

CITY OF DRYDEN

BY-LAW No. ~

A BY-LAW OF THE CORPORATION OF THE CITY OF DRYDEN TO LICENCE AND REGULATE THE KEEPING OF ANIMALS AND THE REGISTRATION OF DOGS WITHIN THE MUNICIPALITY.

WHEREAS the Council of the Corporation of the City of Dryden deems it necessary and expedient to pass a by-law to license and regulate the keeping of animals and the registration of dogs within the Municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising their authority under the Act;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a single tier municipality may pass by-laws respecting animals;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the bylaw; 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 the *Municipal Act, 2001*, 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 the *Municipal Act, 2001*, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality;

NOW THEREFORE, the Council of The Corporation of the City of Dryden enacts as follows:

SECTION 1- 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.

“animal” – means a member of the animal kingdom, other than a human.

“animal for research act” – means the Animal for Research Act, R.S.O. 1990, c. A.22, as amended;

“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 the owner or a responsible person acting on behalf of the owner;

“by-law enforcement officer” – means the person or persons duly appointed by Council as Municipal Law Enforcement Officers and/or Animal Control Officers for the purpose of enforcing all regulatory by-laws and the City’s Animal Control By-Law;

“cat” – means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat;

“City” – means the Corporation of the City of Dryden;

“control” – includes care and custody;

“coop” – means a fully enclosed weatherproof shelter containing perches for hens to sleep on, food, water containers, and nest boxes for egg laying;

“council” – means the Municipal Council of the Corporation of the City of Dryden;

“dog” – means a male or female of the domesticated canine species;

“dog owners liability act” – means the Dog Owners Liability Act, R.S.O. 1990, c. D.16, as amended;

“dog tag” – means a dog tag issued pursuant to this By-law;

“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;

“effective control” – means to be in the care and custody of a responsible person;

“farm animals” – means domestic fowl, pigeons, cattle, goats, swine, horses, rabbits, mink, and foxes

“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;

“fire chief” – means the head of the City of Dryden Fire Service as designated by Council;

“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;

“hen” – means a domesticated female chicken that is at least sixteen weeks old;

“hen run” – means a covered secure enclosure that allows hens not roosters access to the outdoors;

“interfere” - means to get involved or involve oneself in an investigation or action of a By-law Enforcement Officer without invitation;

“keeps/keeping” – means to own, keep, harbour, maintain or feed a cat, dog, or animal;

“leash” – means a restraining device, by which a dog, cat or other animal is held in check;

“leashed” – means restrained by a leash securely attached to the dog or cat and a person or object;

“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;

“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;

“medical officer of health” – means the Medical Officer of Health of the Northwestern Health Unit;

“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 database;

“municipality” – means the land within the geographic limit of the City of Dryden;

“muzzle” – means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting;

“noise(s)” – means unwanted sound;

“owner” – when used in relation to a dog, cat, or animal, means a person who possesses or harbours the dog, cat or animal;

“paramedic” – means a person employed to provide emergency medical services;

“person” – means an individual, firm or corporation;

“police dog” – means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“police officer” means a member of the Ontario Provincial Police;

“pound” – means premises that are used for the detention of dogs or cats that have been impounded pursuant to this by-law or the Dog Owners Liability Act;

“pound act” – means the Pound Act. R.S.O. 1990, c. P.17, as amended;

“premises” – means the entire lot on which a single dwelling unit or multi-dwelling unit building is situated;

“private property” – means property which is privately owned and is not property owned by the City;

“provincial offences act” – means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended;

“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;

“registrar” – means the City of Dryden Finance Department, or their delegate, pursuant to this by-law;

“reasonable amount of time” – means no less than minimum detention period seventy-two (72) hours as prescribed by the Legislation or Regulations;

“responsible person” – means a person having the strength and capacity to securely control a dog so as not to permit or allow the unwanted contact with another person, dog, cat or animal;

“run/running at large” – means to be found in any place other than the premises of the owner of the dog, cat or animal and not under the control of a person in such a manner as to prevent escape;

