

Animal Control By-law

PH-3 – Consolidated – April 12, 2002

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**OFFICE CONSOLIDATION
INCLUDING AMENDMENT NO. PH-3-01010 (August 7, 2001)**

PUBLIC HEALTH

By-law PH-3

**A by-law to provide for the
REGULATION, RESTRICTION AND PROHIBITION
OF THE KEEPING OF ANIMALS IN THE CITY OF HUMBER BAY**

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WHEREAS paragraph 1 of section 210 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by Councils of local municipalities for prohibiting or regulating the keeping of animals or any class therein within the municipality or defined areas thereof, including the number of animals that may be kept by any person and the number of animals or any class thereof that may be kept about any dwelling unit;

AND WHEREAS paragraph 2 of section 210 of the said Act provides for the regulating of establishments for the breeding or boarding of animals or any class thereof, within the municipality or defined area thereof;

AND WHEREAS paragraph 4 of section 210 of the said Act provides for the prohibiting and regulating within any part or defined area of a municipality or upon any highway therein, the being at large or trespassing of animals, other than dogs, and for impounding them and causing them to be sold if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law;

THEREFORE the Municipal Council of The Corporation of the City of Humber Bay enacts as follows:

**SHORT TITLE
ANIMAL CONTROL BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Animal - defined

"animal" includes birds and reptiles but does not include fish or dogs.

Animal Control Officer - defined

"Animal Control Officer" shall mean a person appointed by the Pound keeper whose duties include the administration and enforcement of this by-law.

City - defined

"City" shall mean The Corporation of the City of Humber Bay.

Dwelling unit - defined

"dwelling unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

Keeps - defined

"keeps" shall mean owns, possesses or harbours.

Owner - defined

"owner" of an animal includes any person who keeps, possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor.

Pet shop - defined

"Pet shop" shall mean an establishment engaged in the retail sales of animals.

Pet shop keeper - defined

"Pet shop keeper" shall mean a person who has the charge, care or ownership of a pet shop.

Pound keeper - defined

"Pound keeper" for The Corporation of the City of Humber Bay shall mean Urban Animal Management Inc. operating as Animal Care and Control Centre (Humber Bay).

Premises - defined

"premises" includes the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated.

Part 2 CLASSES OF ANIMALS

2.1 Animals - ranked by class

Animals shall be ranked according to the classes set out in this Part of this by-law.

2.2 Class 1 animal

"Class 1 animal" shall mean cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep.

2.3 Class 2 animal

"Class 2 animal" shall mean chicken, goose, turkey, duck and any domestic fowl.

2.4 Class 3 animal

"Class 3 animal" shall mean homing, pouter, racing or tumbler pigeons.

2.5 Class 4 animal

"Class 4 animal" shall mean domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle.

2.6 Class 5 animal

"Class 5 animal" shall mean non-venomous snakes, non-venomous lizards and non-venomous

spiders.

2.7 Class 6 animal

"Class 6 animal" shall mean domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, loorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks.

2.8 Class 7 animals

"Class 7 animals" shall mean any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the *Migratory Birds Convention Act, S.C. 1985, C.M-7*, and regulations thereto and all animals the keeping of which is prohibited in the *Fish and Wildlife Conservation Act, 1997* and regulations thereto.

**Part 3
APPLICATION OF BY-LAW - EXEMPTIONS**

3.1 Animal Care and Control Centre (Humber Bay)

This by-law shall not apply to premises maintained by Urban Animal Management Inc. operating as Animal Care and Control Centre (Humber Bay).

3.2 Humber Bay Humane Society

This by-law shall not apply to premises maintained by The Humber Bay Humane Society Inc.

3.3 Public pound

This by-law shall not apply to a public pound.

3.4 Animal hospital - clinic - kennel

This by-law shall not apply to a small animal hospital, clinic or boarding kennel operated by a duly qualified veterinarian, where all animals are kept within a brick, stone or concrete building.

3.5 Pet shop

Sections 4.1, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 10.1, 10.2, 12.2, 13.1 and Parts 7, 8, 9 and Part 11 of this by-law shall not apply to pet shops.

3.6 Public park - zoo - fair - exhibition - circus - licensed

This by-law shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.

3.7 Research facility - registered

This by-law shall not apply to animals maintained at a research facility registered under the Animals for Research Act.

3.8 Agricultural - land - premises

This by-law shall not apply to premises and land zoned for agricultural uses.

3.9 Pet shop - prohibition animals - dispose

Notwithstanding any of the provisions of this by-law, pet shops shall have until December 31, 1998 to dispose of all animals, the keeping of which is prohibited by this by-law, and shall not keep any such animals for sale or for display purposes.

**Part 4
PROHIBITED MATTERS**

4.1 Animals - keeping - more than 2 per dwelling

No person shall keep more than two animals in a dwelling unit or on any premises.

