



The Corporation of the City of Temiskaming Shores

**Office Consolidated**  
**Regulate the keeping of animals and the**  
**registration of dogs and cats**

**By-law No. 2013-051**

**Being a By-law to regulate the keeping of animals and the registration of dogs  
and cats within the City of Temiskaming Shores**

**By-laws amending original Municipal By-law No. 2013-051:**

**By-law No. 2021-120**

**October 5, 2021**

**Note:**

**This office consolidation has been prepared to assist the reader in understanding  
the amendments to By-law No. 2013-051.**

## **The Corporation of the City of Temiskaming Shores**

### **By-law No. 2013 – 051**

#### **Being a By-law to regulate the keeping 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;

**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 keeping of animals and the registration of dogs and cats within the City identified as Schedule "A", attached hereto and forming part of this by-law;
2. That By-law No. 2005-053 and any amendments thereto be hereby repealed.
3. That By-law No. 1249 of the former Township of Dymond being a Licensing By-law for the keeping of dogs in kennels and any amendments thereto be hereby repealed.
4. 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.
5. 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 16<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Read a **Third** time and **finally passed** this 3<sup>rd</sup> day of December, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



## **Animal Control By-law**

Schedule "A" to

### **By-law No. 2013-051**

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

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## Section 1 – General Provisions

### 1.1 Short Title

This By-law shall be cited as the *Animal 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 *Animal Control Officer*, *By-law Enforcement Officer* or *Police Officer*.

### 1.4 Conflicts with other By-law

Where a provision of this By-law conflicts with a provision of another by-law in force in the *City*, 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.

## 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 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 Control By-Law;
- 2.3 **Animal for Research Act** means the Animal for Research Act, R.S.O. 1990, c. A.22 as amended;
- 2.4 **Animal Prohibited Area** means areas designated by *Council* in which *dogs*, *cats* and *animals* are not permitted;

- 2.5 At Large** means a *dog, cat or animal* being in a place other than a property *owned* or occupied by its *owner* and not under the *effective control* of a *responsible person* acting on behalf of the *owner* and, in the case of a *hen* means being outside a *coop* or *hen run*;
- 2.6 Building Code Act** means the Building Code Act, S.O. 1992, C25;
- 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 Off Leash Area** means a specific confined area designated by *Council*, from time to time, where a *dog owner* is not required to *leash* such *dog*;
- 2.16 Dog Owners Liability Act** means the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 as amended;
- 2.17 Dog Tag** means a *dog* tag issued pursuant to this By-law;
- 2.18 Dwelling Unit** means a *suite* operated as a housekeeping 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;
- 2.19 Effective Control** means to be in the care and custody of a *Responsible Person*;
- 2.20 Feed(s) / Feeding** means the 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 or animal*;

- 2.21 Fire Chief** means the head of the Temiskaming Shores Fire Department as designated by *Council*;
- 2.22 Harbour** means living with, having care and control of, feeding, leaving food in a manner that is likely to attract a *dog, cat or animal* to a property, and shall also specifically include a situation in which any *person* provides food to any *dog, cat or animal* whether domesticated or feral;
- 2.23 Hen** means a domesticated female chicken that is at least sixteen weeks old;
- 2.24 Hen Run** means a covered secure enclosure that allows hens' access to outdoors;
- 2.25 Herding Dog** means a dog that has been trained and is actively being used in a bona fide farming operation for the purposed of controlling livestock on the farm;
- 2.26 Keeps / Keeping** means to own, keep, harbour, maintain or feed a *cat, dog, or animal*;
- 2.27 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, harbouring more than the maximum allowable number of *dogs, cats or animals*;
- 2.28 Kennel License** means a permit granted by *Council* to operate a *kennel*;
- 2.29 Leash** means a restraining device, by which a *dog, cat* or other *animal* is held in check;
- 2.30 Leashed** shall mean restrained by a *leash* securely attached to the *dog or cat* and a *person* or object;
- 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 Livestock, Poultry and Honey Bee Protection Act** means the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, c. L 24 as amended;
- 2.33 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;

