

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2016)-20122

A by-law to regulate the keeping, registration, licensing, control and welfare of certain classes of animals within the City of Guelph and to repeal by-laws (1979)-10081; (1985)-11952; (1991)-14008; and (2013)-19577.

WHEREAS the *Municipal Act, 2001* permits a single-tier municipality to pass by-laws respecting animals and the protection of persons and property;

AND WHEREAS the *Municipal Act, 2001* permits a by-law regulating or prohibiting with respect to the being at large or trespassing of animals to provide for the seizure, impounding and sale of such animals;

AND WHEREAS the *Municipal Act, 2001* permits a municipality to provide for a system of licences with respect to animals;

THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Definitions

1. In this By-law the following terms shall have the corresponding meanings:

- (a) "Agricultural Area" means any area designated by the City as being for agricultural, rural or livestock use, and where Animal excrement is permitted;
- (b) "Animal" means a specimen of any species of fauna other than human;
- (c) "Animal Licence" means a licence in respect of a specific Animal;
- (d) "Animal Protection Officer" means a person enforcing this By-law on behalf of the Pound Operator;
- (e) "Animal Tag" means a form of Animal Licence comprising a tag capable of being affixed to a collar which is affixed to an Animal;
- (f) "Built Outdoor Recreation Facility" includes, but is not limited to, a City owned or operated splash pad, wading pool, tennis courts, skateboard park, swimming pool, water feature, playground, basketball court, volleyball court, bowling green, but does not include an unfenced baseball diamond, cricket pitch, soccer field or football field in any park of the City,
- (g) "Cat" means a domestic cat;
- (h) "Cattery" means a place where, for profit or gain, four or more Cats are boarded, bred or Kept;
- (i) "City" means The Corporation of the City of Guelph;
- (j) "Dog" means a domestic dog;
- (k) "Domestic Poultry" means Chickens, domestic Ducks, domestic Geese and Pigeons
- (l) "Facility Licence" means a licence in respect of a Kennel or Cattery and may include a printed document of the licence which is large enough to

- be legible when posted on a wall, and a printed document of the licence which is small enough to be carried in a wallet;
- (m) "Facility Operator" means the person who manages a Kennel or Cattery, and includes directors, officers, employees and agents of such person;
 - (n) "Keep" means have temporary or permanent ownership, possession or custody of an Animal;
 - (o) "Keeper" means a person who Keeps an Animal, or, if such person is a minor, the parent or guardian of such minor;
 - (p) "Kennel" means a place where, for profit or gain, four or more Dogs are boarded, bred or Kept;
 - (q) "Leash" means a leash, cord or chain, no greater than 1.8 metres (6 feet) in length;
 - (r) "Microchip" means a device, designed to an approved Canadian standard, implanted in an Animal, containing a unique code that permits or facilitates access by the Pound Operator to information such as the name and contact information of the Animal's Keeper;
 - (s) " "Police Work Animal" means an Animal trained for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;
 - (t) "Pound Operator" means the person appointed by the City to manage a facility for the Keeping of seized, impounded and/or unclaimed Animals and to enforce animal-related requirements, including this By-law, and includes the directors, officers, employees and agents of such person;
 - (u) "Registration" means a record of ownership and of the keeping of animals, as required under this by-law. "Register" shall have a corresponding meaning.
 - (v) "Wild Animal" is an animal that is, as a matter of common knowledge, naturally ferocious, unpredictable, dangerous, mischievous, or not by custom devoted to the service of mankind at the time and in the place in which it is kept.

Prohibited Animals

2. No person shall Keep any Animal of a kind indicated in Schedule "A" to this By-law, except:
 - (a) In accordance with:
 - i. An exception indicated in Schedule "A" to this By-law,
 - ii. A licence or loan agreement under Federal or Provincial wildlife legislation, or
 - iii. The City's Zoning By-law;
 - (b) If the person is a Federal or Provincial animal officer or enforcement officer; or
 - (c) At the site of:
 - i. A veterinary hospital under the care of a licensed veterinarian,
 - ii. A pound,
 - iii. The Guelph Humane Society,
 - iv. The University of Guelph,
 - v. Any premises registered under the *Animals for Research Act* as a research facility, or
 - vi. An animal education event, a special event, or other exemption as approved by the City.
3. Notwithstanding the foregoing, no person shall Keep an Animal of a kind prohibited by or under any Federal or Provincial legislation.

