

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO 6811-07

Being a By-law for Responsible Pet Ownership

**WHEREAS** Sections 9 and 11 of the *Municipal Act, 2001* authorize the City to pass a by-law to (a) regulate animals; (b) provide for a system of licences, permits, approvals or registrations respecting animals; and (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

**WHEREAS** Section 103 of the *Municipal Act, 2001* authorizes the City to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**WHEREAS** Section 105 of the *Municipal Act, 2001* requires Council or a Committee of Council or an animal control officer of the City to hold a hearing to determine whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

**WHEREAS** Section 391 of the *Municipal Act, 2001* authorizes the municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; and

**WHEREAS** the City of considers it necessary and expedient to pass a by-law to regulate the keeping of pets in the City.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

**Interpretation**

1. In this by-law and in the recitals above,

“animal” means a dog or a cat;

“Animal Services Committee” means the Animal Services Committee appointed by City Council;

“Animal Services Supervisor” means the Animal Services Supervisor employed by the City or his or her designate;

“Animal Services Officer” means any employee of the City whose duties include the enforcement of this by-law and related animal legislation in the City and includes the Animal Services Supervisor;

“at large” means when an animal is found in any place other than the premises of the owner and not under the control of any person;

“cat” means a feline of the species *felis catus*;

“City” means the Corporation of the City of Pickering or the geographic area of the City of Pickering as the context requires;

“dog” means a canine of the species *canis familiaris*;

“lead” means a nylon or leather strap designed to restrain the breed of animal it is controlling;

“microchip” means an electronic microchip encoded with identification information that has been implanted in an animal;

“muzzle” means a humane fastening or covering device of adequate strength and design, which is suitable to the breed of dog that fits over the mouth of the dog to prevent the dog from biting or attacking a person or domestic animal but does not include a halti, gentle leader or promise collar;

“Order” means an Order to Restrain issued by the City;

“owner” means the owner of an animal and includes a person possessing or harbouring an animal within the City and, where the owner is a minor, the person responsible for the custody of the minor;

“sterilized” means spayed, neutered, castrated or otherwise operated on by a veterinarian to prevent conception;

“tag” means a disc or other shape of metal or plastic furnished by the City that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification; and

“veterinarian” means a person registered under the *Veterinarians Act*.

2. Schedule “A” (Licence Fees, Impoundment Fees and Service Fees) is attached to and forms part of this by-law.
3. Unless otherwise specified, references in this by-law to sections, subsections, clauses and Schedules are references to sections, subsections, clauses and Schedules in this by-law.
4. If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the City that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

5. References in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
6. This by-law shall be read with all changes in gender or number as the context may require.

### **Registration**

7. Every owner of an animal that is over the age of 12 weeks shall register the animal with the City and shall maintain the registration in good status.
8. Every person who becomes an owner at any time during the calendar year shall register the animal with the City within 15 days of becoming an owner and shall maintain the registration in good status.
9. Every owner at the time of registering the animal shall pay a licence fee to the City in the amount prescribed in Schedule "A".
10. Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.
11. No owner shall provide false information when registering an animal.
12. Upon payment of the licence fee, the owner shall be provided with a tag and such tag shall be securely fixed on the animal to which it was issued at all times.
13.
  - (1) The City shall keep a record showing the name and address of the owner and the identification number of the tag.
  - (2) Any changes to the animal's living location, identification, including sterilization status, shall be provided in writing to the City.
14.
  - (1) Every owner shall notify the City in writing if the animal, is sold, gifted or transferred to another person within 14 days of the change of ownership.
  - (2) Every owner shall remain liable for the actions of the animal until formal written notification of sale, gift or transfer to another person is provided to the City.

**Minimum Animal Care Requirements**

15. Every owner shall provide or cause the animal to be provided with adequate food, water and veterinary care as required to maintain the health and well-being of the animal.
16. Where an animal is customarily kept outside, the owner shall at all times provide a structurally sound area that,
  - (a) offers shelter and appropriate protection from heat, cold and wet conditions having regard for the animal's weight and type of coat; and
  - (b) provides sufficient space to allow the animal the ability to turn about freely and to easily sit, stand and lie in a fully extended position.
17. No owner shall keep any animal in the City tethered on a chain, rope or similar restraining device that unduly restricts the free movement of the animal.

**Animals Running at Large**

18. No owner shall allow an animal to run at large within the limits of the City.
19. Every owner of a dog shall keep it on a lead and under the control of a person when the dog is off the premises of the owner, unless the person owning the land on which the dog is found has given prior consent.
20. Any person shall be entitled to take charge of an animal found running at large but shall forthwith deliver the animal to an Animal Services Officer.
21. Nothing in section 20 confers upon any person the right to enter any premises.

