

GENERAL

Chapter 408

ANIMALS - REGULATION

Article 1 INTERPRETATION

- 408.1.1 Animal - defined
- 408.1.2 Animal Designation Appeal Committee - defined
- 408.1.3 Cat - defined
- 408.1.4 City - defined
- 408.1.5 Council - defined
- 408.1.6 Exterior side lot line - defined
- 408.1.7 Exterior side yard - defined
- 408.1.8 Feed or Feeding - defined
- 408.1.9 Feeding device - Wild animal - defined
- 408.1.10 Food - Wild animal - defined
- 408.1.11 Fowl - defined
- 408.1.12 Harbour and Harbours - defined
- 408.1.13 Hen(s) - defined
- 408.1.14 Interior side lot line - defined
- 408.1.15 Interior side yard - defined
- 408.1.16 Kitten - defined
- 408.1.17 Lot - defined
- 408.1.18 Order - defined
- 408.1.19 Owner - defined
- 408.1.20 Owner of hens - defined
- 408.1.21 Owner(s) of property on which hens are kept - defined
- 408.1.22 Poundkeeper - defined
- 408.1.23 Rear lot line - defined
- 408.1.24 Rear yard - defined

ANIMALS - REGULATION

408.1.25 Wild Animal - defined

408.1.26 Zoning By-law - defined

Article 2 GENERAL PROVISIONS

408.2.1 Running at large - prohibited - owner responsibility

408.2.2 Running at large - conditions

408.2.3 Leash - length

408.2.4 Excrement - removal by owner - upon defecation

408.2.5 Attack - fighting - prohibited

408.2.6 Trespass by animal - prohibited

408.2.7 Slaughter house - location - restrictions

408.2.8 Permitted animals

408.2.9 Restricted animal

408.2.10 Prohibited animal

408.2.11 Prohibited animal - keeping - offence

408.2.12 Restricted animal - keeping requirements

408.2.13 Prohibited - restricted animal - exceptions

408.2.14 Animal Designation Appeal Committee - hearing

408.2.15 Request for hearing

408.2.16 Animal Designation Appeal Committee - decision

408.2.17 Hearing evidence

408.2.18 Entry - Inspection - right

Article 3 PIGEONS - RABBITS

408.3.1 Enclosure - requirements

408.3.2 Enclosure - existing - location - exemption

408.3.3 Enclosure - maintained sanitary - feed - waste storage

408.3.4 Pigeons - in City - prohibited - rabbits - limitation

408.3.5 Agricultural land - exemption

408.3.6 Permitted use - by Zoning By-law - exemption

ANIMALS - REGULATION

- 408.3.7 Pigeon keeping - exemption - conditions
- 408.3.8 Infection - communicable disease - responsibility
- 408.3.9 Pigeon keeping - exemption revoked - permanent

Article 4 CATS

- 408.4.1 Harboursing - causing nuisance - prohibited
- 408.4.2 Keeping - conditions adverse to health - prohibited
- 408.4.3 Nuisance - order - issued - reduction of cats
- 408.4.4 Health concerns - order - issued - reduction of cats
- 408.4.5 Order - information - requirements
- 408.4.6 Order - appeal - deadline
- 408.4.7 Appeal - hearing - time frame
- 408.4.8 Appeal - non-attendance - dismissal - adjourned
- 408.4.9 Order - modified by Committee
- 408.4.10 Order - ratified by Council - effective
- 408.4.11 Order - non-compliance
- 408.4.12 Failure to comply - action by City
- 408.4.13 Poundkeeper - cat - removal - not returned
- 408.4.14 Keeping number other than specified - prohibited

Article 5 IMPOUNDING ANIMALS

- 408.5.1 Running at large - seizure - impounding
- 408.5.2 Animal impounded - record kept - by Poundkeeper
- 408.5.3 Animal impounded - restored to owner - deadline
- 408.5.4 Impound fees
- 408.5.5 Female - in heat - running at large - impound duration
- 408.5.6 Impound animal - not tagged - immunized
- 408.5.7 Animal impounded - owner liable - for all fees
- 408.5.8 Animal not claimed - sale - disposed
- 408.5.9 Animal impounded - injured - destroyed

ANIMALS - REGULATION

Article 6 FEEDING - WILD ANIMAL

- 408.6.1. Nuisance to - owner/occupant of any property
- 408.6.2 Removal of food - owner/occupant of property
- 408.6.3 Feeding device - not allowed - any property
- 408.6.4 Removal of feeding device - owner/occupant - any property
- 408.6.5 Feeding Wild Birds - Duties of owner/occupant of property

Article 7 ENFORCEMENT

- 408.7.1 Fine - for contravention

Article 8 SEVERABILITY

- 408.8.1 Validity

Article 9 REPEAL

- 408.9.1 By-law - previous

Article 1 INTERPRETATION

408.1.1 Animal - defined

“animal” means any member of the animal kingdom, other than a human, but does not include a dog over the age of twelve weeks except when otherwise indicated. By-law 99-169, 4 October, 1999.

