

The Corporation of the City of Peterborough

By-Law Number 21-112

Being a by-law to regulate to ensure that Animals are kept and treated humanely and responsibly.

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Recitals

1. The Council of The Corporation of the City of Peterborough wishes to ensure that animals are kept and treated humanely and responsibly.

Now therefore, The Corporation of the City of Peterborough by its Council enacts as follows:

Short Title

1. This By-Law may be referred to as the “Animal By-law”.

Interpretation

2. Unless otherwise stated:
 - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;
 - b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
 - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law’s section, paragraph, clause or schedule.
3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.

4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between a provision of this By-law and of any other City by-law, the provision that, in the opinion of the Licence Administrator, more restrictively regulates, prevails to the extent of the inconsistency.
6. This By-law applies within the territorial limits of the City.
7. In this By-law:
 - a) "Animal" means any member of the animal kingdom or living beings, including mammals, birds, reptiles and fish but not including humans.
 - b) "Animal Control Order" means an order given pursuant to section 23 and more particularly described in sections 24 and 25.
 - c) "Applicant" means a Person who or that submits an Application.
 - d) "Application" means an application for a Licence.
 - e) "By-law" means this By-law including its schedules.
 - f) "Cat" means a domesticated feline animal.
 - g) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
 - h) "Council" means the City's Council.
 - i) "Dog" means a domesticated canine animal.
 - j) "Dwelling Unit" means connected space for residential purposes, within a building which includes one or more bedrooms, sanitary facilities and cooking facilities, all of which are provided for the exclusive use of the occupants thereof, and which has a private entrance from either the outside of the building or through a common area.
 - k) "Euthanized" means humanely destroyed.
 - l) "Fee" includes the applicable fee established by the User Fee By-law.
 - m) "Hearing Officer" means a hearing officer appointed pursuant to Hearing Officer By-law 20-077.
 - n) "Keep" includes to temporarily or permanently control, harbour, have custody of, keep, maintain, possess or store.
 - o) "Kennel" includes any Premises or part thereof, where more than three (3) Dogs or Cats are Kept for
 - i) breeding or show purposes; or for
 - ii) boarding purposes.
 - p) "Licence"
 - i) means a licence issued pursuant to this By-law; and
 - ii) includes a licence issued pursuant to Animal By-law 17-096 that had not expired or had not been suspended or revoked as at the day on which this By-law was in effect.
 - q) "Licence Administrator" means each of the following individuals from time to time employed by PHS
 - i) Executive Director;
 - ii) Manager of Finance; and
 - iii) Animal Care Manager.
 - r) "Licence Decision Notice" means a notice given pursuant to sections 13 or 39.
 - s) "Licence Revocation Notice" means a notice given pursuant to section 20.
 - t) "Licensee" means a Person to whom or to which a Licence has been issued.
 - u) "Minor" means an individual under the age of eighteen (18) years.

- v) "Muzzle" means a humane fastening or covering device that does not interfere with the breathing, panting, ability to drink, or vision of the Animal when fitted and fastened over the mouth of the Animal, but that is of sufficient strength to prevent the Animal from biting.
- w) "Normal Farm Practice" is as defined in the **Farming and Food Production Protection Act, 1998**, S.O. 1990, c. 1.
- x) Officer means each of:
 - i) the Licence Administrator;
 - ii) a municipal law enforcement officer appointed by Council or pursuant to authority delegated by Council to enforce this By-law; and
 - iii) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police.
- y) "Owner" means each Person who or that Keeps an Animal and includes
 - i) each Applicant;
 - ii) each Licensee;
 - iii) each Person responsible for the custody of a minor Person who Keeps an Animal; and;
 - iv) each Person who or that owns or leases Premises on or in which an Animal is Kept by any Person;
- z) "Person" includes an individual, corporation or partnership.
- aa) "Premises" includes a Dwelling Unit, building or structure and the land on which they are situate.
- bb) "Running at Large"
 - i) in reference to an Animal, means being found on or in any place in respect of which the owner of the place has lawfully prohibited the Animal;
 - ii) in reference to an Animal, means being found in any place other than the Animal's Owner's Premises and not under the physical control of any Person;
 - iii) without limiting clause ii), in reference to a Dog or to a Cat, includes not restrained by means of a leash not exceeding two (2) metres in length; and
 - iv) includes an Animal to which paragraph 24.e) relates.
- cc) "PHS" means The Peteborough Humane Society.
- dd) "User Fee By-law" means By-law 21-031 and, without limiting paragraph 2.b), includes fee by-laws from time to time passed by Council and applicable to Animals.
- ee) "Veterinarian" means a person holding a licence to engage in the practice of veterinary medicine pursuant to the **Veterinarians Act**, R.S.O. 1990, c. V.3.