“secured” – means fixed closed by means of a latch or lock and hasp;

“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 health professional 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 training school;

“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;

“tag” – in reference to a dog means a dog tag, and in reference to a cat means a cat tag;

“tattoo” – means a permanent ink marking identification purposes;

“Trap-Neuter-Release Program” – means a program carried out with the objective to trap feral and/or stray cats, having said cats spayed or neutered, vaccinated, and immediately returned to the trap site and released

“veterinarian” – means a person registered or licensed under the Veterinarian Act;

“veterinarians act” – means the Veterinarians Act, R.S.O. 1990, c. V.3, as amended;

“vicious cat” – means a cat that has attacked or bitten a person, dog, cat or animal as determined by the By-Law Enforcement Officer in accordance with Section 5.1 herein;

“vicious dog” – means a dog that has attacked or bitten a person, dog, cat or animal as determined by the By-Law Enforcement Officer in accordance with Section 5.1 herein;

“zoning by-law” – means all current by-laws and amendments thereto and any subsequent by-laws which may be enacted in substitution thereto under the Planning Act with respect to land use within the City.

SECTION 2 - GENERAL PROVISIONS

2.1 SHORT TITLE

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

2.2 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 of Dryden.

2.3 ENFORCEMENT

This By-law shall be enforced by a By-Law Enforcement Officer for the City of Dryden, or any member of the Ontario Provincial Police.

2.4 CONFLICTS WITH OTHER BY-LAWS

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 wellbeing of the municipality, shall prevail to the extent of the conflict.

2.5 SEVERABILITY

Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining sections shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

SECTION 3 – REGISTRATION OF DOGS

3.1 REGISTRAR

- (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

- (1) Except as provided to the contrary in this By-law, every owner of a dog shall register the dog with the Registrar on or before January 31st in each year that he or she is the owner of that dog.
- (2) Every person who becomes the owner of a dog after January 31st in any year; shall register the dog with the Registrar within 14 days of becoming the owner of the dog and on or before January 31st in each year thereafter.
- (3) The registration of a dog shall expire upon the earliest of:
 - a) the transfer of ownership of the dog for which it was issued;
 - b) the death of the dog for which it was issued; and
 - c) January 30th of the year after in which it was issued, unless the tag is a "Lifetime" tag, which has no annual expiration date.

3.3 REGISTRATION PROCESS

- (1) Every person who applies to the Registrar to register a dog, shall:
 - a) provide the name, physical and mailing address and telephone number of the owner of the dog;
 - b) provide the address where the dog is to be situated in the City,
 - c) provide the name, colour, breed, age, and sex of the dog;
 - d) disclose the dog's microchip identifier or tattoo details if applicable;
 - e) disclose if the animal is a Service Animal;
 - f) provide proof of spay or neuter; and
 - g) pay the required registration fee as outlined in the Fees and Charges By-Law, as amended.

3.4 ISSUANCE OF DOG TAG

- (1) Upon the applicant providing all information and documentation required by the Registrar, and paying the appropriate fee(s), the Registrar shall register the dog and shall issue to the applicant a dog tag, which bears a unique number, shows

the year of issue and such other information as may be determined by the Registrar.

- (2) Every owner of a registered dog shall advise the Registrar in writing within 14 days thereafter, of:
 - a) change of address or phone number of the owner of the dog;
 - b) sale or other transfer of ownership of the dog.
- (3) The Registrar shall have the right to cancel the registration of a dog 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 debit or credit card being refused or for any other reason.

3.5 REPLACEMENT TAGS

- (1) The Registrar shall issue a replacement dog tag to the owner of a registered dog 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

- (1) The Registrar shall maintain records of all dog 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).
- (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;
 - b) name of the dog;
 - c) a description of the dog;
 - d) the particulars of any tattoo or microchip implanted in the dog;
 - e) the number of the dog tag issued for that dog;
 - f) the fee paid;
 - g) if the animal is a Service Animal;
 - h) if the dog is spayed or neutered;
 - i) the particulars of any evidence provided in support of a fee reduction; and,
 - j) other information as the Registrar in his or her sole discretion determines to be necessary.

