

The Corporation of the City of Temiskaming Shores

By-law No. 2023-122

Being a by-law to regulate the care and control of animals, and the registration of dogs and cats within the City of Temiskaming Shores

Whereas the Council of the Corporation of the City of Temiskaming Shores deems it necessary and expedient to pass a By-law to regulate the keeping of animals and the registration of dogs and cats within the City of Temiskaming Shores; and

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas under Section 10 (2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons; and

Whereas under Section 10 (2) 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass by-laws respecting animals; and

Whereas Section 103. (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of an animals, it may provide for;

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of animals are not paid, or
 - (iii) at such time and in such manner as provided in the by-law; and

Whereas Section 425(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence; and

Whereas Section 429(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences, subject to section 429 (4) under a by-law of the municipality passed under the Act; and

Whereas Section 436(1) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, authorizes a municipality to pass by-laws to authorize the right to enter land under certain circumstances; and

Whereas Section 446(3) of the Municipal Act, 2001 permits a municipality to recover the costs of doing a matter of thing under Subsection 446(1) from the person 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.

Now therefore the Council for the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts a by-law to regulate the care and control of animals, and the registration of dogs and cats within the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law No. 2013-051 and any amendments (By-law No. 2021-120) be hereby repealed upon the final passing of this by-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-Law shall come into force and take effect on the date of its final passing.

Read a **First** and **Second** time this 21st day of November 2023.



Mayor



Clerk

Read a **Third** time and **finally passed** this 19th day of December, 2023.



Mayor



Clerk



Animal Care and Control By-law

Schedule "A" to

By-law No. 2023-122

Being a by-law to regulate the care and control of animals, and the registration of dogs and cats within the City of Temiskaming Shores

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1. Section 1 - General Provisions and Purpose

1.1 Short Title

This By-law shall be cited as the Animal Care and Control By-law.

1.2 Scope

Except where otherwise provided, the provisions of this By-law shall apply to all Persons and property within the geographic limits of the City.

1.3 Enforcement

This By-law shall be enforced by an appointed Animal Care & Control Officer, By-law Enforcement Officer, or Police Officer, where deemed appropriate.

1.4 Administration and Delegation

Except where otherwise provided, the provisions and administration of this By-law shall establish the general guidelines and provide for the administration of Temiskaming Shores Animal Services.

Temiskaming Shores Animal Services has the delegated authority to:

- a) Make all decisions required under this By-law;
- b) Perform administrative functions assigned under this By-law and those necessary for the due administration and implementation of this By-law;
- c) Establish, revise from time-to-time, such forms, documents, standards, protocols and procedures as determine and required to implement and administer this By-law;
- d) Develop, implement, and promote programs and guidelines to encourage responsible ownership, care and Control of Dogs and Cats, provided the programs and guidelines are consistent with the spirit of this By-law and within Council approved budgets; and
- e) To partner to develop, implement and maintain programs of Control or monitoring, which authorizes participants to operate programs in accordance with program guidelines, and in accordance with approved budgets to manage overpopulation and to mitigate other identified community-wide Animal issues.

1.5 Interpretation

- 1.5.1 Nothing in this By-law shall give any Person any right to Keep an Animal where it is not permitted by:
 - a) a Zoning By-Law regulating the Premises on which Animals are kept;
 - b) federal or provincial statute or regulation, thereunder.

- 1.5.2 Nothing in this By-law relieves any Person from complying with any provision of federal or provincial legislation, or any other By-law of the City.
- 1.5.3 Specific references to laws or By-laws are meant to refer to the current laws applicable at the time that this By-law was enacted, and shall be interpreted to include amendments, restatements, and successor legislation.
- 1.5.4 If any court of competent jurisdiction finds any provision of this By-law is illegal or ultra vires of the jurisdiction of the City, such provision shall be deemed to be severable, and shall not invalidate any of the other provisions of this By-law.
- 1.5.5 Where a provision of this By-law conflicts with a provision of another By-law in force in the City, or any provisions of any federal or provincial statutes or regulation, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the Municipality, shall prevail to the extent of the conflict.

1.6 Purpose and Standard of Care

The purpose of this By-law is to:

- a) Provide a framework for the delivery of enforcement services in respect to Animals and the Keeping of Dogs, Cats, and Prescribed Birds;
- b) Educate the public and set standards of care for humane and responsible pet ownership; and
- c) Maintain the health, safety and well-being of all Persons and their property, while making all efforts possible to prevent potential conflicts with Animals, people, property, and the environment.

2. Section 2 - Definitions

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section, shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purpose of this By-law.

- 2.1 *Animal* means a member of the Animal kingdom, other than a human, not covered by the Wildlife Act.
- 2.2 *Animal Care and Control Officer* means the Person or Persons duly appointed by Council as Municipal Law Enforcement Officers, for the purpose of enforcing the City's Animal Care and Control By-law.

2.3 *Animal Prohibited Area* means areas designated by Council in which Dogs, Cats and Animals are not permitted.

2.4 *Asilomar Accords* means a set of standards created by the Asilomar Accords 2004 to define Animal Categories and for collecting and reporting data with the goal of saving the lives of all healthy and treatable companion Animals.
<https://www.americanhumane.org/app/uploads/2016/08/au-asilomar-accordspdf.pdf>

2.5 *At Large* means where an Animal is in any place other than its Owner's lot and is not restrained by a capable Person by means of a Leash or otherwise.

2.6 *Building Code Act* means the Building Code Act, S.O. 1992, C23.

2.7 *By-law Enforcement Officer* means the Person or Persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing regulatory By-laws of the City.

2.8 *Cat* means a male or female feline of any breed of domesticated Cat or crossbreed of domesticated Cat.

2.9 *Cat Tag* means a Cat Tag issued pursuant to this By-law.

2.10 *City* means the Corporation of the City of Temiskaming Shores.

2.11 *Control* includes care and custody.

2.12 *Coop* means a fully enclosed weatherproof building where Hens are kept and which the interior of includes nest boxes for egg laying, perches for the Hens to sleep on and food and water containers.

2.13 *Council* means the Municipal Council of the City of Temiskaming Shores.

2.14 *Dog* means a male or female of the domesticated canine species.

2.15 *Dog Owners Liability Act* means the Dog Owners Liability Act R.S.O. 1990, c. D.16 as amended.

2.16 *Dog Tag* means a Dog Tag issued pursuant to this By-law.

2.17 *Dwelling Unit* means a Suite operated as a house keeping unit, used or intended to be used as a domicile by one or more Persons, and usually containing cooking, eating, living, sleeping and sanitary facilities.

2.18 *Effective Control* means to be in the care and custody of a Responsible Person.

2.19 *Feed(s) / Feeding* means to intentionally furnish or make food available with regular or intermittent supply of food or allowing the placing or maintenance of a supply of food on a regular or intermittent basis, which food is accessible to or accessed by a Dog, Cat, Prescribed Bird, or Animal.

2.20 *Fire Chief* means the head of the Temiskaming Shores Fire Department as designated by Council.

2.21 *Harbor* means living with, having care and Control of, Feeding, leaving food in a manner that is likely to attract a Dog, Cat, Prescribed Bird, or Animal to a property, and shall also specifically include a situation in which any Person provides food to any Dog, Cat, Prescribed Bird, or Animal whether domesticated or feral.

