

BY-LAW NUMBER 234 OF 1992
OF THE CITY OF SARNIA

"A By-Law Respecting Dogs, Rabbits, Pigeons
and Domestic Fowl"

WHEREAS the Municipal Council of The Corporation of the City of Sarnia deems it necessary to provide for the licensing of dogs, and to prohibit the running at large of dogs, and for requiring the muzzling and leashing of dogs in some circumstances, and for requiring dog owners to remove excrement, and to further regulate the keeping of dogs, rabbits, pigeons, domestic fowl and for restricting of the keeping of certain animals within the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

1. For the purposes of this By-Law:
 - (a) "City" means the City of Sarnia or its successor;
 - (b) "Clerk" means the Commissioner of Administrative Services for the City, or her designate;
 - (c) "dog", unless the context indicates otherwise, means either a male or female dog whether or not it is neutered or spayed;
 - (d) "Commercial Dog Kennel" means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs not belonging to the owner of the property in return for payment of a fee are kept for breeding or boarding;
 - (e) "Dog Run" means any building, pen or other structure, but not a building used for human habitation, in which a dog or dogs may be kept by its/their owner;
 - (f) "domestic fowl" means chickens, capons, turkeys, ducks, geese and guinea fowl;

- (g) "owner" of a dog, rabbit, pigeon, domestic fowl or restricted animal includes a person who possesses or harbours a dog, rabbit, pigeon, domestic fowl or restricted animal and, when used in relation to a dog, where the owner is a minor, includes the person responsible for the custody of the minor, and "owns" or "owned" have corresponding meanings;
- (h) "person" includes any partnership, any body corporate or politic, any agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law and includes the feminine when the masculine is used;
- (i) "zone" means any area within the City of Sarnia designated as a particular zone under the provisions of the applicable Zoning By-Law as amended from time to time and "Zoned" has a corresponding meaning.

LICENSING

- 2. Every owner of a dog which is over the age of six months shall:
 - (a) annually on or before the 31st day of January in each year; or
 - (b) forthwith upon a dog having attained the age of six months, cause such dog to be registered, identified and licensed in the office of the Clerk of the City or such other office as the Clerk may from time to time designate.
- 3. Every owner of a dog which is over the age of six months shall pay to the City for the license required under Section 2 above, a fee as may be established annually in the Fees By-Law.

4. The License fee for a neutered dog shall apply only where there is produced at the time of application a certificate of a veterinary surgeon that the dog for which a License is being sought, has been neutered.
5. No dog may be licensed under this By-Law unless the owner produces at the time of application for a license, a Certificate of a Veterinary Surgeon that the dog for which a Licence is being sought has been immunized against rabies:
 - (a) within the period of three years prior to the date the application is made, where a three year Certificate is produced, or
 - (b) within the period of one year, where a one year Certificate is produced.
6. On payment of the licence fee, the owner shall be furnished with a dog tag, which shall be securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.

RUNNING AT LARGE

7. No owner of a dog shall permit or suffer the dog to run at large within the City at any time.
8. For the purposes of Section 7, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

9. Any dog running at large may be seized and killed, or impounded and thereafter killed or sold or otherwise disposed of by any peace officer or other authorized representative of the City, provided that where a dog cannot be captured it may be killed forthwith by any peace officer or other authorized person if such peace officer or other authorized person deems it necessary in the interests of public safety to kill such a dog.
10. No Owner of a dog shall permit the dog to be in any public highway or other municipally owned property within the City unless the dog is under the control of the Owner or some other person and on a leash.

FOULING

11. No owner of a dog shall permit the dog to foul with excrement any public highway or any other premises other than the premises of the owner of the dog, unless the owner of the dog forthwith removes the excrement. For the purposes of this section, where the Owner of a dog has the right to use and enjoy property within the City in common with others, such property shall not be considered the premises of the Owner.

MUZZLING

12. (a) Where an Animal Control Officer is satisfied on the balance of probabilities that a dog has bitten a person or a domestic animal, the Officer shall notify the dog's owner in writing that it shall thereafter be required to be muzzled at all times when it is in or at any place other than the premises of the owner; and

- (b) The owner of a dog to which subsection (a) of this section applies may request and is entitled to a hearing by the Council of the Corporation which may exempt the owner from the muzzling requirement.