408.1.2 Animal Designation Appeal Committee - defined

“Animal Designation Appeal Committee” means the Committee appointed by Council to perform functions and conduct appeal hearings as set out in this Chapter.

408.1.3 Cat - defined

“cat” means any registered purebred or common domestic cat, male or female, over the age of twelve weeks unless otherwise specified by this Chapter and shall include a domestic breed of cat that is or appears to be feral.

ANIMALS - REGULATION

408.1.4 City - defined

“City” means The Corporation of the City of Kitchener unless the context requires otherwise. By-law 2008-96, 20 May, 2008.

408.1.5 Council - defined

“Council” means the Council of The Corporation of the City of Kitchener.

408.1.6 Exterior Side Lot Line - defined

“exterior side lot line” shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.7 Exterior Side Yard - defined

“exterior side yard” shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.8 Feed or Feeding - defined

“feed” or “feeding” means furnishing or making food available and shall include leaving food outdoors in such a manner as to attract or be accessible to an animal, but does not include baiting during lawful activities and also shall not include any activity on land zoned Agricultural (A-1) under Zoning By-law 85-1 of the City.

408.1.9 Feeding Device - Wild Animal - defined

“feeding device” means a mechanism that attracts or is intended to attract wild animals and shall include anything used to support or contain food but shall not include a bird feeder used in accordance with the provisions of this Chapter.

408.1.10 Food - Wild Animal - defined

“food” means any substance or food which could reasonably be expected to attract or be consumed by a wild animal, but does not include:

- a) compost kept in accordance with all applicable by-laws, statutes, or regulations;
- b) landscaping materials used for landscaping purposes; or
- c) food being grown for human consumption. By-law 2016-085, 29 August, 2016

408.1.11 Fowl - defined

“fowl” means domestic fowl including, but not limited to, chickens, geese, ducks and game birds as defined in the *Game and Fish Act*. By-law 98-186, 30 November, 1998.

ANIMALS - REGULATION

408.1.12 Harbour and Harbours - defined

"harbour" and "harbours" shall include living with or having care and control of, or feeding an animal and shall specifically include the feeding of a cat or kitten whether feral or domestic. However, the feeding of a wild bird in accordance with the requirements of this Chapter shall not be considered harbours. By-law 2016-085, 29 August, 2016.

408.1.13 Hens - defined

"hen(s)" shall mean female chicken(s). By-law 2016-118, November 21, 2016

408.1.14 - Interior Side Lot Line - defined

"interior side lot line" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.15 - Interior Side Yard - defined

"interior side yard" shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.16 Kitten - defined

"kitten" means any registered purebred or common domestic cat, male or female, up to the age of twelve weeks unless otherwise specified by this Chapter and shall include a domestic breed of kitten that is or appears to be feral. By-law 2008-96, 20 May, 2008.

408.1.17 Lot - defined

"lot" means a parcel of land which can be legally conveyed pursuant to the *Planning Act*. By-law 98-186, 30 November, 1998.

408.1.18 Order - defined

"Order" means an order issued pursuant to Section 408.4.3 or 408.4.4 of this Chapter. By-law 2008-98, 20 May, 2008.

408.1.19 Owner - defined

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

408.1.20 Owner of Hens - defined

"owner of hens" shall mean an owner of a hen or hens kept on property zoned residential under the Zoning By-law and shall not apply to an owner of hens kept on land zoned Agricultural (A-1) under the Zoning By-law. By-law 2016-118, November 21, 2016.

408.1.21 Owners(s) of property on which hens are kept - defined

"owner(s) of property on which hens are kept" shall mean an owner of property zoned residential under the Zoning By-law on which a hen or hens are kept but shall not include the owner of property zoned Agricultural (A-1) under the Zoning By-law with respect to that Agricultural property. By-law 2016-118, November 21, 2016.

ANIMALS - REGULATION

408.1.22 Poundkeeper - defined

“Poundkeeper” means the Kitchener-Waterloo and North Waterloo Humane Society, including its officers and employees.

408.1.23 Rear Lot Line - defined

“rear lot line” shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016

408.1.24 Rear Yard - defined “rear yard” shall be defined as set out in Chapter 630 of The City of Kitchener Municipal Code (Fences). By-law 2016-118, November 21, 2016.