2.22 *Hen* means a domesticated female chicken.

2.23 *Hen Run* means a covered secure enclosure that allows hens' access to outdoors

2.24 *Herding Dog* means a Dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock on the farm.

2.25 *Keeps / Keeping* means to own, Keep, Harbor, Maintain or Feed a Cat, Dog, Prescribed Bird, or Animal.

2.26 *Kennel* means Premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate fostering program for Dogs, Cats or Animals under the authority of a society, in which the predominant activity consists of: breeding Dogs, Cats or Animals, raising Dogs, Cats or Animals, boarding Dogs, Cats or Animals, and/ or, Harboring more than the maximum allowable number of Dogs, Cats or Animals.

2.27 *Kennel License* means a permit granted by City Council to operate a Kennel.

2.28 *Leash* means a restraining device, by which a Dog, Cat or other Animal is held in check.

2.29 *Leashed* shall mean restrained by a Leash securely attached to the Dog or Cat and a Person or object.

2.30 Lifetime Tag shall mean a non-transferrable tag for the life of the registered Cat or Dog, conditional upon the Cat or Dog being spayed or neutered, and has a Microchip or Tattoo.

2.31 *Livestock Guardian Dog* means a Dog that works and/or lives with domestic farm Animals (e.g., Cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.

2.32 *Lot Line* means the boundary line between adjoining properties and or the boundary line between a property and a highway, laneway, municipal sidewalk, or municipal road allowance.

2.33 *Maintain* means to carry out repairs to any part or parts of a fence or structure, retention equipment, muzzling device, or other such equipment necessary so it can properly perform its intended function.

2.34 *Microchip* means an approved "Canadian Standard" encoded identification device implanted into a Dog or Cat which contains a unique code that permits or facilitates access to Owner information, including the name and address of the Owner, which is stored in a central data base.

2.35 *Municipality* means the land within the geographic limit of the City of Temiskaming Shores.

2.36 *Muzzle* means a humane fastening or covering device over the mouth of a Dog and of sufficient strength to prevent the Dog from biting.

2.37 *Noise(s)* means unwanted and persistent sound.

2.38 *Owner* when used in relation to a Dog or Cat, or Animal, includes a Person who possesses or Harbors the Dog or Cat, or Animal. Where the Owner is a minor, the Person responsible for the custody of the minor. *Owns* has a corresponding meaning.

2.39 *Paramedic* means a Person employed by the District of Temiskaming Social Services Administration Board to provide emergency medical services.

2.40 *Person* means an individual, firm or corporation.

2.41 *Police Dog* means a Dog trained to aid law enforcement officers and used by such officers in the execution of their duties.

2.42 *Police Officer* means a member of the Ontario Provincial Police Service.

2.43 *Pound* means premises that are used for the detention, maintenance or disposal of Dogs or Cats that have been impounded pursuant to this By-law or the Dog Owners' Liability Act.

2.44 *Premises* means the entire lot on which a single Dwelling Unit building or a multi-Dwelling Unit building is situated.

2.45 *Prescribed Bird* means a bird permitted in Section 7 of Schedule "A" of this By-law.

2.46 *Private Property* means property which is privately-owned and is not City property.

2.47 *Provincial Offences Act* means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

2.48 *Public Property* includes all lands owned by the City, any local boards, any corporations owned or controlled by the City and includes all Crown lands.

2.49 *Registrar* means the registration, records and database of Temiskaming Shores Animal Services under the care of the Animal Care & Control Officer and appointed agents for the City, pursuant to this By-law.

2.50 *Responsible Person* means a Person having the strength and capacity to securely Control a Dog or Cat, so as not to permit or allow unwanted contact with another Person, Dog, Cat, Prescribed Bird or Animal.

2.51 *Run/Running At Large* means to be found in any place other than the Premises of the Owner of the Dog, Cat, or Hen and not under the Control of a Person in such a manner as to prevent escape.

2.52 *Service Animal* means any Animal used by a Person with a disability for reasons relating to the disability where it is readily apparent that the Animal is used by the Person for reasons relating to his or her disability; or where the Person provides a letter from a physician or nurse confirming that he or she requires the Animal for reasons relating to his or her disability; or a valid identification card signed by the Attorney General of Canada or a certificate of training from a recognized guide Dog or Service Animal training school.

2.53 *Suite* means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses, and dormitories.

2.54 *Tag* in reference to a Dog means a Dog Tag, and in reference to a Cat means a Cat Tag.

2.55 *Tattoo* means a permanent ink marking for identification purposes.

2.56 *Temiskaming Shores Animal Services* means the authorized administration of services set out in the By-law.

2.57 *Veterinarian* means a Person registered or licensed under the Veterinarian Act.

2.58 *Veterinarian Act* means the Veterinarian Act, R.S.O. 1990, c. V.3, as amended.

2.59 *Vicious Cat* means a Cat that has attacked or bitten a Person, Dog, Cat, or Animal as determined by the Animal Care and Control Officer in accordance with Section 5.1 herein.

2.60 *Vicious Dog* means a Dog that has attacked or bitten a Person, Dog, Cat, or Animal as determined by the Animal Care and Control Officer in accordance with Section 5.1 herein.

2.61 *Zoning By-law* means all current By-laws and amendments thereto and any subsequent By-laws which may be enacted in substitution therefore under the Planning Act with respect to land use within the City.

3. Section 3 – Registration of Cats and Dogs

The licensing of pets is one step to encourage responsible pet ownership by properly identifying companion Animals in the City. Tags are proof of ownership so that Animals may be returned to their Owners sooner, often by neighbors, without incurring costs.

Responsible pet Owners reduce the number of companion Animals Running At Large, preventing inadvertent breeding and helps mitigate over population within the Municipality.

3.1 Registrar

3.1.1 Temiskaming Shores Animal Services is the Registrar responsible for the issuance of Tags and may, from time-to-time, appoint inwriting agents for the issuance of Tags, as necessary.

3.1.2 Temiskaming Shores Animal Services may revoke any such appointment inwriting for such reason as Temiskaming Shores Animal Services shall determine.

3.2 Requirement to Register

3.2.1 Except as provided to the contrary in this By-law, every Owner of a Dog or Cat shall register the Dog or Cat with Temiskaming Shores Animal Services on or before January 1st in each year that they are the Owner of that Dog or Cat, or upon providing the necessary information, register for a Lifetime Tag of that Dog or Cat.

3.2.2 Every Person who becomes the Owner of a Dog or Cat after January 1st in any year; shall register the Dog or Cat with Temiskaming Shores Animal Services within 7 days of becoming the Owner of the Dog or Cat, and on or before January 1st in each year thereafter, unless registered under a Lifetime Tag.

3.2.3 Notwithstanding Sections 3.2.1 and 3.2.2, no Person need to register a Dog or Cat before the Dog or Cat reaches the age of twelve (12) weeks. The onus of proof of the age of the Dog or Cat shall rest with the Owner.

3.2.4 Notwithstanding Section 3.2.1 the Owner of a Cat(s) who resides in a Dwelling Unit in an area which is zoned "rural" or "agricultural" pursuant to the Zoning By-law, shall not be required to register his or her Cat(s), provided the property on which the Dwelling Unit is located is used for agricultural uses, as defined in the Zoning By-law.