KEEPING OF DOGS

13. Subject to Sections 14 and 16 of this By-Law, no person may keep in or upon any lands or premises within the City more than two (2) dogs, except that any young born in or upon such lands or premises may be kept there for a period not exceeding twelve weeks after birth.
14. The provisions of Section 13 of this By-Law shall not apply to any owner of a dog who is or was a resident of that part of the City formerly known as the Town of Clearwater who owned three (3) dogs prior to January 1, 1991, and who had obtained licences for each dog. Provided that if one of the three dogs owned prior to January 1, 1991 dies or is otherwise disposed of by the owner, the provisions of Section 13 shall thereafter apply to the owner.
15. No person may keep a dog or dogs on the same lands or premises in or upon which any other person keeps a dog or dogs if it would infringe Section 13 hereof.
16. The provisions of Sections 13 and 15 of this By-Law shall not apply to the owner of a Dog Kennel who is eligible to pay and has paid a Dog Kennel licence fee to the Clerk.

COMMERCIAL DOG KENNEL

17. Notwithstanding Section 3, every owner of a Commercial Dog Kennel shall pay to the Clerk a Dog Kennel licence fee for each year or any portion thereof as may be established annually in the Fees By-Law.
18. Every Dog Run and Commercial Dog Kennel in which a dog or dogs is or are kept, shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent the arising of odours therefrom, and shall be kept free of flies or vermin at all times.
19. Where a Commercial Dog Kennel referred to in Section 18 of this By-Law has acquired legal non-conforming status, such use for the boarding of dogs may continue without limitation as to the number of dogs boarded and not subject to the setback provisions of this By-Law (Section 21) until such use is discontinued by the present owner.
20. Save as provided in Section 19 of this By-Law, no Commercial Dog Kennel may be established or provided except in an area zoned for industrial or agricultural use under the applicable Zoning By-Law in force from time to time.
21. No Commercial Dog Kennel with an outside area of confinement for dogs shall be constructed or located within 10 metres of any building used for human habitation on any adjacent lot, and no Dog Run shall be constructed or located within three metres of any property boundary line.

22. No Commercial Dog Kennel licence will be issued in accordance with Paragraph 17 hereof until such premises have been approved by the Planning and Development Policy Area with respect to location and the Community Services Policy Area with respect to fire safety.

23. All Commercial Dog Kennels may be subject to inspection by the Medical Officer of Health for the County of Lambton or his designate, as, in his discretion, he feels it is warranted and where, in his opinion, a Kennel deviates from the minimum standards established by him, the Clerk of the municipality shall be at liberty to revoke the licence herein granted until such time as the Clerk is notified by the Medical Officer of Health that the Kennel complies with these standards. The owner of the Kennel shall have a right to appeal to Council the revocation in this regard.

24. All refuse from Commercial Dog Kennels and Dog Runs referred to in Section 18 of this By-Law shall be kept in containers with tight fitting tops until such time as it is removed from the premises or dug into the earth in such manner as to prevent odours arising therefrom.

KEEPING OF RABBITS, PIGEONS & DOMESTIC FOWL

25. Subject to Section 27, no person shall keep any domestic fowl on any lands or premises within the City except in lands zoned for agricultural purposes under the applicable Zoning By-Law.

26. The keeping of bantam or miniature chickens, pigeons and rabbits within the City shall be subject to the following general and special conditions:

General Conditions

- (a) All are to be kept in suitable cages, pens, enclosures, lofts or rabbitries;
- (b) Any building or structure used or intended for use for the above shall be:
 - (i) situate in a rear yard;
 - (ii) distant at least three metres (3m) from all lot lines;
 - (iii) distant at least ten metres (10m) from any church, school, dwelling or other premises used for human habitation;
 - (iv) the inside walls and ceiling (if any) of such building or structure shall be painted or lime washed at least once per year;
 - (v) kept at all times in a clean and sanitary condition, free from refuse, odours, flies and vermin; and
 - (vi) except where not more than two (2) rabbits, pigeons or bantam chickens are kept, all such pens or enclosures shall be screened from adjacent properties or streets by landscape materials such as shrubs, hedges or fences.
- (c) All feed shall be stored in air tight, rodent-proof containers, except for straw or hay;
- (d) All droppings, refuse and dropped or scattered feed shall be disposed of in a sanitary manner and kept until disposed of in substantial air tight containers;

- (e) No person shall keep any rabbits, pigeons or chickens on the same lands upon which any other person keeps such chickens, pigeons or rabbits unless such lands are zoned agricultural or open space.