Licences – Cats, Dogs and Kennels

8. No Person may Keep a Cat, Keep a Dog or operate a Kennel except pursuant to a Licence in respect of each such Cat, Dog or Kennel and except pursuant to the following conditions, each of which is a condition of obtaining and continuing to hold a Licence:
 - a) The Person complies with all applicable law including this By-law;
 - b) The Person complies with any conditions to the Licence imposed pursuant to section 12;
 - c) The Person is not a Minor;
 - d) The Person notifies the Licence Administrator in writing of any change to the information provided in an Application within seven (7) days of the date of the change;

- e) At all times during the term of the Licence, a legible tag acceptable to the Licence Administrator is affixed to the Cat or Dog to which the Licence relates; and
 - f) The Person is not indebted to the City except:
 - i) pursuant to an agreement in good standing; or
 - ii) in respect of current property taxes.
9. The Licence Administrator may refuse to accept an Application unless the Licence Administrator is satisfied that:
- a) the Application is complete, legible and submitted on forms from time to time established by the Licence Administrator;
 - b) an individual Applicant is not a Minor;
 - c) a corporate Applicant is incorporated pursuant to the laws of Ontario and is in good standing; and
 - d) the Application is accompanied by payment in full of any applicable Fee.
10. The Licence Administrator's decision to refuse to accept an Application is final and not subject to review including review by any Court.
11. The Licence Administrator may issue a Licence to an Applicant if the Licence Administrator is satisfied that the Application complies with section 9 and that the Applicant has complied and will comply at all times with this By-law. The Licence Administrator may otherwise refuse to issue a Licence.
12. In addition to conditions otherwise imposed pursuant to this By-law, the Licence Administrator may, at any time and from time to time, impose conditions to a Licence as the Licence Administrator determines are necessary to maintain the general intent and purpose of this By-law.
13. If the Licence Administrator issues a Licence with conditions pursuant to section 12 or refuses to issue a Licence pursuant to section 11, the Licence Administrator must give to the Applicant as soon as is reasonably practicable a Licence Decision Notice that includes the following information:
- a) where a Licence is issued with conditions pursuant to section 12, particulars of the conditions;
 - b) where a Licence is refused, particulars of the reasons for refusing to issue the Licence;
 - c) information respecting the process by which the Applicant may exercise the Applicant's right to appeal to the Hearing Officer against the conditions or the refusal to issue the Licence; and
 - d) a statement that the Licence Administrator's decision, unless modified or rescinded by a Hearing Officer, will be final and not subject to review including review by any Court.
14. An Applicant who or that receives a Licence Decision Notice may appeal the conditions or the refusal to the Hearing Officer pursuant to section 41.
15. A Licence Decision Notice that is not appealed pursuant to section 41 is final and is not subject to review including review by any Court.
16. A Licence expires on the earlier of:
- a) the first (1st) anniversary of the day on which it was issued; and
 - b) the day on which it is revoked.

Administration of By-law

17. The Licence Administrator may do such things as the Licence Administrator considers appropriate in the administration of this By-law including:
- a) determining Application requirements and related forms for the purposes of paragraph 9.a);
 - b) requiring information pursuant to paragraph 24.d); and

- c) making any determination that this By-law contemplates is to be made by the Licence Administrator.

18. The Commissioner may pass by-laws appointing or revoking the appointment of municipal law enforcement officers as Officers pursuant to clause 7.x)ii).

19. It is Council's opinion that the powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

Licence Revocation

20. In addition to any other remedy, where the Licence Administrator has reason to believe that a Licensee has not complied with this By-law, the Licence Administrator may give to the Licensee a Licence Revocation Notice that includes the following information:

- a) a statement that the Licence is to be revoked on a day which is no fewer than fourteen (14) days following the day on which the notice is given;
- b) particulars of the reasons for which the Licence is to be revoked;
- c) information respecting the process by which the Licensee may exercise the Licensee's right to appeal to the Hearing Officer against the Licence Revocation Notice; and
- d) a statement that the Licence Administrator's decision to revoke the Licence, unless modified or rescinded by a Hearing Officer, will be final and not subject to review including review by any Court.