3.2.5 The registration of a Dog or Cat shall expire upon the earliest of:

- a) the transfer of Ownership of the Dog or Cat for which it was issued;
- b) the death of the Dog or Cat for which it was issued; including Lifetime registrations;
- c) December 31st of the year in which it was issued, unless the Dog or Cat was registered for a Lifetime Tag.

3.3 Registration Process

3.3.1 Every Person who applies to Temiskaming Shores Animal Services to register a Dog or Cat, shall complete any necessary forms, and provide the following:

- a) provide the name, physical and mailing address, and telephone number of the Owner of the Dog or Cat;
- b) provide the name of the Dog or Cat;
- c) provide a description of the Dog or Cat such as sex, age, breed, colour, and temperament;
- d) disclose whether or not the Dog or Cat has a Microchip implanted or has been Tattooed;
- e) disclose if the Animal is a Service Animal;
- f) disclose if the Dog is a Livestock Guardian Dog, or a Herding Dog;
- g) disclose if the Dog or Cat is spayed or neutered; and
- h) pay the required registration fee as outlined in the City's current Departmental User Fee and Service Charges By-law.

3.4 Issuance of Tags

3.4.1 Upon the applicant providing all information and documentation required by Temiskaming Shores Animal Services, and paying the appropriate registration fee, Temiskaming Shores Animal Services shall register the Dog or Cat, and shall issue to the applicant a Dog Tag or a Cat Tag, which bears a unique serial number, shows the year of issue and such other information as may be determined by Temiskaming Shores Animal Services.

3.4.2 Every Owner of a registered Dog or Cat shall advise Temiskaming Shores Animal Services within 7 days thereafter, of:

- a) change of address or phone number of the Owner of the Dog or Cat;
- b) sale or other transfer of Ownership of the Dog or Cat; or

- c) the death of the Dog or Cat.

3.4.3 Temiskaming Shores Animal Services shall have the right to cancel the registration of a Dog or Cat if the registration fee is not paid in full, through error, as a result of a cheque being returned marked 'Not Sufficient Funds', a credit card charge being refused, or for any other reason deemed legitimate.

3.4.4 Every Tag issued by Temiskaming Shores Animal Services remains the property of the City, and in the event the registration of a Dog or Cat is cancelled by Temiskaming Shores Animal Services, the Tag shall be surrendered to Temiskaming Shores Animal Services.

3.5 Replacement Tags & Refunds

3.5.1 Temiskaming Shores Animal Services shall issue a replacement Dog Tag or Cat Tag to the Owner of a registered Dog or Cat upon;

- a) application of the Owner;
- b) evidence satisfactory to Temiskaming Shores Animal Services that the Tag was lost or damaged; and
- c) payment of the prescribed replacement Tag fee.

3.5.2 Temiskaming Shores Animal Services shall have discretion to issue a partial or complete refund of the registration fee if they are satisfied that the refund is being requested for a legitimate reason.

3.6 Registrar's Records

3.6.1 Temiskaming Shores Animal Care & Control shall maintain records of all Dog Tags, Cat Tags and replacement Tags issued by Temiskaming Shores Animal Services in each calendar year, and shall update such records as additional information is received pursuant to Section 3.4.2.

3.6.2 The records under Section 3.6.1 shall include:

- a) the name, physical and mailing address and phone number of the Owner of the Dog or Cat;
- b) name of the Animal.
- c) a description of the Dog or Cat such as sex, age, breed, colour and temperament
- d) the particulars of any Tattoo or Microchip implanted in the Dog or Cat.
- e) the serial number of the Dog Tag or Cat Tag issued for that Dog or Cat.
- f) the fee paid.
- g) if the Animal is a Service Animal.
- h) if the Dog is a Livestock Guardian Dog, or a Herding Dog.

- i) if the Dog or Cat is spayed or neutered
- j) the particulars of any evidence provided in support of a fee reduction; and
- k) other information as Temiskaming Shores Animal Services in their sole discretion determines to be necessary.

4. Section 4 – Regulation – Dog, Cat, and Animal

Owning a pet is a long-term commitment. Owners must consider the time, effort, and resources required to care for a pet throughout its entire life span, and choose a pet that suits lifestyle, living situation, and capabilities to provide proper care and attention.

Standard of Care: Every Owner and Keeper of an Animal shall:

- a) Comply with the standards of care and this By-law.
- b) Keep in a humane manner free from abuse and neglect and is provided with the necessities and conditions to Maintain and protect the Animal's wellbeing.
- c) Not cause conflict with other Animals, people, property, or the environment.

4.1 Dog and Cat to Wear Tag

- 4.1.1 Every Owner of a Dog and every Owner of a Cat shall Keep the Lifetime Tag, or Tag securely fixed on the Dog or Cat for which the Tag was issued, at all times during the term of issue.
- 4.1.2 Notwithstanding Section 4.1.1, an Owner need not Keep the Tag on their Dog or Cat:
 - a) while the Dog or Cat is contained within the Dwelling Unit of its Owner; or
 - b) in the case of a Dog, while the Dog is being lawfully used for hunting, and the Tag is produced upon request of an Animal Care & Control Officer; or,
 - c) where a Veterinarian has determined it is necessary to remove the Tag for medical treatment of that Dog or Cat; or,
 - d) if the Dog is a Livestock Guardian Dog or a Herding Dog and the Dog is being actively used in farming practice and has been Tattooed or implanted with a Microchip.
- 4.1.3 No Person shall remove a Tag from a Dog or Cat without the consent of the Owner thereof.
- 4.1.4 No Person shall attach a Tag to a Dog or Cat other than the Dog or Cat for which it was issued.

4.2 Number of Dogs and Cats

4.2.1 The total number of permitted Dogs and Cats within a Dwelling Unit in each Zone of the Municipality, as defined in the Zoning By-law, shall be as follows:

	Number of Permitted Dogs	Number of Permitted Cats	Combined Total
Rural Residential (R1) Low Density Residential (R2) Medium Density Residential (R3)	3	3	n/a
High Density Residential (R4), Mobile Home Residential (M4), and all other zones that permit a Dwelling/ Dwelling Unit	2	2	3
Agriculture (A1), and Rural (RU) with a Dwelling/ Dwelling Unit	4	4	n/a

4.2.2 This section does not apply to:

- a) A licensed Kennel;
- b) a veterinary hospital;
- c) a pet shop;
- d) a Pound;
- e) a newborn litter of Dogs or Cats kept under the age of 12 weeks old.
- f) farm Dogs or farm Cats; and/or
- g) a rescue shelter or authorized Person or organization affiliated with a rescue group.

4.2.3 The following legacy provision applies at the time of the passing of this By-law. Despite subsection 4.2.1, any Person who, on the date of the passage of this By-law, was lawfully Keeping more than the total allowable number of Animals stated in subsection 4.2.1 may Keep the number of Dogs and Cats over the total number permitted until they have died or relocated.

4.2.3.1 The number of allowable pets must still meet the provisions of Section 4.2 of By-law 2013-051 and all Animals must be registered at the time this By-law comes into force and effect.

4.2.3.2 The legacy clause will not apply to any future Animals in a Dwelling Unit, if the number exceeds the amount specified in Section 4.2.1 above.