408.1.25 Wild Animal - defined

“wild animal” shall mean an animal that belongs to a species that is wild by nature or an animal living in its natural habitat but does not include:

- (a) a permitted animal kept in accordance with the requirements of this Chapter;
- (b) a prohibited or restricted animal permitted to be kept by section 408.2.13 of this Chapter and kept in accordance with the requirements of this Chapter;
- (c) a bird;
- (d) a feral cat; or
- (e) an animal being fed as part of research undertaken by a university, college, or similar provincially or federally recognized research institution. By-law No. 2016-085, 29 August, 2016

408.1.26 Zoning By-law - defined

“Zoning By-law” means any by-law administered by the City passed pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, or a predecessor or successor thereof, as may be amended from time to time.

Article 2 GENERAL PROVISIONS

408.2.1 Running at large - prohibited - owner responsibility

No owner of an animal shall allow his/her animal to run at large.

408.2.2 Running at large - conditions

An animal shall be deemed to be running at large when it is found not under the effective control of an adult person and not under leash, unless the animal is on the lands of a person who has given prior consent to it being unleashed.

ANIMALS - REGULATION

08.2.3 Leash - length

No leash shall exceed 2.4 metres (8 feet).

408.2.4 Excrement - removal by owner - upon defecation

Every owner of an animal shall remove forthwith and dispose of any excrement left by his/her animal on any property in the City other than his/her own property.

408.2.5 Attack - fighting - prohibited

No owner shall permit his/her animal to attack or fight with any animal.

408.2.6 Trespass by animal - prohibited

No owner shall permit his/her animal to trespass on private property. By-law 98-186, 30 November, 1998.

408.2.7 Slaughter house - location - restrictions

No person shall at any time use any house, dwelling unit, or accessory building, or any part thereof, or any land abutting same, as a place for slaughtering animals unless such place is distant not less than 180 metres (590.6 feet) from any dwelling unit and not less than 45 metres (147.6 feet) from any highway.

408.2.8 Permitted animals

Permitted animals means:

- (a) mammals which are commonly known as the following:
 - cats;
 - chinchillas;
 - degus;
 - dogs, including dogs over the age of twelve weeks;
 - ferrets;
 - gerbils;
 - guinea pigs;
 - hamsters;
 - hedgehogs;
 - mice;
 - rabbits;
 - rats;
 - sugar gliders.
- (b) all birds, reptiles, amphibians, fish and invertebrates which are not restricted or prohibited animals;
- (c) all animals which are used for animal husbandry or are otherwise permitted by the Zoning By-law.

ANIMALS - REGULATION

408.2.9 Restricted animal

A restricted animal means:

- (a) a lizard which will grow to more than 65 centimetres (25.6 inches) in length from snout to vent;
- (b) a snake which will grow to more than 2 metres (6.6 feet) in length;
- (c) a prohibited animal which was kept or harboured by its owner on the date the animal was prohibited or which was purchased by its owner from a pet shop in the City in accordance with Chapter 575 of The City of Kitchener Municipal Code. By-law 99-169, 4 October, 1999.

408.2.10 Prohibited animal

A prohibited animal means:

- (a) an animal which is venomous or poisonous in captivity;
- (b) an animal which is wild-caught, provided that a wild-caught fish shall be deemed to be a permitted animal until January 1, 2004;
- (c) an animal whose parent is a prohibited animal;
- (d) a mammal which is not a permitted animal;
- (e) birds which are members of the following orders:
 - Order Anseriformes, for example, but not limited to, ducks, geese and swans;
 - Order Casuariiformes, for example, but not limited to, cassowaries and emus;
 - Order Galliformes, for example, but not limited to, grouse and pheasants, except for non-indigenous quail species which have been captive-bred for more than six generations;
 - Order Rheiformes, for example, but not limited to, rheas; and
 - Order Struthioniformes, for example, but not limited to, ostriches;
- (f) reptiles which are members of the following orders:
 - Order Crocodylia, for example, but not limited to, crocodiles; and
 - Order Spheodontitida, for example, but not limited to, tuatara;

ANIMALS - REGULATION

- (g) amphibians which are members of the Order Gymnophiona or Apoda commonly known as legless amphibians. By-law 99-169, 4 October, 1999; By-law 2013-091, 24 June, 2013.

408.2.11 Prohibited animal - keeping - offence

No person shall keep or harbour or permit to be kept or harboured a prohibited animal.