SECTION 4 – DOG, CAT AND ANIMAL

4.1 DOG(S) TO WEAR TAG

- (1) Every owner of a dog shall keep the tag securely fixed on the dog at all times.
- (2) Notwithstanding Section 4.1 (1), an owner need not keep the tag on his or her dog:
 - a) while the dog is within the dwelling unit of its owner;
 - b) while the dog is being lawfully used for hunting in the bush, and the tag is produced upon request of a By-Law Enforcement Officer or member of the Ontario Provincial Police; or,
 - c) where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog.
- (3) No person shall remove a tag from a dog without the consent of the owner thereof.
- (4) No person shall attach a tag to a dog other than the dog for which it was issued.

4.2 NUMBER OF DOGS AND CATS

- (1) Except as hereinafter provided, no person shall permit more than two dogs to be kept in any one household in the City of Dryden.
- (2) Except as hereinafter provided, no person shall permit more than three cats to be kept in any one household in the City of Dryden; but this does not apply to any person with more than three cats as of the date of enactment of this by-law, the onus of proof of which is upon the person keeping such cats.
- (3) These restrictions do not apply to prohibit the keeping of more than two dogs or three cats in the following places or circumstances:
 - a) on the premises of a park, zoo or animal display operated by or on behalf of The Corporation of The City of Dryden;
 - b) on the premises of an animal shelter;
 - c) an animal hospital or clinic operated and supervised by a veterinarian who has a license to practice veterinary medicine issued under the Veterinarians Act;
 - d) on the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under the Animals for Research Act.
 - e) on the premises of a pet shop;
 - f) on the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;
 - g) during transportation of such animals between the places or circumstances listed herein;
 - h) on the premises which are temporarily used for travelling shows, such as a circus or other like shows;
 - i) in a kennel lawfully operated under this By-law; or
 - j) on a rural lot that has a minimum lot size of one hectare or more.

4.3 AT LARGE

- (1) No owner shall cause, allow or permit a dog, cat, or other animal to be at large within the limits of the City of Dryden.
- (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 written consent of the owner of that private property.
- (3) When not within the dwelling unit or on the premises of its owner or on private property, all dogs and cats shall be leashed and under effective control.

4.4 OWNER NOT TO PERMIT TRESPASS

- (1) No owner shall allow or permit his or her dog, cat, or animal to trespass on private property whether on a leash or not.

4.5 REQUIRED TO STOOP AND SCOOP

- (1) Every owner or person who keeps a dog or cat or other animal shall forthwith remove excrement left by the dog, cat or animal on any lands within the City, and dispose of such excrement in a sanitary and lawful manner.
- (2) Section 4.5 (1) shall not apply to a Service Animal.

4.6 OWNER NOT TO PERMIT NOISE

- (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.
- (2) Service Animals shall be exempt from the foregoing provision while actively engaged in their duties.

4.7 NO PERSON TO HARBOUR

- (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 KENNEL PERMITS

- (1) The owner of a kennel of pure bred dogs, registered in the register of the Canadian Kennel Club Incorporated and registered with the City as the owner of a kennel shall pay an annual license fee as set out in the Fees and Charges By-law, as amended, in respect of such pure bred dogs. The Chief Building Official of the City is hereby authorized to license kennels subject to the provisions of this By-law.

SECTION 5 – VICIOUS ANIMALS

- 5.1 No owner shall permit his or her dog, cat, or animal to attack, bite or show aggression towards a person, or other dog, cat or animal.
- 5.2 Where a By-Law Enforcement Officer or Police Officer is informed upon receipt of complaint, and is satisfied that a dog, cat or animal has attacked, 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 By-Law Enforcement Officer or Police 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 require the owner to comply with any or all of the requirements set out in Section 5.4 and 5.5.
- 5.3 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 in a conspicuous place at the address shown in the records of the City as the address of 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 a personal service is effected or where served by registered mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.
- 5.4 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 animal is muzzled so 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 the vicious dog, cat or animal is confined within a secure structure in a good state of repair so as to prevent escape; and
 - c) a warning sign stating 'beware of dog' is posted in a conspicuous place so as to be visible from the road.
- 5.5 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.