4.3 At Large

- 4.3.1 No Owner of a Dog or Cat shall cause, allow, or permit a Dog or Cat they own to be At Large within the limits of the City.
- 4.3.2 No Owner shall permit a Dog or Cat to Run At Large that is not within the Dwelling Unit, or on the Premises of its Owner, or on Private Property without the consent of the Owner of that Private Property.
- 4.3.3 When not within the Dwelling Unit or on the Premises of its Owner or on Private Property with the consent of the Owner of that Private Property, all Dogs and Cats shall be
 - a) on a Leash;
 - b) on a Leash of not more than two (2) meters in length;
 - c) on a Leash held under the Effective Control of a Responsible Person.
- 4.3.4 Notwithstanding Section 4.3.3, this requirement shall not apply to an Owner exercising his or her Dog(s), in a Dog Off-Leash Area as set out in Appendix "3" to Schedule "A".
- 4.3.5 Notwithstanding Sec. 4.3.1, this requirement shall not apply to an Owner of Livestock Guardian Dogs and Herding Dogs while such Dogs are being used in accordance with their defined function, or Dogs that are legally and actively used in a hunt, on property owned or leased by the Owner.
- 4.3.6 No Owner shall allow their Dog(s) to enter a Dog Off-Leash Area if the Dog(s) is not wearing a valid Dog Tag, and/or history of vicious behaviour.
- 4.3.7 A Cat released outdoors as part of the operation of a program, activity or event, such as Trap, Spay/Neuter and Return Program, authorized by the City, would not be considered Running At Large.

4.4 Abandonment

No Person shall leave a Dog, Cat, Animal or Prescribed Bird in or about any City property without making provision for its continued care.

4.5 Owner not to permit Trespass

No Owner shall allow or permit their Dog or Cat to trespass on Private Property whether on a Leash or not.

4.6 Required to Stoop and Scoop

4.6.1 Every Owner of a Dog, Cat, or other Animal shall immediately remove any excrement left by the Dog, Cat, or other Animal in the City:

- a. on a highway or roadway;
- b. in a public park;
- c. on any public property other than a public park; or
- d. on any Private Property other than the property of the Owner of the Dog, Cat or other Animal or the Person having care, custody or Control of the Dog, Cat, or other Animal.

4.6.2 Every Owner of a Dog, Cat or other Animal shall remove forthwith from their Premises excrement left by such Dog, Cat, or other Animal so as not to disturb the enjoyment, comfort, convenience of any Person in the vicinity of the Premises.

4.6.3 Notwithstanding Section 4.6.1, this requirement shall not apply to a Service Animal.

4.7 Owner Not to Permit Noise

4.7.1 No Person or Owner shall permit any Noise made by any Dog, Cat, Prescribed Bird, or any other Animal kept or used for any purpose, which is likely to disturb the peace or comfort of any individual in any location beyond the Lot Line of the property on which such Dog, Cat, Prescribed Bird or other Animal is located.

4.7.2 For the purpose of Section 4.7.1, persistent barking, howling, clucking, or other Animal Noise is defined as repeatedly barking, howling, clucking or otherwise continuously heard for a period of twenty (20) minutes or more, or intermittently over a period of one hour or more.

4.7.3 Notwithstanding Section 4.7.1 Livestock Guardian Dogs and Herding Dogs shall be exempt from the foregoing provision while actively engaged in guarding livestock against predators.

4.8 Animal Prohibited Area

4.8.1 No Person may bring any Dog, Cat or Animal into an Animal Prohibited Area as listed in Appendix "2" to Schedule "A" of this By-law.

4.8.2 Notwithstanding Section 4.8.1, this requirement shall not apply to a Service Animal.

4.9 No Person to Harbor

4.9.1 No Person shall Keep or Harbor any Dog, Cat, Prescribed Bird, or Animal in a manner that adversely impacts neighboring properties or residents, whether through offensive odours, Noise likely to disturb inhabitants, Running At Large of Dog(s), Cat(s) or Animal(s), accumulation of feces or otherwise.

5. Section 5 – Vicious

5.1 No Owner Shall Permit Attack

5.1.1 No Owner shall permit their Dog, Cat, or Animal to attack or to bite a Person, Dog, Cat, or Animal.

5.1.2 Where the Animal Care & Control Officer is informed, upon receipt of a valid complaint, may investigate to determine if the Animal should be found to be a Vicious Animal.

5.1.3 Where the Animal Care and Control Officer is satisfied that a Dog, Cat or Animal has attacked or bitten a Person or Animal, or has been threatening or aggressive towards a Person or Animal without being provoked, and has further been provided with satisfactory evidence as to the name and address of the Owner of the Dog, Cat or Animal, the Animal Care & Control Officer shall serve notice on the Owner of the Dog, Cat or Animal that the Dog, Cat or Animal is deemed to be a Vicious Dog, Cat or Animal and requiring the Owner to comply with any or all of the requirements set out in Sections 5.1.5 and 5.1.6.

5.1.4 Serving of notice that a Dog, Cat or Animal has been deemed a Vicious Dog, Cat or Animal may be affected on the Person who shows in the City's records as the Owner of the Dog, Cat or Animal, or where the Dog, Cat or Animal does not appear to be registered pursuant to this By-law, on such other Person who appears to be the Owner of the Dog, Cat or Animal. Serving of notice may be affected by Personal service, by registered mail, or by posting up in a conspicuous place at the address shown in the records of the City, as the address for the Owner of the Dog, Cat or Animal, or where the Dog, Cat or Animal is not registered under this By-law, at such address as appears to be the address of the Owner of the Dog, Cat or Animal. Serving of the notice shall be effective upon the date that Personal service is affected or where served by registered mail or by posting, shall be deemed effective on the fifth day after mailing or posting as the case may be.

5.1.5 Every Owner of a Vicious Dog, Cat or Animal shall at all times when the Vicious Dog, Cat or Animal is not in the Owner's dwelling unit, but otherwise within the boundaries of the Owner's Premises, ensure that:

- a. the Vicious Dog, Cat or Animals is Muzzled so as to prevent it from biting a Person or Animal;
- b. the Vicious Dog, Cat or Animal is securely leashed on a Leash which does not allow it to go beyond the Lot Line of the Owner's lands;
- c. the Vicious Dog, Cat or Animal is confined within a secured structure in a good state of repair so as to prevent escape;
- d. a warning sign stating 'beware of Dog' is posted in a conspicuous place to be visible from the road.

5.1.6 Every Owner of a Vicious Dog, Cat or Animal shall at all times when the Vicious Dog, Cat or Animal is not within the boundaries of the Owner's Premises;

- a. Keep the Vicious Dog, Cat, or Animal under Effective Control of a Responsible Person on a Leash held by the Person; and
- b. Keep the Vicious Dog, Cat, or Animal Muzzled.

5.1.7 Every Owner of a Vicious Dog, Cat or Animal shall notify Temiskaming Shores Animal Services within two (2) working days of any change in Ownership or residence of the Vicious Dog, Cat or Animal provide Temiskaming Shores Animal Services with the new address and telephone number of the Owner.

5.1.8 Where the Owner of a Vicious Dog, Cat, or Animal is informed that his Dog, Cat or Animal has been deemed to be a Vicious Dog, Cat or Animal, the Owner may, within 14 days of such notice request in writing a hearing by Council or committee established for that purpose and Council may exempt the Owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.

