

Report To: City Council

Report Date: October 3, 2001

Meeting Date: October 25, 2001

Subject: Animal Control By-Law

Department Review:

W. S. Kuntlach

for Doug Nadorozny
General Manager of Economic and
Development & Planning Services

Recommended for Agenda:

J. Rule
Jim Rule,
Chief Administrative Officer

Report Authored by: Bryan Gutjahr, Manager of By-law Services

Recommendation:

That the Animal Control By-Law be enacted

Executive Summary:

After reviewing Animal Control By-Laws from other municipalities and information from special interest groups, a by-law was prepared. This by-law contains provisions to licence dogs, register cats, stoop and scoop, limit to numbers of animals kept and dogs and cats running at large. The By-Law also promotes the spaying and neutering of pets and for pet owners to take more responsibility for their pets.

ANIMAL CONTROL BY-LAW HIGHLIGHTS:

Public interest in the licencing and regulation of dogs and cats and the keeping of other animals has led to a re-examination of the existing by-laws and the preparation of a draft By-law for consideration of Council. The new By-law carries forward many elements of the existing by-laws. The highlights of the By-law are set out below.

Dogs

The number of dogs permitted about any dwelling unit continues to be restricted to two dogs, or three dogs for a period not in excess of forty-eight hours, to allow for a weekend guest who brings his or her dog when visiting. Purebred pups under the age of six months, and other pups under the age of eight weeks are not included in this count, to allow time for the owner to wean and dispose of the litters.

Most of the former area municipalities had a limit of two dogs in place. However, the animal keeping By-law of one former municipality permitted up to six dogs in rural areas, although the dog control by-law specified only two were permitted in urban areas, and another permitted up to three dogs. Although the former City of Sudbury limited the number of dogs which were not purebred to two, there was no limit on the number of purebred dogs permitted about any household. As the reasons for limiting the number of dogs would apply equally to purebred as to non purebred dogs, it seemed questionable that this form of discrimination should be continued. The examination of dog control by-laws of other municipalities indicated this was an unusual practice. The provisions permitting purebred pups to be kept for a longer period than dogs which are not purebred and the provisions for kennel licences for persons who have more than two purebred dogs at a premise, remain in place.

Cats

In response to public concerns, and to bring Sudbury into what has become a common municipal practice, a cat identification system has been introduced. Annually, cat owners will be required to register his or her cat, and will be issued a cat identification tag for the year. The registration process will operate in a fashion similar to the dog licencing system through public education and phasing in of enforcement. It is believed owners will take more responsibility for their pets. The concept of registering cats has emerged as one strategy that will hopefully lessen the number of cats brought into the pound that have to be euthanised. As has been the case in the past, the number of cats being kept at any household will be restricted to two.

Licencing

The Manager of By-Law Enforcement continues as the Issuer of Licences. Pursuant to the right to delegate authority granted in the By-law, the Issuer of Licences will continue to appoint Deputy Licence Issuers at the Citizen Service Centres, the pet stores, the kennels, the pound and other convenient locations. It is hoped that the continuing accessibility of licencing issuing centres will encourage dog and cat owners to meet the By-law licencing requirements.

We will use licencing and registration not so much as a penalty, but as a positive step toward solving a problem.

Licence Fees

In accordance with what has become common practice in municipalities, it is proposed to reduce the usual licencing fees for dogs/registration fees for cats by half if evidence is provided that the animal has been spayed or neutered. It is hoped that this financial incentive to have animals spayed or neutered, will, over time, lead to a reduction in the number of unwanted animals in the City.

As is the current case in many of the by-laws, the usual fees will be reduced for senior citizens. In this instance, the fee is reduced by half. No fees are proposed for licences for seeing eye dogs, hearing ear dogs or police work dogs. The proposed removal of the fees for police work dogs is new.

Stoop and Scoop and Noise

As a matter of convenience, the provisions of the Stoop and Scoop By-law and the provisions of the Noise By-law pertaining to animals have been moved into this omnibus Animal By-law.