- 5.6 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 and provide the Registrar with the new address and telephone number of the owner.

SECTION 6 – SEIZE AND IMPOUND

6.1 OFFICERS MAY SEIZE

- (1) A By-Law Enforcement Officer or Police Officer may seize and impound any dog, cat or animal found at large.
- (2) A By-Law Enforcement Officer or Police Officer may enter onto 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.
- (3) In no instance shall a By-Law Enforcement Officer or Police Officer enter into any dwelling unit or other building situated on private property without a search warrant authorizing such entry.
- (4) Any dog, cat or animal seized by a By-Law Enforcement Officer or Police Officer under this by-law shall be impounded for four (4) days from the time of its impoundment, inclusive of the day on which the dog, cat or animal was impounded, and days on which the pound facility is closed.
- (5) Any dog, cat or animal at large contrary to the provisions of this By-law which in the opinion of a By-Law Enforcement Officer or Police Officer appears to be vicious or rabid and to be a threat to the safety of the community, and which cannot be captured by a By-Law Enforcement Officer or Police Officer may be killed by a Police 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) Notwithstanding Section 6.1 (5), where in the opinion of a By-Law Enforcement Officer or Police 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 By-Law Enforcement Officer or Police Officer may have the dog, cat or animal euthanized in a humane manner as soon as 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 damages or compensation on account of the euthanasia.
- (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 By-Law Enforcement Officer who may impound the dog, cat or animal. If the capture of an animal is carried out by a person other than the property owner, he or she must obtain written consent from the property owner.
 - a) Notwithstanding Section 6.1 (7) above, if the capture of an animal is resulting from an approved Trap-Neuter-Release Program, the animal must be released at the location of capture after the spay, neuter and/or vaccinations have been completed or administered.
- (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 board fees in the amount as set out in the Fees and Charges By-law, as amended.
 - b) payment of any veterinarian fees incurred for the well-being of the dog, cat or animal; and

- c) registering the dog, cat or animal in accordance with this By-law if there is no evidence the dog, cat or animal is already registered. When registration is completed as per this requirement, the registration fee is in accordance with the Fees and Charges By-law, as amended.
- (9) If a dog, cat or animal is not redeemed within the time frame specified in subsection 6.1 (4) the By-Law Enforcement Officer may dispose of the dog, cat or animal as they see fit without liability or notice to any person for the disposition of the dog, cat or animal or the manner thereof.

6.2 PROTECTIVE CARE

- (1) The By-Law Enforcement Officer is authorized should they choose, upon a 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 By-Law Enforcement Officer deems appropriate and to keep such dog(s), cat(s) or animal(s) for a maximum of five (5) days.
- a) Upon incarceration, fire, medical emergency, or any other situation deemed appropriate, the owner of a dog, cat, or animal may appoint, in writing, a caretaker for their animal. In the event a caretaker is appointed, the caretaker is, until such time that the owner is available to care for their dog, cat, or animal, considered the owner of the animal and responsible for all applicable impoundment fees. The dog, cat, or animal will not be released until all applicable fees are paid.
 - b) Where a caretaker is appointed by an owner and he or she refuses to take responsibility for the dog, cat, or animal, Section 6.2 (1) (a) shall be deemed not applicable and the dog, cat, or animal shall be considered impounded as per Section 6.2 (1), and the original owner responsible for all applicable fees.
- (2) In the event that the owner of a dog, cat or animal impounded for protective care does not claim the dog, cat or animal and pay the impound fees, as set out in the Fees and Charges By-law, as amended, 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.

6.3 IMPOUND FEES

- (1) Where a dog, cat or animal is seized, or impounded for protective care, the owner, if known, shall be liable for all impound fees as set out in the Fees and Charges By-law, as amended, before the dog, cat or animal is released to the owner.
- (2) Notwithstanding Section 6.3 (1), in appropriate humanitarian circumstances, as determined by the By-Law Enforcement Officer, the By-Law Enforcement Officer, may, in his or her discretion, waive all or part of the impound fees, or provide for delayed or installment payments of same.