5.1.9 The notification that a Dog, Cat or Animal is a Vicious Dog, Cat, or Animal is effective from the date it is served, even if a hearing before Council is requested by the Owner of the Dog, Cat or Animal affected.

6. Section 6 – Seize and Impound

The retention of Dogs and Cats at the City facility is intended to be short-term and within the retention periods provided in the By-law, where possible.

Discretionary provisions will apply to situations as they arise that ensure the health and safety of Persons and Animals involved in the matter.

Impounding of Cats that cannot be clearly identified as owned pets is discouraged and shall be addressed by other means such as City sanctioned programs.

6.1 Animal Care & Control Officer may Seize

- 6.1.1 The Animal Care & Control Officer may seize, any Dog or Cat, found At Large.
 - 6.1.1.1 The Animal Care & Control Officer or delegate may, in their discretion, deliver a seized, licensed Dog or Cat to its Owner without impounding the licensed Dog or Cat, provided:
 - a) The Animal Care & Control Officer or delegate can make arrangements with the Owner for the return of the licensed Dog or Cat without delay and;
 - b) There is no record of being seized in the prior six (6) months.
 - 6.1.1.2 A Dog or Cat seized otherwise shall be considered impounded at the time and place it is seized by the Animal Care and Control Officer.
 - 6.1.1.3 An Animal Care and Control Officer may enter on any Private Property, at any reasonable time, without the consent of the Owner of the property, for the purpose of discharging the duties imposed by this By-law and to enforce its provisions, without a search warrant, provided they are in an active pursuit of a Dog, Cat, or Animal.
- 6.1.2 In no instance should an Animal Care and Control Officer enter any Dwelling Unit, or other building situated on Private Property without a Search Warrant authorizing such entry, or consent of the occupier pursuant to Section 437 of the Municipal Act, 2001.
- 6.1.3 Any Dog or Cat seized by an Animal Care and Control Officer under this By-law may be impounded for a minimum of five business days from the time of its impoundment, exclusive of the day on which the Dog or Cat was impounded.
- 6.1.4 Any Dog, Cat or Animal At Large contrary to the provisions of this By-law which in the opinion of the Animal Care & Control Officer appears to be Vicious or rabid and to be a threat to the safety of the community, and which cannot be captured by the Animal Care & Control Officer, may be dealt with under the supervision of the Ontario Provincial Police and consultation with Provincial Animal Welfare agencies and services. The Owner of the Dog, Cat, or Animal shall not be entitled to damages or compensation.

6.1.5 Notwithstanding Section 6.1.3, where a Dog or Cat is seized or impounded, and a Veterinarian deems it necessary to euthanize the Dog or Cat without delay for humane reasons or for reasons of safety to Persons or domestic Animals, the Animal Care and Control Officer may make arrangements, and may do so without permitting any Person to reclaim the Dog or Cat. The Owner of the Dog, Cat, or Animal shall not be entitled to damages or compensation.

6.1.6 Any Person that captures any Dog, Cat, or Animal At Large and trespassing on his or her property and, upon doing so, shall report capture of the Dog, Cat or Animal to the Animal Care & Control Officer who may assist.

6.1.7 All Persons before proceeding to trap Animals At Large are required to give advance notice to the Animal Care & Control Officer, where possible.

6.1.8 During the impound period referred to in Section 6.1.3, the Owner of the Dog or Cat, shall be entitled to redeem the Dog, or Cat upon:

- payment of the impound fees and the board fees in the amount as set out in the City's current Departmental User Fee and Service Charges By-law.
- payment of any Veterinarian fees incurred for the well-being of the Dog, or Cat.
- registering the Dog or Cat in accordance with this By-law if there is no evidence the Dog or Cat is already registered. When registration is completed as per this requirement, the registration fee is in accordance with the City's current Departmental User Fee and Service Charges By-law.

6.1.9 If the Dog or Cat is not redeemed within the time specified in subsection 6.1.3, the Animal Care and Control Officer may retain the Dog or Cat for such further time as they consider proper and may:

- Transfer the Dog or Cat to one of the authorized shelters, rescue group or other organizations registered or in a contracting agreement with the City.
- Euthanized if found to be medically or behaviorally unhealthy and untreatable in alignment with the Asilomar Accords.

6.2 Protective Care

6.2.1 The Animal Care and Control Officer is authorized, upon request of a Police Officer, Fire Chief, or his or her designate, or Paramedic to impound a Dog, Cat or Animal for protective care purposes, pursuant to an incarceration, fire, medical emergency, or for any other situation that the Animal Care & Control Officer deems appropriate and necessary and to

Keep such Dog(s) or Cat(s) or Animal(s) for the required period and not to exceed fifteen (15) business days.

6.2.2 In the event that the Owner of the Dog, Cat, or Animal impounded for protective care does not claim the Dog, Cat or Animal and pay the impound fees, board fees, and Veterinarian fees in the amounts as set out in the City's current Departmental User Fee and Service Charges By-law., within fifteen (15) days, then on the sixteenth day, the Dog, Cat, or Animal shall be deemed to have been impounded as Running At Large in accordance with Section 6.1, and impound timelines as set out in Section 6.1.3 shall begin to run.

6.3 Impound Fees

6.3.1 Where a Dog or Cat or Animal is seized, or impounded for protective care, the Owner, if known, shall be liable for the impound fees, board fees, and Veterinarian fees in an amount as set out in the City's current Departmental User Fee and Service Charges By-law., whether the Dog or Cat, or Animal is claimed from the Pound or not, and shall pay all fees on demand by the Animal Care & Control Officer.

6.3.2 Notwithstanding Section 6.3.1, in appropriate humanitarian circumstances, as determined by the Animal Care & Control Officer, may, in his or her discretion, in consultation with the City Manager, waive all or part of the impound fees, board fees, and Veterinarian fees, or provide for delayed or installment payments of same, in consultation with the Treasurer of the City.

6.4 Trap Regulations

6.4.1 Any Dog, Cat or Animal seized in accordance with Section 6.1.3 shall be:

- a) trapped in a humane manner;
- b) not kept in a trap for more than 24 hours;
- c) protected from the elements while in a trap.

6.4.2 In no circumstances should a Person use any trap that causes or may cause injury, pain or suffering to an Animal. Without limiting the generality of the foregoing, no Person shall set a trap within the Municipality:

- a) Which is greater than 32" by 12" by 12" in size;
- b) No Person shall use a killer trap, leg-hold trap, body gripping trap or a snare.

6.4.3 Notwithstanding Sections 6.4.1 and 6.4.2 shall not apply to the trapping of an Animal, where the Animal is trapped by a Person who is licensed with the Ministry of Natural Resources and Forestry or is otherwise authorized

by law to trap the Animal, and the trapping is conducted in accordance with any applicable legislation.

7. Section 7 – Regulations – Prescribed Birds

The interest in Hens in urban areas provides benefit of the human-bird bond and production of a food item, primarily eggs. However, many concerns related to public health and community well-being need to be mitigated with backyard flocks to mitigate the spread of disease, manage waste, poultry pests, predators, Noise, and odor.

