

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2019-117

ANIMAL CARE AND CONTROL: (R1.5) A by-law for responsible animal care and control for The Corporation of the City of Sault Ste. Marie.

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 5, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property and animals;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a by-law under section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter or may provide for a system of Licenses respecting the matter;

AND WHEREAS Section 103(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that if a by-law is passed regulating or prohibiting with respect to the being At Large of animals, the by-law may provide for the seizure and impounding of animals being At Large and the sale of impounded animals;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the City of Sault Ste. Marie passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 further authorizes a municipality, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

AND WHEREAS the Council of the City of Sault Ste. Marie deems it advisable to enact a by-law providing for the care and control of animals in the City for the health and safety of the public;

NOW THEREFORE the Council of the City of Sault Ste. Marie enacts as follows:

SHORT TITLE

This by-Law shall be known as the Sault Ste. Marie Animal Care and Control By-law.

Table of Contents

1. <u>DEFINITIONS</u>	4
2. <u>POUND KEEPER</u>	6
3. <u>CARE OF DOMESTIC ANIMALS AND LIVESTOCK</u>	6
3.1 Responsibility to Care for animals	6
3.2 Tethers.....	6
3.3 Keeping Domestic Animals Under Sanitary Conditions.....	7
4. <u>DOGS AND CATS</u>	7
4.1 Registration	7
4.2 Prohibitions.....	8
4.3 Dog Bites/Attacks.....	8
4.4 Dangerous Dogs.....	9
4.5 Dangerous Dog Notice and Appeal Hearing.....	10
4.6 Nuisance.....	11
4.7 Off-Leash Areas	11
4.8 Running At Large	12
4.9 Impoundment	12
4.10 Confinement of Female Dogs and Cats in Heat.....	13
4.11 Stoop and Scoop.....	13
5. <u>GENERAL PROVISIONS</u>	13
5.1 Permitted Number of animals.....	13
5.2 Animals in an Enclosed Space.....	14
5.3 Injured or Killed Animals.....	15
5.4 Tormenting Animals.....	15
5.5 Trapping Animals	15
5.6 Livestock.....	15
5.7 Wild Animals	16
5.8 Prohibited Animals	17
5.9 Protective Care	18
6. <u>KENNELS</u>	18
6.1 Regulations	18
7. <u>ADMINISTRATION AND ENFORCEMENT</u>	19
7.1 Application and Enforcement.....	19

7.2	Fees.....	19
7.3	Offences and Penalties	20
7.4	Validity.....	20
7.5	By-Laws Repealed.....	20
7.6	Enactment	20
	Schedule “A” Schedule of Fees	22
	1. DOG AND CAT REGISTRATION FEES.....	22
	2. KENNEL REGISTRATION FEES.....	22
	3. REDEMPTION, SERVICE AND POUND FEES	22
	Schedule “B” Prohibited Animals	23
	Schedule “C” Standards for All Kennels	24
	Schedule “D” Part 1 Provincial Offences and Set Fines	28
	Schedule “E” Off-Leash Areas	32
	Schedule “F” Circus Prohibited	33
	Schedule “G” Zoos Prohibited	34
	Schedule “H” Dangerous Dog Notice.....	35

1. DEFINITIONS

In this by-law:

“*Agency*” means any institution or body under contract with the City to provide animal care and control services.

“*At Large*” means a Domestic Animal found not to be within the Owners property or a person who has consented to the animal being on their property while a leash affixed to the animal is not held by a person. For greater certainty, and subject to any exemption under this by-law, an animal found on property open to the public and not on a leash held by a person is deemed to be at large.

“*Attack*” or “*Attacked*” in reference to a dog or cat means aggressive behaviour resulting in unwanted physical contact resulting in harm to a person or Domestic Animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries or damage to clothing;

“*Bite*” means the breaking or puncturing of the skin of a person or Domestic Animal caused by the tooth or teeth of a dog and “*Biting*” has a similar meaning;

“*Board*” means the Board of Directors of the Agency contracted by City Council to provide for the care and control of animals in the City or designate of City Council;

“*Collar*” does not include a rope, cord, chain, or other material not used as a collar in its regular use.

“*Chief of Police*” means the Chief of Police for Sault Ste. Marie Police Services or persons acting under their authority;

“*City*” means the Corporation of the City of Sault Ste. Marie;

“*Council*” means the Council of the Corporation of the City of Sault Ste. Marie;

“*Domestic Animal*” includes a cat, dog or similar animal kept as a pet which is generally understood to be domesticated and is typically kept indoors and does not include a Wild Animal or Livestock as defined in this by-law or a Prohibited Animal as set out in Schedule “B” of this by-law.

“*Identification Tag*” means the tag issued annually when a dog or cat is registered with the Pound Keeper;

“*Kennel*” means a building or structure or part thereof where Domestic Animals are kept for the purpose of breeding, boarding, housing, feeding or maintenance. A kennel may be classified as:

- (a) “*Breeding Kennel*” is a kennel where the primary purpose of the facility is for the breeding and selling of Domestic Animals and the number of Domestic Animals

permitted within such kennel shall not exceed ten (10) excluding offspring under ten (10) weeks of age;

- (b) “Commercial Kennel” is a kennel where the primary purpose of the facility is for the boarding of Domestic Animals for hire or gain.

“*Livestock*” means animals including but not limited to cattle, fur-bearing animals, goats, pigs, horses and sheep, but not including dogs or cats;

“*Microchip*” means an approved Canadian Standard encoded identification device implanted into an animal which is programmed to store a unique and permanent identification number that permits access to Owner information which is stored in a central data base accessible to the Pound Keeper;

“*Muzzle*” means a humane fastening or covering device of sufficient strength and properly fitted to prevent animal from Biting, without interfering with the animals ability to breathe, pant, see or drink;

“*Officer*” means a person duly appointed as a Provincial Offences Officer or Municipal Law Enforcement Officer who is employed by the Agency, or, employed or under contract with the City;

“*Owner*” means any person who possesses, harbours or has custody of an animal and where the Owner is a minor, the person responsible for the custody of the minor;

“*person*” in addition to the regular meaning, includes a corporation, association, or any other non-incorporated entity;

“*Police*” means any Police Officer as appointed by the Government of Canada, the Province of Ontario or the City.

“*Pound*” means the part of the premises of the Agency used for the temporary housing and care of animals that has been impounded pursuant to this by-law, in accordance with the *Animals for Research Act*, R.S.O. 1990, Chapter A.22. and regulations thereunder as amended.

“*Pound Keeper*” means that person employed by the Agency as Manager who carries out the operation of the pound pursuant to the *Animals for Research Act*, R.S.O. 1990, Chapter A.22. and regulations thereunder as amended.

“*Service Animal*” has the same meaning as defined under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and regulations thereunder as amended.