Animal Keeping

The approach taken in most of the former area municipalities prohibit the keeping of animals unless otherwise permitted by the By-law. Any prohibitions found in other by-laws, such as the Zoning By-law, will also continue in effect. The setback requirements establishing the distance that animals were to be kept from buildings or lot lines were not uniform across the former area municipalities. A move to a single standard may result in some instances of hardship.

Impounded Dogs and Cats

It is hoped that the cat identification system will assist in the return of impounded cats to their owners. It is a system which has worked well for dogs. It is proposed to continue the policy of returning a dog or cat without charge if it is licenced, the first time it is picked up by an Animal Control Officer. It is proposed as a policy matter that only stray cats which have been caught by a member of the public will be picked up. Animal Control Officers will not be expected to chase stray cats.

It is proposed to continue the existing provisions of the by-laws which require impounded dogs and cats to be kept for the statutory period of three days. There has been input from an interested group, requesting that impounded dogs and cats be kept for at least five days before being euthanised. There is a cost associated with such a step. Not only would board fees be increased but the pound facilities may prove to be inadequate if the pounds are required to keep animals for a longer period. Three days is the statutory period, and one which appears to be commonly followed in other municipalities. Ministry approval is required to keep animals for a longer period after being impounded.

SUMMARY:

Through public education, possible door to door solicitation for licences and a phasing in of enforcement, it is believed that owners will take more responsibility for their pets.

Some benefits to licencing and enforcement of the by-law are:

- * Pet owners can be quickly reunited with their animals who have strayed
- * A licenced pet picked up by an Animal Control Officer receives one free ride home
- * Fewer feral animals which translates into less disease and damage.
- * Fewer unwanted animals on properties
- * If licenced pet is injured and picked up the owner will be notified immediately and the pet will be transported to the owners vet.
- * If a door to door campaign is implemented it saves owners a trip to City Hall.
- * The revenue generated from licencing helps offset the costs of housing and care of animal as well as administrative costs.

Council should be aware that this draft By-law is the result of an accumulation of information received from various municipalities and groups. All information received was reviewed by the Committee and after numerous meetings this By-law was drafted. The Committee consisted of the Manager of By-Law Enforcement, the City Solicitor, the Assistant City Solicitor and a By-Law Enforcement Officer.

It was felt by the Committee that this By-law will serve the community well by controlling stray and feral animals and will make pet owners aware of their responsibility to ensure their pets are looked after.

While City staff have consulted with the Community Coalition for Animal Care, Council may wish to consult further with the public before passing the by-law. Council should be aware however that the current animal contracts would have to be extended with this option. It is with this in mind that staff recommend the passage of the Animal Control By-law. A copy of the draft by-law is attached.

BY-LAW 2001-250

**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REGULATE THE KEEPING OF ANIMALS, LICENCING
OF DOGS AND THE REGISTRATION AND IDENTIFICATION OF CATS**

WHEREAS Sections 210.8, 210.9, 210.11 and 210.13 of the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, allows municipalities to pass By-laws regulating leashing, removal of excrement left by dogs, licencing, and prohibiting or regulating the running at large of dogs;

AND WHEREAS Subsection 210.1 of the *Municipal Act* allows municipalities to pass By-laws for prohibiting and regulating the keeping of animals or any class thereof within the municipality or defined areas thereof;

AND WHEREAS Subsection 210.5 of the *Municipal Act* allows municipalities to pass By-laws providing for animal identification systems;

AND WHEREAS the Council of the City of Greater Sudbury deems it advisable to enact such a by-law;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

PART I. DEFINITIONS

1. In this By-law,

"animal" includes any mammal, bird or reptile, other than a dog or cat;

"animal control officer" means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law and includes a police officer;

"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;

“cat” means a feline of any breed of domesticated cat or cross-breed of domesticated cat;

“cat identification tag” means a cat identification tag issued under this By-law;

“City” means the City of Greater Sudbury;

“control” includes care and custody;