- 2.34 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;
- 2.35 Medical Officer of Health** means the Medical Officer of Health for the Temiskaming District;
- 2.36 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;
- 2.37 Municipality** means the land within the geographic limit of the *City*;
- 2.38 Muzzle** means a humane fastening or covering device over the mouth of a *dog* and of sufficient strength to prevent the *dog* from biting;
- 2.39 Noise(s)** means unwanted sound;
- 2.40 Owner** when used in relation to a *dog* or *cat*, or *animal*, includes a *person* who possesses or harbours the *dog* or *cat*, or *animal* where the *owner* is a minor, the *person* responsible for the custody of the minor and "owns" has a corresponding meaning;
- 2.41 Paramedic** means a *person* employed by the District of Temiskaming Social Services Administration Board to provide emergency medical services;
- 2.42 Person** means an individual, firm or corporation;
- 2.43 Police Dog** means a *dog* trained to aid law enforcement officers and used by such officers in the execution of their duties;
- 2.44 Police Officer** means a member of the Ontario Provincial Police Service;
- 2.45 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*;
- 2.46 Pound Act** means the Pound Act, R.S.O. 1990, c. P.17 as amended;
- 2.47 Private Property** means property which is privately owned and is not *City* property;
- 2.48 Premises** means the entire lot on which a single *dwelling unit* building or a multi-dwelling unit building is situated;

- 2.49 Prescribed Bird** means a bird permitted in Section 7 of Schedule "A";
- 2.50 Provincial Offences Act** means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended;
- 2.51 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;
- 2.52 Registrar** means the *Animal Control Officer* for the City, pursuant to this By-Law;
- 2.53 Reasonable Amount of Time** means no less than minimum detention period seventy-two (72) hours as proscribed by Legislation or Regulations;
- 2.54 Responsible Person** means a *person* having the strength and capacity to securely *control a dog* so as not to permit or allow unwanted contact with another *person, dog, cat* or *animal*;
- 2.55 Run/Running at Large** means to be found in any place other than the *premises* of the *owner* of the *dog* or *cat* and not under the control of a *person* in such a manner as to prevent escape;
- 2.56 Senior Citizen** means a person that has reached an age of sixty-five (65) years or older at the time application;
- 2.57 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;
- 2.58 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;
- 2.59 Tag** in reference to a *dog* means a *dog tag*, and in reference to a *cat* means a cat tag;
- 2.60 Tattoo** means a permanent ink marking for identification purposes;
- 2.61 Veterinarian** means a person registered or licensed under the Veterinarian Act;
- 2.62 Veterinarian Act** means the Veterinarian Act, R.S.O. 1990, c. V.3, as amended;

- 2.63 Vicious Cat** means a *cat* that has attacked or bitten a *person, dog, cat* or *animal* as determined by the *Animal Control Officer* in accordance with Section 5.1 herein;
- 2.64 Vicious Dog** means a *dog* that has attacked or bitten a *person, dog, cat* or *animal* as determined by the *Animal Control Officer* in accordance with Section 5.1 herein;
- 2.65 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*.

### Section 3 – Registration of Cats and Dogs

#### 3.1 Registrar

##### 3.1.1.

The *Registrar* is responsible for the issuance of *tags* and may, from time to time appoint in writing agents for the issuance of *tags* as he or she may consider necessary. The *Registrar* may revoke any such appointment in writing for such reason as the *Registrar* in his or her sole discretion may 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 the *Registrar* on or before January 1<sup>st</sup> in each year that he or she is the *owner* of that *dog* or *cat*.

##### 3.2.2.

Every *person* who becomes the *owner* of a *dog* or *cat* after January 1<sup>st</sup> in any year; shall register the *dog* or *cat* with the *Registrar* within 7 days of becoming the *owner* of the *dog* or *cat* and on or before January 1<sup>st</sup> in each year thereafter.

##### 3.2.3.

Notwithstanding Sections 3.2.1 and 3.2.2, no *person* need 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 "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; and
- c) December 31<sup>st</sup> of the year in which it was issued.

## **3.3 Registration Process**

### **3.3.1.**

Every *person* who applies to the *Registrar* to register a *dog* or *cat*, shall:

- 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*;
- 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) proof of spay or neuter; and
- h) pay the required registration fee as determined by Appendix "1" of Schedule "A."

### **3.3.2.**

At the *registrar's* discretion a partial or complete refund of the registration fee may be issued if the *registrar* is satisfied that the refund is being requested for a legitimate reason.

## **3.4 Issuance of Dog Tag**

### **3.4.1.**

Upon the applicant providing all information and documentation required by the *Registrar*, and paying the appropriate registration fee, the *Registrar* shall register the *dog* or *cat* and shall issue to the applicant a *dog tag* or a *cat tag* as the case may be, which bears a unique serial number, shows the year of issue and such other information as may be determined by the *Registrar*.

### **3.4.2.**

Every *owner* of a registered *dog* or *cat* shall advise the *Registrar* in writing 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.**

The *Registrar* shall have the right to cancel the registration of a *dog* or *cat* in the event that 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.

### **3.4.4.**

Every *tag* issued by the *Registrar* remains the property of the *City* and in the event the registration of a *dog* or *cat* is cancelled by the *registrar*, the *tag* shall be surrendered to the *Registrar*.