6.4 TRAP REGULATIONS

- (1) Any dog, cat or animal seized in accordance with Section 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.
- (2) In no circumstance 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 City:
- a) without permission being granted by the Building and Planning Department;
 - b) no person shall use a killer trap, leg-hold trap, body gripping trap or snare.

- (3) An animal rescue organization may conduct a Trap-Neuter-Release Program upon permission being granted by the Building and Planning Department. A representative with signing authority for the animal rescue organization must sign a waiver releasing the City from all damages and liabilities prior to permission being granted. It is the sole responsibility of the animal rescue organization to ensure all applicable provincial legislation and federal statutes are followed in relation to the program. The City is not to be held responsible for any and all actions carried out by the rescue organization or the actions of any other persons involved with the program.
- (4) 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 by the Ministry of Natural Resources or is otherwise authorized by law to trap an animal, and the trapping is conducted in accordance with any applicable legislation.

SECTION 7 – KEEPING OF BACKYARD HENS AND FARM ANIMALS

7.1 BACKYARD HENS (FEMALE CHICKENS)

- (1) Any persons keeping backyard hens on their property are only permitted to do so within the City of Dryden if the following requirements have been met by the property owner:
 - a) property must be Zoned R (Rural) or RR (Rural Residential);
 - b) a maximum of five (5) hens is permitted on a lot equal to and less than 0.4 hectares (1 acre) in area;
 - c) a maximum of ten (10) hens is permitted on a lot greater than 0.4 hectares (1 acre) in area;
 - d) hens must be kept in the rear yard, in a properly constructed enclosure that must be located a minimum of 4.5m from a side or rear property line;
 - e) hens must be kept in an enclosed hen run when not in their coop;
 - f) hens kept must be 3 months of age or older, proof of which is the onus of the person keeping such hens.

7.2 HEN COOP CONSTRUCTION

- (1) Any hen coop which is erected, used or maintained for the housing of hens must:
 - a) be constructed in such a manner as to prevent the escape of the hens;
 - b) be constructed in such a way as to be rodent, predator, and vermin proof;
 - c) be equipped with perches and nest boxes to appropriately accommodate each hen;
 - d) be not visible from any roadway;
 - e) be a minimum enclosure size of 10 square feet per hen and be equipped with perches and nest boxes to appropriately accommodate each hen;
 - f) be not located in any front yard, and;
 - g) not be situated within 30 meters of surface water.

7.3 HEN COOP MAINTAINENCE

- (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 obnoxious odours, substances and vermin.
 - b) all refuse and waste matter must be disposed of in a proper and sanitary manner and no such refuse or waste matter shall be burned or stored on the property.

7.4 GENERAL PROHIBITIONS

- (1) The sale of eggs, meat, manure or other products derived from the hens is not permitted.
- (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.

- (3) No owner shall cause or permit his or her hen to be at large.
- (4) No person shall keep a rooster.
- (5) Outdoor home slaughter of hens is prohibited and dead stock shall be disposed of immediately to prevent the spread of disease or the attraction of vermin.
- (6) The hens must be maintained in accordance with good animal husbandry practices as defined by the Ministry of Food and Agriculture.
- (7) Hens must be kept enclosed in a secured hen coop from sunset to sunrise;

7.5 KEEPING OF ANIMALS FOR FARM USE

- (1) The above restrictions as outlined in Section 7.1, Section 7.2 (1) (d),(f), and Section 7.4 (1),(4), and (5) shall not apply to properties operating as a farm and which are zoned as Rural, as defined by the City of Dryden Zoning By-law. The following provision must be adhered to in such circumstances:
 - a) No person shall possess or harbor one or more domestic fowl unless the same is or are housed in a suitable coop, which is to be so situated on their property as to be not less than 300 feet from the boundary line of their property and not less than 100 feet from any dwelling.