“*Sterilized*” means either spayed or neutered and “sterilization” has a corresponding meaning;

“*Tether*” means a rope, chain or any restraining device that prevents an animal from moving away from a localized area and words “tethered” and “tethering” have a corresponding meaning;

“*Wild Animal*” means an untamed or undomesticated animal indigenous to North America, wild by nature or disposition;

2. POUND KEEPER

For the purpose of this by-law, any Agency under contract with the City to provide animal care and control services shall be deemed the Pound Keeper of the City and any Animal shelter(s) operated by the Agency shall be deemed the City Pound.

3. CARE OF DOMESTIC ANIMALS AND LIVESTOCK

3.1 Responsibility to Care for animals

3.1.1 Every person shall treat a Domestic Animal or Livestock in a humane manner, including but not limited to the provision of:

- (1) adequate and appropriate:
 - a. food;
 - b. unfrozen clean water;
 - c. shelter that is waterproof and protects from exposure to the elements and is appropriate for its size, species and breed; and
 - d. veterinary medical care when the animal exhibits signs of pain, illness or suffering.
- (2) the opportunity for physical activity sufficient to maintain good health.

3.1.2 Every person who keeps a Domestic Animal outside unsupervised for extended periods of time shall, in addition to the requirements set out in section 3.1.1, keep the Domestic Animal within a confined area on the premises and ensure provisions for and access to the following:

- (1) a raised shelter that protects from the elements, having regard to its size and type of coat;
- (2) an area separate and apart from the shelter for defecation and urination;
- (3) an area separate and apart from the shelter that provides protection from direct sunlight at any time of the day; and
- (4) an area that is dry and free from standing water.

3.2 Tethers

3.2.1 No person shall keep a Domestic Animal tethered unless:

- (1) the tether is a minimum of four (4) metres in length and does not permit it to go beyond the limits of the property;
- (2) it has unrestricted and unobstructed movement within the range of the tether;
- (3) it has access to water, food, shelter, or shade; and

(4) the tether is securely attached to a collar that will not cause unnecessary pain or distress.

3.2.2 No person shall use a collar on a Domestic Animal or Livestock that restricts or may restrict its ability to breathe or swallow, or that causes or may cause distress.

3.2.3 No person shall tether any cat outside while left unsupervised.

3.3 **Keeping Domestic Animals Under Sanitary Conditions**

3.3.1 Every person who keeps a Domestic Animal within the City shall keep it, or cause it to be kept on premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any person or animal, or that may endanger the health of any person or animal.

3.3.2 Provision 3.3.1 does not apply to Livestock kept in accordance with provision 5.6 of this by-law.

4. **DOGS AND CATS**

4.1 **Registration**

4.1.1 Every Owner of a dog or cat shall:

- (1) Register the dog or cat with the Pound Keeper within the later of:
 - a. The dog or cat reaching the age of five (5) months; and
 - b. Seven (7) days of becoming the owner of the dog or cat.
- (2) Pay the registration fee as set out in Schedule "A" as may be amended by Council from time to time;
- (3) Renew the registration annually on or before March 31st of each year;
- (4) Immediately obtain a replacement tag if the issued tag is missing. **[Amended by By-law 2020-37]**

4.1.2 Registration of a dog or cat shall expire on a Calendar year basis.

4.1.3 The Pound Keeper shall provide the registrant with an identification tag for each dog or cat registered in accordance with this by-law that will bear a licence number, the City name and the year to which it applies.

4.1.4 Where an Owner acquires a dog or cat or moves within the geographical limits of the City of Sault Ste. Marie after the 30th day of June of any year, the Owner shall pay one-half of the annual registration fee as set out in Schedule "A" at the time of registration.

4.1.5 The Pound Keeper shall not register a dog or cat unless the Owner provides:

- (1) Its name, address and telephone number;
- (2) The name, age, gender, breed, and general description of the dog or cat;
- (3) Proof of current rabies immunization from a Doctor of Veterinary Medicine, provision 4.1.5 (3) does not apply to a cat;
- (4) Proof of sterilization and microchip, if applicable, from a Doctor of Veterinary Medicine;
- (5) Copy of Dangerous Dog Notice, if applicable; and
- (6) The prescribed fee.

4.1.6 The Owner shall notify the Pound Keeper within seven (7) days of the sale or death of a dog or cat registered with the Pound Keeper or of any change in the Owner's name, address or telephone number.

4.1.7 No Owner, upon providing proof satisfactory to the Pound Keeper, shall be required to pay a fee for the registration of a police dog or Service Animal.

4.2 Prohibitions

4.2.1 Every Owner of a dog or cat five (5) months of age or older shall ensure that the identification tag issued at the time of registration or a replacement thereof is affixed on the dog or cat at all times during the year of issuance and until such time as they procure a tag for each dog or cat for the following issuance year.

4.2.2 No person shall use an identification tag for any dog or cat other than the dog or cat for which such identification tag was issued.

4.2.3 No person shall provide the Pound Keeper with any false information in respect of the registration or renewal of a registration of a dog or cat.

4.2.4 No person other than the Owner or the Pound Keeper shall remove the identification tag worn by a dog or cat. Proof of a Service Animal may be accepted if provided in a form in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and regulations thereunder as amended.

4.3 Dog Bites/Attacks

4.3.1 No person shall cause or permit a dog, through neglect or failure to control, to, without provocation, bite or attack a person or Domestic Animal.

4.3.2 Where it is alleged that a dog has bitten or attacked a person or Domestic Animal such dog may be impounded on the order of the Chief of Police and held by the Pound Keeper until the proceedings provided in the *Dog Owners' Liability Act*, R.S.O., 1990 c. D.16 have been followed provided that no dog shall be so impounded for a period in excess of twenty-one (21) days unless ordered otherwise by an Ontario Court or Provincial Offences Court.

4.3.3 Where Police, Pound Keeper or Officer finds a dog running At Large contrary to the provisions of this by-law and believes that before the dog can be seized it may attack a human being they may kill the dog.

4.3.4 No damages or compensation shall be recovered for the killing of a dog under this section.

4.4 Dangerous Dogs

4.4.1 Where the Pound Keeper or an Officer becomes aware either on its own initiative or as a result of a complaint received by it that a dog, without provocation, bite or attacked or chased or approached a person or Domestic Animal in a menacing fashion, the Pound Keeper may serve a Dangerous Dog Notice, attached to this by-law as Schedule "H". Every owner shall comply with the notice or all of the requirements set out in this section. Such notice shall take effect immediately upon service and the dog shall be deemed to be a Dangerous Dog. **[Amended by By-law 2020-37]**

4.4.2 Every Owner of a Dangerous Dog shall, at all times while the Dangerous Dog is not in the Owner's dwelling unit, but is otherwise within the boundaries of the Owner's premises, ensure that:

- (1) it wears a muzzle;
- (2) it is securely tethered;
- (3) it is contained within an area securely enclosed by a locked fence of an appropriate height, or an area enclosed by other means such that the Dangerous Dog cannot come into contact with members of the public; and
- (4) a sign, no smaller than 5" x 7", is displayed at all entrances to the property upon which the dog is kept, bearing words and a symbol that warn that there is a Dangerous Dog on the property.