Special Conditions

- (f) With respect to bantam or miniature chickens, a maximum of twelve (12) may be kept on any lands or premises not zoned agricultural or open space within the City, provided that they are kept indoors, in suitable pens, cages or structures, have no outside pens or runs, and the provisions of Section 26(b) apply to any building or structure housing such chickens;
- (g) (i) with respect to pigeons, a maximum of twenty-five (25) pair may be kept on any lands or premises not zoned agricultural or open space within the City;
- (ii) any pigeon loft or enclosure must, in addition to the requirements set out in paragraph 26(b) above, have a height of not less than 1.5 metres and a floor area of not less than 1.2 square metres for each pair of pigeons kept therein;
- (iii) any loft or enclosure must have adequate ventilation for the number of pigeons kept therein;
- (iv) any loft or enclosure must have a clear space between the ground and the underside of the floor of not less than one (1) foot, and have a floor with a surface which is impervious to moisture; and

- (v) Notwithstanding any other sections of this By-Law, pigeons of the varieties known as "racing homers", "rollers" and "tipplers", and which are banded with an identifying leg band issued by a bona fide organization, may be released once daily for exercise under the supervision of the owner or other knowledgeable person on his behalf, provided that not more than a total of thirty (30) pigeons of the said varieties kept by any one person may be at large at any one time.
 - (h) With respect to rabbits, a maximum of twenty (20) rabbits may be kept on any lands or premises not zoned agricultural or open space within the City;
 - (i) No person shall keep on any lands or premises within the City which are not zoned agricultural or open space any more than a total of fifty (50) pigeons, rabbits or bantams or any combination of them at any one time.
 - (j) Notwithstanding the following special provisions, any young born to such birds or animals may be kept for a period not exceeding sixteen (16) weeks after birth or hatching and will not, for that time period, be counted toward the maximum;
27. Notwithstanding Clause 26(b) of this By-Law, the Council of the City may, in its absolute discretion, grant relief from the setback requirement of the said Clause, upon application being made therefor to the City Clerk, provided the applicant for relief is a member of and the application is supported by a bona fide local pigeon or rabbit fanciers' organization or a local chapter of such an organization;

and the granting of such relief is conditional upon the continued compliance of the applicant with all other applicable provisions of this By-Law. Subject to such continued compliance, all such relief previously granted remains in effect.

POUND

28. The City shall provide and maintain or cause to be provided and maintained an animal pound in which stray animals and domestic fowl may be impounded and in which dogs found running at large contrary to the provisions of this By-Law may be impounded, until claimed by their owners or killed or sold or otherwise disposed of in accordance with this By-Law by the keeper of the pound.

29. The City or its authorized agent acting on its behalf shall appoint a pound keeper to operate said pound and his duties shall include keeping a record of all animals impounded and the manner and date of their disposal.

30. The owner or harbourer of any animal impounded may redeem such animal at any time prior to its destruction or sale by paying to the keeper of the pound a sum not exceeding TEN DOLLARS (\$10.00) per day of impoundment.

RESTRICTED ANIMALS

31. Except as provided in Sections 32 and 33 of this By-Law, the keeping of certain animals as set out in Schedule "2" of this By-Law, is hereby prohibited anywhere in the City.

32. This By-Law does not apply to prohibit the keeping of any animal whatsoever in the following places or circumstances:

- (a) in a veterinary hospital under the care of licensed veterinarian;
- (b) in a public pound;
- (c) by the Ontario Humane Society;
- (d) by the Sarnia and District Society for Prevention of Cruelty to Animals; and
- (e) in a travelling circus or menagerie
- (f) at the Seaway Kiwanis Children's Farm

33. Notwithstanding Section 31 of this By-Law, any person who owned an animal set out in Schedule "2" prior to December 14th of 1992, may be permitted to keep said animal, if the animal is registered in the office of the Clerk and if, after an inspection by the City's Animal Control Officer(s), the Animal Control Officer(s) is satisfied that the animal is being kept in a humane manner and that adequate precautions are being taken to ensure that the animal cannot escape its enclosure or in any way pose a danger to the public.