SECTION 8 – PROHIBITED ANIMALS

8.1 GENERAL PROHIBITIONS

- (1) Except as provided for in this by-law, no person shall keep any animal other than a dog, cat, or prescribed animal within the City of Dryden.
- (2) Nothing herein shall give any person any right to keep animals where such animal is prohibited by this by-law.
- (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 PROHIBITED ANIMALS LISTING

- (1) Section 8.2 does not apply to prohibit the keeping of an animal of the kind listed in Section 8.2 (2) in the places or circumstances provided for in Section 8.3 (1).
- (2) The following animals are prohibited to be owned within the City.

The list of prohibited animals may not include all animals prohibited in the City.

- a) All marsupials (such as kangaroos and opossums)
- b) All non-human primates (such as gorillas and monkeys)
- c) All felids, except the domestic cat
- d) All canids, except the domestic dog
- e) All viverrids (such as mongooses, civets and genets)
- f) All mustelids (such as skunks, weasels, otters, badgers, except the domestic ferret)
- g) All ursidae (bears)
- h) All artiodactyl ungulates, except domestic goats, sheep, pigs and cattle
- i) All procyonids (such as raccoons, coatis and cacomistles)
- j) All hyaenas
- k) All perissodactyl ungulates, except the domestic horse and ass
- l) All elephants
- m) All pinnipeds (such as seals, fur seals and walruses)

- n) All snakes of the families Pythonidae and Boidae
 - o) All venomous reptiles
 - p) All ratite birds (such as ostriches, rheas, cassowaries)
 - q) All diurnal and nocturnal raptors (such as eagles, hawks and owls)
 - r) All edentates (such as anteaters, sloths and armadillos)
 - s) All bats
 - t) All crocodilians (such as alligators and crocodiles)
 - u) All venomous arachnids (such as scorpions and tarantulas)
- (3) Except as provided for in this by-law, no person shall possess or harbor one or more farm animal(s), or kennels for the breeding or boarding of cats and dogs within the City unless the same is or are enclosed in a pen or in a fenced area, or housed in a suitable and comfortable building, such pen, fenced area or building to be so situated on their property as to be not less than 300 feet from the boundary line of their property and not less than 100 feet from any dwelling.
- (4) The provisions of this section shall not be construed as prohibiting the keeping of any of the animals referred to in the preceding section hereof if such animal was actually kept within the Corporate limits of the City of Dryden as of the date of enactment hereof, the onus of proof of which shall be upon the person keeping such animal.

8.3 EXEMPT PLACES OR CIRCUMSTANCES

- (1) Being a list of places or circumstances, which are exempt from the application of Section 8.2(2).
- a) On the premises of a park, zoo or animal display operated by or on behalf of The Corporation of the City of Dryden.
 - b) On the premises of The Ontario Humane Society.
 - c) In a veterinary hospital under the care of a licensed veterinarian.
 - d) On the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under The Animals for Research Act.
 - e) By anyone holding a license under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.
 - f) On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.
 - g) During the transportation of such animals between the places or circumstances listed herein.
 - h) Premises which are temporarily used for travelling shows, such as a circus or other like shows.

SECTION 9 – INTERFERE

9.1 INTERFERE

- (1) No person shall interfere with or hinder a By-Law Enforcement Officer or Police Officer in the performance of their duties, or to seek to release any dog, cat or animal in the custody of the City, except as herein provided.
- (2) No person shall tamper, remove or interfere with traps or equipment.
- (3) No person shall refuse to produce any documents or items required by a By-Law Enforcement Officer or Police Officer in the exercise of a power or performance of a duty under this by-law, and every person shall assist in entry, inspection, examination or inquiry by an agent.
- (4) No person shall knowingly furnish false information to a By-Law Enforcement Officer or Police Officer.

SECTION 10 – EXEMPTIONS

10.1 POLICE DOG EXEMPT

- (1) No part of this By-Law shall apply to a Police Dog or other working dog performing their legal duties.

SECTION 11 – PENALTIES

11.1 GENERAL PENALTIES

- (1) 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 shall be liable of a fine of not more than \$5,000 issued pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, As amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

SECTION 12 – REPEAL

THAT Chapter 14 of the City of Dryden Municipal Code and all amendments thereto are hereby repealed.