4.4.3 Every Owner of a Dangerous Dog shall, at all times while the Dangerous Dog is not within the boundaries of the Owner's premises, keep it:

- (1) on a leash that does not exceed two (2) metres in length; and
- (2) muzzled.

4.4.4 Every Owner of a Dangerous Dog shall notify the Pound Keeper immediately of the following:

- (1) any change in Ownership or residence of the Dangerous Dog and provide the name, current address and telephone number of the new Owner;
- (2) if it runs At Large, attacks or bites any person or animal; and
- (3) if it dies.

4.4.5 The Owner of a Dangerous Dog shall ensure that:

- (1) it is spayed or neutered at the Owners expense; and
- (2) that it is implanted with a microchip at the Owner's expense.

4.4.6 The Pound Keeper may impound any Dangerous Dog not in compliance with this section and perform any procedure necessary in the circumstances, including euthanization, at the Owner's sole expense.

4.5 Dangerous Dog Notice and Appeal Hearing

4.5.1 The Dangerous Dog Notice referred to in provision 4.4 shall be served by hand delivery or registered mail to the Owner. If served by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:

- (1) a statement that the Pound Keeper has reason to believe that the dog is a potentially dangerous dog or a dangerous dog;
- (2) the requirements that the Owner must comply with in accordance with Section 4.4 and when such requirements take effect; and
- (3) a statement that the Owner may request, within three (3) working days of receipt of the Pound Keeper's Notice, and is entitled to, a hearing by a Committee designated by Council and specify the procedure for same.

4.5.2 An Owner's request for a hearing shall be made in writing to and served on the City Clerk of the Corporation of the City of Sault Ste. Marie within three (3) working days of receiving the Notice and include a copy of the Notice. A Committee of Council shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 within fifteen (15) working days of the City Clerk's receipt of the request for a hearing and provide the Owner with notice of same.

4.5.3 Where the Owner who has been given notice of a hearing does not attend at the prescribed time and place, the Committee of Council may proceed in their absence and the Owner will not be entitled to any further notice in the proceedings.

4.5.4 At the conclusion of the hearing, the Committee of Council may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing within fourteen (14) days of the hearing to the dog Owner and the Pound Keeper.

4.5.5 The Committee of Council may affirm or rescind the Pound Keeper's designation of the dog as potentially dangerous or dangerous, may substitute its own designation, or may substitute its own requirements of the Owner. The decision of the Committee of Council issued under this by-law is final.

4.5.6 The requirements of Sections 4.4.2, 4.4.3, 4.4.4 and 4.4.5 which may be imposed on a dog Owner by the Pound Keeper shall not be required until either the time for appeal under Section 4.5.2 **[Amended by By-law 2020-37]** has elapsed without the owner requesting a hearing pursuant to that section or the Committee of Council has ordered such requirement, whichever occurs earlier.

4.6 Nuisance

4.6.1 No person shall cause or permit a dog or cat to be a public nuisance by:

- (1) Persistently barking or howling;
- (2) Scattering garbage or interfering with waste collection services; or
- (3) Damaging public or private property; or
- (4) Chasing persons, vehicles, Domestic Animals, Livestock, poultry or other animals kept on an agricultural property.

4.6.2 For the purpose of 4.6.1(1), **[Amended by By-law 2020-37]** persistent barking or howling is defined as repeatedly barking or howling for ten (10) minutes or longer.

4.6.3 Where the Pound Keeper has received and investigated three (3) complaints about the persistent barking of a dog, which complaints have resulted in a conviction against a person under this by-law or any prior or successors thereto, or the City's Noise By-law or any successors thereto, the Pound Keeper shall be entitled to retrieve the dog from that person and keep the dog in the Pound for a period of ten (10) days or until the Pound Keeper is satisfied that that person has taken proper and effective steps to control the barking of the dog, whichever is the lesser.

4.7 Off-Leash Areas

4.7.1 Any person with control of a dog within a designated Off-Leash Area as listed in Schedule "E", as amended, to this by-law shall ensure:

- (1) that the dog has a current rabies immunization tag affixed to their collar;
- (2) that the dog has been registered and has an identification tag affixed to their collar;
and
- (3) that the dog is at all times under the direction and sight of its Owner or a person over the age of eighteen (18) years of age.

4.7.2 No person with control of or Owner shall allow a female dog in heat or a dog known to be sick to enter the confines of an Off-Leash Area.

4.7.3 No person with control of or Owner of a Dangerous Dog or a dog under a Dangerous Dog Notice shall permit that dog to enter the confines of an Off-Leash Area.

4.7.4 A person with control of or Owner of a dog who acts aggressively towards people or other dogs while in the confines of an Off-Leash Area shall immediately leash and remove the dog from the Off-Leash Area.

4.7.5 A dog is not considered to be At Large when found within the confines of an Off-Leash Area. For greater certainty, an Off-Leash Area means the area enclosed by fencing and not the area outside the enclosed fencing or any parking lot accessory to the Off-Leash Area.

4.8 Running At Large

4.8.1 No person shall cause or permit a dog, cat, unaltered dog or cat, or Dangerous Dog to be At Large in the City of Sault Ste. Marie.

4.8.2 Any person having care and control of a dog shall control it by means of a leash that is held or affixed to their person and enables them to properly control the Dog.

4.8.3 For the purposes of provision 4.8.2, **[Amended by By-law 2020-37]** a dog shall not be deemed to be controlled by a leash if the leash is attached to an immovable object, including, but not limited to, a motor vehicle, a bicycle, a post, or a handle.

4.8.4 Where the Pound Keeper has received and investigated three (3) complaints about a dog or cat At Large, which complaints have resulted in a conviction of the Owner of the dog or cat under this by-law, any prior by-law, or any successors thereto, the Pound Keeper shall be entitled to retrieve the dog, cat or any combination thereof, from the Owner to be kept in the Pound for a period of ten (10) days or until the Pound Keeper is satisfied that the Owner has taken proper and effective steps to prevent a further At Large incident, whichever is the lesser.

4.9 Impoundment

4.9.1 An Officer may seize any dog or cat that is found running At Large in the City and may cause such dog or cat to be delivered to the Pound.

4.9.2 Any person may seize any dog or cat that is found running At Large in the City and shall immediately cause such dog or cat to be delivered to the Pound Keeper, an Officer or, if known, returned to its rightful Owner.

4.9.3 A seized dog or cat shall be considered impounded at the time and place when it comes under the control of an Officer or the Pound Keeper. During the redemption period, the Pound Keeper may:

- (1) Provide such veterinary care or other care for an injured or ill impounded dog or cat as may be necessary to sustain its life or relieve any distress; and
- (2) Inoculate the impounded dog or cat to provide immunization against distemper or any other contagious or infectious disease.

4.9.4 An impounded dog or cat shall be held for a period of four (4) days and if not claimed and released to the Owner thereof within such period, such dog or cat may then be euthanized or sold by the Pound Keeper as they may deem appropriate.

