver and surrender any kittens born into a feral cat colony to Humane Society of Kawartha Lakes, other Humane Society or OSPCA once they have reached five weeks of age or once they have been weened from their mother, whichever occurs later.
- 13.08. Kittens delivered to Humane Society of Kawartha Lakes or supporting organization, in accordance with the above section of this by-law will be socialized and made available for adoption through the Humane Society of Kawartha Lakes, whenever possible. In cases where a kitten cannot be socialized, the animal shall be returned to the colony caretaker.

Section 14.00 City Liability

- 14.01. **Damages or Compensation:** The Corporation, its officers, employees and agents shall not be liable for damages or compensation for any animal euthanized under the provisions of this By-law and no such damages or compensation shall be paid to any person.

Section 15.00 Offence

- 15.01. **Enforcement:** This by-law may be enforced by every municipal law enforcement officer, licensing enforcement officer and police officer.
- 15.02. **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- 15.03. **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the Provincial Offences Act, R.S.O and to any other applicable penalty.
- 15.04. **Multiple Offences:** The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to a prosecution against the same person for any subsequent or continued contravention of this by-law.
- 15.05. **Court Order:** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 15.06. **Severance:** If a court of competent jurisdiction declares any section or part of a section of the Bylaw invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

Section 16.00 Administration and Effective Date

- 16.01 **Administration of the By-law:** Except where otherwise indicated, the Manager of Municipal Law Enforcement is responsible for the administration of this by-law.
- 16.02 **Effective Date:** This by-law comes into force on the date of passage.
- 16.03 **Repeal:** By-law 2017-039 and amending bylaws are repealed effective July 31, 2021.

By-law read a first, second and third time, and finally passed, this 18th day of May 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule "A" Prohibited Animals

Class	Order	Common Names
Mammals	Artiodactyla	<p>All species purely or partially of the order Artiodactyla (Even-toed ungulates) (cattle, goats, sheep, pigs including Pot-Bellied Pigs, deer, elk, hippopotamus, etc.)</p> <p>Except where the animals are kept as agricultural Livestock</p>
	Carnivora	<p>All species purely or partially of the order Carnivora [panda, otter, wolves, bears, seals, walruses, coyotes, foxes hybrid, wolf dogs, tigers, leopards, cougars, lions, lynx, hyaenas, minks, skunks, weasels, otters, badgers, mongoose, civets, genets coatimundi, cacomistles, raccoons, African wildcats, savannah cat, jungle cat, serval cat, European wildcat, Chinese mountain cat, sand cat etc.]</p> <p>Except common domestic dogs, common domestic cats and ferrets</p>
	Chiroptera	<p>All species purely or partially of the order Chiroptera [bats, myotis, flying foxes, etc.]</p>
	Edentates	<p>All species purely or partially of the order Edentates [anteaters, sloths, armadillos, etc.]</p>
	Lagomorpha	<p>All species purely or partially of the order Lagomorpha [hares, pikas, etc.]</p> <p>Except domestic rabbits</p>
	Marsupialia	<p>All species purely or partially of the order Marsupialia</p>

		[koala kangaroo, possum, wallabies, etc.]
	Primates	All species purely or partially of the order Primates [chimpanzees, gorillas, monkeys, lemurs, etc.]
	Perissodactyla	All species purely or partially of the order Perrisodactyla (odd-toed ungulates) [horses, donkeys, jackasses, mules, zebras, ponies, rhinoceros, etc.] Except where the animals are kept as agricultural Livestock
	Proboscidea	All species purely or partially of the order Proboscidea [elephants, etc.]
	Rodentia	All species purely or partially of the order Rodentia [porcupines, prairie dogs, nutria etc.] Except rodents which do not exceed 1,500 grams and are derived from self sustaining captive populations
Reptiles	Crocodylia	All species purely or partially of the order Crocodylia [alligators, crocodiles, gavial, caymans, etc.]
	Squamata (scaled reptiles)	All squamata purely or partially of the following species: <ul style="list-style-type: none"> • The genus Eunectes [Anacondas] • Morelia amethystina [Amethystine and Scrub pythons] • Python molurus [Indian python, Indian rock python, Burmese python]

- Python sebae [African rock python]
- Python reticulatus [Reticulated python]
- Varanus niloticus [Nile monitor]
- Varanus salvadorii [Crocodile monitor]
- Varanus salvator [Water monitor]
- Varanus varius [Lace monitor]
- Varanus giganteus [Perentie – Monitor Lizard]
- Varanus komodoensis [Komodo dragon]
- The family Viperidae [True vipers, Fea’s viper, Night adders, Rattlesnakes, etc.]
- The family Elapidae [Cobras, Mambas, Kraits, Coral snakes, etc.]
- The subfamily Hydrophiinae [Sea snakes, Coral reef snakes, etc.]
- The genus Dispholidus [Boomslang snakes]
- The genus Thelotornis [Twig snakes]
- The genus Rhabdophis [Keelbacks]
- The genus Atractaspis [Burrowing vipers, Mole vipers, etc.]
- Philodryas viridissimus [South American green racer]
- The family Helodermatidae [Gila monster, Beaded lizards]

Lizards which reach an adult length larger than 2 meters when measured from snout to tail.

		Snakes which reach an adult length larger than 3 meters when measured from snout to tail.
Birds	Anseriformes	All species purely or partially of the order Anseriformes [ducks, geese, swans, screamers, etc.] Except where the animals are kept as agricultural Livestock.
	Galliformes	All species purely or partially of the order Galliformes [pheasants, grouse, guineafowls, turkeys, chickens, pea fowls, etc.] Except where the animals are kept as agricultural Livestock or as permitted by municipal licence as a Backyard Chicken Coop.
	Struthioniformes	All species purely or partially of the order Struthioniformes [ostriches, rheas, cassowaries, emus, kiwis, eagles, hawks, falcons, owls, etc.] Except agricultural livestock and birds kept for falconry.
Arachnida	Araneae	All Araneae purely or partially of the following species: <ul style="list-style-type: none"> • The family Ctenidae [Wandering spiders] • The genus Latrodectus [Black widow spiders] • The family Sicariidae [Brown recluse spider, Assassin spider, etc.] • The family Hexathelidae [Australian Funnel web spiders]
	Scorpiones	All species purely or partially of the family Buthidae [Fat

		tailed scorpions, Bark scorpions, etc.]
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- **Poisonous or venomous animals – including but not limited to spiders, snakes, lizards and insects.**