THAT This By-Law shall come into force and take effect on the final passing thereof.

ENACTED AND PASSED THIS ____ DAY OF _____ 2022 as witnessed by the Corporate Seal of The Corporation of the City of Dryden and the hands of the proper Officers duly authorized on that behalf.

READ A FIRST AND SECOND TIME THIS __ DAY OF ____ 2022.

READ A THIRD TIME AND PASSED AS READ THIS __ DAY OF ____ 2022.

Mayor

Clerk

Corporation of the City of Dryden
SCHEDULE OF SET FINES
Animal Control By-law
Part 1 – Provincial Offences Act, R.S.O 1990

Item	Column 1 SHORT FORM WORDING	Column 2 PROVISIONS CREATING OR DEFINING OFFENCE	Column 3 SET FINE
1.	Fail to Register Dog	3.2 (2)	\$105.00
2.	Fail to Display Dog Tag	4.1 (1)	\$105.00
3.	Attach a Tag to Dog Other than that for which it was issued	4.1 (4)	\$180.00
4.	Exceed Prescribed Limit of Dogs	4.2 (1)	\$105.00
5.	Exceed Prescribed Limit of Cats	4.2 (2)	\$105.00
6.	Cause, allow, or permit Dog, Cat, or Animal to be at large	4.3 (1)	\$105.00
7.	Fail to Leash Dog or Cat	4.3 (3)	\$105.00
8.	Permit Dog, Cat, or Animal to Trespass	4.4 (1)	\$105.00
9.	Fail to Remove Excrement	4.5 (1)	\$105.00
10.	Fail to Dispose of Excrement in a Sanitary and Lawful manner	4.5 (1)	\$105.00
11.	Permit Noise likely to Disturb Peace or Comfort	4.6 (1)	\$105.00
12.	Unlawfully Keep or Harbour	4.7 (1)	\$105.00
13.	Unlawfully Operate Dog Kennel	4.8 (1)	\$105.00
14.	Vicious Dog or Cat – Fail to Muzzle	5.4 (a)	\$250.00
15.	Vicious Dog or Cat – Fail to Securely Leash or Confine	5.4 (b)	\$250.00
16.	Vicious Dog – Fail to Post Visible Warning Sign	5.4 (c)	\$250.00
17.	Vicious Dog or Cat – Fail to Leash off Premises	5.5 (a)	\$250.00
18.	Vicious Dog or Cat – Fail to Muzzle off Premises	5.5 (b)	\$250.00
19.	Vicious Dog or Cat – Fail to Notify of Change of Ownership or Residence	5.6	\$250.00
20.	Unlawful or Inhumane use of Trap	6.4	\$250.00
21.	Unlawfully Keep Backyard Hens	7.1 (1)	\$75.00
22.	Unlawful Construction of Hen Coop	7.2 (1)	\$75.00
23.	Fail to Properly Maintain Hen Coop	7.3 (1)	\$75.00
24.	Unlawful Sale of Products Derived from Hens	7.4 (1)	\$105.00
25.	Cause or Permit Hen to become Public Nuisance	7.4 (2)	\$75.00
26.	Cause or Permit Hen to be At Large	7.4 (3)	\$75.00
27.	Unlawful Keeping of Rooster	7.4 (4)	\$75.00
28.	Unlawfully Slaughter Hens	7.4 (5)	\$75.00
29.	Fail to Immediately Dispose of Dead Stock	7.4 (5)	\$105.00
30.	Keep Prohibited Animal	8.1 (2)	\$105.00
31.	Fail to Comply with Fence, Building, or Boundary Requirements	8.2 (3)	\$75.00
32.	Interfere with or Hinder Officer	9.1 (1)	\$105.00
33.	Tamper, Remove, or Interfere with Trap or Equipment	9.1 (2)	\$250.00
34.	Refuse to Produce Documents or Items	9.1 (3)	\$105.00
35.	Knowingly Furnish False Information	9.1 (4)	\$180.00