4.9.5 The Owner of an animal that has been seized and impounded under this by-law may obtain release of such animal by:

- (1) Paying the redemption and administrative fees;

- (2) Paying any veterinary expenses incurred in relation to the animal while it was impounded;
- (3) If the animal being claimed is a dog or cat and is not already registered with the Pound Keeper, registering the dog or cat; and
- (4) Taking any other action in relation to the care or control of the dog or cat that the Pound may direct or order.

4.9.6 After the expiration of the redemption period, the Pound Keeper may:

- (1) release the animal to its Owner upon compliance with provision 4.10.5; or
- (2) keep, sell, transfer or euthanize the animal in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A,22, as amended.

4.10 **Confinement of Female Dogs and Cats in Heat**

4.10.1 Any person having care or control of a female dog or cat that is in heat shall confine such dog or cat to a building or enclosed pen until such heat has ended.

4.11 **Stoop and Scoop**

4.11.1 Any person having care or control of a dog or cat shall immediately remove any feces left by the animal in any place other than the premises of the Owner.

4.11.2 Any person having care or control of a dog or cat shall dispose of any feces left by the animal in a proper waste receptacle.

4.11.3 Provision 4.11.1 and 4.11.2 [**Amended by B-law 2020-37**] does not apply to Owners of a Service Dog while that dog is being used to aid a person with a visual, hearing or other impediment.

5. **GENERAL PROVISIONS**

5.1 **Permitted Number of animals**

5.1.1 No person shall keep more than three (3) dogs over the age of twelve (12) weeks within a household or premises.

5.1.2 No person shall keep more than five (5) cats over the age of twelve (12) weeks within a household or premises.

5.1.3 No person shall keep more than three (3) rodents or three (3) rabbits within a household or premises.

5.1.4 Provisions 5.1.1, 5.1.2 and 5.1.3 shall not apply to animals kept:

- (1) on premises of the Pound;

(2) on premises of a licenced Kennel;

(3) on premises of the Agency;

(4) on premises of an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3 as amended;

(5) by persons actively participating in a foster program under the direction or supervision of the Agency;

(6) as being lawfully kept under any exemption within this by-law and the schedules hereto.

5.1.5 Despite provisions 5.1.1, 5.1.2 and 5.1.3, any person lawfully keeping more than the permitted number of animals on the date this by-law comes into effect shall be permitted to keep said animals, provided that any dogs or cats are registered with the Pound Keeper within thirty (30) days of the date that this by-law comes into effect. If any dog or cat is added or replaced by the Owner, the Owner will be required to apply for an appropriate Kennel license or Permit.

5.1.6 The Pound Keeper is hereby authorized to issue, at their sole discretion, a Permit exempting any person from the prohibitions set out in this section.

5.1.7 No person shall fail to comply with the terms and conditions described on the face of any Permit issued by the Pound Keeper pursuant to this section.

5.1.8 Any Permit issued pursuant to this section remains the property of the City and may be withdrawn, revoked or otherwise declared not in force and effect, without notice, at the sole discretion of the Pound Keeper.

5.2 Animals in an Enclosed Space

5.2.1 No person shall cause an animal to be confined in an enclosed space, including a vehicle, that is not ventilated or otherwise limits the animal's ability to breathe, including but not limited to exposure to unsafe temperatures.

5.2.2 No person shall keep an animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes, or may cause, the animal illness, pain, injury or suffering or to become subject to undue or unnecessary hardship or neglect.

5.2.3 An Officer may use any reasonable means necessary to remove an animal in need of assistance from a vehicle or any enclosed space.

5.3 Injured or Killed Animals

5.3.1 A person who, in the course of operating a motor vehicle, injures or kills a Domestic Animal or Livestock shall pull over to the side of the roadway as soon as it is safe to do so and notify the Pound Keeper or Police.

5.3.2 A person who comes into the possession of a dog or cat that is injured shall, as soon as possible:

- (1) Release or return the animal back to the rightful Owner, if possible; or
- (2) Surrender the dog or cat to the Pound Keeper or an Officer.

5.3.3 Where, in the opinion of Police, Pound Keeper, or Officer, an animal under this by-law is injured or should be euthanized without delay for humane reasons or for safety reasons, such person may euthanize the animal as soon after the seizure as he or she thinks fit without permitting any person to reclaim the animal or without offering it by public sale, and no damages or compensation shall be recovered by the Owner.

5.4 Tormenting Animals

5.4.1 No person shall torment, assault, batter, annoy, tease or wilfully or recklessly kill or cause injury, pain or suffering to an animal.

5.4.2 Provision 5.4.1 of this by-law shall not be interpreted so as to prohibit:

- (1) a person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, as amended from time to time and other applicable law; or
- (2) a person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*, as amended, and other applicable laws.

5.5 Trapping Animals

5.5.1 No person shall set out any trap that causes or may cause injury, pain or suffering to a Domestic Animal or Livestock.

5.6 Livestock

5.6.1 No person shall keep Livestock in any area of the City unless the area is zoned for that purpose by the City's Zoning By-law 2005-150, as amended, and any successor thereto, or is lawfully used for that purpose.

5.6.2 No person shall cause or permit any Livestock owned or harboured by that person to run At Large in the City. For the purpose of this by-law, Livestock shall be deemed to be running At Large:

- (1) when found on any private property other than the premises of the owner of the Livestock or the person harbouring the Livestock without the consent of the person apparently in possession or actually in possession of the property; or
- (2) when on any highway or other public place and not under the care, control and supervision of the owner or other person apparently charged with the care or supervision of the Livestock.

5.6.3 Any Livestock which is found running At Large contrary to the provisions of this by-law may be seized and impounded by the Pound Keeper.

5.6.4 Any person who finds any Livestock running At Large shall report same to the Owner, if known, or the Pound Keeper immediately.

5.6.5 The Pound Keeper may euthanize any impounded Livestock without delay if, in the opinion of the Pound Keeper, such action is warranted for humane reasons.

5.6.6 The Owner of any Livestock impounded may obtain release of such Livestock by:

- (1) paying the necessary fees to the Pound Keeper; and
- (2) taking any other action in relation to the care or control of the Livestock that the Pound Keeper may direct.

5.6.7 The Pound may, in accordance with the *Pounds Act*, R.S.O. 1990, C P.17, as amended;

- (1) release the Livestock to its Owner upon compliance with provision 5.6.6 of this by-Law; or,
- (2) keep, sell or dispose of the Livestock.

5.6.8 The Owner of any Livestock found running At Large shall be liable for all damages caused by same.

5.6.9 Provision 5.6.1 shall not apply to:

- (1) premises used by the Agency; or,
- (2) premises of an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

5.7 **Wild Animals**

5.7.1 No person shall remove Wild Animals from City property unless authorized to do so by law.

5.7.2 No person shall keep, or cause to be kept, a Wild Animal in the City unless they are authorized to do so by law. If a person is in lawfull possession of a Wild Animal they

shall comply with provisions 3.1.1, 3.1.2, and 3.3.1 of this by-law as to the means of caring for such Wild Animal.