21. A Licensee to whom or to which a Licence Revocation Notice has been given may appeal to a Hearing Officer against the pending Licence revocation pursuant to section 41.

22. Where the Licensee to whom or to which a Licence Revocation Notice is given does not appeal against it pursuant to section 41, the Licence will be deemed to be revoked on the fourteenth (14th) day following the day on which the Licence Revocation Notice was given.

Animal Control Order

23. In addition to any other remedy, an Officer may give to an Animal's Owner an Animal Control Order where the Officer has reason to believe that:

- a) the Animal has bitten or will bite a Person or another Animal;
- b) the Animal poses a threat to the health or safety of a Person or of another Animal; or that
- c) the Owner has not complied with this By-law.

24. An Animal Control Order may require the Owner to do such things at the Owner's expense as the Officer considers appropriate including, without limitation, any or all of the following:

- a) to Muzzle the Animal indefinitely or for a specific period and subject to conditions as may be specified;
- b) to restrain or to confine the Animal in such manner and subject to such conditions as may be specified;
- c) to cause the Animal to be examined and treated by a Veterinarian;
- d) to give to the Licence Administrator forthwith upon the Licence Administrator's requests from time to time such information and documents that the Licence Administrator determines are relevant to the Animal Control Order; and
- e) to cause the Animal to be surrendered or delivered to such Person as the Animal Control Order may direct.

25. An Animal Control Order must include the following information:

- a) particulars of the reasons for which the Animal Control Order was given;
- b) particulars of the things the Owner is required to do; and

- c) information respecting the process by which the Owner may exercise the Owner's right to appeal to the Hearing Officer against the Animal Control Order.
26. An Owner to whom or to which an Animal Control Order is given must forthwith comply with it and may appeal to the Hearing Officer against it pursuant to section 41.
 27. An appeal to the Hearing Officer does not operate as a stay of the Animal Control Order.
 28. An Animal Control Order that is not appealed pursuant to section 41 is final and is not subject to review including review by any Court.
 29. Despite section 28 and paragraph 41.a), the Licence Administrator may rescind an Animal Control Order at any time.
 30. Where an Animal Control Order is final and the Owner to whom or to which the Animal Control Order has been given has not complied with it, the Licence Administrator may cause to be done such things as, in the Licence Administrator's opinion, will result in compliance with the Animal Control Order and section 446 of the **Municipal Act, 2001**, S.O. 2001, c.25 applies with respect to such things done.

Animal Control

31. No Person may Keep an Animal and no Owner may permit to be Kept an Animal except pursuant to the following conditions:
 - a) The Animal is not described in Schedule "A" to this By-law;
 - b) The Animal is not Running at Large;
 - c) The Animal's excrement is forthwith collected and disposed of in accordance with all applicable law;
 - d) The Animal is provided with shelter, food and water that is appropriate to the Animal's species;
 - e) The Animal is treated humanely;
 - f) The Animal is forthwith examined and treated by a Veterinarian when the Animal's health reasonably requires it;
 - g) The number of Cats Kept at any Premises does not exceed three (3);
 - h) The number of Dogs Kept at any Premises does not exceed three (3);
 - i) An Owner complies with the City's Noise By-law, Chapter 691 including in relation to any noise related to the Animal;
 - j) Without limiting paragraph i), an Owner does not permit a Dog to emit a barking sound while the Dog is on the Owner's Premises and outside of any Dwelling Unit, building or structure on the Premises;
 - k) An Owner complies with all law applicable to the Animal; and
 - l) An Owner does not permit the Animal to threaten the health or safety of a Person or of another Animal.

Running at Large

32. Where an Officer finds an Animal to be Running at Large, the Officer may cause the Animal to be seized and impounded and, for that purpose, without limitation to and in compliance with an Officer's power of entry at law, may use reasonable means including force to enter a vehicle, onto land and into a building or structure to seize and impound the Animal.
33. The Licence Administrator may, subject to the **Animals for Research Act**, R.S.O. 1990, c. A.22, cause to be Euthanized an Animal impounded pursuant to section 32.
34. Where an Animal is not Euthanized pursuant to section 33, the Licence Administrator may:
 - a) permit the Animal to be claimed by the Animal's Owner upon compliance with this By-law and payment of any applicable Fee; or
 - b) sell or otherwise dispose of the Animal.