“Council” means the Council of the City of Greater Sudbury;

“dog” means a male or female of the domesticated canine species and includes a purebred dog;

“dwelling unit” means one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities;

“keeps” means to own, keep, harbour or maintain an animal;

“kennel” means any premises where pure-bred dogs are boarded, bred or trained for a fee;

“Issuer” means the person authorized by this By-law to administer and enforce this By-law, and includes deputy issuer when referring to the issue, and replacement of a licence or a cat identification tag under this By-law;

“licence” means a dog licence issued under this By-law;

“owner” includes any person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor and “owns” and “owned” have a corresponding meaning;

“police work dog” means a dog trained to aid law enforcement officers and used

by such officers in the execution of their duties;

"property" means lands or lands and premises, owned by a person under a separate registered ownership at the Land Titles or Land Registry Office, which can be alienated or otherwise disposed of separately and apart from any abutting land without contravention of the Planning Act and whether or not there are any dwelling units thereon;

"public property" includes all lands owned by the City, by any local boards, by any corporations owned or controlled by the City or by the Nickel District Conservation Authority; and

"pure-bred " means registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada).

PART II. ISSUER

2. -(1) The Issuer shall administer and enforce the provisions of this By-law.

(2) The Manager of By-law Enforcement for the City shall be the Issuer.

(3) The Issuer may appoint in writing such deputy issuers as he or she may consider necessary from time to time to act in the place and stead of the Issuer with respect to the issuing and replacement of licences and cat identification tags under this By-law, and such appointments may be subject to such limitations as the Issuer may impose, and the Issuer may revoke such appointments in writing, from time to time, for such reason as the Issuer may in his or her sole discretion determine.

(4) The City shall pay each deputy issuer appointed by the Issuer who is not an employee of the City a commission of Two Dollars for each licence or cat identification tag issued by the deputy issuer under this By-law.

PART III. APPLICATION AND LICENCING

3. -(1) Subject to subsection 3(2), every person who owns a dog over the age of eight weeks, other than a purebred dog, or who owns a purebred dog over the age of six months, shall register and licence the dog with the Issuer, annually, between December 1st and December 31st in each year for the next following calendar year, and shall provide such information and documentation as the Issuer may require as part of the process of registering and licencing the dog.

(2) In the event that a person becomes an owner of a dog after January 1st in any year, the owner shall register and licence the dog with the Issuer upon the later of becoming the owner of the dog and eight weeks after the birth of a dog other than a purebred dog, and six months after the birth of a purebred dog. The owner shall provide such information and documentation as the Issuer may require as part of the process of registering and licencing the dog.

(3) Subject to subsection 4(2), the owner shall pay a licencing fee in accordance with Schedule "A" attached hereto and forming a part of this By-law at the time of registering and licencing the dog.

(4) The fee otherwise payable for a dog tag will be reduced by 50% if the owner of the dog produces to the satisfaction of the Issuer:

- (a) evidence that the owner of the dog is over the age of 65 years; or
- (b) a certificate signed by a veterinarian certifying that the dog has been spayed or neutered, or otherwise satisfies the Issuer that the dog has been spayed or neutered.

(5) The fee otherwise payable for a dog tag will be nil if the owner of the dog produces to the satisfaction of the Issuer evidence that the dog is:

- (a) a seeing eye dog and used in that capacity by the owner;

(b) a hearing ear dog and used in that capacity by the owner; or

(c) a police work dog.

(6) Upon the applicant providing all information and documentation required by the Issuer as part of the process for registering and licencing a dog and upon payment of the licencing fee, the Issuer shall issue a licence in the form of a dog tag. Each dog tag shall bear a unique serial number, identify the year in which it is issued and contain such other information as may be determined by the Issuer.