## **3.5 Replacement Tags**

### **3.5.1.**

The *Registrar* 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 the *Registrar* that the *tag* was lost or damaged; and
- c) payment of the prescribed replacement *tag* fee.

## **3.6 Registrar's Records**

### **3.6.1.**

The *Registrar* shall maintain records of all *dog tags*, *cat tags* and replacement *tags* issued by the *Registrar* 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*;
- 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 the *Registrar* in his or her sole discretion determines to be necessary.

## **Section 4 – Regulation – Dog, Cat and Animal**

### **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 *tag* securely fixed on the *dog* or *cat* for which the *tag* was issued, at all times during the year of issue.

#### **4.1.2.**

Notwithstanding Section 4.1.1, an *owner* need not keep the *tag* on his or her *dog* or *cat*:

- a) while the *dog* or *cat* is within the *dwelling unit* of its *owner*;
- b) in the case of a *dog*, while the *dog* is being lawfully used for hunting in the bush, and the *tag* is produced upon request of an *Animal 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 practices, 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**

No *person* shall *keep* or permit in or about any *dwelling unit* or *premises* more than:

- a) five (5) *dogs*; and
- b) five (5) *cats*.

#### **4.2.2**

Notwithstanding Section 4.2.1, a *person* may temporarily *keep* or permit in or about a *dwelling unit* or *premises* for a continuous period not exceeding seventy-two (72) hours:

- a) a maximum of eight (8) *dogs*; or
- b) a maximum of eight (8) *cats*; or
- c) a total combined number of twelve (12) *dogs* and *cats*.

#### **4.2.3**

Notwithstanding Section 4.2.1 this requirement shall not apply to *owners* of *Livestock Guardian Dogs* and *Herding Dogs* while such dogs are kept in an area which is zoned "agricultural" pursuant to the *Zoning By-Law* and said *dogs* are kept for agricultural uses in accordance with their defined function.

### **4.3 At Large**

#### **4.3.1**

No *owner* of a *dog* or *cat* shall cause, allow or permit a *dog* or *cat* he or she *owns* 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**

No *owner* shall permit a *dog* or *cat* to be *at large* that is not under the *effective control* of a *responsible person*.

#### **4.3.4**

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*.

#### **4.3.5**

Notwithstanding Section 4.3.4 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 "4" to Schedule "A".

#### **4.3.6**

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 on property owned or leased by the *owner*.

#### **4.3.7**

No *owner* shall allow his or her *dog(s)* to enter a *Dog Off-Leash Area* if the *dog(s)* is not wearing a valid *Dog Tag*.

### **4.4 Owner not to permit Trespass**

#### **4.4.1**

No *owner* shall allow or permit his or her *dog* or *cat* to trespass on *private property* whether on a *leash* or not.

### **4.5 Required to Stoop and Scoop**

**4.5.1** 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.

**4.5.2** Every owner of a dog, cat or other animal shall remove forthwith from his or her 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.

**4.5.3** Notwithstanding Section 4.5.1 this requirement shall not apply to a Service Animal.

#### **4.6 Owner Not to Permit Noise**

##### **4.6.1**

No *person* or *owner* shall permit any *noise* made by any *dog*, *cat*, *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*, *bird* or other *animal* is located.

##### **4.6.2**

Notwithstanding Sec 4.6.1 *Livestock Guardian Dogs* and *Herding Dogs* shall be exempt from the foregoing provision while actively engaged in guarding livestock against predators.

#### **4.7 Animal Prohibited Area**

##### **4.7.1**

No *person* may bring any *dog*, *cat* or *animal* into an Animal Prohibited Area as listed in Appendix "3" to Schedule "A".

##### **4.7.2**

Notwithstanding Section 4.7.1 this requirement shall not apply to a *Service Animal*.

#### **4.8 No Person to Harbour**

##### **4.8.1**

No *person* shall *keep* or *harbour* any *dog*, *cat*, or *animal* in a manner that adversely impacts neighbouring 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.

##### **4.8.2**

No *person* shall *keep* or *harbour* any *dog*, *cat*, or *animal* in a manner that adversely impacts the health or well-being of the *dog*, *cat* or *animal*. Circumstances that may adversely impact the wellbeing of a dog, cat or animal include, but are not limited to:

- a) unsanitary conditions;
- b) neglect;
- c) overcrowding;
- d) inadequate feeding;

- e) inadequate medical attention.

## **Section 5 – Vicious**

### **5.1 No Owner Shall Permit Attack**

#### **5.1.1**

No *owner* shall permit his or her *dog, cat* or *animal* to attack or to bite a *person, dog, cat, or animal*.