5.7.3 No person shall intentionally feed a Wild Animal or leave food or attractants of any type or form out of doors in such a manner as to attract, or be accessible by a Wild Animal or feral or stray Domestic Animal on private or public property.

5.7.4 Provision 5.7.3 does not apply to the following situations:

- (1) the feeding of song birds on private property;
- (2) the leaving of food as bait in a trap by a property Owner to capture a nuisance animal inhabiting or habituating their property pursuant to the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41;
- (3) the leaving of food as bait by a licensed trapper, an employee of a licensed wildlife or pest control agency, or an Officer in the performance of their work; and
- (4) the leaving of food for a colony of stray or feral cats for the purpose of trapping and turning over to the Pound Keeper.

5.8 Prohibited Animals

5.8.1 No person shall keep, either on a temporary or permanent basis, any prohibited animal in the City as described in Schedule "B".

5.8.2 Any prohibited animal found in the City may be seized and impounded by an Officer or Police.

5.8.3 This section does not apply to prohibit the keeping of a prohibited animal in the following places or circumstances:

- (1) An animal display operated by, or on behalf of the Corporation of the City of Sault Ste. Marie, on City-owned property;
- (2) On the premises of the Agency;
- (3) In a veterinary hospital under the care of a licenced veterinarian;
- (4) 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 provision 5 of the *Animals for Research Act*, R.S.O. 1970, c. 22.;
- (5) Animals kept by anyone authorized to do so under any statute of the legislature of Ontario or the Government of Canada;
- (6) On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production; and
- (7) Animals lawfully kept and in accordance with any agreement with the City on the lands municipally known as 1996 and 2016 Third Line West, Sault Ste. Marie, Ontario, PINs 31601-0220 and 31601-0221, under the care and control of Kenneth Frederick Marshall and Helen Dorothy Marshall operating as Spruce Haven.

5.9 Protective Care

5.9.1 Animals may be received by an Officer at the request of Police or Fire Services for the purpose of protective care pursuant to an incarceration, fire, medical emergency or for any other situation that the Pound Keeper deems appropriate.

5.9.2 Animals received into protective care shall only be kept on a temporary basis for up to a maximum of three (3) days.

5.9.3 If an animal is in protective care at the end of the three (3) day period and the animal has not been redeemed by the Owner, the Pound Keeper shall deem the animal to be running At Large and will be impounded pursuant to provision 4.9 **[Amended by By-law 2020-37]** of this by-law.

6. KENNELS

6.1 Regulations

6.1.1 All Kennels shall be registered, and the owner shall pay the registration fee and administrative fee(s) as set out in Schedule "A" and provide to the Pound Keeper the following:

- (1) The name, age, gender, breed, colour and sterilization status of all animals kept in the Kennel, if applicable; and
- (2) Written confirmation from the City's Building Division that the Kennel complies with the City Zoning By-law 2005-150; and
- (3) Any other information deemed necessary by the Pound Keeper for its records.

6.1.2 All Kennel licensees shall abide by all the provisions set out in this by-law, including:

- (1) providing confirmation from the Building Division in writing that the kennel complies with the City zoning by-law;
- (2) an inspection of the premises by the Agency within the previous twelve (12) months confirming approval of the premise as to the conditions of operation and quality of care for the Domestic Animal; and
- (3) meet the Kennel Operations Standards set out in Scheduled "C" to this by-law.

6.1.3 Where an Owner or Operator of a Kennel constructs or establishes a kennel after the 30th day of June of any year, the Owner or Operator shall pay one-half of the applicable annual registration fee as set out in Schedule "A".

6.1.4 No Owner or Operator of a Kennel shall permit more than ten (10) animals, excluding offspring under ten (10) weeks of age, to be kept at a Kennel being used for breeding purposes.

6.1.5 Notwithstanding provision 6.1.4 of this by-law, a person who lawfully owns or operates a Kennel for breeding purposes with more than ten (10) animals on the date of the passing of this by-law shall immediately notify the Pound Keeper and shall be permitted to continue to own or operate the Kennel.

6.1.6 Any Kennel registration may be refused, suspended, or revoked for non-compliance by an Officer if, at the Officer's discretion, the Kennel does not comply with the provisions of this by-law.

7. ADMINISTRATION AND ENFORCEMENT

7.1 Application and Enforcement

7.1.1 This by-law shall apply to any and all property within the geographical limits of the City of Sault Ste. Marie.

7.1.2 An Officer may issue a written order or direction requiring that a person comply with the provisions of this by-law.

7.1.3 An Officer may enter upon any land or structures at any reasonable time for the purposes of carrying out an inspection for purposes of determining whether or not:

- (1) the provisions of this by-law are being complied with; or
- (2) an order under this by-law is being or has been complied with.

7.1.4 Every person shall permit an Officer, upon production of identification, to enter the land or structure for the purpose of the inspection pursuant to provision 7.1.3.

7.1.5 No person shall refuse to produce any documents or things required by an Officer in the exercise of a power or performance of a duty under this by-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.

7.1.6 No person shall knowingly furnish false information to an Officer.

7.2 Fees

7.2.1 The Pound Keeper shall be entitled to recover from the Owner of an impounded animal the cost of inoculating, veterinary care, and any other care provided while the animal was impounded, and pound and redemption fees, if applicable, prior to returning the animal.

7.2.2 Where an animal is not redeemed by the Owner and the Owner is known, they shall be held liable for all fees and expenses incurred as a result of the animal's seizure and impoundment.

7.2.3 Any fee required by or described in this by-law shall be as set out in Schedule “A” to this by-law with the exception of those fees determined by the Board of the Agency, as amended from time to time.

7.3 Offences and Penalties

7.3.1 Any person or Owner who contravenes a provision of this by-law is guilty of an offence and is liable upon conviction to a penalty of not less than \$50.00 and not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

7.3.2 For the purposes of this section, a separate violation shall be deemed to have been committed for each and every day during which such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues.

7.4 Validity

7.4.1 Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforce in accordance with its terms to the extent possible under the law so as to provide a minimum standard for the care and control of animals.

7.4.2 Where a provision of this by-law conflicts with the provision of another by-law, Act, or Regulation in force within the City of Sault Ste. Marie, the provisions that establishes the higher standards for the care and control of animals and the protection of the health and safety of persons shall prevail.

7.5 By-Laws Repealed

7.5.1 By-law 2018-19 of the Corporation of the City of Sault Ste. Marie and any amendments made thereto are hereby repealed.

7.6 Enactment

7.6.1 This by-law shall come into force and effect on the day that it is passed, save for provisions 4.1 and 4.2 (pertaining specifically to cats).

7.6.2 Section 4.1 and 4.2 (pertaining specifically to cats), shall come into force and effect on January 1, 2020, and all cats shall be registered on or before March 31st, 2021.

PASSED in open Council this 21st day of May, 2019.