(7) Every owner of a dog shall keep the dog tag issued for the current calendar year securely fixed at all times on the dog for which the licence was issued, except:

(a) while the dog is confined on the premises of the dog's owner;

(b) where the dog is a purebred dog and:

(i) the licence is in the possession of a competent person in control of the pure-bred dog while the pure-bred dog is off the premises of the owner; and

(ii) the licence is produced upon request of an Animal Control Officer;

(c) while the dog is being lawfully used for hunting in the bush, and the licence is produced upon request of an Animal Control Officer; or

(d) where necessary for medical treatment.

(8) No person shall remove a dog tag from a dog without the consent of the owner thereof.

(9) No person shall use a dog tag upon a dog other than that for which it was issued.

(10) The Issuer may issue a replacement dog tag upon the owner of the dog providing evidence satisfactory to the Issuer that the dog tag was lost or damaged and

upon payment of the fee for a replacement dog tag fee in accordance with Schedule "A".

(11) A licence 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) December 31st of the year in which it was issued.

(12) A licence is personal to the holder and is not assignable or transferable.

(13) No person who owns or operates a pet store and no person who holds a kennel licence shall sell a dog to a person unless the person has purchased a licence for the dog.

PART IV . PURE BRED DOG KENNELS

4. -(1) No person shall own or operate a pure-bred dog kennel unless he or she holds a valid and current kennel licence issued in accordance with this By-law.

(2) Despite Section 3(3), the owner of a kennel of pure bred dogs shall pay the annual kennel licence fee determined in accordance with Schedule "A" instead of a licence fee for each dog.

5. -(1) A person owning or operating a pure-bred dog kennel in the City shall apply to the Issuer in writing for a kennel licence, by application signed by the applicant for a kennel licence between December 1st and December 31st in every year for the next following calendar year.

(2) The applicant shall provide in support of such application, evidence satisfactory to the Issuer that the kennel complies with Section 7, evidence that the property on which the kennel is located is zoned appropriately for that use, and such other information and documentation as may be reasonably required by the Issuer, and shall pay at the time of the application, a kennel licence fee determined in accordance with Schedule "A".

6. -(1) Upon the applicant complying with Section 5, the Issuer shall issue a kennel licence.

(2) The Issuer shall ensure that every kennel licence issued under this By-law bears a unique serial number for the licence year in which it is issued.

(3) The kennel licence thereof shall expire on the 31st day of December in the year for which it was issued unless earlier revoked.

(4) A kennel licence is personal to the holder and is not transferable.

7. The holder of a kennel licence and any operator of a kennel shall ensure that:

(a) the floors of each room in the kennel in which dogs are kept are:

(i) constructed of an impermeable material; and

(ii) flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and will remove the animals while flushing and deodorizing; and

(iii) if such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewerage system or sewer disposal system;

(b) each room that is used for the housing of dogs is equipped with a lighting system that is so designed, constructed and maintained that it:

(i) distributes light as evenly and with as little glare as possible;

(ii) provides adequate light for the proper observation of every animal in the room; and

(iii) adequately lights the room for a continuous period of at least eight hours in every twenty-four hour period;

(c) each room that is used for the housing of dogs provides ventilation for the health, welfare and comfort of every dog by either:

- (i) having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room; or
 - (ii) having a mechanical ventilation device operating which exchanges the air on a reasonable basis;
- (d) each room that is used for the housing of dogs is maintained at all times at a minimum temperature of 9 degrees celsius for the health, welfare and comfort of every dog therein;
- (e) each cage or pen used for the housing of dogs is so constructed and maintained that:
 - (i) every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position;
 - (ii) it is not likely to harm any dog therein;
 - (iii) any dog therein cannot readily escape therefrom; and
 - (iv) it may be readily cleaned;
- (f) each doorway, window and outside opening in the kennel is screened during the period of May 1st to October 1st of each year;
- (g) all yards and runways are fenced and if within 30 metres of an occupied building are
 - (i) paved with concrete, asphalt or other impermeable material;
 - (ii) graded to an adequate drain or gutter; and
 - (iii) cleaned at least once daily when in use;
- (h) each area of the kennel in which dogs are kept is maintained in a clean and sanitary condition at all time; and

- (i) dead animals, excreta, and other waste resulting from the keeping of dogs are removed daily from the kennel premises.