Animal Licences in General

4. The City may from time to time establish fees, procedures/timelines and charges in respect of Animal Licences.
5. The City may determine whether, and in what circumstances, Animal Licences will take the form of Animal Tags.
6. Every Animal Licence expires one year after its issuance.
7. No Animal Licence is transferable except with the approval of the City or the Pound Operator.
8. Every Animal Licence expires and becomes void upon the sale, transfer, death or disposal of the Animal in respect of which it was issued unless permitted as in section 7. Above.

Animal Tags in General

9. If an Animal Licence in the form of an Animal Tag has been issued to the Keeper of an Animal, the Keeper of the Animal shall keep that Animal Tag securely affixed on the Animal at all times.
10. No person shall use an Animal Tag upon any Animal other than the Animal for which the Animal Tag was issued. However, should the animal expire before the end of the licensing period, the license may be transferred to a new animal and a new tag issued.
11. If an Animal Tag is lost or destroyed before the expiry of the corresponding Licence, the Pound Operator may issue a replacement Animal Tag.

Animal Registrations

12. Any person who Keeps domestic poultry shall register such Keeping with the City or Pound Operator. No person shall Keep a rooster within the City limits.
13. No person shall Keep any domestic poultry unless it is Kept at all times in a pen that:
 - (a) Has a solid floor that is kept free from standing water, and is cleaned and disinfected regularly; and
 - (b) Is located at least 15 metres (50 feet) from any school, church or residence building on any land other than the land owned or occupied by the Keeper.
14. Any person Keeping reptiles for the purposes of breeding, as permitted under the Prohibited Animals Schedule, shall register such Keeping with the City or Pound Operator.
15. The Pound Operator shall maintain a register listing Poultry, Reptiles, Sheep and Goats that have been Registered. The Register shall list the number of animals, the name and address of the Keeper, the date of Registration, the date and result of any inspection completed and the name of the Animal Protection Officer performing the inspection.

Microchips

16. Every Keeper of an Animal that contains a Microchip shall ensure that the Keeper's name and contact information, which is accessible from the code in the Microchip, is kept current.

Dog Licence

17. Every Keeper of a Dog over the age of four months, other than a Police Work Animal, shall register it with, and obtain an Animal Licence from the City or the Pound Operator.
18. Every Keeper of a Dog shall ensure that when applying for an Animal Licence in respect of a Dog, or at any time during the licensed period, the Dog has a current rabies immunization certificate, and upon demand, shall provide it to the City or the Pound Operator.

19. Notwithstanding the other provisions of this By-law, if a Dog has been implanted with a Microchip and is being lawfully used for hunting, then the Dog Keeper may remove the Animal Tag during such hunting.

Cat Licence

20. Every Keeper of a Cat over the age of four months shall register it with, and obtain an Animal Licence from, the City or the Pound Operator.

21. Every Keeper of a cat shall ensure that when applying for an Animal Licence in respect of a cat or at any time during the licensed period that the cat has a current Immunization Certificate and, upon demand, shall provide it to the City or Pound Operator.

Facility Licences in General

22. The City may from time to time establish fees and charges in respect of Facility Licences.

23. Every Facility Licence expires one year after its issuance.

24. No Facility Licence is transferable except with the approval of the City or the Pound Operator.

25. Every location which applies for a 'Facility License' shall meet the requirements of an annual inspection.

26. Every Facility Operator who holds a Facility Licence shall keep the poster-sized printed document of the Facility Licence posted at the facility and shall ensure that any individual, who, on behalf of the facility, accompanies any Animal of the facility, when outside the facility, carries a wallet-sized printed document of the Facility Licence.