7.1 Household Birds

A Person may Keep in a Dwelling Unit or on a Premises within the City, not more than a total of six (6) of any combination of: domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied hornbills or cock-of the-rocks, provided same are housed and kept in an escape proof enclosure.

7.2 Hens

7.2.1 No Person shall Keep more than three (3) Hens on a Premises zoned 'residential' within the City, and such Person ensures that:

- The Hens are confined in either a Hen Coop or Hen Run; and the Hens are kept in the Hen Coop between 9:00 p.m. and 6:00 a.m.
- The Owner of the Hens resides on the property where the Hens are kept.
- Each Hen is provided with adequate food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dustbathing, and roosting, all sufficient to maintain the Hen in good health.

7.3 Hen Coop Construction Requirements

7.3.1 Any Hen Coop which is erected, used, or maintained for the housing of Hens must:

- have interior walls which are smoothly finished and painted.
- be constructed in such a manner as to prevent the escape of the Hens;
- provide each Hen with at least 0.37 m² of Coop floor area;
- be equipped with at least one perch of not less than 15 cm in length and one nest box for each Hen.

7.4 Hen Coop Maintenance Requirements

7.4.1 Every Owner of any building which is erected, used, or maintained as a Hen Coop for the housing of Hens shall be maintained as follows:

- a) In a clean condition and free of noxious odours, substances and vermin;
- b) All refuse and waste matter from the Hen Coop must be disposed of in a proper and sanitary manner and no such refuse or waste matter shall be burned or stored.

7.5 Hen Run Requirements

- 7.5.1 Every Owner of a Hen Run shall ensure that it is:
 - a) constructed in such a manner as to prevent the escape of the Hens.
 - b) maintained in a clean condition and kept free of noxious odours, substances, and vermin.
 - c) of sufficient size to provide at least 0.92 m² per Hen.
 - d) provided with a floor of any combination of vegetated or bare earth.

7.6 Compliance with Zoning Requirements

- 7.6.1 Any Hen Coop or Hen Run which is erected, used, or maintained for the housing of Hens must not be:
 - a) located in any front, side or flank yard as described in the Zoning By-law.
 - b) located less than 1.2 metres from the Lot Line.

7.7 General Prohibitions

- 7.7.1 Home slaughter of Hens is prohibited, and any deceased Hens shall be disposed of at a proper livestock disposal facility.
- 7.7.2 No Owner shall cause or permit their Hen to become a public nuisance by persistently clucking. No Owner shall cause or permit his or her Hen to violate the Noise By-law.
- 7.7.3 No Owner shall cause or permit their Hen to be At Large.
- 7.7.4 No Person shall Keep a rooster over the age of 12 weeks.

8. Section 8 – Regulations – Animals other than Dogs, Cast or Prescribed Birds

8.1 General Prohibitions

- 8.1.1 No person shall Keep any Animal other than a Dog, Cat, Prescribed Bird, or prescribed Animal within the City.

- 8.1.2 Nothing herein shall give any Person any right to Keep Animals where such is prohibited by the Zoning By-law.
- 8.1.3 In the event that any setback requirements set out herein are inconsistent with the requirements set out in the Zoning By-law, the requirements of the by-law which are more restrictive shall prevail.

8.2 Rabbit – Keeping

Notwithstanding Section 8.1, a Person may Keep not more than six (6) rabbits over the age of eight (8) weeks in any Dwelling Unit or Premises in the City, provided such Person ensures:

- a) that any rabbit routinely kept outside is kept in a rabbit hutch:
 - i. constructed in such a way as to prevent escape by the rabbit;
 - ii. not located in any front or flank yard as described in the Zoning By-law; and,
 - iii. located at a distance of not less than 1.2 metres from the Lot Line.
- b) all refuse and waste matter from any rabbit hutch is disposed of in a proper and sanitary manner and no such refuse or waste matter is burned or stored.

8.3 Mice, Rats, Guinea Pigs, Hamsters, Gerbils, Ferrets

- 8.3.1 Notwithstanding Section 8.1, a Person may Keep in a Dwelling Unit or on the Premises in the City, not more than a total of six (6) of any combination of mice, rats, guinea pigs, hamsters and gerbils, provided same are housed and Kept in an escape proof enclosure.
- 8.3.2 Notwithstanding Section 8.1, a Person may Keep in a Dwelling Unit or on the Premises in the City, not more than two (2) ferrets, provided the ferrets are housed and kept in an escape proof enclosure.

8.4 Snakes, Lizards

- 8.4.1 Notwithstanding Section 8.1, a Person may Keep in a Dwelling Unit or on the premises in the City, not more than two (2) non-venomous snakes and two non-venomous lizards provided same are housed and kept in an escape proof enclosure.
- 8.4.2 No person shall carry or display a snake on any highway or in any public place or other place to which the public is customarily admitted except in accordance with Sec 8.4.3 and 8.6.4.
- 8.4.3 A snake may be carried or displayed in:
 - a) an educational institution or research facility where such animals are housed or studied;

- b) an educational or entertainment display, including a circus or zoo, that is supervised at all times by a qualified handler;
- c) a veterinary hospital or clinic;
- d) the premises of a pet store.

8.4.4 Every Person who needs to transport or carry a snake on any highway or in any public place or other place to which the public is customarily admitted shall, while it is being carried or transported, confine the snake in a cloth bag which has been placed inside a box made of durable material with a lid that has been fastened securely, provided that the animal has sufficient air to breathe.

8.5 Horses, Domestic Fowl, Cattle, Goats, Swine, Mink, Sheep and Mules

Notwithstanding Section 8.1, a Person may Keep horses, domestic fowl, cattle, goats, swine, mink, sheep or mules or similar livestock, provided such are kept on a property appropriately zoned for such purpose by the Zoning By-law.

9 Section 9 – Kennels

9.1 Licensing

The Owner of a Kennel shall pay annually to the City, or its authorized agent, on or before the 1st day of January in each year, a license fee for his or her Kennel in accordance with in the City's current Departmental User Fee and Service Charges By-law., as amended, and shall receive a Kennel License for the current year.

9.2 Kennels Exempt from Tag Requirements

Subject to Section 9.4, where the Owner of a Kennel has complied with subsection 9.1, they are not required to cause each Dog, or Cat kept at their Kennel to be registered with and licensed by the City.

9.3 Requirement to Register Owner's Pets

Owners of a Kennel shall register their own Dogs, Cats, or Animals in accordance with Section 3. The registration fee is included in the Kennel License fee. Dog(s) and Cat(s) registered in this manner shall be required to wear a Tag as prescribed by Section 4.

9.4 Kennel License

No Person shall operate a Kennel without a Kennel license.

9.5 Compliance with Zoning Regulations

No license shall be issued to any Kennel pursuant to the provisions of this By-law, unless the Kennel is in a location or an area in which Kennels are permitted by the applicable Zoning By-law, and unless the Kennel complies with all the requirements of that Zoning By-law.

9.6 Number of Animals Kept

No person shall keep more than the allowable number of Dogs or Cats under section 4.2.1 over twelve (12) weeks of age at any one location, unless a Kennel License has been issued to that Person for that location.