8. The Issuer may revoke a kennel licence upon evidence satisfactory to the Issuer that the holder of the kennel licence is in contravention of any one or more of the requirements in Section 7.

9. The revocation of a kennel licence shall be in addition to the penalties which may be imposed under Section 29.

PART V. CAT IDENTIFICATION TAGS

10. -(1) Subject to subsection 10(3), every person who owns a cat over the age of 8 weeks shall register the cat with the Issuer, between December 1st and December 31st in each year for the next following calendar year.

(2) Every person who owns a cat shall provide such information and documentation as the Issuer may require as part of the registration process.

(3) In the event that a person becomes an owner of a cat after January 1st in any year, or in the event that a person is the owner of a cat which reaches the age of 8 weeks after January 1st in any year, the owner shall register the cat with the Issuer upon becoming the owner of the cat or no later than eight weeks after the birth of the cat as the case may be, and shall provide such information and documentation as the Issuer may require to register the cat.

(4) At the time of registration of the cat, the owner shall pay a registration fee in accordance with Schedule "A".

(5) Despite subsection 10(4), the registration fee otherwise payable for a cat identification tag will be reduced by 50% if the owner of the cat produces to the

satisfaction of the Issuer:

- (a) evidence that the owner of the cat is over the age of 65 years; or
- (b) a certificate signed a veterinarian certifying that his or her cat has been spayed or neutered, or otherwise satisfies the Issuer that his or her cat has been spayed or neutered.

(6) Upon payment of the registration fee, the Issuer shall issue a cat identification tag bearing a unique serial number, the year of issuance and such other information as may be determined by the Issuer.

(7) Every owner of a cat shall keep the cat identification tag securely fixed at all times on the cat for which the cat identification tag was issued, except:

- (a) while the cat is confined on the premises of the cat's owner;
- (b) where the cat is a purebred cat and:
 - (i) the cat identification tag is in the possession of a competent person in control of the pure-bred cat while the pure-bred cat is off the premises of the owner; and
 - (ii) the cat identification tag is produced upon request of an Animal Control Officer.

(8) No person shall remove a cat identification tag from a cat without the consent of the owner thereof.

(9) No person shall use a cat identification tag upon a cat other than that for which it was issued.

(10) The Issuer may issue a replacement cat identification tag upon the owner providing evidence satisfactory to the Issuer that the cat identification tag was lost or damaged and upon payment of the replacement fee in accordance with Schedule "A".

(11) A cat identification tag shall expire upon the earliest of:

- (a) the transfer of ownership of the cat for which it was issued;
- (b) the death of the cat for which it was issued; and
- (c) December 31st of the year in which it was issued.

(12) The cat identification tag remains the property of the City and shall be surrendered by the cat owner upon request of an Animal Control Officer.

PART VI. RECORDS BY ISSUER

11. The Issuer shall maintain records of the particulars of all licences, kennel licences and cat identification tags issued by the Issuer in each calendar year. The records shall include the name and address of the holder of the licence, kennel licence or cat identification tag and the serial number of the licence, kennel licence or cat identification tag as the case may be, and such other information as the Issuer in his or her sole discretion determines to be necessary.

PART VII. FEES

12. -(1) All fees required to be paid under this By-law shall be paid to the Issuer prior to the issuance or replacement of a licence, kennel licence or cat identification tag as the case may be.

(2) The amount of the fee payable shall be determined in accordance with Schedule "A".

PART VIII. NUMBERS OF DOGS AND CATS - LIMITED

13. -(1) Except as provided in subsection 13(2) no person shall keep or permit in or about any dwelling unit more than two purebred dogs or more than two dogs other than purebred dogs, or some combination thereof, not exceeding two dogs in total.

