

BY-LAW NUMBER 133 OF 2009
OF THE CITY OF SARNIA

“Regulation of Dogs and Cats By-Law”

WHEREAS The Corporation of the City of Sarnia is empowered under Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, to regulate matters for purposes related to animals and the health, safety and well-being of the inhabitants of the City, including the protection of persons and property.

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

PART 1
DEFINITIONS

1.1 Definitions

In this By-Law:

- (a) “Act” shall mean the *Dog Owners’ Liability Act*, R.S.O. 1990 c.D. 16 as amended from time to time.
- (b) “adult” shall mean a person eighteen years of age or older.
- (c) “Animal Control Officer” shall mean:
 - (i) a municipal law enforcement officer appointed pursuant to the *Police Services Act*;
 - (ii) a police officer appointed pursuant to the *Police Services Act*; or
 - (iii) an agent or inspector pursuant to the *Ontario Society for the Prevention of Cruelty to Animals Act*.
- (d) “cat” shall mean a feline of the species *felis catus*.
- (e) “City” shall mean The Corporation of the City of Sarnia.

- (f) "Clerk" shall mean the City Clerk of The Corporation of the City of Sarnia or a person authorized by him for the purposes of this By-Law
- (g) "Council" shall mean the Council of The Corporation of the City of Sarnia
- (h) "dangerous dog" shall mean any dog that has bitten, attacked or threatened a human being or domestic animal;
- (i) "dog" shall mean a canine of the species *canis familiaris*.
- (j) "dwelling" shall mean a building or part thereof used or intended to be used as a home, residence or sleeping place for one or more persons having a right to the exclusive use thereof, but shall not include a hotel, motel, home for the aged, or hospital.
- (k) "kennel" shall mean an establishment in which four or more dogs are housed, boarded or bred.
- (l) "licensing agent" shall mean a person appointed by the Clerk to issue dog licenses;.
- (m) "owner" includes a person who keeps, possesses or harbors a cat and/or dog and where the owner is a minor the person responsible for the custody of the minor.
- (n) "person" includes an individual, partnership, or corporate entity.
- (o) "pet shop" shall mean an establishment engaged in the retail sale of animals.
- (p) "Pound" shall mean premises regulated under the *Animals for Research Act*, that are used for the confinement, maintenance, or disposal of animals that are impounded pursuant to this By-Law.
- (q) "premises" includes a lot and any buildings on it.
- (r) "restricted dog" shall mean a legal "pit bull" as defined in the Act,
- (s) "run at large" shall mean to be found
 - (a) in a public place and not:
 - (i) under the physical control of a person; or
 - (ii) restrained with a leash no longer than 1.8 metres long when in any area other than a park or similar open area; or

- (iii) restrained with a leash no longer than 6 metres long when in a park or similar open area.
- or
- (b) on private property without permission from the occupant.
- (t) "Zone" shall mean a designated area of land use as outlined in the Municipalities' Zoning By-Law and "Zoned" has a corresponding meaning.

PART 2

GENERAL PROVISIONS & EXEMPTIONS

2.1 Administration of Bylaw

The administration of this By-Law is assigned to the Clerk who may delegate the performance of his functions under this by-Law from time to time as occasion requires.

2.2 Licencing Powers – Clerk – Issue or Renew

The Clerk shall issue or renew a licence where the requirements and conditions of this By-Law have been fulfilled.

2.3 Licence not to be issued or renewed where contravention of the Act

No licence shall be issued to any person where the application being made is in contravention of the Act.

2.4 Exemptions

This By-Law shall not apply to:

- (a) an animal hospital, clinic or kennel lawfully operated and supervised by a registered member of the College of Veterinarians of Ontario for the exclusive purpose of treating sick or injured animals;
- (b) the Ontario Society and the Sarnia & District Society for the Prevention of Cruelty to Animals;

- (c) a pound;
- (d) pet shops;
- (e) cats or dogs maintained in a zoo, fair, exhibition, cat or dog show or circus licensed by a municipal or other governmental authority;
- (f) police service dogs or other specially trained dogs used for investigative purposes while under the ownership of a police service, or other federal, provincial or municipal agency;
- (g) cats or dogs maintained at a research facility registered under the *Animals for Research Act*;

PART 3 KEEPING OF DOGS AND CATS

KEEPING OF DOGS

3.1 Maximum – 2 per premises

No person shall keep more than 2 dogs on a premises, except that young born on the premises may be kept up to twelve (12) weeks.