4.2 Class 1 - keeping - within City

No person shall keep a class 1 animal within the municipal boundaries of the City of Humber Bay.

4.3 Class 2 - keeping - within City

No person shall keep a class 2 animal within the municipal boundaries of the City of Humber Bay.

4.4 Class 3 - keeping - more than 40 - during winter

No person shall keep more than 40 banded class 3 animals between October of one year and March of the following year.

4.5 Class 3 - keeping - more than 60 - during summer

No person shall keep more than 60 banded class 3 animals between April and October of any year.

4.6 Class 3 - keeping - more than 2 - unbanded - any time

No person shall keep more than 2 unbanded class 3 animals at any time.

4.7 Class 3 - flights - unsupervised

No person shall fail to supervise the flight of class 3 animals.

4.8 Class 3 - flights - 9 a.m. to 5 p.m. - summer

No person shall fail to prohibit class 3 animals from flight between 9:00 o'clock a.m. and 5:00 o'clock p.m. during the period from April 1 to September 30.

4.9 Class 3 - flights - 10 a.m. to 3 p.m. - winter

No person shall fail to prohibit class 3 animals from flight between 10:00 o'clock a.m. and 3:00 o'clock p.m. during the period from October 1 to March 31.

4.10 Class 7 - keeping - within City

No person shall keep a class 7 animal within the municipal boundaries of the City of Humber Bay.

4.11 Animal - running at large

No person shall permit any animal to run at large.

4.12 Trespassing - by animal

No person shall permit any animal to trespass on any property.

4.13 Food - storage - failure to use rodent-proof container

No person shall fail to keep feed or animal food in a rodent-proof container.

4.14 Keeping - animal - not permitted by statute

Notwithstanding any of the provisions of this by-law, no person shall keep any animal, the keeping of which is not permitted under any statute of Ontario or Canada.

4.15 Pet shops - fail to dispose of prohibited animal

No pet shop keeper shall fail to dispose of a prohibited animal as required by section 3.9 of this by-law.

4.16 Pet shops - keep prohibited animal

No pet shop keeper shall keep or permit to be kept in any pet shop, an animal of a class, the keeping of which is prohibited by this by-law.

**Part 5
CLASS 1 ANIMALS**

5.1 Keeping - within City - prohibited

The keeping of Class 1 animals within the municipal boundaries of the City of Humber Bay is prohibited.

5.2 Keeping - prior to enactment - continuation - permitted

Section 5.1 of this by-law does not apply to those persons legally keeping Class 1 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 5.3 to 5.12 inclusive of this by-law.

5.3 Keeping - in building - stable - required

All Class 1 animals shall be kept in a building or stable.

5.4 Building - stable - minimum distance - other premises

Such building or stable as required under section 5.3 of this by-law shall be no less than 90 metres (295.3 feet) from any school, church, public hall, store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animal or members of his immediate family.

5.5 Floor - impervious - gutters - drainage

The floor of such building or stable as required under section 5.3 of this by-law shall be of durable material, impervious to moisture, so laid and provided with gutters that drainage is effected into a sewer provided that a wooden platform above such flooring is permitted if an air space of at least 5 centimetres (1.97 inches) is provided above the floor.

5.6 Drainage - sanitary wastes - requirements

Where a sanitary sewer is not available, provision for drainage of sanitary wastes shall be made in accordance with the requirements of any applicable laws of the Province of Ontario and the regulations made thereunder.

5.7 Doors - windows - openings - screened

All doors, windows and openings of such building or stable as required under section 5.3 of this by-law shall, at all times between the first day of April and the thirtieth day of November following in each year, be kept protected by screens effective against flies and small insects.

5.8 Manure - collected - deposited - receptacle - promptly

All manure shall be promptly collected and deposited in a manure receptacle of adequate size which shall be provided and constructed as set out in sections 5.9 and 5.10 of this by-law.

5.9 Manure receptacle - construction - requirements

The floor and all portions of the walls of the manure receptacle shall be of concrete and water-tight; the manure receptacle shall be provided with an opening with self-closing, fly-proof door, and the receptacle shall be constructed such that objectionable odours are not allowed to escape.

5.10 Manure receptacle - design - permit - approval

Manure receptacles shall be constructed, erected or located within the City only after the design has been approved by the Chief Building Official and a permit issued therefor.

5.11 Yards - kept cleaned - deodorized - at all times

Such building or stable as required under section 5.3 of this by-law, together with any yard less than 200 square metres (2,152.8 square feet) in which the animals are allowed to run, shall be kept at all times free from manure and other refuse and shall be properly cleaned or dug up and deodorized by means of chloride of lime or other suitable deodorant permitted by the laws of the Province of Ontario and the regulations made thereunder.