408.2.12 Restricted animal - keeping requirements

The owner of a restricted animal shall comply with the following requirements:

- (a) to register the restricted animal on or before February 15, 2000 or after that date within seven working days of becoming the owner of the restricted animal by providing the Poundkeeper with his/her name, address and telephone number and a description of the restricted animal;
- (b) to keep the restricted animal, when it is on the lands and premises of the owner, confined and under effective control, as approved by the Poundkeeper;
- (c) to keep the restricted animal under the effective control of an adult person and under leash or otherwise contained at all times when it is not confined in accordance with clause (b);
- (d) to provide the Poundkeeper with the new address and telephone number of the owner within two working days of moving the restricted animal;
- (e) to provide the Poundkeeper with the name, address and telephone number of the new owner within two working days of selling or giving away the restricted animal;
- (f) to advise the Poundkeeper within two working days of the death of the restricted animal; and
- (g) to advise the Poundkeeper forthwith if the restricted animal is running at large or has bitten or attacked any person or animal, including dogs over the age of twelve weeks.

408.2.13 Prohibited - restricted animal - exceptions

Sections 408.2.11 and 408.2.12 of this Chapter shall not apply to:

- (a) an animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) an animal shelter operated by the Kitchener-Waterloo and North Waterloo Humane Society;

ANIMALS - REGULATION

- (c) premises registered as a research facility in accordance with the *Animals for Research Act*;
- (d) the lawful operation of a circus, carnival, performance, exhibition, zoo, or public display;
- (e) subject to the approval of the Kitchener-Waterloo and North Waterloo Humane Society:
 - i) premises where animals are being kept for the purposes of rehabilitating the individual animal; or
 - ii) when under the auspices of the federal or provincial government or an organization or facility with appropriate expertise, premises where animals are being kept for the purpose of preserving the individual animal or the animal species, provided that the premise meet Canadian Association of Zoos and Aquarea standards;
- (f) day care facilities or educational establishments where short-term educational programs are being conducted; or
- (g) a person keeping up to four hens on a property in accordance with the requirements of this Chapter. By-law 2016-118, November 21, 2016

408.2.14 Animal Designation Appeal Committee - hearing

The Poundkeeper or a resident of the City may request that a Committee of Council, known as the Animal Designation Appeal Committee, conduct a hearing as to whether:

- (a) a species of mammal should be added to Section 408.2.8 as a permitted animal or to Section 408.2.9 as a restricted animal; or
- (b) a species of bird, reptile, amphibian, fish or invertebrate should be added to Section 408.2.9 as a restricted animal or to Section 408.2.10 as a prohibited animal.

408.2.15 Request for hearing

- (a) Requests from residents shall be submitted between January 1 and February 15 of each year.
- (b) One request from a resident in regard to Section 408.2.14(a) and one request from a resident in regard to Section 408.2.14(b), such requests to be chosen by lottery after February 15 if necessary, shall be considered by the Animal Designation Appeal Committee during the remainder of the year.

ANIMALS - REGULATION

408.2.16 Animal Designation Appeal Committee - decision

The Animal Designation Appeal Committee may recommend to Council that:

- (a) the mammal species be added to Chapter 408 as a permitted or a restricted animal if:
 - (i) the mammal species has been captive-bred for at least 10 generations;
 - (ii) the general public is capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (iii) the danger the animal species may present to public health or safety is minimal;
 - (iv) the danger the animal species may present to the local ecosystem should it escape or be released is minimal.
- (b) a bird species be added to Chapter 408 as a restricted or prohibited animal if:
 - (i) the bird species has been captive-bred for less than six generations;
 - (ii) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (iii) the danger the animal species may present to public health or safety is not minimal; or
 - (iv) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal.
- (c) a reptile, amphibian, fish or invertebrate species be added to the Chapter as a restricted or prohibited animal if:
 - (i) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - (ii) the danger the animal species may present to public health or safety is not minimal; or

ANIMALS - REGULATION

- (iii) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal.

408.2.17 Hearing evidence

The Animal Designation Appeal Committee may require any person to give evidence relevant to the subject matter of a hearing. By-law 99-169, 4 October, 1999.

408.2.18 Entry - Inspection - right

The Regional Medical Officer of Health and any Health Inspector, the Chief Fire Prevention Officer and any Fire Inspector, the Chief Building Official and any Building/Plumbing Inspector, Property Standards Officer or Municipal Law Enforcement Officer, and the Poundkeeper and any Ontario Society for the Prevention of Cruelty to Animals Inspector may, at all reasonable times enter upon and inspect any lands and premises where animals are kept for the purpose of insuring compliance with the provisions of this Chapter. By-law 99-169, 4 October, 1999; By-law 2010-146, 7 September, 2010.