9.7 Construction Requirements

9.7.1 Every Person who operates a Kennel shall comply with the following requirements:

- a) the Kennel shall be in a separate building and shall not be attached to a building which is or can be used for human habitation.
- b) the Kennel building must conform to the Building Code Act and must be maintained in such a manner as to be free of damage.
- c) the Kennel building shall have a floor of concrete or other impermeable material and shall be equipped with a drain opening constructed as a plumbing fixture. Alternatively, Dogs may be kept in cages of size adequate to allow the Dog to extend its legs to their full extent, to stand or sit, to turn around or lie down in a fully extended position, and the cages shall be constructed solely of metal or wire or partly of wire and shall have metal or other impermeable bottoms.

9.7.2 The Kennel building shall have:

- a) windows which may be opened for proper ventilation.
- b) a heating system sufficient for the health, care and comfort of the Dogs, Cats, or Animals.
- c) Adequate plumbing and potable water.

9.8 Fence Requirements

Where Dogs are permitted to use an outside area, there shall be constructed around such area a fence having a height of at least 1.52 meters (5 feet); the wall of an adjacent building may be included as part of such fenced-in area. Such fence shall not be required where the outside area is more than 61 meters (200 feet) from the nearest limit of the property.

9.9 Annual Inspection

- 9.9.1 Every Kennel shall be subject to an annual inspection by the Animal Care & Control Officer, or by such other Person or agency as may be designated by Council, to ensure that the foregoing provisions of Section 9 are being adhered to in the operation of the Kennel, and a report in writing of each inspection shall be filed with the City. The fee for the initial inspection is included in the Kennel License fee set forth in in the City's current Departmental User Fee and Service Charges By-law.
- 9.9.2 Where such inspection reveals that the foregoing provisions of Section 9 are not being adhered to by the Kennel Owner, the Animal Care & Control Officer, or such other Person or agency as may be designated by Council, may suspend the Owner's Kennel License until the deficiencies found have been remedied.
- 9.9.3 An inspection fee shall be payable to the City, or its authorized agent, on each occasion that a further inspection of the Kennel is necessary to determine that the Kennel satisfies the provisions of Section 9. Fees for any further inspections within the year the Kennel License was purchased are included in the City's current Departmental User Fee and Service Charges By-law.
- 9.9.4 An inspection of a Kennel may be carried out more frequently than once each year when a reasonable complaint or complaints with respect to the operation of the Kennel have been received by the City.

9.10 Operate While Under Suspension

No Person shall operate a Kennel while their Kennel License is under suspension.

9.11 Authorized Issuer

- 9.11.1 Kennel licenses may be issued by Temiskaming Shores Animal Services upon receipt of an approved Kennel inspection report as set out in Appendix "4" to Schedule "A" of this By-law.
- 9.11.2 The application shall be submitted by the Animal Care & Control Officer or other agency or Person as designated by Council for approval by the City and other agencies within sixty (60) days from receiving a complete application.

10 Section 10 – Interfere

- 10.1 No Person shall interfere with, hinder, or harass an agent of the City of Temiskaming Shores in the performance of any duty of such agent, or seek to release any Dog, Cat, or Animal in the custody of the City, or its agents, except as herein provided.

- 10.2 No Person shall tamper, remove, or interfere with traps or equipment.
- 10.3 No Person shall refuse to produce any documents or things required by an agent in the exercise of a power or performance of a duty under this By-law, and every Person shall assist any entry, inspection, examination, or inquiry by an agent.
- 10.4 No Person shall knowingly furnish false information to an agent.

11 Section 11 – Exemptions

11.1 Police Dog Exempt

No part of this By-law shall apply to a Police Dog.

11.2 Hens in Agricultural Zones Exempt

No part of this By-Law shall apply to Owners of Hens kept in an area which is zoned "Rural" or "Agricultural" pursuant to the Zoning By-law and said Hens are kept for agricultural uses in accordance with their defined function.

12 Section 12 – Penalties

12.1 General Penalties

Any Person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, commits an offence and except where specifically set out in Appendix "1" of Schedule "A" attached to and forming part of this By-law, shall be liable to a fine of not more than \$5,000 pursuant to the Provincial Offences Act, R.S.O., 1990, c. P. 33. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

13 Section 13 – Validity

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

The Corporation of The City of Temiskaming Shores
Appendix "1"
Part 1 Provincial Offences Act Set Fines
By-law No. 2023-122: Animal Care and Control By-law

Item	Column 1 Short form wording	Column 2 Offence creating provision or Defining offence	Column 3 Set fine
1	Fail to register Dog or Cat.	Sch. A, Section 3.2.1	\$100
2	Failure to Keep Tag securely fixed on Dog or Cat.	Sch. A, Section 4.1.1	\$50
3	Attaching a Tag to a Dog or Cat other than the Dog or Cat for which it was issued.	Sch. A, Section 4.1.4	\$100
4	Owner possesses more than the allowable number of Dogs, Cats, or the allowable combined total of Cats and Dogs.	Sch. A. Section 4.2.1	\$100
5	Allow a Dog or Cat to be At Large.	Sch. A, Section 4.3.1	\$150
6	Allow a Dog or Cat to be At Large on Private Property.	Sch. A, Section 4.3.2	\$150
7	Failure to ensure that a Dog or Cat is on a Leash.	Sch. A, Section 4.3.3.(a)	\$50
8	Failure to ensure that a <i>dog or cat</i> is on a <i>leash</i> of not more than 2 meters in length	Sch. A, Section 4.3.3.(b)	\$50
9	Failure to ensure that a Dog or Cat is on a Leash held by a Responsible Person.	Sch. A, Section 4.3.3(c)	\$50
10	Allow a Dog in a Dog Off-Leash Area without a Dog Tag, or history of vicious behaviour	Sch. A, Section 4.3.6	\$75
11	Allow a Dog or Cat to trespass.	Sch. A, Section 4.5	\$100
12	Failure to remove and dispose of excrement left by Dog, Cat, or Animal on roadway or highway	Sch. A, Section 4.6.1(a)	\$100
13	Failure to remove and dispose of excrement left by Dog, Cat or Animal in public park	Sch. A. Section 4.6.1(b)	\$100
14	Failure to remove and dispose of excrement left by Dog, Cat or Animal on Public Property.	Sch. A. Section 4.6.1(c)	\$100
15	Failure to remove and dispose of excrement left by Dog, Cat or Animal, Private Property other than Owner's Premises.	Sch. A. Section 4.6.1(d)	\$100
16	Failure to remove and dispose of excrement left by Dog, Cat or other Animal, Owner's Premises.	Sch. A. Section 4.6.2	\$100
17	Allow Dog, Cat, Animal, or Prescribed Bird to make noise.	Sch. A, Section 4.7.1	\$100
18	Bring Dog, Cat Animal into Animal Prohibited Area.	Sch. A. Section 4.8.1	\$100
19	Harbor a nuisance Dog, Cat, or Animal.	Sch. A, Section 4.9.1	\$150
20	Allow Dog, or Cat to attack or bite.	Sch. A, Section 5.1.1	\$500
21	Fail to muzzle a Vicious Dog, Owners' Premises.	Sch. A, Section 5.1.5.(a)	\$250