#### **5.1.2**

Where the *Animal Control Officer* is informed upon receipt of complaint, and 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 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 5.1.4 and 5.1.5.

#### **5.1.3**

Service of notice that a *dog, cat* or *animal* has been deemed a *vicious dog, cat* or *animal* may be effected 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*. Service may be effected 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*. Service of the notice shall be effective upon the date that personal service is effected 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.

#### **5.1.4**

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; or

- 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 so as to be visible from the road.

### 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 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*.

### 5.1.6

Every *owner* of a *vicious dog, cat* or *animal* shall notify the *Registrar* within two (2) working days of any change in ownership or residence of the *vicious dog, cat* or *animal* provide the *Registrar* with the new address and telephone number of the *owner*.

### 5.1.7

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*.

### 5.1.8

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.

## Section 6 – Seize and Impound

### 6.1 Animal Control Officer may Seize

#### 6.1.1

The *Animal Control Officer* may seize and impound any *dog, cat, or animal* found *at large*.

### **6.1.2**

An *Animal Control Officer* may enter on any *private property* 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 he or she is in active pursuit of a *dog, cat, or animal*.

### **6.1.3**

In no instance shall an *Animal Control Officer* enter into any *dwelling unit* or other building situated on *private property* without a Search Warrant authorizing such entry.

### **6.1.4**

Any *dog, cat or animal* seized by an *Animal Control Officer* under this By-law shall be impounded for 3 days from the time of its impoundment, exclusive of the day on which the *dog, cat or animal* was impounded, and days on which the *pound* facility is closed.

### **6.1.5**

Any *dog, cat or animal at large* contrary to the provisions of this By-law which in the opinion of the *Animal 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 Control Officer*, may be killed by the *Animal Control Officer* or other duly appointed officer. The *owner* of the *dog, cat, or animal* shall not be entitled to damages or compensation on account of its killing.

### **6.1.6**

Notwithstanding Section 6.1.4. where in the opinion of the *Animal Control Officer*, a *dog, cat or animal* seized under Section 6.1.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons, *dogs, cats or animals*, the *Animal Control Officer* may kill the *dog, cat or animal* in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the *dog, cat or animal* without offering it for sale and no *person* shall be entitled to recover damages or compensation on account of its killing.

### **6.1.7**

Any *person* may capture 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 Control Officer* who may impound the *dog, cat or animal*.

### 6.1.8

During the impound period referred to in Section 6.1.4, the *owner* of the *dog*, *cat*, or *animal* shall be entitled to redeem the *dog*, *cat* or *animal* upon:

- a) payment of the impound fees and the board fees in the amount as set out in Appendix "1" of Schedule "A" attached to and forming part of this By-law;
- b) payment of any *veterinarian* fees incurred for the well-being of the *dog*, *cat*, or *animal*;
- c) 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 Appendix "1" of Schedule "A".

### 6.1.9

If the *dog*, *cat* or *animal* is not redeemed within the time frame specified in subsection 6.1.4, the *Animal Control Officer* may dispose of the *dog*, *cat* or *animal* as he or she sees fit without liability to any *person* for the disposition of the *dog*, *cat*, or *animal* or the manner thereof.

## 6.2 Protective Care

### 6.2.1

The *Animal 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 Control Officer* deems appropriate and to keep such *dog(s)* or *cat(s)* or *animal(s)* for a maximum of five (5) 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 Appendix "1" of Schedule "A" attached to and forming part of this By-law, within five (5) days, then on the sixth 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 6.1.4 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 Appendix "1" of Schedule "A" attached to and forming part of this 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 Control Officer*.

### **6.3.2**

Notwithstanding Section 6.3.1, in appropriate humanitarian circumstances, as determined by the *Animal Control Officer*, the *Animal Control Officer*, may, in his or her discretion, waive all or part of the impound fees, board fees, and *veterinarian* fees, or provide for delayed or installment payments of same.

## **6.4 Trap Regulations**

### **6.4.1**

Any dog, cat or animal seized in accordance with Sec 6.1.7 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 shall 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 or is otherwise authorized by law to trap the animal, and the trapping is conducted in accordance with any applicable legislation.

## **Section 7 – Regulations – Prescribed birds**

### **7.1 Trap Regulations**

#### **7.1.1**

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 Pigeon Keepers**

### **7.2.1**

A *person* may keep not more than 10 pigeons in a *dwelling unit* or on a *premises* within the *City* provided such *person* ensures that the pigeons are confined in a pigeon loft; and pigeons are not permitted to escape from or leave the pigeon loft at any time.