Article 3 PIGEONS - RABBITS

408.3.1 Enclosure - requirements

No person shall keep or permit to be kept pigeons or rabbits in other than an enclosure that:

- (a) where it is not a cage, has its inside walls and ceiling limewashed or painted at least annually;
- (b) is screened to the maximum extent possible from adjacent premises and streets by hedges, shrubs, fences or other suitable screening;
- (c) in the opinion of the Poundkeeper, provides adequate space, lighting and ventilation having regard to the number of pigeons and rabbits kept therein;
- (d) in the opinion of the Regional Medical Officer of Health, does not house pigeons or rabbits in such a manner or in such number as to constitute an actual or potential threat or hazard to human health;
- (e) is maintained in such a manner as to prevent the emission of noxious odours therefrom;
- (f) is readily maintained in a clean and sanitary condition;

ANIMALS - REGULATION

- (g) is constructed and maintained in compliance with the provisions of any applicable Act or Regulation and any other municipal by-law including, without restricting the generality of the foregoing, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act, 1992* and Regulations, the *Fire Prevention and Protection Act* and Regulations, Chapter 665 of the City's Municipal Code and the Zoning By-law;
- (h) is constructed in such a manner as to prevent the escape from the enclosure of any pigeon or rabbit kept therein;
- (i) is located to the rear of the property and situated 12.2 metres (40 feet) from any school, church, dwelling unit or other premises used for human habitation or occupancy, other than premises occupied exclusively by the owner or members of the owner's immediate family.

408.3.2 Enclosure - existing - location - exemption

An enclosure in existence prior to October 26, 1987 shall, notwithstanding that it does not comply with Section 408.3.1(i) shall be deemed to be an enclosure within the meaning of Section 408.3.1 provided it complies in all other respects with the provisions thereof and provided it cannot be re-located to comply with Section 408.3.1(i).

408.3.3 Enclosure - maintained sanitary - feed - waste storage

Every person keeping pigeons or rabbits in an enclosure shall:

- (a) remove and dispose of in a sanitary manner at least three times each week all droppings, refuse or offal, and any dropped or scattered feed within or adjacent to any enclosure. No material so removed may be burned or stored on or within the lands and premises from which it is removed; and
- (b) store all feed in rodent-proof containers.

408.3.4 Pigeons - in City - prohibited - rabbits - limitation

No person shall keep or permit to be kept any pigeons or more than six rabbits on any lot within the City.

408.3.5 Agricultural land - exemption

Section 408.3.4 does not apply to a lot located within an area zoned agricultural by the Zoning By-law.

408.3.6 Permitted use - by Zoning By-law - exemption

Section 408.3.5 does not apply to a lot where the keeping of pigeons or rabbits is a permitted use either expressly or by necessary implication, within the meaning of the Zoning By-law. By-law 98-186, 30 November, 1998.

ANIMALS - REGULATION

408.3.7 Pigeon keeping - exemption - conditions

Notwithstanding Section 408.3.4, where a person or property has been granted an exemption by Council prior to August 31, 2004, allowing for the keeping of pigeons in the City, pigeons may be kept provided that:

- (a) the pigeons are kept continuously from August 31, 2004 forward;
- (b) the number of pigeons kept does not exceed that number of pigeons specifically permitted in the exemption if applicable;
- (c) the pigeons are kept at the location specified in the exemption if so specified;
- (d) where no location is specified in the exemption that the exemption shall not apply to a property other than the property the pigeons were kept at on August 31, 2004;
- (e) the pigeons are kept for sporting or exhibitions purposes;
- (f) the pigeon keeper resides at the property and is a *bona fide* member of an organized pigeon club or association;
- (g) each pigeon is banded with an identifying leg band issued by the said organization;
- (h) the pigeon keeper ensures compliance with all other regulations of this Chapter respecting the keeping of pigeons. By-law 2004-144, 29 June, 2004.

408.3.8 Infection - communicable disease - responsibility

In the event the owner of pigeons or rabbits suspects they are infected with a communicable disease, the owner shall immediately consult a veterinarian licensed to practice in Ontario to diagnose the condition. If the diagnosis confirms that the pigeons or rabbits are infected with a communicable disease, the owner shall immediately notify the Regional Medical Officer of Health and comply with any direction which may be issued by the Regional Medical Officer of Health in this regard. By-law 98-186, 30 November, 1998.

408.3.9 Pigeon keeping - exemption revoked - permanent

Where a person or property was granted an exemption by Council prior to August 31, 2004, allowing for the keeping of pigeons in the City, Council may permanently revoke this exemption if the pigeon keeper or property has failed to comply with any of the regulations respecting the keeping of pigeons in this Chapter, the conditions of Section 408.3.7, or the conditions of the original exemption. By-law 2004-144, 29 June, 2004.