Exceptions / Exemptions

35. This By-law is without effect only to the extent of any conflict with the following:
- a) a Normal Farm Practice;
 - b) law enforcement by a municipal police force, the Ontario Provincial Police or by the Royal Canadian Mounted Police;
 - c) the **Accessibility for Ontarians with Disabilities Act, 2005**, S.O. 2005, c. 11;
 - d) the lawful operation of an Animal hospital or clinic that is supervised by a Veterinarian;
 - e) the lawful operation of a pound or shelter by the City or by a Person pursuant to an agreement with the City;
 - f) the lawful activities of an organization permitted by law to provide protection for and humane treatment of Animals;
 - g) emergency treatment to an injured, ill or abandoned Animal;
 - h) the operation by the City of a public park, exhibition, or zoological garden; and
 - i) the lawful operations of Premises registered as research facilities under the **Animals for Research Act**, R.S.O. 1990, c. A.22.
36. Paragraph 31.b) does not prevent an Owner from permitting the Owner's Dog to be unleashed in any area designated by the City for that purpose provided that at all times:
- a) the Owner and the Dog are within the designated area; and
 - b) the Owner otherwise complies with this By-law.
37. The Licence Administrator may exempt any Person from all or any part of this By-law where the Licence Administrator is satisfied that the granting of the exemption would maintain the general intent and purpose of this By-law.
38. The Licence Administrator may impose such conditions as the Licence Administrator determines are appropriate in relation to an exemption granted by the Licence Administrator.
39. Where the Licence Administrator grants an exemption with conditions or refuses to grant an exemption, the Licence Administrator must give to the Person a Licence Decision Notice as soon as is reasonably practicable that includes, with necessary changes, the information prescribed by paragraphs 13.a), 13.b), 13.c) and 13.d). Sections 14 and 15 apply to the Licence Decision Notice.

Appeal to Hearing Officer

40. AMP System By-law 20-073 applies to appeals to the Hearing Officer respecting administrative penalties issued pursuant to sections 43 or 44.
41. Subject to section 40, the following rules and conditions apply to appeals to the Hearing Officer:
- a) A Person's right to appeal expires if it has not been exercised in the manner prescribed in paragraph b) before 4:30 p.m. on the tenth (10th) day after the Licence Decision Notice, the Licence Revocation Notice or the Animal Control Order has been given to the Person.
 - b) A right to appeal is exercised by:
 - i) giving to the Licence Administrator written notice of the appeal that includes particulars of all grounds upon which the appeal is made; and by
 - ii) paying any applicable Fee.
 - c) The Licence Administrator will give to the Person no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
 - d) Where the Person fails to appear at the time and place scheduled for a hearing of the appeal, the Person's appeal is deemed to be dismissed and the Person must pay to the City any applicable Fee.

- e) Subject to paragraph d), the Hearing Officer may not decide the appeal unless the Hearing Officer has given each of the Person, the Licence Administrator and, as applicable, the Officer, an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- f) The Person is only entitled to be heard to the extent of the particulars included in the Person's notice given pursuant to clause b)i).
- g) The Hearing Officer may
 - i) respecting an appeal against a Licence Decision Notice or a Licence Revocation Notice, make any decision that the Licence Administrator could have made pursuant to this By-law; and may
 - ii) respecting an appeal against an Animal Control Order, affirm it, vary its terms or rescind it and, in the case of affirmation or variation, may extend the time for complying with any or all of its terms.
- h) The decision of the Hearing Officer is final and not subject to review including review by any Court.

Administrative Penalties

- 42. AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
- 43. Subject to section 44, each Person who or that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
 - a) \$175 for the remainder of the first day on which the contravention occurs; and
 - b) \$275 for each subsequent day on which the contravention continues.
- 44. Each Person who or that contravenes this By-law by undertaking an activity without a required Licence is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
 - a) \$500 for the remainder of the first day on which the contravention occurs; and
 - b) \$750 for each subsequent day on which the contravention continues.

Offences

- 45. Subject to section 46, each Person who or that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine for each day or part of a day on which the offence occurs or continues of:
 - a) not less than \$300 and not more than \$10,000 for a first conviction of an offence;
 - b) not less than \$400 and not more than \$25,000 for a second conviction of the same offence; and
 - c) not less than \$500 and not more than \$50,000 for a third or subsequent conviction of the same offence.
- 46. A Person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 43 or 44.

