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STAFF REPORT: Planning & Building Services Department



REPORT TO: Committee of the Whole
MEETING DATE: March 17, 2014
REPORT NO.: BL.14.05
SUBJECT: Care and Control of Animals By-law
PREPARED BY: Greg Miller, Manager, Building & By-Law Services/CBO

A. Recommendations

THAT Council receive Staff Report BL.14.05 entitled “Care and Control of Animals By-law”;

AND THAT Council amend By-law 2006-32 so as to include provisions for care and control of animals and the keeping of “exotic” pets in The Town of The Blue Mountains.

B. Background

At the March 3, 2014 meeting of the Committee of the Whole, a Public Meeting was held with respect to amend By-law 2006-32, being a By-law to control and regulate dogs within the Town of The Blue Mountains, to include provisions related to the care and control of animals; to prohibit the keeping of certain animals except under very specific circumstances and to introduce microchip and replace tag fees at a reduced rate to that of a standard tag.

With respect to public comments; one comment was received, summarized as follows:

To consider not limiting the number of kittens as there are members of the Georgian Triangle Humane Society that nurse kittens when their mother has abandoned them.

Staff have reviewed this comment and have taken this into consideration by including the following section (15.4) in the amended By-law:

- 15.3 No person shall have more than six (6) cats in any residential dwelling unit within the Town.
- 15.4 Notwithstanding section 15.3 above; in the instance of an abandoned litter, the restricted number of cats shall not apply provided that the age of the cats in the litter do not exceed 5 months at which time they shall be spayed or neutered.

Staff are recommending that Council amend By-law 2006-32 as attached.

C. The Blue Mountains’ Strategic Plan

*Providing a strong, well managed municipal government.
 Managing growth to ensure the ongoing health and prosperity of the community.*

D. Environmental Impacts

N/A

E. Financial Impact

Not known at this time.

F. In Consultation With

OPP

G. Attached

1. Draft Amending By-law 2006-32

Prepared by:

Respectfully submitted by:

Greg Miller, C.E.T., CBCO
Manager, Building & By-Law
Services/CBO D

David Finbow
Director Planning & Building Services

TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2014-

Being a By-law to Amend By-law No. 2006-32, being a By-law to control and regulate dogs within the Town of The Blue Mountains, so as to include provisions pertaining to the care of animals within The Town of The Blue Mountains

WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25 authorizes the council of a lower-tier municipality to pass By-laws regulating animals;

AND WHEREAS Section 103 of the *Municipal Act*, 2001, S.O. 2001, c. 25 authorizes a municipality to seize and impound an animal at large or trespassing, the sale of an impounded animal, and the establishment of a voluntary payment of penalties out of court where it is alleged that the By-law respecting animals being at large or trespassing has been contravened;

AND WHEREAS Section 105 of the *Municipal Act*, 2001, S.O. 2001, c. 25 requires that Council afford dog owners hearings with respect to muzzle orders and also permits Council to delegates its' powers related to holding such a hearing;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a By-law to regulate dogs; to seize, impound and dispense dogs; to establish the payment of voluntary payments for dogs being at large; and to delegate Council's powers related to a muzzling order to the animal control officer;

AND WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act* R.S.O., 1990, Chap.0.36, provides special powers to help animals in distress; and

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains deems it appropriate to address the standard of care for animals;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains is desirous of amending By-law No. 2006-32.

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1. That the Title of By-law No. 2006-32 is hereby deleted and replaced with "*Being a By-law to Control Dogs and Govern the Care of Animals within the Town of The Blue Mountains.*"
2. That the following definitions be added within Section 1.0 and Section 1.0 renumbered accordingly:

"Animal" means any member of the animal kingdom, other than a human.

"Cat" means a domestic cat (*Felis silvestris catus*).

"Confined Space" means a fully or partially enclosed space.

"Control" includes care and custody.

"Distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect

"OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, Chapter O.36, as amended.

3. That the following fees under Section 5.1 be amended by including the following:

Micro-chipped/Tattooed Dog	\$15.00
Replacement Dog Tag	\$10.00

4. That the following Sections be added as Sections 15.0 and 16.0 and that the subsequent Sections of the By-law be renumbered accordingly:

15.0 CARE OF ANIMALS

- 15.1 Any person who keeps an animal within the Town shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.
- 15.2 Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.
- 15.3 No person shall have more than six (6) cats in any residential dwelling unit within the Town.
- 15.4 Notwithstanding section 15.3 above; in the instance of an abandoned litter, the restricted number of cats shall not apply provided that the age of the cats in the litter do not exceed 5 months at which time they shall be spayed or neutered.
- 15.5 Any person keeping an animal within the Town shall do so under sanitary conditions.
- 15.6 For the purposes of Section 15.5 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 15.7 No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or other confined space if the weather conditions are not suitable for containment of an animal.
- 15.8 No person shall:
- a) tease, torment, annoy, or abuse any animal; or,
 - b) untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- 15.9 In addition to any other remedy, an officer may give to an animal's owner an Order where the officer has reason to believe that the owner has failed to comply with any part of this section.
- 15.10 Where an officer has reasonable and probable grounds to believe that an animal is in distress or is likely to be in distress, an officer may require the owner to cause the animal to be examined and treated by a Veterinarian at the owner's expense.
- 15.11 An Order shall include the following information:
- a) particulars of the reasons for which the Order was given; and,
 - b) particulars of the things the owner is required to do to remedy the issue.

15.12 An owner to whom or to which an Order is given shall forthwith comply with the Order.

16.0 PROHIBITED ANIMALS

16.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.

a) all non-human primates (such as gorillas and monkeys);

b) all felids, except the domestic cat;

c) all canids, except the domestic dog;

d) all mustelids (including but not limited to skunks, weasels, otters badgers, etc.) except the domestic ferret;

e) all marsupials (including but not limited to kangaroos, sugar gliders and opossums);

f) all bats, raccoons, squirrels;

g) all ursids (bear);

h) all hyaenas;

i) all snapping turtles;

j) all elephants;

k) all snakes of the families pythonidae and boidae;

l) all poisonous or venomous snakes;

m) all poisonous or venomous arachnids (including but not limited to spiders);

n) all poisonous or venomous lizards;

o) all crocodylians (including but not limited to alligators and crocodiles);

p) any endangered species as defined by the Canadian Wildlife Service; or

q) any other animal that Council deems to be necessary.

16.2 Notwithstanding Section 16.1, the prohibition shall not apply to:

a) circuses;

b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals, Georgian Triangle Humane Society or a Town owned or operated pound;

c) a veterinary hospital or premises under the control of a licenced veterinarian;

d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;

e) any animal being displayed or exhibited for a set period of time in a Town sanctioned event which is operated in accordance with all by-laws of the

Town; or,

f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.

5. That the second paragraph under DISPOSAL OF DOGS be numbered accordingly (Section 18.2).
6. That this By-law comes into full force and effect upon being enacted by Council.

READ AND FIRST AND SECOND TIME this _____ day of _____, 2014.

READ AND THIRD TIME AND PASSED, this _____ day of _____, 2014.

E. Anderson, Mayor

C. Giles, Town Clerk

DRAFT