**Seizure and Impoundment**

22. An Animal Services Officer may seize and impound any animal,
  - (a) delivered to him or her under section 20;
  - (b) found running at large; or
  - (c) at the request of Fire Services.
23. The City shall restore possession of an animal to its owner only where,
  - (a) the owner claims possession of the animal;

- (b) the owner pays the impoundment fee set out in Schedule "A";
  - (c) the animal has been registered with the City; and
  - (d) the owner pays the cost of any veterinary care received by the animal while impounded that the City deemed necessary for the well-being of the animal.
24. Where, on the sixth day, exclusive of Sundays and statutory holidays, after the date of impounding, an animal has not been returned to its owner, the Animal Services Supervisor may at his or her discretion and subject to the *Animals For Research Act* either (a) sell or make a gift of the animal; or (b) euthanize the animal in a humane manner, and no damage or compensation shall be recovered or recoverable on account of the animal's disposition or destruction.
25. Where an animal that has been seized and impounded is injured or should be euthanized without delay for humane reasons, or for reasons of safety to persons or animals, the Animal Services Supervisor may euthanize the animal in a humane manner as soon after seizure as he or she sees fit without permitting any person to claim possession of the animal and without offering it for sale and no damages or compensation shall be recovered or recoverable on account of the animal's destruction.
26. Where the Animal Services Supervisor deems it necessary to euthanize an animal pursuant to section 25, he or she shall first attempt to contact the owner of the animal and to permit the owner to transfer the animal, at the owner's expense, to the office of a veterinarian.
27. Any animals destroyed under this by-law shall be disposed of in such a manner the City may determine.
28. The City shall keep a record of all animals seized and impounded pursuant to this by-law.

### **Orders to Restrain**

29. The City shall investigate any dog bites and/or complaints relating to threatening or aggressive dogs that have been reported to the City.
30. Where an Animal Services Officer has investigated and has reason to believe that a dog has placed a person or domestic animal at risk of physical harm, the Animal Services Officer may issue an Order to the owner of the dog.
31. Where an Animal Services Officer has investigated and has reason to believe that a dog has bitten, attacked or otherwise acted aggressively

- towards a person or domestic animal, the Animal Services Officer may issue an Order to the owner of the dog.
32. No owner shall allow an animal to bite.
33. (1) No Order shall be effective until the owner of the dog has been served with a copy of the Order.
- (2) Service shall be effected by delivering the Order personally to the owner of the dog or by leaving it for the owner at the owner's last known or usual place of abode with an inhabitant thereof who appears to be at least 16 years of age or by registered mail to the owner's last known address.
- (3) If service is by mail, service shall be deemed to have been effected five (5) days after mailing.
34. (1) An owner who has been served with an Order may apply to the Animal Services Committee for a hearing.
- (2) To receive a hearing, the dog owner or the dog owner's agent must complete a written request for a hearing and have it delivered to the City Clerk within 10 business days of the Order being served.
35. Upon receipt of a request for a hearing, the City shall, as soon as is practicable, notify the owner and any victim(s) of any attack of the date, time and location of the hearing.
36. In the interim between the date of the Order and the date of the hearing of the appeal, the owner shall comply with the Order and the dog shall remain muzzled and/or on a lead.
37. Following a hearing, the Animal Services Committee shall determine whether or not to exempt the owner in whole or in part from the Order.
38. If an owner fails to appear at a hearing, the Order shall be deemed to be in full force and effect as if no appeal had been filed.
39. The decision of the Animal Services Committee shall be final and binding.
40. Where an Order has been issued and no appeal has been filed, the owner, at his or her expense, shall,
- (a) have the dog that is subject to the Order,
- (i) licensed and photographed within twenty-one (21) days of being served with the Order;

- (ii) microchipped within twenty-one (21) days of being served with the Order;
    - (iii) sterilized within 4 months of being served with the Order; and
    - (iv) enrolled in an obedience training class within 6 months of being served with the Order; and
  - (b) restrain the dog in accordance with any written directives given by an Animal Service Officer.
41. Clauses 40 (a)(ii) and (iii) shall not apply in situations where a veterinarian states, in writing, that the dog cannot be microchipped or sterilized due to health and/or medical risks to the dog.
42. No person shall fail to comply with an Order.
43. When off the premises of the owner, a dog which is the subject of an Order shall be,
- (a) muzzled and on a lead not longer than 2 metres in length and in a manner that restricts it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public and/or private property; and
  - (b) under effective control of a responsible person over sixteen years of age.
44. When on the premises of the owner, a dog that is the subject of an Order shall be kept,
- (a) indoors in a manner that respects its environmental needs and prevents the dog from having contact with persons who have not consented to contact; or
  - (b) outdoors in a pen or other enclosure that respects its environmental needs and prevents the dog from leaving the owner's property and from coming into contact with persons and other animals.