5.12 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 6
CLASS 2 ANIMALS**

6.1 Keeping - within City - prohibited

The keeping of Class 2 animals within the municipal boundaries of the City of Humber Bay is prohibited.

6.2 Keeping - prior to enactment - continuation - permitted

Section 6.1 of this by-law does not apply to those persons legally keeping Class 2 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 6.3 to 6.8 inclusive of this by-law.

6.3 Keeping - in building - structure - yard - coop - other

All Class 2 animals shall be kept in a building, structure, yard, coop, pen or run.

6.4 Structure - distance - from other premises

Every such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pen or run in which any such animal, bird or fowl is confined, kept or allowed to run, shall be no less than 15 metres (49.2 feet) from any school, church, public hall, or store,

dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animals, birds or fowl or members of his immediate family.

6.5 Walls - lime-washed - painted - annually

The inside walls of such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pens or run shall be lime-washed or painted at least once a year.

6.6 Runs - outside - dug promptly - prevention of odours

All runs and outside areas of confinement shall be dug promptly as required to effectively prevent odours arising therefrom.

6.7 Refuse - removal - prevention of odours

All refuse resulting from the keeping of class 2 animals shall be kept in substantial air-tight containers until it is removed from the premises or dug into the earth in such a manner as to prevent odours arising therefrom.

6.8 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 7
CLASS 3 ANIMALS**

7.1 Animals - confinement - requirements - set out

All Class 3 animals kept within the municipal boundaries of the City of Humber Bay shall be confined to a building, structure, coop, loft, pen or run which shall meet the requirements set out in sections 7.2 to 7.8 inclusive of this by-law.

7.2 Building - structure - minimum size - requirements

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a height of not less than 1.5 metres (4.92 feet) and a floor area of not less than 1.25 square metres (13.45 square feet) for each pair of pigeons kept therein.

7.3 Building - structure - ventilation - adequate

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have adequate ventilation having regard to the number of pigeons kept therein.

7.4 Building - structure - raised - above ground

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a clear space between the ground and the underside of the floor of not less than 30 centimetres (11.81 inches).

7.5 Building - structure - floor - impervious to moisture

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall have a floor with a surface which is impervious to moisture.

7.6 Building - structure - maintenance - appearance

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be maintained by regular painting of the exterior or by permanent siding, and all loft equipment shall be kept under cover and where necessary a suitable hedge shall be planted as a buffer between properties.

7.7 Distance - from other dwellings - minimum

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be located a minimum of 12 metres (39.4 feet) from any school, church, public hall, store, dwelling or premises used for human habitation, other than premises occupied exclusively by the owner or keeper of such animals or members of his immediate family.

7.8 Distance - from boundary line - minimum

Every building, structure, coop, loft, pen or run in which Class 3 animals are kept shall be located a minimum of 3 metres (9.84 feet) from the boundary line between the owner's property and all adjacent property.

7.9 Walls - ceilings - painted - disinfected - bi-annually

Every person keeping Class 3 animals shall lime-wash, paint or disinfect the inside walls and ceilings of all buildings, structures, lofts, pens, coops, or runs (other than an outside run

enclosed only with wire), at least twice a year.

7.10 Droppings - removal - disposal - bi-weekly - exception

Every person keeping Class 3 animals shall remove and dispose of in a sanitary manner at least twice each week, all pigeon droppings, refuse and dropped or scattered feed within or adjacent to all such buildings, structures, lofts, pens, coops or runs, including outside runs enclosed only with wire, provided, however, that this regulation shall not apply when below freezing temperatures prevent removal and disposal.

7.11 Feed - storage - rodent-proof containers

Every person keeping Class 3 animals shall store all feed in rodent-proof containers.

7.12 Pigeons - trespassing - prevention

Every person keeping Class 3 animals shall prevent pigeons from trespassing on any land, except as otherwise provided in this by-law.

**Part 8
CLASS 3 ANIMALS - NUMBERS - LIMITED**

8.1 Banded pigeons - maximum - 40 - winter months

Despite section 4.1 of this by-law, if a pigeon is banded with an identifying leg band issued by an organization recognized as bona fide by resolution of the Council, no more than a total of 40 homer, pouter, racing or tumbler pigeons or any combination thereof may be kept at any one time from November 1 of one year to March 31 of the following year.

8.2 Banded pigeons - maximum - 60 - summer months

Despite section 4.1 of this by-law and in order to provide for the raising and racing of pigeons hatched in any year, the number of pigeons that may be kept from April 1 to October 31 of any year may be increased to not more than 60.

8.3 Unbanded pigeons - maximum - 2 - at any time

No person shall keep more than 2 unbanded pigeons at any time.