- (2) Notwithstanding subsection 13(1) a person may keep:
- (a) more than two purebred dogs provided not more than two of the purebred dogs are over the age of six months, or more than two dogs which are not purebred dogs provided not more than two of such dogs are over the age of eight weeks; or
 - (b) a maximum of three dogs temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours.
- (3) Except as provided in subsection 13(4) no person shall keep or permit in or about any dwelling unit more than two cats over the age of eight weeks.
- (4) Notwithstanding subsection 13(3), a person may keep a maximum of three cats temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours.

PART IX. DOGS AND CATS RUNNING AT LARGE

14. No owner of a dog or cat shall cause or permit a dog or cat he or she owns to run at large within the limits of the City.
15. A dog or cat on a leash of more than two metres in length shall be deemed to be running at large for the purposes of this By-law.
16. No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not unless permission for said trespass is first obtained in writing from the owner of the property.

PART X. SEIZE AND IMPOUND

17. -(1) Subject to subsection 17(2) , an Animal Control Officer may seize and impound any dog or cat found running at large. A police work dog is deemed not to be

running at large while the police work dog is being used in the course of police duties.

(2) Where, in the opinion of the Animal Control Officer, a dog or cat seized under subsection 17(1) is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or his or her designate or agent, despite subsection 17(3), may kill the dog or cat in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale and no person shall be entitled to recover damages or compensation on account of its killing.

(3) Subject to Subsection 17(2), any dog or cat seized by an Animal Control Officer under this By-law shall be impounded for three days from the time of its impoundment, exclusive of the day on which the dog or cat was impounded, and days on which the impound centre is closed, provided however, that if the dog seized is a female dog in heat, the dog shall be impounded until the earlier of the day the dog is no longer in heat and 21 days.

(4) During the impound period referred to in subsection 17(3), the owner of the dog or cat shall be entitled to redeem the dog or cat upon:

- (a) payment of the impound fee and board fee in an amount determined in accordance with Schedule "A",
- (b) payment of any veterinarian fees incurred by the City for the well-being of the dog or cat, and
- (c) a licence being issued for that dog, or a cat identification tag being issued for that cat, as the case may be, in accordance with this By-law if there is no such valid licence or cat identification tag already issued for that dog or cat.

(5) If the dog or cat is not redeemed within the time frame specified in subsection 17(3), the City may dispose of the cat or dog as it sees fit without liability to

any person for the disposition of the dog or cat or the manner thereof.

18. Where a dog or cat is seized and impounded, the owner, if known, shall be liable for the impound fees, board fees and veterinarian fees in an amount determined in accordance with Schedule "A", whether the dog or cat is claimed from the pound or not and shall pay all fees on demand by the Animal Control Officer. Any amount not paid shall be a debt to the City and recoverable as such.

PART XI. STOOP AND SCOOP

19. Subject to Section 20, every person who owns or keeps a dog shall forthwith remove and dispose of excrement left by the dog on any public road or on any property in the City other than unimproved public property.

20. Section 19 shall not apply to a person who owns or uses a seeing-eye dog registered with the Canadian National Institute for the Blind.

PART XII. NOISE

21. The owner of a dog or a cat shall not permit or allow the dog or cat to make or continue to make any sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual.

PART XIII. ANIMAL KEEPING

22. -(1) Except as provided for in this By-law, no person shall keep any animal other than a dog or cat within the City.

(2) Section 22(1) of this By-law shall not apply to any veterinarian hospital, pet store, Science North, or Laurentian University's educational or research divisions.

(3) Nothing herein shall give any person any right to keep animals where such is prohibited by any Zoning By-law in effect from time to time governing the property on which the animals are being kept.

(4) In the event that the set-back requirements set out herein are inconsistent with the requirements set out in the Zoning By-law in effect from time to time governing the property in question, the requirements of the By-law which are more onerous shall prevail.

Rabbit Keeping

23. Despite Section 22 a person may keep not more than six rabbits on any property in the City provided such person ensures:

- (a) the rabbits are kept in a rabbit hutch
 - (i) constructed such that the ground floor of the hutch is not less than 0.5 metres above ground level;
 - (ii) 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
 - (iii) located at a distance of not less than 1.2 metres from the property line; and
- (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.