ANIMALS - REGULATION

Article 4 CATS

408.4.1 Harboursing - causing nuisance - prohibited

No person shall keep or harbour any cat or kitten in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, straying or roaming of cat(s) or kitten(s), accumulation of feces or otherwise.

408.4.2 Keeping - conditions adverse to health - prohibited

- (a) No person shall keep or harbour any cat or kitten in a manner that adversely impacts the health or well-being of the cat or kitten.
- (b) For the purposes of Section 408.4.2(a), the following are deemed to be circumstances which could adversely impact the health or well-being of a cat or kitten: unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention.

408.4.3 Nuisance - order - issued - reduction of cats

Where a person is convicted under Section 408.4.1 of this Chapter, the City's Director of Enforcement may issue an order to discontinue the contravening activity by reducing the number of cats or kittens at a property and/or kept or harboured by that person and such Order shall be complied with. The number to which the total number of cats and kittens must be reduced to shall be at the Director of Enforcement's discretion and may be as low as zero.

408.4.4 Health concerns - order - issued - reduction of cats

Where a person is convicted under Section 408.4.2(a) of this Chapter, the City's Poundkeeper may issue an order to discontinue the contravening activity by reducing the number of cats or kittens at a property and/or kept or harboured by that person and such Order shall be complied with. The number to which the total number of cats and kittens must be reduced to shall be at the Poundkeeper's discretion and may be as low as zero.

408.4.5 Order - information - requirements

Every Order shall:

- (a) give reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) indicate the number to which the total number of cats and kittens must be reduced;
- (c) shall indicate the date by which there must be compliance with the order to reduce the number of cats; and

ANIMALS - REGULATION

- (d) shall include a statement that failure to comply with the order may result in seizure of any cats and kittens and/or charges under this Chapter.

408.4.6 Order - appeal - deadline

An Order may be appealed by the individual(s) to whom it is directed. Such appeal shall be made in writing to the Clerk of the City within ten business days of the Order's date of issuance.

408.4.7 Appeal - hearing - time frame

Where an Order has been appealed, the Animal Designation Appeal Committee shall hold an appeal hearing pursuant to the provisions of the *Statutory Powers Procedure Act*. The Animal Designation Appeal Committee shall endeavour to hold such appeal hearing within thirty days of the request.

8.4.8 Appeal - non-attendance - dismissal - adjourned

Where a person has requested an appeal and does not appear at the appointed time, the Animal Designation Appeal Committee may dismiss the appeal as abandoned or, where it has cause to believe it would be beneficial to adjourn the appeal, may do so to allow the person who requested the appeal an opportunity to be present. If the appeal is dismissed as abandoned by the Animal Designation Appeal Committee, the Order shall stand.

408.4.9 Order - modified by Committee

The Animal Designation Appeal Committee may recommend that an Order be ratified, affirmed, rescinded, added to, varied, substituted, or that time for compliance with the Order be extended.

408.4.10 Order - ratified by Council - effective

Any recommendation of the Animal Designation Appeal Committee must be ratified or affirmed by Council before taking effect and Council may ratify or affirm, rescind, add to, vary, or substitute the Order of part thereof and may also extend time for compliance with the Order.

408.4.11 Order - non-compliance

Where compliance with an Order has failed to eliminate any violation of Section 408.4.1 or 408.4.12(a) under this Chapter, a further Order or Orders may be made pursuant to this Chapter regardless of whether any other charge is laid or conviction is obtained under Section 408.4.1 or 408.4.2(a) of this Chapter.

408.4.12 Failure to comply - action by City

In the event of a person's failure to comply with an Order issued under this Chapter, the City may take such action as necessary to cause compliance with the Order at that person's expense. Such action may include the removal of cats from the property. The City may recover the costs of such remedial action from the person the Order directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

ANIMALS - REGULATION

408.4.13 Poundkeeper - cat - removal - not returned

The Poundkeeper shall treat any cat(s) or kitten(s) removed pursuant to this Chapter in the same manner as an animal found running at large but shall not return such cat(s) or kitten(s) to the person or location from which they were removed unless it is shown to the satisfaction of the Poundkeeper that returning them would not facilitate a situation of non-compliance with the governing Order.

408.4.14 Keeping number other than specified - prohibited

No person shall keep more cats or kittens than specified by an Order. By-law 2008-96, 20 May, 2008.

Article 5 IMPOUNDING ANIMALS

408.5.1 Running at large - seizure - impounding

The Poundkeeper may seize and impound any animal found running at large.