3.2 Exception – 3 per premises

The Clerk may authorize a third dog on the premises of an owner, upon payment of a fee, provided that the immediate surrounding neighbours of the owner have been consulted.

3.3 Dog Kennels – registered – number dogs – not limited

Section 3.1 of this By-Law shall not apply to any person keeping a licensed kennel.

3.4 Excrement – removal – disposal – sanitary – immediate

Every owner of a dog shall immediately remove excrement left by the dog and dispose of it in a sanitary manner.

3.5 Trespassing – without consent – by dog – prohibited

No person shall permit a dog to enter or remain on private property without the property owner's or occupant's consent.

3.6 Running at large – prohibited

No person shall allow a dog to run at large.

3.7 Responsibilities of Dog or Cat Owners and the Public

- (a) No owner shall permit his or her dog or cat:
 - (i) To bite, attack, or threaten any person;
 - (ii) To bite or attack any domestic animal or pet; or
 - (iii) To damage public or private property.
- (b) No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-Law or provincial legislation.
- (c) No person shall untie, loosen or otherwise free any cat or dog which is not in distress unless such person has the authorization of the owner or the lawful authority to do so.

3.8 Consequences of a Threat or Attack

Where a dog bites, attacks, or threatens, any person or domestic animal, the dog shall be deemed to be a dangerous dog by way of a written Order issued by an Animal Control Officer.

3.9 Exception - No Order- Muzzle Order

- (a) Where an incident described in subsection 3.7(a) is, in the opinion of an Animal Control Officer, minor in nature, or by way of self-defence, or due to the provoking of the other party involved in the incident, the Animal Control Officer may choose to:
 - (i) not issue any Order; or

- (ii) deem the incident to be sufficiently serious in nature to require a muzzle Order, but not so significant as to require a dangerous dog designation Order.
- (b) A muzzle order shall be in writing and state that the dog shall be muzzled at all times, except when it is on the premises of the owner. A muzzled dog shall be on a leash no longer than 1.8 metres long.

3.10 Keeping of Dangerous Dogs

- (a) Every owner of a dangerous dog shall:
 - (i) license the dog with the City as a dangerous dog;
 - (ii) ensure that the dog is spayed or neutered;
 - (iii) ensure that the dog has an up to date rabies shot;
 - (iv) display a sign at each entrance to the property or building in which the dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
 - (v) forfeit the dog to the City if the dangerous dog has been found running at large in the City, or not securely confined when on the property of the owner of the dangerous dog, as outlined in subsection 3.10 (b).
- (b) When a dangerous dog is on its owner's property the owner shall: ensure the dog is securely confined in an area that is suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. The owner shall keep the dog in one or more of the following:
 - (i) A pen with minimum dimensions of two metres by four metres and secure sides and secure top. The pen shall also provide protection from the elements for the dog.
 - (ii) A dwelling.

- (iii) A yard or portion thereof fenced with a fence no less than 1.8 metres high.
- (c) When a dangerous dog is off its owner's property the owner shall:
 - (i) ensure the dog is muzzled in a humane manner at all times;
 - (ii) ensure the dog is on a leash not longer than 1.8 metres; and
 - (iii) ensure the dog is under the control of an adult.
- (d) It shall be a condition of every license for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least two million dollars, covering the twelve-month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall name the City as an additional insured for the sole purpose of the City being notified by the insurance company of any cancellation, termination or expiration of the policy.

3.11 Keeping of Restricted Dogs

The owner of a restricted dog shall comply with the following requirements:

- (a) A restricted dog shall be kept on a leash, no longer than 1.8 metre long, and a muzzle when off of the owners property.
- (b) A restricted dog shall be under the control of an adult.
- (c) A restricted dog shall be kept in a securely confined area when on the owners property as outlined in subsection 3.10(b)

KEEPING OF CATS

3.12 Maximum – 2 per adult

- (a) No person shall keep more than 2 cats per adult on the premises, except that young born on the premises may be kept up to twelve (12) weeks.
- (b) Farm operations within an agricultural zone are exempt from section 3.12(a).

3.13 Grandfathering Provision - Cats

Subsection 3.12 shall not apply to any premises with more than two cats per adult provided that the additional cats resided on the premises on or before the date this bylaw came into effect and further provided that when one or more of the additional cats dies or is otherwise disposed of, the number of cats allowed on the premises shall continue to be reduced accordingly until the number of cats residing on the premises is no more than two cats per adult upon which the provisions of subsection 3.12 shall apply thereafter.

3.14 Running at large - prohibited

No person shall allow a cat to run at large.