Pigeon Keeping

24. Despite Section 22 a person may keep not more than ten pigeons on any property within the City provided such person ensures that:

- (a) the pigeons are confined in a pigeon loft;
- (b) any building which is erected, used or maintained as a pigeon loft for the

housing of pigeons

- (i) has interior walls which are smoothly finished and painted,
 - (ii) is constructed in such a way as to be rodent proof,
 - (iii) has a floor which is at least one half metre above ground level,
 - (iv) is constructed in such a manner as to prevent the escape of the pigeons therefrom,
 - (v) is located at a distance of not less than 12 metres from any store, shop, dwelling unit or apartment building not occupied by the owner, and
 - (vi) is located at a distance of not less than 1.2 metres from the property line,
- (c) the inside walls of any building which is erected, maintained or used as a pigeon loft for the housing of pigeons are washed, cleaned or calcimined on the inside at least every six months;
- (d) the floor of any building which is erected, maintained or used as pigeon loft for the housing of pigeons is properly washed each week with water and soap and detergent whether the floor is constructed of wood or concrete;
- (e) all refuse and waste matter from the pigeon loft is disposed of daily in a proper and sanitary manner and no such refuse or waste matter is burned or stored; and
- (f) pigeons are not permitted to escape from or leave the pigeon loft at any time.

Tippler - Homing - Racing Pigeon Keeping

25. Despite Sections 22 and 24, nothing in this By-law shall be deemed to prohibit any person who is a member of an organized and generally recognized pigeon club from keeping any number of tippler, homing or racing pigeons provided the person ensures:

- (a) the tippler, homing or racing pigeons are confined in a pigeon loft constructed in such a manner to prevent the escape of the pigeons therefrom;
- (b) the pigeon loft for the tippler, homing or racing pigeons is located at a distance of not less than:
 - (i) 12 metres from any store, shop or dwelling unit not occupied by the person keeping the pigeons; and
 - (ii) 6 metres from any lot line; and
 - (iii) the tippler, homing or racing pigeons are given liberty for not more than one hour in each forenoon and one hour in each afternoon.

Rodent Keeping

26. Despite Section 22, a person may keep not more than six rodents in total, including but not limited to mice, rats, guinea pigs, hamsters and gerbils, provided they are housed in and kept in an escape-proof enclosure.

Reptile Keeping

27. Despite Section 22, a person may keep or permit no more than two reptiles in or about any dwelling unit provided the reptile being kept is either:

- (a) a non-venomous snake that does not exceed an overall length of 24 inches; or

- (b) a non-venomous lizard that does not exceed an overall length of 12 inches.

Horse, Domestic Fowl, Cattle, Goat, Swine, Mink, Sheep, Bird, or Mule Keeping

28. Despite Section 22 any person may keep horses, domestic fowl, cattle, goats, swine, mink, sheep, birds or mules, provided the person keeping such animal or animals ensures that the animal or animals are kept and maintained at a distance of

- (a) not less than 15 metres from any lot line, and
- (b) not less than 30 metres from the nearest store, shop, dwelling unit not

PART XIV. ENFORCEMENT

29. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

PART XV. SHORT TITLE AND REPEAL

30. This By-law shall be known as the Animal Control By-law.

31. The following by-laws are hereby repealed:

- (a) By-laws 81-60, 81-164, 81-170, 85-26, 85-96, 85-215, 86-232, 92-22, 95-04, 97-25 and Chapters 203 and 213 of the Municipal Code of the former City of Sudbury;
- (b) By-laws 73-9, 73-17, 75-9, 76-17, 80-11, 81-10, 83-10, 94-7, 95-3 and 96-3 of the former Town of Capreol;
- (c) By-laws 84-16, 86-2, 87-6, 88-38, 91-37, 92-34, 96-41, and 99-01 of the

former Town of Nickel Centre;