## **7.3 Pigeon Loft Construction Requirements**

### **7.3.1**

Any building which is erected, used or maintained as a pigeon loft for the housing of pigeons must:

- a) have interior walls which are smoothly finished and painted;
- b) be constructed in such a way as to be rodent proof; with a floor at least one half metre (0.5) above ground level;
- c) be constructed in such a manner as to prevent the escape of the pigeons

## **7.4 Pigeon Loft Maintenance Requirements**

### **7.4.1**

Any building which is erected, used or maintained as a pigeon loft for the housing of pigeons must be maintained as follows:

- a) the inside walls shall be washed, cleaned or calcimined on the inside at least every six months;
- b) the floor of shall be properly washed each week with water and soap and detergent whether the floor is constructed of wood or concrete;
- c) all refuse and waste matter shall be disposed of daily in a proper and sanitary manner and no such refuse or waste matter shall be burned or stored.

## **7.5 Compliance with Zoning Regulations**

### **7.5.1**

Any building which is erected, used or maintained as a pigeon loft for the housing of pigeons must not be:

- a) located in any front, side or flank yard as described in the *Zoning By-Law*;
- b) located at a distance of less than 12 metres from any store, shop, *dwelling unit* or apartment building not occupied by the *owner*;

- c) located at a distance of less than 1.2 metres from the *Lot Line*.

## **7.6 Tippler / Homing / Racing Pigeons**

### **7.6.1**

Notwithstanding Section 7.2.1, any *person* who is a member of an organized and generally recognized pigeon club, shall be permitted to *keep* any number of tippler, homing or racing pigeons provided the *person* ensures:

- a) he or she complies with the provisions of Section 7.3, 7.4 and 7.5 inclusive;
- b) the tippler, homing or racing pigeons are given liberty for not more than one hour in each forenoon and one hour in each afternoon;
- c) the tippler, homing or racing pigeons are banded with an identifying leg band issued by the organized and generally recognized pigeon club to which the *person* belongs.

## **7.7 Hens**

### **7.7.1**

No *person* shall *keep* more than 3 *hens* on a *premises* zoned 'residential' within the *City* and such *person* ensures that:

- a) 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 am;
- b) the *owner* of the *hens* resides on the property where the *hens* are kept;
- c) each *hen* is provided with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the *hen* in good health.

## **7.8 Hen Coop Construction Requirements**

### **7.8.1**

Any *hen coop* which is erected, used or maintained for the housing of *hens* must:

- a) have interior walls which are smoothly finished and painted;
- b) be constructed in such a way as to be rodent proof; and have a floor which is at least one half meter (0.5 m) above ground level;
- c) be constructed in such a manner as to prevent the escape of the *hens*;
- d) provide each *hen* with at least 0.37 m<sup>2</sup> of coop floor area;
- e) be equipped with at least one perch of not less than 15 cm in length and one nest box for each *hen*.

## **7.9 Hen Coop Maintenance Requirements**

### **7.9.1**

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) the inside walls shall be washed, cleaned or calcimined on the inside at least every six months;
- b) the floor shall be properly washed each week with water and soap and detergent whether the floor is constructed of wood or concrete;
- c) In a clean condition and free of noxious odours, substances and vermin;
- d) all refuse and waste matter from the *hen coop* must be disposed of daily in a proper and sanitary manner and no such refuse or waste matter shall be burned or stored.

## **7.10 Hen Run Requirements**

### **7.10.1**

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 m<sup>2</sup> per hen;
- d) provided with a floor of any combination of vegetated or bare earth.

## **7.11 Compliance with Zoning Requirements**

### **7.11.1**

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 at a distance of less than 12 metres from any store, shop, *dwelling unit* or apartment building not occupied by the *owner*;
- c) at a distance of less than 15 metres from any school, church or business;
- d) located at a distance of less than 1.2 metres from the *Lot Line*.

## **7.12 General Prohibitions**

### **7.12.1**

Home slaughter of *hens* is prohibited and any deceased *hens* shall be disposed of at a livestock disposal facility or through the services of a *veterinarian* or *Animal Control Officer*.

### **7.12.2**

No *owner* shall cause or permit his or her *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.

### **7.12.3**

No *owner* shall cause or permit his or her *hen* to be *at large*.

### **7.12.4**

No *person* shall *keep* a rooster.

## **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**

#### **8.2.1**

Notwithstanding Section 8.1, a person may *keep* not more than six (6) rabbits over the age of 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 such that the ground floor of the rabbit hutch is not less than 0.5 metres above ground level;
  - ii. constructed in such a way as to prevent escape by the rabbit;
  - iii. not located in any front or flank yard as described in the *Zoning By-Law*;

- iv. located at a distance not less than 12 metres from any *dwelling unit*, shop or store not occupied by the *person keeping* the rabbits; and 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 daily in a proper and sanitary manner and no such refuse or waste matter is burned or stored; and
- c) all food for the rabbits is maintained in a rodent proof container.