**Part 9
CLASS 3 ANIMALS - FLIGHT**

9.1 Enclosed - all times - exception - 2 flights daily

Class 3 animals shall be kept enclosed at all times, except during a maximum of two flight periods daily, when no more than half the total number of animals of the class being kept by any one person shall be at large at any one time and such flights shall be governed by the regulations set out in sections 9.2 to 9.5 inclusive of this by-law.

9.2 Flights - summer months - times - designated

During the period from April 1 to September 30 of any year, all flights shall take place before 9:00 o'clock in the morning or after 5:00 o'clock in the afternoon.

9.3 Flights - winter months - times - designated

During the period from October 1 of one year to March 31 of the following year, all flights shall take place before 10:00 o'clock in the morning or after 3:00 o'clock in the afternoon.

9.4 Flights - supervision - required

All flights shall take place under the supervision of the owner of such animal or a competent person on his behalf.

9.5 Exception - organized flights - recognized by City

When a bona fide flight is conducted by an organization recognized by a Council resolution, the regulations set out in sections 9.2 to 9.4 inclusive of this by-law do not apply.

**Part 10
CLASS 4 ANIMALS**

10.1 Maximum - 2 animals - in one dwelling unit

No person shall keep more than 2 Class 4 animals in any one dwelling unit or on any premises.

10.2 Newborns - keeping - maximum - 2 months

The young of any Class 4 animal may be kept for a period not exceeding 2 months after birth.

**Part 11
DOMESTIC CATS**

11.1 Complaint - to Pound keeper - confinement - by owner

Where a property owner or occupant makes a complaint to the City Pound keeper or an Animal Control Officer that a domestic cat has caused damage on his property and/or has created a disturbance thereon, an officer may, after the property owner or occupant has confined the cat, and upon obtaining consent of the complainant, enter onto the complainant's property to secure, shelter and impound the cat.

11.2 Annual Cat Tag - Contents

Upon payment of the applicable annual fee, owners of domestic cats shall be furnished with a cat tag bearing a serial number, the year for which it was issued and the words "Humber Bay ON" and the name and address of the owner, the serial number of the tag, and the name and description of the cat shall be entered into an identification register.

11.3 Annual Identification System - Farm Exemption

All owners of domestic cats except cats which are kept on a farm in the City of Humber Bay shall annually identify their cats by affixing a tag issued pursuant to section 11.2 securely on the cat for which it was issued at all times until such time as the tag is renewed or replaced. For the purposes of this section, "farm" means lands and buildings primarily used for agricultural purposes including the cultivating of the soil, production of crops or the raising of livestock.

11.4 – Identification Fee – Tag Issuer

The identification fee for 1996 shall be \$10.00 for each domestic cat payable on or before July 1st, 1996 and the annual identification effective January 1, 1997, will be as follows:

Cat Identification Fees -	New Cats Obtained January 1 st through June 30 th
Complete cat	\$22.00
Spayed/neutered cat	\$17.00
Cat Identification Fees -	New Cats Obtained July 1 st through December 31 st
Complete cat	\$12.00
Spayed/neutered cat	\$10.00

Applications for reduced Cat Identification Tag Fees must be accompanied by proof of sterilization.

11.5 Failure to apply for tag - Prohibited

No person who is the owner of a cat shall in any year within the City of Humber Bay fail to apply for a cat identification tag or fail to affix a tag issued for a cat securely on the cat for which the tag was issued.

**Part 12
CLASS 5 ANIMALS**

12.1 Keeping - regulations - set out

The regulations set out in this Part apply to persons keeping Class 5 animals within the City.

12.2 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 5 animals in any dwelling unit or on any premises.

12.3 Snake - non-venomous - over 24 inches - prohibited

No person is permitted to keep a non-venomous snake that exceeds an overall length of 60.96 centimetres (24 inches).

12.4 Lizard - non-venomous - over 12 inches - prohibited

No person shall keep a non-venomous lizard that exceeds an overall length of 30.48 centimetres (12 inches).

**Part 13
CLASS 6 ANIMALS**

13.1 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 6 animals in any dwelling unit or on any premises within the City.

**Part 14
CLASS 7 ANIMALS**

14.1 Keeping - within City - prohibited

The keeping of Class 7 animals within the municipal boundaries of the City is prohibited.

**Part 15
ENFORCEMENT**

15.1 Administration - Pound keeper - Animal Control Officers

The Pound keeper and duly appointed Animal Control Officers shall administer and enforce this by-law.

15.2 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

15.3 Continuation - repetition - prohibited- by order

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**Part 16
REPEAL - ENACTMENT**

16.1 By-law - previous

By-law P.H.-64-123 and all of its amendments are hereby repealed.

16.2 Effective date

This by-law comes into force on May 15, 1994.

PASSED in Open Council on November 15, 1993.

T.C. Gosnell
Mayor

K.W. Sadler
City Clerk