3.15 Excrement - removal – disposal – sanitary – immediate

Every owner of a cat shall immediately remove excrement left by the cat and dispose of it in a sanitary manner

3.16 Trespassing – without consent – by cat – prohibited

No person shall permit a cat to enter or remain on private property without the property owner's or occupier's consent.

3.17 Trespassing - confinement

A property owner or occupier is hereby authorized to confine any cat found trespassing on his/her property in a humane portable container

3.18 Detention – report to Animal Control Officers

Any person confining a cat shall forthwith report the detention of the cat to the City's Animal Control Officers, who shall pick up the cat in the portable container.

3.19 Detention – food, water and shelter

In the event that more than three hours have passed, or will pass, between the time of detention of the cat and the time of arrival of the City's Animal Control Officers, the property owner or occupier shall keep the cat safe by providing adequate food, water and shelter appropriate to the weather conditions for the cat.

PART 4

LICENSING – DOGS

4.1 License – annually

Every owner shall license his/her dog annually, after the dog is six months old or older

4.2 Exception – New Residents

Where a dog moves into the City, and is already licenced for the current year in another jurisdiction, the City will recognize the dog as being licenced, provided the former jurisdiction required proof of rabies vaccination as part of its licencing requirements.

4.3 Expiry – annual – December 31

Every license shall expire on the thirty-first day of December of the year for which it is issued.

4.4 Licensing agent – appointed – authorized

The Clerk may appoint licensing agents to act on behalf of the Clerk to sell licenses.

4.5 Registration – information – requirements

The Clerk and any licensing agent shall keep a record showing the following dog license registration information:

- (a) name and address of the animal owner;
- (b) serial number of tag;
- (c) date of registration;
- (d) description of the animal;
- (e) amount of fee paid upon registration.

4.6 Application – license – description – fee

Every license application shall be accompanied by the following;

- (a) description of the animal including colour, breed and name;
- (b) applicable fee;
- (c) proof of being spayed or neutered if applicable; and
- (d) proof of rabies vaccination.

No animal may be licensed under this By-Law unless the owner produces at the time of application for a license, a Certificate of a Veterinary Surgeon that the animal for which a License is being sought has been immunized against rabies:

- (i) within the period of three years prior to the date the application is made, where a three year Certificate is produced, or
- (ii) within the period of one year, where a one year Certificate is produced.

4.7 Tag – required

(a) Tag – serial number – issued – upon payment of fee

Upon meeting the application requirements the owner shall be furnished with a tag bearing the serial number, the year for which it was issued and the words "City of Sarnia"

(b) Tag – affixed – securely – to the animal – at all times

The tag shall be fixed securely on the animal for which it was issued at all times until such time as the tag is renewed or replaced.

(c) Tag – replacement – where lost

Where a tag has been lost, an application shall be made to the Clerk for a replacement tag.

(d) Tag – replacement – proof of payment – plus fee

The application shall be accompanied by proof that the current year's license fee has been paid and the applicable replacement tag fee.

(e) Tag – removal

No person shall remove a tag from a licensed animal.

(f) Change in Information

Every owner shall provide written notice to the Clerk, within 7 days, of a change in ownership or address, or upon the death of a dog.

PART 5

FEES

5.1 Fees

The license fees to be paid to the City of Sarnia shall be as set out in the current City of Sarnia Fees for Service By-Law. Fees are payable in full for all or a portion of the year. Fees are not refundable.

5.2 Guide dogs – hearing ear dogs – handicap–aid dogs exempted.

Guide dogs within the meaning of the *Blind Persons' Rights Act*, hearing ear dogs, and handicap-aid dogs, are exempt from the payment of all license fees.

PART 6

IMPOUNDING

6.1 Seizure – impounding

An Animal Control Officer shall impound any cat or dog seized by him/her or delivered to him/her by a member of the public.

6.2 Redemption Period

The owner of a cat or dog impounded for being at large shall be entitled to redeem such cat or dog within 4 days of impoundment. The 4 days shall not include the day of impoundment, statutory holidays, or any other day the Pound is not open to the public.

6.3 Redemption Requirements

Where a cat or dog is claimed from the Pound, the owner shall:

- (a) provide proof of ownership of the cat or dog;
- (b) provide proof of payment for a current dog license or alternatively purchase a dog license, after having met all the requirements, if claiming a dog; and
- (c) pay the Pound maintenance charges and any other applicable damages, fines and expenses.