### **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**

#### **8.5.1**

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*.

## **Section 9 - Kennels**

### **9.1 Kennels**

#### **9.1.1**

The *owner* of a *kennel* shall pay annually to the *City*, or its authorized agent, on or before the 1<sup>st</sup> day of January in each year, a license fee for his or her *kennel* in accordance with Appendix "1" of Schedule "A", as amended, and shall receive a *kennel license* for the current year.

### **9.2 Kennels Exempt from *Tag* Requirements**

#### **9.2.1**

Subject to Section 9.4, where the owner of a *kennel* has complied with subsection 9.1, he or she is not required to cause each *dog*, or *cat* kept at his or her *kennel* to be *registered* with and licensed by the *City*.

### **9.3 Requirement to Register Owner's Pets**

#### **9.3.1**

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**

### **9.4.1**

No *person* shall operate a *kennel* without a *kennel license*.

## **9.5 Compliance with Zoning Regulations**

### **9.5.1**

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 of the requirements of that *Zoning By-law*.

## **9.6 Number of Animals Kept**

### **9.6.1**

No person shall keep six (6) or more *dogs* over twelve (12) weeks of age at any one location unless a *kennel license* or 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*.

## **9.8 Fence Requirements**

### **9.8.1**

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 Control Officer*, or by such other person or agency as may be designated by *Council*, to ensure that the foregoing provisions of Section 8 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 Appendix "1" of Schedule "A".

### **9.9.2**

Where such inspection reveals that the foregoing provisions of Section 8 are not being adhered to by the *kennel owner*, the *Animal 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 8. Fees for any further inspections within the year the *kennel license* was purchased are included in Appendix "1" to Schedule "A".

### **9.9.4**

An inspection of a *kennel* may be carried out more frequently than once each year where 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**

**9.10.1**

No *person* shall operate a *kennel* while his or her *kennel license* is under suspension.

**9.11 Authorized Issuer**

**9.11.1**

*Kennel licenses* may be issued by the *Registrar* upon receipt of an approved kennel inspection report submitted by the *Animal Control Officer* or other agency or *person* as designated by Council *and approved by the City and other agencies* within sixty (60) days from application.

**Section 10 – Interfere**

**10.1 Interfere**

**10.1.1**

No person shall interfere with, hinder or molest 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.

**10.1.2**

No person shall tamper, remove or interfere with traps or equipment.

**10.1.3**

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.

**10.1.4**

No person shall knowingly furnish false information to an agent.

## **Section 11 - Exemptions**

### **11.1 *Police Dog Exempt***

#### **11.1.1**

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

### **11.2 *Hens in Agricultural Zones Exempt***

#### **11.2.1**

No part of this bylaw shall apply to *owners* of *hens* kept in an area which is zoned "agricultural" pursuant to the *Zoning By-Law* and said *hens* are kept for agricultural uses in accordance with their defined function.

## **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 "2" 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.

## **Section 13 – Validity**

### **13.1 Validity of By-law**

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" of Schedule "A"**  
**To Animal Control By-Law No. 2013-051**

<b>Impoundment or Detained</b>	<b>Fee</b>
Impoundment Fee	\$ 30.00
Daily Boarding Fee	\$ 15.00
Quarantined Animal Daily Boarding Fee	\$30.00
Humane Services/Adoption Fee	\$ 50.00
Euthanized Services Fee	\$ 70.00
Disposal of Non-Impounded Animal Fee up to 40lbs	\$ 30.00
Disposal of Non-Impounded Animal Fee above 40lbs to a maximum of 110lbs	\$75.00
Disposal of Non-Impounded Animal Fee above 110lbs	\$100.00
<b>Tags and Licenses – Section 3</b>	
Register Dog or Cat under Section 3.3.1 (d)	
a) Register a <i>Service Animal</i>	Nil
b) Register a <i>Livestock Guardian Dog</i> or a <i>Herding Dog</i>	Nil
Register Dog or Cat under Section 3.3.1 (e)	
c) Before Feb 1 <sup>st</sup>	
i. Register a spayed or neutered dog or cat	\$10
ii. Register an unfixed dog or cat	\$20
iii. Senior citizen registration fee	50% of i. or ii.
d) Feb 1 <sup>st</sup> to December 31 <sup>st</sup>	
iv. Register a spayed or neutered dog or cat	\$20
v. Register a dog or cat	\$30
vi. Senior citizen registration fee	50% of iv. or v.
e) Purchase a Replacement Tag	\$5
Register Dog Cat under Section 6.1.8 c)	Double the prescribed fee
<b>Kennel fees</b>	
Kennel License Fee under Section 8.1.1	\$200
Kennel Inspection Fee under Section 8.9.3	\$50

