

The Corporation of the City of Kawartha Lakes

By-Law 2022-

A By-law to Amend By-Law 2021-072, Being a By-law to Regulate Animals in The City of Kawartha Lakes

Recitals

1. By-Law 2021-072 was adopted by Council on May 18, 2021 to regulate animals and ensure that animals are kept and treated in a humane manner.
2. At the June 21, 2022 Regular Council Meeting, Council approved a Stray and Feral Cat Pilot Program through the adoption CW2022-143 by CR2022- .
3. This By-Law amends By-Law 2021-072 to reflect that direction.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2022- .

Section 1.00: Definitions and Interpretation

1.01 Definitions:

All defined terms in the amending By-law take their meaning from By-law 2021-072 of the City of Kawartha Lakes.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) 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.

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: Amendment Details

2.01 Amendment: The following definitions shall be added to Section 1.01:

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

“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.

“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;

“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;

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

“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;

“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;

“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;

- 2.02 **Amendment:** The definition of “Domestic Animal” within Section 1.01 shall be amended to read as follows:

“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;

- 2.03 **Amendment:** The definition of “Sanitary Condition” within Section 1.01 shall be amended to read as follows:

“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;

- 2.04 **Amendment:** The definition of “Shelter” within Section 1.01 shall be amended to read as follows:

“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;

- 2.05 **Amendment:** The definition of “Veterinary hospital or clinic” within Section 1.01 shall be amended to read as follows:

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

- 2.06 **Amendment:** The definition of “Wild Animal” shall be amended to read as follows:

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

- 2.07 **Amendment:** Section 2.01 shall be amended to read as follows:

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 animal with the City for either an annual or lifetime tag within 30 days of acquisition of the animal by its owner or by another person acting on the owner's behalf.

- 2.08 **Amendment:** Section 2.02 shall be amended to read as follows:

2.02 **Expiry of Annual Registrations:** The annual registration of the dog or domestic cat expires on December 31st of every calendar year.

- 2.09 **Amendment:** Section 2.03 shall be amended to read as follows:

- 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.
- 2.10 **Amendment:** Section 2.04 shall be amended to read as follows:
- 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.
- 2.11 **Amendment:** Section 2.05 shall be amended to read as follows:
- 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.
- 2.12 **Amendment:** Section 2.07 shall be amended to read as follows:
- 2.07 **Wearing of Tag:** Every tag that is issued shall be kept securely fixed on the animal at all times when the animal is in a place other than the place of its owner;
- 2.13 **Amendment:** Section 2.08 shall be amended to read as follows:
- 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.
- 2.14 **Amendment:** Section 2.09 shall be amended to read as follows:
- 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.
- 2.15 **Amendment:** Section 2.10 shall be amended to read as follows:
- 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.

2.16 **Amendment:** Section 5.01 shall be amended to read as follows:

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.

2.17 **Amendment:** Section 5.02(c) shall be amended to read as follows:

5.02(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.

2.18 **Amendment:** Section 6.07(ii) shall be amended to read as follows:

6.07(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;

2.19 **Amendment:** Section 7.04 shall be amended to read as follows:

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.

2.20 **Amendment:** Section 7.05(ii) shall be amended to read as follows:

7.05(ii) This exemption will include domestic cats in urban areas, if the address of the owner is not known.

2.21 **Amendment:** Section 9.07 shall be amended to read as follows:

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.

2.22 **Amendment:** That the following be added as Section 13, will all subsequent Sections to be renumbered accordingly:

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 weaned 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.

- 2.23 **Amendment:** That the Common Names within Artiodactyla Order of the Mammals Class on Schedule A be amended to read as follows:

All species purely or partially of the order Artiodactyla (Even-toed ungulates) (cattle, goats, sheep, pigs **including Pot-Bellied Pigs**, deer, elk, hippopotamus, etc.)

Except where the animals are kept as agricultural Livestock

- 2.24 **Amendment:** That the Common Names within the Carnivora Order of the Mammals Class on Schedule A be amended to read as follows:

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.]

Except common domestic dogs, common domestic cats and ferrets

- 2.25 **Amendment:** Any reference to “grandfathering” or “grandfathered” within Section 6.00 shall be amended to read “legacied” or “legacy”, as applicable.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Public Works and the Treasurer, or designee, is responsible for the administration of this by-law.
- 3.02 **Effective Date:** The Amendments within this By-law By-law shall come into force on January 1, 2023.

By-law read a first, second and third time, and finally passed, this 21 day of June, 2022.

Andy Letham, Mayor

Cathie Ritchie, City Clerk