“Christian Provenzano”

MAYOR – CHRISTIAN PROVENZANO

“Rachel Tyczinski”

DEPUTY CITY CLERK – RACHEL TYCZINSKI

The Corporation of the City of Sault Ste. Marie

Schedule "A" Schedule of Fees

1. DOG AND CAT REGISTRATION FEES

Classification	Annual Fee
Unsterilized dog or cat	\$50.00
Sterilized dog or cat	\$20.00
Sterilized dog or cat with Microchip	\$10.00
Dangerous Dog	\$100.00
Late Registration Surcharge (after March 31 st)	\$10.00
Replacement Identification Tag	\$5.00

2. KENNEL REGISTRATION FEES

Classification	Annual Fee
Kennel Registration	\$150.00
Late Registration Surcharge (after March 31 st)	\$50.00

3. REDEMPTION, SERVICE AND POUND FEES

Redemption and pound fees and any other costs associated with the enforcement of this by-law shall be set by the Board.

The Corporation of the City of Sault Ste. Marie

Schedule “B” Prohibited Animals

The following animals are prohibited:

All Marsupials (such as Kangaroos and Opossums)

All Non-human Primates (such as Gorillas and Monkeys)

All Felids, except the domestic cat

All Canids, except the domestic dog

All Viverrids (such as Mongooses, Civets and Genets)

All Mustelids (such as Skunks, Weasels, Otters, Badgers) except the domestic Ferret

All Ursids (Bears)

All Artiodactylus Ungulates, except domestic goats, sheep, pigs and cattle

All Procyonids (such as Raccoons, Coatis and Cacomistles)

All Hyenas

All Perissodaetylus Ungulates, except the domestic horse and ass

All Elephants

All Pinnipets (such as Seals, Fur Seals and Walruses)

All Snakes of the Families Pythonidae and Boidae

All Venomous Reptiles

All Ratite Birds (such as Ostriches, Rheas and Cassowaries)

All diurnal and nocturnal Raptors (such as Eagles, Hawks and Owls)

All Edentates (such as Anteaters, Sloths, Armadillos)

All Bats

All Crocodilians (such as Alligators and Crocodiles)

All Venomous Arachnids (such as Scorpions and Tarantulas)

The Corporation of the City of Sault Ste. Marie

Schedule "C" Standards for All Kennels

All kennels operating within the City shall maintain all animals in a clean, secure, and humane manner and every Owner and operator of a kennel shall ensure that the kennel complies with the following standards:

- (1) All animals shall be provided with food and water and treated in a humane manner.
- (2) The kennel shall be constructed and maintained in accordance with the *Building Code Act*, 1992, S.O. 1992, c. 23 and in such a manner that:
 - a. Floors and other surfaces may be readily sanitized;
 - b. Doors, windows, pipes, drains and other openings have no space or spaces capable of harbouring or permitting the entrance of vermin;
 - c. Exposure to direct sunlight is limited and shall not cause distress to any animal; and
 - d. All kennels shall be kept in a good state of repair.
- (3) Where there are floor drains:
 - a. A floor drain and any trench installed in connection therewith that is used for waste disposal shall be flushed at such intervals as may be necessary to prevent any accumulation of waste that might impair the health or welfare of any animal in the room;
 - b. The floor shall be so constructed and maintained in order that surface liquids thereon will drain into the drain; and
 - c. The operator of the kennel shall cause the drains to be examined as often as is necessary to ensure that they are functioning properly, have an adequate water seal and are not harbouring vermin.
- (4) Alleyways and service aisles between cages or pens shall be of sufficient width to permit the safe and efficient movement of Individuals and equipment and shall not be used for storage or accumulation of materials or equipment of any kind.
- (5) Every room in a kennel shall be maintained in a clean condition.
- (6) The operator of every kennel shall take all reasonable steps to prevent the spread of and to destroy vermin and invertebrates that may be harmful to the health, comfort or welfare of any animal in the kennel.
- (7) Every room that is used for the housing of animals within a kennel shall be equipped with a lighting system that is so designed, constructed and maintained in order that:
 - a. It distributes light as evenly and with as little glare as possible; and

- b. It provides adequate light for the proper observation of every animal in the room.
- (8) Every room that is used for the housing of animals within a kennel shall be adequately lighted for a continuous period of at least eight (8) hours in every twenty-four (24) hour period.
- (9) Every room that is used for the housing of animals within a kennel shall at all times be adequately ventilated for the health, welfare and comfort of every animal therein.
- (10) Every room that is used for the housing of animals within a kennel shall at all times be adequately maintained at a temperature suitable for the health, welfare and comfort of every animal therein.
- (11) The operator of a kennel shall ensure that there are, in every day, on the premises on which the kennel is located, an adequate number of individuals competent in the care of animals to properly care for every animal in the kennel.
- (12) Every cage or pen used in a kennel for the housing of animals shall be so constructed and maintained that:
- a. Every animal in the cage or pen may comfortably:
 - i. Extend its legs to their full extent,
 - ii. Stand,
 - iii. Sit,
 - iv. Turn around, and
 - v. Lie down in a fully extended position;
 - b. Is not likely to harm any animal therein;
 - c. Any animal therein cannot readily escape;
 - d. It minimizes as nearly as practicable the transfer of pathogenic agents; and
 - e. It may be readily sanitized.
- (13) Where a group of animals in a kennel is housed in a communal cage, pen or animal run, no individual animal shall be placed in the cage, pen or animal run with the group of animals where the placing of the individual animal would result in harm to any of the animals and, where the behaviour of the animals in the cage, pen or animal run is such that harm is likely to result. Any animal whose removal will prevent the harm from occurring shall be removed immediately.
- (14) All pens or cages in every kennel shall be maintained such that:
- a. Bedding material in every cage or pen shall be changed as often as is necessary to keep it dry, clean and free of noxious fumes;

- b. Every animal that is housed in a cage or pen shall be removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;
 - c. No animal shall be placed in a cage or pen that is vacant unless the cage or pen and equipment used in connection therewith have first been sanitized;
 - d. Where a cage is cleaned or sanitized, the cage rack or portion thereof used in connection with the cage shall be cleaned or sanitized at the same time;
 - e. Every animal shall be protected against liquid spray while a cage or pen is being cleaned;
 - f. Every device used to supply drinking water to an animal shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure:
 - i. That the animal is receiving potable water; and
 - ii. The device is functioning properly;
 - g. Every container for food or water shall be maintained in a sanitary condition.
- (15) The operator of every kennel shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in or on any animal and to prevent distress to the animal.
- (16) Every pen used for the housing of animals in any kennel shall be so constructed and maintained as to provide a clean, dry and safe surface adequate to permit the animals to lie down in comfort at all times.
- (17) An outdoor animal run in a kennel may be used to provide animals in the kennel with exercise subject to the following conditions:
- a. No animal shall be removed from indoor housing and placed in the outdoor animal run or removed from the outdoor animal run and placed in the indoor housing where to do so would result in the change in environment likely to cause harm to the animal;
 - b. The surface on which the animal run is established shall be so maintained as to rapidly drain all excess surface water;
 - c. The animal run shall be so fenced as to prevent any animal from escaping;
 - d. The animal run shall be kept in a clean condition free from any materials or equipment likely to cause harm to an animal;
 - e. Every animal in the animal run shall have access to individual shelters that are:
 - i. Readily accessible to the animal;
 - ii. Large enough to comfortably accommodate the animal;
 - iii. Constructed and maintained so as to provide protection from the effects of direct sunlight, precipitation and wind; and,
 - iv. Dry and well drained.
- (18) All surfaces of yards and runways shall be covered in concrete or other nonporous materials or any other equivalent material.