408.5.2 Animal impounded - record kept - by Poundkeeper

The Poundkeeper shall keep a record of every animal impounded or seized, including the date it was impounded, a description of the animal, the tag number if it wore a tag, the date of disposition and the disposition made.

408.5.3 Animal impounded - restored to owner - deadline

Possession of the animal may be restored to the owner if the owner claims possession of the animal within three days, exclusive of statutory holidays and Sundays, after the date of seizure and impounding. By-law 98-186, 30 November, 1998; By-law 2008-98, 20 May, 2008.

408.5.4 Impound fees

The Poundkeeper may release an impounded animal to its owner after identification of the animal by its owner. The Poundkeeper may require any of the following of the owner prior to releasing the animal or at a later date:

- (a) payment of the Thirty-Five Dollar (\$35) impound fee for the first day or any part thereof which the animal has been impounded;
- (b) payment of the Thirty-Five Dollar (\$35) boarding fee incurred for each subsequent day or any part thereof which the animal has been impounded; and
- (c) payment of the cost of any vaccination given pursuant to this Chapter. By-law 2013-091, 24 June, 2013.

408.5.5 Female - in heat - running at large - impound duration

Any female animal found to be running at large in heat shall be impounded by the Poundkeeper until no longer in heat, but in any case no longer than twenty-one days.

ANIMALS - REGULATION

408.5.6 Impound animal - not tagged - immunized

Any animal impounded not wearing a tag for the current year may be given an inoculation to provide immunization against rabies. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008.

408.5.7 Animal impounded - owner liable - for all fees

Where an animal is impounded, the owner shall be liable for and shall pay on demand the following fees to the Poundkeeper:

- (a) the Thirty-Five Dollar (\$35) impound fee for the first day or any part thereof which the animal has been impounded;
- (b) the Thirty-Five Dollar (\$35) boarding fee incurred for each subsequent day or any part thereof which the animal has been impounded; and
- (c) the cost of any vaccination given pursuant to this Chapter. By-law 2013-091, 24 June, 2013.

408.5.8 Animal not claimed - sale - disposed

In the event that possession of any impounded animal has not been restored to the owner within three days, exclusive of statutory holidays and Sundays, after seizure, the animal may be sold by the Poundkeeper for such price as he/she deems reasonable or the Poundkeeper may dispose of the animal pursuant to the *Animals for Research Act* and Regulations thereunder. The sale of any animal so sold shall belong to the Poundkeeper and no damages or compensation shall be recovered on account of any disposition made thereunder.

408.5.9 Animal impounded - injured - destroyed

Where an animal which has been seized is injured or should be destroyed without delay for humane reasons, the Poundkeeper may dispose of the animal in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the animal or without offering it for sale and no damages or compensation shall be recovered on account of such disposition.

Article 6 FEEDING - WILD ANIMAL

408.6.1 Nuisance to - owner/occupant of any property

No person shall feed or permit the feeding of a wild animal in a manner that creates a nuisance to an owner or occupant of any property.

408.6.2 Removal of food - owner/occupant of property

Every owner and occupier of property shall immediately remove any food placed on the property in violation of this Chapter.

408.6.3 Feeding device - not allowed - any property

No person shall place a feeding device on any property.

ANIMALS - REGULATION

408.6.4 Removal of feeding device - owner/occupant

Every owner and occupier of property shall immediately remove any feeding device placed on the property in violation of this Chapter.

408.6.5 Feeding Wild Birds - Duties of owner/occupant of property

No person shall feed or permit the feeding of a wild bird unless:

- (a) having the permission of the owner or occupant of the property where the bird is fed;
- (b) ensuring there is no accumulation of bird feces;
- (c) making food reasonably inaccessible to wild animals and ensuring that food does not unreasonably attract wild animals in a manner that creates a nuisance to occupants of any property;
- (d) promptly removing and disposing of excessive spilled seed or other food to ensure it does not attract wild animals; and
- (e) ensuring that the feeding does not interfere with the normal use or enjoyment of any property.” By-law 2016-085, 29 August, 2016.
- (f)

Article 7 HENS

408.7.1

A person may keep up to four hens at a property in a residential zone under the Zoning By-law providing the conditions and requirements contained in this Article are met.