### **Animal Surrender**

45. An Animal Services Officer may accept the transfer of ownership of an animal from an owner to the City upon,
- (a) receipt of a written request from the owner accompanied by payment of the appropriate fee prescribed in Schedule "A";

- (b) determination by the Animal Services Officer that the animal can reasonably be expected to be placed in a new home;
- (c) receipt of any other information the Animal Services Officer requests; and
- (d) space being available to shelter the animal.

### **General Requirements**

- 46. Every owner shall immediately remove excrement left by the animal on property anywhere in the City and dispose of it in a hygienic manner.
- 47. No owner shall allow the animal to make noises including, but not limited to, persistent barking, calling, howling, whining or crying at frequent or lengthy intervals, that are likely to disturb the inhabitants of the City.
- 48.
  - (1) In this section, “dwelling unit” means a room or suite of two or more rooms designated 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.
  - (2) No person residing in a dwelling unit on lands zoned residential shall keep or own more than three (3) dogs in or about the dwelling unit.
  - (3) No person residing in a dwelling unit on lands zoned residential shall keep or own more than four (4) cats in or about the dwelling unit.

### **Exceptions**

- 49.
  - (1) In this section, “guide dog” has the same meaning as in the *Blind Persons’ Rights Act*.
  - (2) Section 46 shall not apply to guide dogs.
- 50. This by-law shall not apply to active police dogs.
- 51. Upon presentation of a certificate from the registering agency, the owner of a medical aid dog shall be exempted from payment of a licence fee.
- 52. Where the owner of an animal is a non-resident of Pickering, and his or her animal will not be kept within Pickering for a time period longer than thirty (30) consecutive days in any one (1) calendar year, the owner shall not be required to comply with section 7.

53. Section 18 shall not apply where on the premises of any television or film studio such animals are being kept temporarily for the purpose of a television production.
54. A veterinarian shall not be considered an owner of an animal for the purpose of this by-law where the animal has been brought upon his or her premises for care or treatment.

**Penalties**

55. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the *Provincial Offences Act* and all the provisions of the said Act shall apply to any prosecution for any offence under this by-law.

**Short Title**

56. This by-law may be cited as the Responsible Pet Ownership By-law.

**Repeal**

57. By-law No. 6693/06 is repealed.
58. Notwithstanding section 57, any Order issued under By-law 6693/06 or any predecessor by-law shall remain in full force and effect.

**Effective Date**

59. This by-law shall come into force and take effect on the day that the Chief Judge of the Ontario Court (Provincial Division) approves set fines for offences under this by-law.

BY-LAW read a first, second and third time and finally passed this 15<sup>th</sup> day of October, 2007.

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David Ryan, Mayor

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Debi A. Wilcox, City Clerk

SCHEDULE "A"  
AS AMMENDED BY BY-LAW NO. 6951/09

**CAT/DOG LICENCE FEES**

Details	Fee
Unsterilized dog or cat	\$50.00
Unsterilized dog or cat with microchip	\$40.00
Sterilized dog or cat	\$20.00
Sterilized dog or cat with microchip	\$15.00
Replacement tag	\$5.00

**IMPOUNDMENT FEES**

<b>Impoundment of dog or cat wearing current animal licence tag or microchipped</b>	
1 <sup>st</sup> occurrence	\$40.00
2 <sup>nd</sup> or subsequent occurrence	\$75.00
After regular working hours	\$120.00
Daily Care Fee: Every animal that is impounded is subject to an additional charge for every day or part of a day <u>after</u> the day the animal is brought into impoundment.	\$15/day

<b>Impoundment of dog or cat not wearing current animal licence tag or microchipped</b>	
1 <sup>st</sup> occurrence	\$50.00
2 <sup>nd</sup> or subsequent occurrence	\$75.00
After regular working hours	\$120.00
Daily Care Fee: Every animal that is impounded is subject to an additional charge for every day or part of a day <u>after</u> the day the animal is brought into impoundment.	\$15/day
In addition to the fees detailed above, every owner of a dog or cat not licensed for the current year who is a resident of the City is also required to pay the licence fees in addition to the impoundment fees	See Cat/Dog Licence Fees above

**SERVICE FEES**

<b>Owner Surrender Fees:</b> The Animal Services Division can only accept animals if space is available at the designated Animal Shelter and if the animal can reasonably be expected to be placed up for adoption. Animals will not be accepted for euthanasia. Pets are screened carefully to avoid placing problem animals in new homes	
Transfer of ownership of an animal.	\$150.00

<b>Pick up and disposal of deceased owned animals</b>	
Small - medium size	\$50.00
Medium - extra large size	\$80.00

<b>Adoption Fees:</b> Adoption fee includes up to date vaccinations and a free City of Pickering animal licence. In situations where the animal is not sterilized before adoption, a rebate will be offered upon proof of sterilization.	
Dogs	\$150.00
Cats	\$100.00

At the discretion of Council, fees may be adjusted accordingly to reflect shelter conditions.