- (19) Subject to the *Dead Animal Disposal Act*, R.S.O. 1990, c. D.3 (the “*DADA*”), as amended, in any kennel, the carcass of an animal shall be:
- a. removed immediately from the cage or pen; and
 - b. except for the whole or a part of the carcass that is retained in a sanitary manner for research, disposed of immediately.
- (20) Where the carcass of an animal is disposed of and the dead animal is not a “dead animal” as defined in the *DADA*, as amended, the carcass shall be disposed of by:
- a. Burying it with a covering of at least two (2) feet of earth;
 - b. Incineration; or
 - c. Delivery to a rendering plant that is:
 - i. Licensed under the *DADA*; or
 - ii. Approved under the Meat Inspection Act (Canada) in a vehicle constructed and equipped in accordance with the *DADA*.
- (21) A whelping facility or area shall be separate from any individual or group kennel enclosures housing other kennel animals, thereby providing the whelping animal with privacy.
- (22) Wire floors shall not be permitted in any kennel housing animals. If wire floors must be used, a solid floored sleeping area must be provided and every animal or pup must be given an opportunity to exercise on a larger solid floored area at least three (3) times daily.

The Corporation of the City of Sault Ste. Marie

Schedule “D” Part 1 Provincial Offences and Set Fines

	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to treat animal in humane manner	3.1.1	\$250.00
2	Fail to provide animal with adequate/appropriate – food	3.1.1(1)(a)	\$250.00
3	Fail to provide animal with adequate/appropriate – water	3.1.1(1)(b)	\$250.00
4	Fail to provide animal with adequate/appropriate – shelter	3.1.1(1)(c)	\$250.00
5	Fail to provide animal with veterinary medical care	3.1.1(1)(d)	\$400.00
6	Fail to provide animal with sufficient physical activity	3.1.1(2)	\$250.00
7	Fail to provide animal with raised shelter	3.1.2(1)	\$100.00
8	Fail to provide animal with separate area for defecation and urination	3.1.2(2)	\$100.00
9	Fail to provide animal with sufficient shade	3.1.2(3)	\$200.00
10	Fail to provide animal with area dry and free from standing water	3.1.2(4)	\$150.00
11	Improper Tethering of an animal - tether less than four (4) metres	3.2.1(1)	\$150.00
12	Improper Tethering of an animal - failing to give animal unrestricted/unobstructed movement within range of tether	3.2.1(2)	\$150.00
13	Improper Tethering of an animal - no access to food or water or shelter or shade	3.2.1(3)	\$250.00
14	Improper Tethering of an animal – Tether causing pain or distress	3.2.1(4)	\$250.00
15	Improper collar – restrict breathing or cause distress	3.2.2	\$250.00

16	Improper Tethering of a cat – left outside unsupervised	3.2.3	\$150.00
17	Fail to keep animal in sanitary conditions	3.3.1	\$250.00
18	Fail to register – dog or cat	4.1.1(1)	\$250.00
19	Fail to renew registration	4.1.1(3)	\$100.00
20	Fail to obtain a replacement dog identification tag	4.1.1(4)	\$50.00
21	Fail to display identification tag on collar	4.2.1	\$50.00
22	Use improper tag	4.2.2	\$150.00
23	Provide false information	4.2.3	\$250.00
24	Remove identification tag	4.2.4	\$100.00
25	Permit dog to bite or attack – a person or domestic animal	4.3.1	\$250.00
26	Fail to comply with Dangerous Dog notice	4.4.1	\$400.00
27	Fail to muzzle a dangerous dog	4.4.2(1)	\$400.00
28	Fail to securely tether a dangerous dog	4.4.2(2)	\$400.00
29	Fail to securely confine a dangerous dog with appropriate – fence or enclosure	4.4.2(3)	\$400.00
30	Fail to display Dangerous Dog warning sign	4.4.2(4)	\$200.00
31	Use leash more than 2m on dangerous dog	4.4.3(1)	\$400.00
32	Fail to muzzle a dangerous dog	4.4.3(2)	\$400.00
33	Fail to notify of change of address or ownership	4.4.4(1)	\$300.00
34	Fail to notify running At Large of dangerous dog	4.4.4(2)	\$400.00
35	Failing to notify attacking or biting by dangerous dog	4.4.4(2)	\$400.00
36	Permit dog to persistently bark or howl	4.6.1(1)	\$150.00
37	Permit dog or cat to scatter garbage or interfere with waste collection services	4.6.1(2)	\$150.00
38	Permit dog or cat to damage public or private property	4.6.1(3)	\$150.00
39	Permit dog or cat to chase persons or vehicles or domestic animals or livestock or poultry	4.6.1(4)	\$150.00

40	Permit dog in Off-Leash Area with no rabies immunization tag	4.7.1(1)	\$150.00
41	Permit dog in Off-Leash Area with no identification tag	4.7.1(2)	\$150.00
42	Fail to be with Owner or person over 18	4.7.1(3)	\$150.00
43	Permit dog in heat or sick in Off-Leash Area	4.7.2	\$150.00
44	Permit aggressive or dog under Dangerous Dog notice in Off-Leash Area	4.7.3	\$250.00
45	Fail to leave Off-Leash Area following aggression towards people or dog	4.7.4	\$100.00
46	Permit dog or cat to run At Large	4.8.1	\$200.00
47	Permit unaltered dog or cat to run At Large	4.8.1	\$300.00
48	Permit dangerous dog to run At Large	4.8.1	\$400.00
49	Fail to properly control a dog on a leash	4.8.2	\$100.00
50	Fail to turn over a found cat or dog to Pound or Owner	4.9.2	\$200.00
51	Fail to confine a dog or cat that is in heat	4.10.1	\$150.00
52	Fail to immediately remove cat or dog feces	4.11.1	\$200.00
53	Fail to dispose of cat or dog feces in proper waste receptacle	4.11.2	\$200.00
54	Keep more than 3 dogs on premises	5.1.1	\$250.00
55	Keep more than 5 cats on premises	5.1.2	\$250.00
56	Keep more than 3 rodents or 3 rabbits on premises	5.1.3	\$250.00
57	Keeping an animal in enclosed space or car without adequate ventilation	5.2.1	\$400.00
58	Improper transportation of animal	5.2.2	\$250.00
59	Fail to notify Pound Keeper of injuring an animal while operating a motor vehicle	5.3.1	\$250.00
60	Fail to turn over an injured animal to the Owner	5.3.2(1)	\$300.00
61	Fail to turn over an injured animal to Officer or Pound Keeper	5.3.2(2)	\$300.00