22	Fail to ensure that a Vicious Dog is securely leashed Owners Premises.	Sch. A, Section 5.1.5.(b)	\$250
23	Fail to ensure that a Vicious Dog is confined within a secured structure in a good state of repair.	Sch. A, Section 5.1.5.(c)	\$250
24	Fail to post a warning sign in a conspicuous location.	Sch. A, Section 5.1.5.(d)	\$250
25	Fail to ensure that a Vicious Dog is securely leashed.	Sch. A, Section 5.1.6.(a)	\$250
26	Fail to muzzle a Vicious Dog not on Owner's Premise	Sch. A, Section 5.1.6.(b)	\$250
27	Fail to report change of Ownership or location of a Vicious Dog.	Sch. A, Section 5.1.7	\$200
28	Fail to perform trapping in a humane manner.	Sch. A, Section 6.4.1 (a)	\$200
29	Set prohibited size trap.	Sch. A, Section 6.4.2 (a)	\$50
30	Set prohibited lethal trap.	Sch. A, Section 6.4.2 (b)	\$200
31	Owner possesses more than the allowable number of household birds.	Sch. A, Section 7.1	\$100
32	Owner possesses more than the allowable number of Hens.	Sch. A, Section 7.2.1	\$100
33	Owner fails to confine Hens in Coop between 9:00 pm and 6:00 am.	Sch. A, Section 7.2.1 (a)	\$100
34	Owner fails to maintain Hen Coop.	Sch. A, Section 7.4.1	\$100
35	Owner fails to maintain Hen Run.	Sch. A, Section 7.5.1	\$100
36	Allow Hen to make Noise.	Sch. A, Section 7.7.2	\$100
37	Allow Hen to be At Large.	Sch. A, Section 7.7.3	\$100
38	Person Keep a rooster.	Sch. A, Section 7.7.4	\$100
39	Keep Animal other than Dog, Cat, Prescribed Bird or prescribed Animal	Sch. A, Section 8.1.1	\$500
40	Owner possesses more than the allowable number of rabbits.	Sch. A. Section 8.2	\$100
41	Owner possesses more than the allowable number of non-venomous snakes and/or non-venomous lizards	Sch. A. Section 8.4.1	\$100
42	Display snake in a public place.	Sch. A. Section 8.4.2	\$100
43	Operate Kennel while suspended.	Sch. A. Section 9.10	\$400
44	Interfere with agent.	Sch. A. Section 10.1	\$300
45	Interfere with equipment.	Sch. A. Section 10.2	\$200
46	Fail to produce documents to agent.	Sch. A. Section 10.3	\$100
47	Furnish false information to agent.	Sch. A. Section 10.4	\$100

Note: The general penalty provision for the offences above is Section 12.1 of By-law No. 2023-122, a certified copy of which has been filed.

The Corporation of The City of Temiskaming Shores
Appendix "2" Animal Prohibited Area

	Name	Address or Location
1	New Liskeard Public School	141 Dymond Avenue
2	Temiskaming District Secondary School	90 Niven Street North
3	Ecole Catholique St- Michel	998075 Highway 11 North
4	Ecole Catholique Ste-Croix	304 Rorke Avenue
5	École Secondaire Catholique Ste-Marie	340 Hessle Street
6	Ecole publique des Navigateurs	39 Hessle Avenue
7	English Catholic Central School	245 Shepherdson Road
8	Haileybury Beach	East of the STATO trail and within the confines of the breakwall. This includes all sand, grass, structures, and docks within this boundary. West of the building, includes all sand, grass, the wading pool and playground. The wooden deck is excluded from this ban.
9	New Liskeard Beach	Between the posted signage located adjacent to the culvert at the southwest end of the Pool Fitness Centre and the walkway east of the Pool Fitness Centre.
10	Algonquin Memorial Beach Park	Inside the marked playing surface of the soccer fields, baseball diamonds, skatepark, and horseshoe pits.
11	Rotary Farr Park	Inside the marked playing surface of the soccer fields, baseball diamonds, and shuffleboard court.
12	Mount Pleasant Cemetery	Morissette Drive and Meridian Avenue
13	Farr Historic Cemetery	Cobalt Street
14	Valleyview Cemetery	177150 Shepherdson Road
15	Pioneer Cemetery	High Street and Whitewood Avenue
16	Haileybury Catholic Cemetery	Meridian Avenue
17	North Cobalt Catholic Cemetery	Groom Drive
18	Moore's Cove Catholic Cemetery	Lakeshore Rd South
19	New Liskeard Catholic Cemetery	Dawson Point Road and Peters Road
20	Cobalt Veterans Cemetery	Morissette Drive
21	Silverland Cemetery	Hwy 11B between Haileybury and Cobalt
22	Temiskaming Shores Rotary Splash Pad	New Liskeard Waterfront next to the Spurline Building on Fleming Drive

The Corporation of The City of Temiskaming Shores
Appendix "3" Dog Off-Leash Areas

	Name	Address
1.	Laroque's Field	Cobalt Street
2.	Murray Daniels Field	Lakeview Avenue

The Corporation of The City of Temiskaming Shores
Appendix "4" Kennel License Application

Please complete the following information as thoroughly as possible such that a proper evaluation can be conducted. The completed application and related documentation should be mailed or returned to the above noted address. Use additional paper if needed.

<i>For Office use only</i>	
File No.:	BA-20 _____ - _____
Roll No.:	54 - 18 -
Address:	

Name of Applicant: _____

Mailing Address: _____

Phone No.: _____ **Email:** _____

PROPERTY DESCRIPTION: Are You the Owner? Yes No

Street Address: _____

Lot Frontage: _____ **Lot Depth:** _____

PROPOSED KENNEL INFORMATION

Please indicate which of the following best describes municipal services required in your operation.

Class 1 Limited services required (i.e., washroom for public use).
 Class 2 Services required (i.e., sinks for washing, cleaning, etc.).

Indicate number of employees in relation to the proposed Kennel business: _____

Number of commercial vehicles: _____ **Describe:** _____

How many off-street parking spaces are available? (10ft x 20 ft/space): _____

Will you be using signage? No Yes

If YES, attach a separate sheet indicating the dimensions, wording, height, in relation to the ground, and location on the site plan.

Will both sides of the sign be used? No Yes

Give a brief description of the proposed Kennel: _____

Proposed hours of operation (indicate "Closed" if not open on certain days): _____

Day	Hours	Day	Hours
Monday		Friday	
Tuesday		Saturday	
Wednesday		Sunday	
Thursday		Holidays	

The addition of a Kennel under the Building Code is considered a change of use and therefore requires the issuance of a building permit.

Has the Building Department been consulted on this matter? No Yes

CHECKLIST: The Following Documents must accompany this application:

Property Site Plan showing lot lines, location and dimensions of all structures, parking spaces, entrances, proposed sign location and fence enclosures.

Interior Floor Plan indicating dimensions and location of all rooms associated with the proposed Kennel License, including storage areas, cages or floor drains, ventilation, heating system, water access.

Declaration of Applicant

I _____ certify that:
(Print Name)

1. The information contained in this application, the attached schedules, plans, specifications, and other documentation is true to the best of my knowledge.
2. I have authority to bind the corporation or partnership (if applicable).

Date _____ Signature of Applicant _____

Declaration of Owner

I _____ certify that:
(Print Name)

1. I am the legal Owner of the property described on this application, and
2. I have authority to bind the corporation or partnership (if applicable), and
3. I hereby authorize _____ to act as my agent with respect to this application for a Kennel License.

(Print Name)

Date _____ Signature of Applicant _____