Notices

- 47. Any notice to be given to a Person other than the City is sufficiently given:
 - a) when given verbally to a Person who is an individual;
 - b) when delivered in writing to the Person;
 - c) on the third (3rd) day after it is sent by regular lettermail to the Person's last known address; or
 - d) when sent to the Person by e-mail or by other means of electronic transmission.
- 48. For the purpose of paragraphs 47.c) and 47.d), a Person's last known address, last known e-mail address and other means of electronic transmission are deemed to include those provided pursuant to paragraph 9.a) as they may be changed pursuant to paragraph 8.d).

49. Any notice to be given to the City respecting an administrative penalty must be given in accordance with AMP System By-law 20-073.
50. Subject to section 49, any notice to be given to the City is sufficiently given:
- a) on the third (3rd) day after it is sent by regular lettermail to Animal Control, 385 Lansdowne St. E., Peterborough, ON K9L 2A3; or
 - b) when sent by e-mail to ac@ptbohs.com

Good Faith Performance

51. No proceeding for damages or otherwise may be commenced against the City, the Licence Administrator, the Officer, a member of Council, or an officer, employee or agent of the City or a Person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

Repeal

52. Subject to sections 53, 54 and 55, Animal By-law 17-096 is repealed.
53. The repeal of Animal By-law 17-096 does not affect
- a) its previous operation;
 - b) a right, privilege, obligation or liability that came into existence under it;
 - c) an offence committed contrary to it, or any administrative order, penalty or fine imposed in connection with the offence; or
 - d) an investigation, proceeding or remedy in respect of
 - i) a right, privilege, obligation or liability described in paragraph b), or
 - ii) an administrative order, penalty or fine described in paragraph c).
54. An investigation, proceeding or remedy described in paragraph 53.d) may be commenced, continued and enforced as if Animal By-law 17-096 had not been repealed.
55. An administrative order, penalty or fine described in paragraph 53.c) may be imposed as if Animal By-law 17-096 had not been repealed.

Effective Date

56. This By-law is in effect on January 1, 2022.

By-law passed this 13th day of December, 2021.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk

Schedule A: Prohibited Animals

Species	Specifics
Animals the Keeping of which is prohibited pursuant to federal or provincial law	
Anseriformes	Including ducks, geese, swans and screamers
Artiodactyla	Including camels, giraffe, deer, elk; Excluding pot-bellied pigs, Vietnamese pot-bellied pigs and Kune Kune pigs
Canidae	Including hybrid wolf dog or hybrid coyote dog; Excluding Dog
Chiroptera	Including bats, myotis, flying foxes
Columbidae	Including pigeons, doves
Crocodylia	Including alligators, crocodiles, gavials, caiman
Edentate	Including anteaters, sloths, armadillos
Erinacidae	Excluding African pygmy hedgehogs
Felidae	Excluding Cats
Galliformes	Including chickens, turkeys, grouse, peacock
Hyaenidae	Hyenas
Hyracoidea	Hyrax
Lagomorpha	Including hares, pikas; Excluding domestic rabbits
Lizards	Excluding those that will not reach an adult length exceeding two (2) metres measured from snout to tip of tail
Marsupiala	Including kangaroos, possums and sugar gliders
Mustelidae	Including skunks, weasels, otters, badgers
Perissiodactyla	Including zebra, tapir
Pholidota	Pangolin
Pinnipedia	Including but not limited to seals, sea lions, walruses
Poisonous or venomous Animals	Including spiders, snakes, lizards, insects
Primates	Including gorillas, monkeys, lemurs, apes
Proboscidae	Including elephants, rhinoceros, hippopotamus
Procyonidae	Including but not limited to raccoon, panda, coatimundi
Raptors	Including hawks, eagles, kites, harriers, osprey, owls, vultures, buzzards
Rodents	Including porcupines, prairie dogs, nutria;
Sciuridae	Squirrels, flying squirrels, red squirrels
Snakes	Including Green Anaconda, Yellow Anaconda, Reticulated Python, African Rock Python, Burmese Python, Indian Python, Amethyst Python; Excluding snakes that will not reach an adult length exceeding three (3) metres measured from snout to tip of tail
Struthioniformes	Including cassowaries, rhea, ostrich, emu, kiwi

Species	Specifics
Ursidae	Bears
Viverridae	Including mongoose, civet, genet
Wild Aminals	