62	Annoy or assault or batter or torment or wilfully and recklessly kill or cause injury or cause pain or cause suffering to an animal	5.4.1	\$500.00
63	Trap an animal causing pain, injury and suffering [Amended by By-law 2020-37]	5.5.1	\$150.00
64	Keep livestock in area not zoned for keeping of livestock	5.6.1	\$250.00
65	Permit livestock to run At Large	5.6.2	\$300.00
66	Fail to turn over found livestock to its Owner or Officer or Pound	5.6.4	\$200.00
67	Remove a wild animal from City property	5.7.1	\$150.00
68	Keep or cause to be kept a wild animal	5.7.2	\$150.00
69	Feed a wild animal or leave food or attractant out	5.7.3	\$200.00
70	Keep a prohibited animal	5.8.1	\$300.00
71	Fail to pay Kennel registration fee	6.1.1	\$200.00
72	Fail to construct or establish or maintain or operate a Kennel in compliance with the By-Law	6.1.2	\$250.00
73	Fail to comply with Kennel Operations Standards	6.1.2(3)	\$200.00
74	Keep more than ten (10) animals – Breeding Kennel	6.1.4	\$250.00
75	Fail to permit an Officer to inspect premises	7.1.4	\$250.00
76	Obstructing an Officer in the execution of their duties	7.1.5	\$300.00
77	Furnish false information to an Officer	7.1.6	\$300.00

The Corporation of the City of Sault Ste. Marie

Schedule “E” Off-Leash Areas

The following properties are “Off-Leash Areas” for the purposes of this by-law:

- (1) Strathclair Dog Park

The Corporation of the City of Sault Ste. Marie

Schedule “F” Circus Prohibited

The purpose of Schedule “F” is to prohibit Circuses with Animals from operating within the City of Sault Ste. Marie.

1. **DEFINITIONS**

For the purposes of Schedule “F” of this by-law,

“Animal” means any member of the animal kingdom, other than a human;

“Circus” means a traveling company which includes any combination of acrobats, Animals, clowns, entertainers, that give performances in a series of different places for the amusement or entertainment of an audience;

2. **PROHIBITION**

No person within the City of Sault Ste. Marie shall operate or carry on a Circus in which an Animal is required to perform for the amusement or entertainment of an audience.

3. **EXCEPTIONS**

Notwithstanding the provisions of section 2, nothing in this Schedule shall prohibit or restrict:

- a. An Equestrian Show;
- b. A Dog Show;
- c. A Domestic Cat Show;
- d. An Aquarium Display;
- e. Horseracing;
- f. Sled Dog Racing;
- g. A Pet Store or Pet Shop;
- h. A municipally registered Kennel;
- i. A breeding facility, which holds a valid municipal Breeding Permit;
- j. A veterinary hospital under the care of a licensed veterinarian;
- k. Animals kept 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 Section 5 of the *Animals for Research Act*, R.S.O. 1970, Chapter 22;
- l. Animals kept on the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.

The Corporation of the City of Sault Ste. Marie

Schedule “G” Zoos Prohibited

The purpose of Schedule “G” is to prohibit Zoos from operating within the City of Sault Ste. Marie.

1. **DEFINITIONS**

For the purposes of Schedule “G” of this by-law,

“Animal” means any member of the animal kingdom, other than a human;

“Zoo” means an establishment that maintains a permanent collection of live animals kept in cages or large enclosures for any purpose, including but not limited to display to the public.

2. **PROHIBITION**

No person within the City of Sault Ste. Marie shall operate or carry on a Zoo.

3. **EXCEPTIONS**

Notwithstanding the provisions of section 2, nothing in this Schedule shall prohibit or restrict:

- a. Animals kept on the premises of the Agency;
- b. Animals kept in a Pet Store or Pet Shop;
- c. Livestock kept in an area of the City zoned for agricultural purposes;
- d. An Aquarium or Insect Display;
- e. A municipally registered Kennel;
- f. A breeding facility, which holds a valid municipal Breeding Permit;
- g. A veterinary hospital under the care of a licensed veterinarian;
- h. Animals kept 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 Section 5 of the *Animals for Research Act*, R.S.O. 1970, Chapter 22;
- i. Animals kept by anyone authorized to do so under any statute of the legislature of Ontario or the Government of Canada; and
- j. Animals lawfully kept and in accordance with any agreement with the City on the lands municipally known as 1996 and 2016 Third Line West, Sault Ste. Marie, Ontario, PINs 31601-0220 and 31601-0221, under the care and control of Kenneth Frederick Marshall and Helen Dorothy Marshall operating as Spruce Haven.

The Corporation of the City of Sault Ste. Marie

Schedule “H” Dangerous Dog Notice

[Agency Name]

IN THE MATTER OF By-Law 2019-117

Of

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

Notice of Dangerous Dog Designation

I, [NAME], of the City of Sault Ste. Marie, in the District of Algoma, Poundkeeper for the City of Sault Ste. Marie Humane Society

DO HEREBY GIVE NOTICE TO [NAME], [STREET ADDRESS], Sault Ste. Marie, Ontario [POSTAL CODE] that the dog owned by you and more particularly described as

[COLOUR], [BREED], [SEX], [NAME]

Is hereby designated to be **Dangerous** as described in By-law 2019-117, as amended, passed by the Council of the Corporation of the City of Sault Ste. Marie;

DO THEREFORE REQUIRE that you immediately upon receipt of this notice must keep the said dog confined within your dwelling, or when within the boundaries of your premises, ensure that:

- (1) it wears a muzzle;
- (2) it is securely tethered;
- (3) it is contained within an area securely enclosed by a locked fence of an appropriate height, or an area enclosed by other means such that the Dangerous Dog cannot come into contact with members of the public; and
- (4) a sign, no smaller than 5” x 7”, is displayed at all entrances to the property upon which the dog is kept, bearing words and a symbol that warn that there is a Dangerous Dog on the property.

When the said dog is not within the boundaries of your premises, the dog must be:

- (1) on a leash that does not exceed two (2) metres in length; and
- (2) muzzled.

YOU ARE HEREBY FURTHER GIVEN NOTICE that you may appeal this notice by requesting a hearing to be heard by a Committee designated by the Council of the Corporation of the City of Sault Ste. Marie. Notice of request for hearing must be served on the City Clerk for the Corporation of the City of Sault Ste. Marie **three (3) working days** from the date of this notice. The Appeal Committee may affirm or rescind the Poundkeeper’s dangerous dog designation or

may substitute its own requirements of the owner of the dangerous dog pursuant to By-law 2019-117, s. 4.5.

[NAME]
Poundkeeper
Sault Ste. Marie Humane Society

DATED AT SAULT STE. MARIE, ONTARIO, THIS DAY OF 20__

cc City Legal Department