408.7.2

Every owner of hens and every owner of property on which hens are kept shall ensure that:

- (a) the owner of the hens has paid the applicable permit fee as set by Council from time to time, made application for, and obtained a permit from the City to allow the keeping of hens at the property;
- (b) the owner of the hens resides at the property;
- (c) the property on which the hens are kept has residential zoning under the Zoning By-law and contains a single detached, semi-detached, or townhouse dwelling;
- (d) all owner(s) and all adult occupant(s) of the property have consented in writing to the satisfaction of the City to the keeping of hens at the property;

ANIMALS - REGULATION

- (e) the hens are kept in a fully enclosed coop or run in a manner that contains the hens on the property and prevents their escape from such coop or run;
- (f) the coop and any run are within the rear yard, exterior side yard, or interior side yard of the property; and
- (g) the coop and any run are set back at least 1.2 metres from the rear lot line and at least 2.5 metres from any interior side lot line or exterior side lot line of the property and at least 2.5 metres from any rear lot line abutting an exterior side yard or interior side yard of another property unless all owner(s) and all adult occupant(s) of any property from which the aforementioned setbacks are not in place have consented in writing to the satisfaction of the City to the placement of the coop or run.

408.7.3

When a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the setback requirements of section 408.7.2.

408.7.4

Every owner of hens and every property owner on which hens are kept shall ensure the hens are housed in a coop that is constructed and maintained:

- (a) to provide protection from weather and be adequately ventilated;
- (b) to exclude rodents and predators;
- (c) with flooring that is resistant to moisture and mold and retains heat in the cold weather;
- (d) with a chicken box sufficient to accommodate all hens;
- (e) with a perch area sufficient to accommodate all hens; and
- (f) with an accessible dust bath area.

408.7.5

Every owner of hens and every property owner on which hens are kept shall ensure that:

- (a) coops and runs are maintained in a clean condition;
- (b) coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the City;

ANIMALS - REGULATION

- (c) coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (d) coops are deep cleaned at least two times yearly including disinfecting of troughs, perches, and nests;
- (e) feeders and water containers are provided and are cleaned and disinfected regularly;
- (f) all stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- (g) feeding of hens is done in a manner that minimizes the attraction of rodents or other animals;
- (h) manure and droppings are cleaned out daily and stored in a secured container or composter in accordance with compost regulations until disposed of in accordance with all applicable laws and regulations;
- (i) each hen is banded with such band containing current contact information for the hen's owner;
- (j) hens have access to an enclosed outdoor run area;
- (k) deceased hens are disposed of at a livestock disposal facility, through the services of a veterinarian, chicken exchange program, or through a facility as approved by the Ministry of Agriculture, Food, and Rural Affairs and are disposed of in accordance with all laws;
- (l) there is no sale of eggs, manure or other products associated with the keeping of hens;
- (m) no slaughtering or butchering of hens is done on the property;
- (n) hens are kept in accordance with all other laws including the City's by-laws respecting noise, lot maintenance, property standards, and animals as well as provincial legislation respecting the keeping of animals.

408.7.6

- (1) An owner or adult occupant of property may withdraw consent to placement of a hen coop or run that is closer to their property than otherwise required by submitting written notice to the satisfaction of the City to the City's Director of By-law Enforcement. Where such consent is withdrawn, the City shall notify the owner of the property where the coop or run is placed that consent has been withdrawn.

ANIMALS - REGULATION

- (2) Where the City notifies a property owner that consent to have the coop or run closer to a property than otherwise required has been withdrawn, that owner of property on which hens are kept shall ensure that the coop or run is removed or relocated within a permitted area by the later of November 1 of that calendar year or six (6) months following the date of notification being given.

408.7.7

Where an owner of hens can show to the satisfaction of the City's Director of Enforcement that they owned more than four hens on November 8, 2016, the person shall be allowed to keep up to six of the hens owned on that date for the lifetime of the hens but shall not replace any hen that dies until the number of hens is reduced to four. Any person relying on this provision shall provide such information as the Director of Enforcement reasonably requires for the purposes of identifying existing hens and ensuring that new hens are not purchased until the number of hens is reduced to four. This provision shall only apply if the hens are kept in compliance with all other provisions of this by-law." By-law 2016-118, November 21, 2016

Article 8 ENFORCEMENT

408.8.1 Fine - for contravention

Every owner who contravenes any provision of this Chapter or, an Order issued pursuant to this Chapter, is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008.

Article 9 SEVERABILITY

408.9.1 Validity

Each and every of the provisions of this Chapter is severable and if any provisions of this Chapter should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.

Article 10 REPEAL

409.10.1 By-law - previous

By-law 87-202 as amended by By-laws 89-77, 89-206, 91-114, 91-184, 91-272 and 92-26, and By-law 87-275 as amended by By-laws 91-185, 91-271, 92-260, 95-11, 96-97 and 98-72 are repealed. By-law 98-186, 30 November, 1998; By-law 2008-96, 20 May, 2008; By-law 2016-085, 29 August, 2016; By-law 2016-118, November 21, 2016