6.4 Disposal – cat or dog – not claimed – Animal Control Officer – discretion

Where an impounded cat or dog is not claimed by the owner within the redemption period, the Clerk may retain the cat or dog for such further time as he/she may consider proper and during that time the Clerk may:

- (a) sell the cat or dog for such price as they may consider proper;
- (b) euthanize the cat or dog; or
- (c) dispose of the cat or dog in accordance with the *Animals for Research Act*.

6.5 Redemption Exception - Euthanasia – for humane – safety reasons

Where a cat or dog that is impounded is injured and, in the opinion of the Veterinarian, should be destroyed without delay for humane reasons, or for reasons of safety to persons or animals, the Veterinarian, or other trained person appointed by the Veterinarian, may euthanize the cat or dog without permitting any person to reclaim the cat or dog.

6.6 Veterinary services – required – payable by owner

Where a cat or dog is impounded and the services of a veterinarian are secured, the owner shall pay to the City all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this By-Law, whether the cat or dog is alive, is euthanized, or dies of other causes.

6.7 Compensation – to cat or dog owner – prohibited

No compensation shall be recovered by any owner by reason of the impounding, euthanasia or other disposal of the impounded cat or dog in the course of the administration and enforcement of this By-Law.

PART 7

APPEALS

7.1 Appeals – Muzzle Order – Dangerous Dog Order – Three Dog Exemption

The rights of appeal for subsections 3.2, 3.8 and 3.9 are as follows:

- (a) An owner of a dog that has received a muzzle order or a dangerous dog order may request, upon payment of a fee, a hearing by the Clerk who may void or amend by adding or removing conditions to the muzzling or dangerous dog order.
- (b) Any interested party may request, upon payment of a fee, a hearing by the Clerk to reconsider the authorization or denial of a third dog exemption.
- (c) These hearings shall abide by the Statutory Powers Procedures Act as applicable.

PART 8

MISCELLANEOUS

8.1 Penalty

Any person who contravenes any provision of this By-Law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended. Set fines are outlined in Schedule "A"

8.2 Number and Gender

This By-law shall be read with all necessary changes to number and gender required by the context.

8.3 Severability

If any section of this By-Law, or parts thereof, are found by a Court to be non-enforceable, such section, or parts thereof, shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and continue in full force and effect.

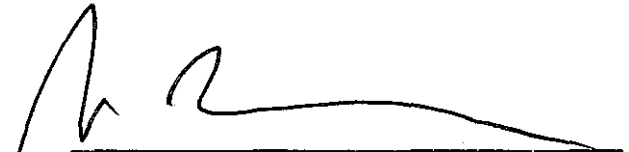
8.4 By-Law Repealed

By-Law 75 of 1999 "Dangerous Dogs" shall be repealed on the date this By-Law comes into force and effect. Any sections in any By-Laws that are inconsistent with this By-Law are hereby repealed.

8.5 Effective Date

This By-Law comes into force and effect on January 1, 2010.

FINALLY PASSED this ^{16th} day of November, 2009.



Mayor



City Solicitor/Clerk

SCHEDULE "A"
THE CORPORATION OF THE CITY OF SARNIA
PART 1 – Provincial Offences Act
"By-Law Number 133 of 2009: Regulation of Cats and Dogs"

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Keep more than - 2 cats per adult	Section 3.12	\$100.00
2.	Keep more than - 2 dogs per premises	Section 3.1	\$100.00
3.	Fail to remove excrement - Cats	Section 3.15	\$200.00
4.	Fail to remove excrement - Dogs	Section 3.4	\$200.00
5.	Permit to run at large - Cats	Section 3.14	\$100.00
6.	Permit to run at large - Dogs	Section 3.6	\$150.00
7	Fail to muzzle a Restricted Dog	Section 3.11 (a)	\$150.00
8.	Fail to leash a Restricted Dog	Section 3.11 (a)	\$150.00
9.	Permit cat or dog to threaten, bite, attack any person	Section 3.7 (a) (i)	\$200.00
10.	Permit cat or dog to bite or attack any domestic animal	Section 3.7 (a) (ii)	\$150.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
11	Permit cat or dog to damage public/private property	Section 3.7 (a) (iii)	\$100.00
12.	Interfere, hinder, impede Animal Control Officer	Section 3.7 (b)	\$200.00
13.	Fail to cause dog to be licensed	Section 4.1	\$150.00
14.	Tag not affixed securely on dog	Section 4.7 (b)	\$100.00

NOTE: Penalty provision for the offences indicated above is Section 8.1 of
By-Law Number 133 of 2009, a certified copy of which has been filed.