**The Corporation of The City of Temiskaming Shores**

**Appendix "2" of Schedule "A"  
To Animal Control By-law No. 2013-051**

**Part 1 Provincial Offences Act  
Set Fines**

<b>Item</b>	<b>Column 1 Short form wording</b>	<b>Column 2 Offence creating provision or Defining offence</b>	<b>Column 3 Set fine</b>
1	Fail to register <i>dog</i> or <i>cat</i> .	Sch. A, Section 3.2.1	\$100
2	Failure to keep <i>tag</i> securely fixed on <i>dog</i> or <i>cat</i> .	Sch. A, Section 4.1.1	\$40
3	Attaching a <i>tag</i> to a <i>dog</i> or <i>cat</i> other than the <i>dog</i> or <i>cat</i> for which it was issued.	Sch. A, Section 4.1.4	\$50
4	<i>Owner</i> possess more than the allowable number of <i>dogs</i> .	Sch. A. Section 4.2.1(a)	\$100
5	<i>Owner</i> possess more than the allowable number of <i>cats</i> .	Sch. A. Section 4.2.1(b)	\$100
6	<i>Owner</i> possess for longer than 72 hours more than the allowable number of <i>dogs</i> and <i>cats</i> .	Sch. A. Section 4.2.2(c)	\$100
7	Allow a <i>dog</i> or <i>cat</i> to be <i>at large</i> .	Sch. A, Section 4.3.1	\$100
8	Allow a <i>dog</i> or <i>cat</i> to be <i>at large</i> on <i>private property</i> .	Sch. A, Section 4.3.2	\$100
9	Failure to ensure that a <i>dog</i> or <i>cat</i> is on a <i>leash</i> .	Sch. A, Section 4.3.4.(a)	\$50
10	Failure to ensure that a <i>dog</i> or <i>cat</i> is on a <i>leash</i> of not more than 2 meters in length.	Sch. A, Section 4.3.4(b)	\$25
11	Failure to ensure that a <i>dog</i> or <i>cat</i> is on a <i>leash</i> held by a <i>responsible person</i> .	Sch. A, Section 4.3.4(c)	\$50
12	Allow a <i>Dog</i> in a <i>Dog Off-Leash Area</i> without a <i>Dog Tag</i> .	Sch. A, Section 4.3.7	\$75
13	Allow a <i>dog</i> or <i>cat</i> to trespass.	Sch. A, Section 4.4.1	\$50
14	Failure to remove and dispose of excrement left by <i>dog</i> , <i>cat</i> or animal on roadway or highway.	Sch. A, Section 4.5.1(a)	\$50
15	Failure to remove and dispose of excrement left by <i>dog</i> , <i>cat</i> or <i>animal</i> in public park.	Sch. A, Section 4.5.1(b)	\$50
16	Failure to remove and dispose of excrement left by <i>dog</i> , <i>cat</i> or <i>animal</i> on public property.	Sch. A, Section 4.5.1 (c)	\$50
17	Failure to remove and dispose of excrement left by <i>dog</i> , <i>cat</i> or <i>animal</i> private property other than <i>owner's premises</i> .	Sch. A, Section 4.5.1(d)	\$50