34. In order to conduct the inspection referred to in Section 33, the Animal Control Officer(s) may seek the advice of persons knowledgeable and experienced in the care of the animal, including representatives of the Sarnia and District Humane Society and/or Public Health Officials.

35. When off the premises of the owner, all animals referred to in Schedule "2" must be kept in an escape-proof enclosure.

36. The fee for an inspection under Section 33 of this By-Law shall be \$25.00, said fee to be paid at the time of registration of the animal, and prior to the inspection.

PENALTIES

37. (a) any person who contravenes any of the provisions of this By-Law is guilty of an offence and is subject to the provisions of the Provincial Offences Act;
- (b) A violation tag in accordance with the form in Schedule "1" of this By-Law may be issued to an alleged offender;
- (c) Where a violation tag is used, the offence alleged on the violation tag shall be indicated by placing a cross or "X" in the box to the right of the offence alleged; or if the offence alleged does not appear on the violation tag, it shall be inserted in the space provided therefore on the violation tag and there shall also be inserted in the space provided therefore on the lower portion of the violation tag, the penalty and a date, no earlier than 15 days next following the date of the alleged offence, on or before which payment of the penalty may be made out of Court;
- (d) The penalty for the contravention of any of the provisions of this By-Law shall be the amount set out to the right of the relevant offences specified in Schedule 1 to this By-Law;

- (e) Payment may be made by cheque or money order to which the violation tag is attached and payable to Provincial Court, delivered or sent by prepaid mail to the address indicated on the violation tag. The postmark on the envelope shall determine if the 15 day limitation for voluntary payment applies;
- (f) In default of payment of the penalty out of Court in accordance with this part, any fine imposed under this By-Law for the contravention thereof shall be recoverable under the By-Law and the Provincial Offences Act.

GENERAL PROVISIONS

- 38. The headings in the body of this By-Law form no part of the By-Law but are inserted for convenience of reference only.
- 39. Pending approval of the penalty structure on Schedule "1" of this By-Law by the Chief Judge of the Provincial Court, By-Law Number 7601 of the City of Sarnia and By-Law Number 93 of 1979 of the Town of Clearwater both as amended, shall continue in full force and effect.
- 40. If any section or sections of this By-Law or parts thereof be found by any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-Law shall be enacted as such.

41. The short title of this By-Law is the "Animal Control" By-Law.

42. This By-Law comes into force and effect upon the passing of a resolution by Council.

FINALLY PASSED this 21st day of December, 1992.



Mayor



Clerk

SCHEDULE '1'

SCHEDULE OF FINES

Applicable to Offences under this By-Law and subject to early payment.

<u>ITEM</u>	<u>COLUMN 1</u> Description of Offence	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Fail to Licence Dog (Per Dog) First Offence Second Offence	Section 2	 \$ 50.00 \$ 75.00
2.	Fail to have Tag on Dog (Per Dog) First Offence Second Offence	Section 6	 \$ 50.00 \$ 75.00
3.	Running at Large (Per Dog) First Offence Second Offence	Section 7	 \$ 50.00 \$ 75.00
4.	Dog on Municipal Highway or other Property not on Leash First Offence Second Offence	Section 10	 \$ 50.00 \$ 75.00
5.	Fouling	Section 11	\$200.00
6.	More than Two Dogs per Household	Section 15	\$ 50.00
7.	Operate Kennel without Licence	Section 17	\$200.00
8.	Keep Pigeons, Rabbits and Fowl in contravention	Section 28	\$200.00
9.	Keeping Restricted Animal in Contravention	Section 33	\$250.00

SCHEDULE '2'

Alligators

Anaconda

Burmese Python

Boa Constrictors

Bobcats

Caymans

Cougars

Crocodiles

Indian Python

Jaguars

Leopards

Lions

Lynx

Ocelots

Reticulated Python

Rock Python

Tigers

Venomous Snakes of Any kind

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Pigeons and Domestic Fowl"

READINGS:

FIRST: DECEMBER 21, 1992

SECOND: DECEMBER 21, 1992

THIRD: DECEMBER 21, 1992

THE CORPORATION OF THE CITY
OF SARNIA (DGM:df)
Legal Services
City Hall
Sarnia, Ontario
N7T 7N2