- (d) By-laws 80-16, 80-17, 89-22, 91-10, 96-01, and 96-24 of the former Town of Onaping Falls;
- (e) By-laws 78-3, 88-12, 92-6, 93-15, 93-38, 94-14, and 99-02 of the former Town of Rayside Balfour;
- (e) By-laws 77-11, 79-16, 81-19, 82-10, 86-2, 88-42, 89-9, 90-41, 90-57, 92-2, and 96-16 of the former Town of Valley East;
- (f) By-laws 82-198, 95-471, 95-472, 96-492 and 97-546 of the former Town of Walden; and
- (g) By-law 2001-18A of the City of Greater Sudbury.

32. Where a By-law of a former municipality or of the City is repealed by this By-law, the repeal does not:

- (a) revive any By-law not in force or existing at the time of which the repeal takes effect;
- (b) affect the previous operation of any By-law so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed;
- (d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

33. The repeal of a By-law under Section 31 hereof shall be deemed not to be or involve a declaration that the by-law was considered by the Council of the City of Greater Sudbury to have been previously in force.

34. The repeal of a By-law under Section 31 hereof shall be deemed not to be or to

involve any declaration as to the previous state of the law.

35. This By-law shall come into effect and take force immediately upon final passage.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL this 25th day of October, 2001.

Mayor

Clerk

READ A THIRD TIME AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL this 25th day of October, 2001.

Mayor

Clerk

SCHEDULE "A"

to By-Law 2001-250 of the City of Greater Sudbury

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FEES AND CHARGES

<u>Dog Licences</u>	<u>Fee</u>
Unaltered Dog	
not owned by a senior citizen	\$24.
owned by a senior citizen	\$12.
Dog that is Spayed or Neutered	
not owned by a senior citizen	\$12.
owned by a senior citizen	\$12.
Seeing Eye Dog used in that capacity by the owner	no fee
Hearing Ear Dog used in that capacity by the owner	no fee
Police Work Dog	no fee
Replacement tag	\$5.
<u>Late Issuing Surcharge</u>	<u>Surcharge</u>
Surcharge payable in addition to licencing fees to issue a dog licence if the licence is issued after January 31 for any reason other than:	\$10.
-the dog (other than a purebred dog) reached the age of 8 weeks after January 31 st in the year of application;	
-the purebred dog reached the age of 6 months after January 31 st in the year of application	
-the dog was acquired after January 31 st in the year of application	
Surcharge payable in addition to licencing fees for issuing a dog licence if licence is issued more than 7 days after	\$10.
-acquiring a dog	
-the dog (other than the purebred dog) reaching the age of 8 weeks	
-the purebred dog reaching the age of 6 months	
<u>Kennel Licences</u>	
Kennel Licence	\$60.

SCHEDULE "A"

to By-Law 2001-250 of the City of Greater Sudbury

Page 2 of 2

Late Issuing Surcharge

Surcharge payable in addition to Kennel Licence fee if kennel licence issued after January 31 st for any reason other then the owner or operator of the kennel was not the owner prior to January 31 st	\$10.
Surcharge payable in addition to Kennel Licence fee if kennel licence issued more than 7 days after acquisition of the kennel	\$10.

Cat Identification Tags

Unaltered Cat	
not owned by a senior citizen	\$24.
owned by a senior citizen	\$12.
Cat that is Spayed or Neutered	
not owned by a senior citizen	\$12.
owned by a senior citizen	\$12.

Late Issuing Surcharge

Surcharge payable in addition to registration fees to issue a cat identification tag if the tag is issued after January 31 for any reason other than: -the cat reached the age of 8 weeks after January 31 st in the year of application; -the cat was acquired after January 31 st in the year of application	\$10.
Surcharge payable in addition to registration fees for issuing a cat identification tag if tag is issued more than 7 days after -acquiring a cat -the cat reaching the age of 8 weeks	\$10.

Pound Fees

Impound fee	\$50.
Board fee	\$10. per diem plus any veterinary bill for the dog or cat in the amount incurred