18	Failure to remove and dispose of excrement left by <i>dog, cat</i> or other <i>animal owner's</i> premises.	Sch. A, Section 4.5.2	\$50
19	Allow <i>dog, cat</i> or <i>animal</i> to make <i>noise</i> .	Sch. A, Section 4.6.1	\$100
20	<i>Bring dog, cat animal</i> into <i>Animal Prohibited Area</i> .	Sch. A, Section 4.7.1	\$250
21	Harbour a nuisance <i>dog, cat, or animal</i> .	Sch. A, Section 4.8.1	\$100
22	<i>Harbour a dog, cat or animal</i> in adverse conditions.	Sch. A, Section 4.8.2	\$200
23	Allow <i>dog, or cat</i> to attack or bite.	Sch. A, Section 5.1.1	\$500
24	Fail to muzzle a vicious <i>dog owners premises</i> .	Sch. A, Section 5.1.4.(a)	\$100
25	Fail to ensure that a <i>vicious dog</i> is securely leashed <i>owners premises</i> .	Sch. A, Section 5.1.4.(b)	\$100
26	Fail to ensure that a <i>vicious dog</i> is confined within a secured structure in good state of repair.	Sch. A, Section 5.1.4.(c)	\$100
27	Fail to post a warning sign in a conspicuous location.	Sch. A, Section 5.1.4.(d)	\$100
28	Fail to ensure that a <i>vicious dog</i> is securely leashed.	Sch. A, Section 5.1.5.(a)	\$100
29	Fail to muzzle a <i>vicious dog</i> .	Sch. A, Section 5.1.5.(b)	\$200
30	Fail to report change of ownership or location of a <i>vicious dog</i> .	Sch. A, Section 5.1.6	\$100
31	Fail to perform trapping in a humane manner.	Sch. A, Section 6.4.1 (a)	\$100
32	<i>Set prohibited size trap</i> .	Sch. A, Section 6.4.2 (a)	\$50
33	<i>Set prohibited lethal trap</i> .	Sch. A, Section 6.4.2 (b)	\$200
34	<i>Owner</i> possess more than the allowable number of <i>hens</i> .	Sch. A, Section 7.7.1	\$100
35	<i>Owner</i> fail to confine <i>hens</i> in <i>coop</i> between 9:00 pm and 6:00 am.	Sch. A, Section 7.7.1 (a)	\$100
36	<i>Owner</i> fail to maintain <i>Hen Coop</i> .	Sch. A, Section 7.9.1	\$100
37	<i>Owner</i> fail to maintain <i>Hen Run</i> .	Sch. A, Section 7.10.1	\$100
38	Allow hen to make <i>noise</i> .	Sch. A, Section 7.12.2	\$100
39	Allow hen to be <i>at large</i> .	Sch. A, Section 7.12.3	\$100
40	Person keep a rooster.	Sch. A, Section 7.12.4	\$100
41	<i>Keep animal</i> other than <i>dog, cat</i> or <i>prescribed bird</i> .	Sch. A, Section 8.1.1	\$500
42	Display snake in a public place.	Sch. A, Section 8.4.2	\$100
43	Operate <i>Kennel</i> while suspended.	Sch. A, Section 9.10.1	\$400
44	Interfere with agent.	Sch. A, Section 10.1.1	\$300
45	Interfere with equipment.	Sch. A, Section 10.1.2	\$200
46	Fail to produce documents to agent.	Sch. A, Section 10.1.3	\$100

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47	Furnish false information to agent.	Sch. A. Section 10.1.4	\$100
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**Note: The general penalty provision for the offences above is section 12.1 of By-law No. 2013-051, a certified copy of which has been filed.**

**The Corporation of The City of Temiskaming Shores  
Appendix "3" of Schedule "A"  
To Animal Control By-Law No. 2013-051**

**Animal Prohibited Area**

	<b>Name</b>	<b>Address or Location</b>
1	New Liskeard Public School	141 Dymond Avenue
2	Temiskaming District Secondary School	90 Niven Street North
3	Haileybury Public School	333 Rorke Avenue
4	Ecole Catholique St- Michel	998075 Highway 11 North
5	Ecole Catholique Sacre-Coeur	100 Lakeshore Rd North
	Ecole Catholique Ste-Croix	304 Rorke Avenue
6	Ecole Secondaire Catholique Ste-Marie	340 Hessle Street
7	Ecole publique des Navigateurs	39 Hessle Avenue
8	English Catholic Central School	245 Shepherdson Road
9	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.
10	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.
11	Algonquin Memorial Beach Park	Inside the marked playing surface of the soccer fields, baseball diamonds, skatepark, and horseshoe pits.
12	Rotary Farr Park	Inside the marked playing surface of the soccer fields, baseball diamonds, and shuffleboard court.
13	Mount Pleasant Cemetery	Morissette Drive and Meridian Avenue
14	Farr Historic Cemetery	Cobalt Street
15	Valleyview Cemetery	177150 Shepherdson Road
16	Pioneer Cemetery	High Street and Whitewood Avenue
17	Haileybury Catholic Cemetery	Meridian Avenue
18	North Cobalt Catholic Cemetery	Groom Drive
19	Moore's Cove Catholic Cemetery	Lakeshore Rd South
20	New Liskeard Catholic Cemetery	Dawson Point Road and Peters Road
21	Cobalt Veterans Cemetery	Morissette Drive
22	Silverland Cemetery	Hwy 11B between Haileybury and Cobalt

**The Corporation of The City of Temiskaming Shores**  
**Appendix "4" of Schedule "A"**  
**To Animal Control By-Law No. 2013-051**

**Dog Off-Leash Areas**

	<b>Name</b>	<b>Address</b>
1	Laroque's Field	Cobalt Street
2	Murray Daniels Park - Fenced area	Lakeview Drive