27. Every Facility Operator who operates a Kennel or Cattery shall register it with, and obtain a Facility Licence from, the Pound Operator.

28. When applying for a Facility Licence in respect of a Kennel or a Cattery and at any time during the licensed period the Facility Operator shall provide to the Pound Operator a list of all Dogs or Cats over the age of four months Kept at the Kennel or Cattery, and, for each such Dog or Cat for which a current Dog Licence or Cat License has not been issued:

- (a) Its breed;
- (b) Its gender;
- (c) A current rabies immunization certificate; and
- (d) Particulars of any permanent identification, including any Microchip or tattoo.

Disposal of Dead Animals

29. No person shall dispose of or bury a dead Animal on City land.

Control of Dogs

30. No Keeper shall permit the Keeper's Dog, other than a Dog that is a Police Work Animal, to:

- (a) Be Leash-free except:
 - i. On land owned or occupied by the Keeper,
 - ii. On the land of a person other than the Keeper, with the permission of that other person, or
 - iii. In a leash-free area of a park of the City, as per Schedule B and in compliance with the requirements of that leash-free area;
- (b) Approach within 1.0 metre of any other person or any other person's Animal, except:
 - i. On land owned or occupied by the Keeper, or

- ii. On the land of a person other than the Keeper, with the permissions of the person whose land it is, and the person who is approached or whose Animal is approached;
 - (c) Be on the land of a person other than the Keeper, except with the permission of such person; or
 - (d) Enter any built outdoor recreation facility unless otherwise permitted by law. .
 - (e) To be leash-free on any City trail, park, sidewalk or other lands, unless permitted elsewhere in this by-law.
31. No Keeper shall permit the Keeper's Dog, other than a Dog that is a Police Work Animal, to be at large or trespass. A Dog is at large and/or trespassing if it is not under the control of any person and:
- (a) Is Leash-free except:
 - i. On land owned or occupied by its Keeper,
 - ii. On the land of a person other than its Keeper, with the permission of that other person, or
 - iii. In a leash-free area of a park of the City, and in compliance with the requirements of that leash-free area;
 - (b) Approaches within 1.0 metre of any other person or any other person's Animal, except:
 - i. On land owned or occupied by its Keeper, or
 - ii. On the land of a person other than its Keeper, with the permissions of the person whose land it is, and the person who is approached or whose Animal is approached;
 - (c) Is on the land of a person other than its Keeper, except with the permission of such person; or
 - (d) Enters any built outdoor recreation facility unless otherwise permitted by law.

Seizure and Impounding of Animals

32. If an Animal is at large and/or trespassing, an Animal Protection Officer may seize and impound such Animal.
33. If an Animal has been seized and impounded by the Pound Operator, the Keeper of the Animal shall claim the Animal before the expiry of five full business days (excluding weekends and holidays) after such impounding. If the Keeper of the Animal fails to claim the Animal before the expiry of that period, the Pound Operator may sell, destroy or otherwise dispose of the Animal.
34. If the Keeper of an Animal impounded for being at large and/or trespassing wishes to claim the Animal, the Keeper shall:
- (a) Pay any applicable fees and charges provided for in the City's user fee by-law, within the permitted timelines, including any applicable fees and charges based on the number of days (or parts thereof) during which the Animal was impounded; and
 - (b) Have the Animal registered and licensed with the Pound Operator.

Animal Welfare

35. No person shall create a situation where an Animal is likely to be in distress, as defined by the OSPCA, because of:
- (a) Confinement by that person; or
 - (b) The number of Animals being Kept by that person.

Removal of Excrement

36. Except on land owned or occupied by an Animal's Keeper that is located in an Agricultural Area, every Keeper shall immediately remove and sanitarily dispose of all excrement of the Keeper's Animal.

Feeding of Wild Animals

37.No person shall feed any Wild Animal, or leave outdoors any food that might attract a Wild Animal, except if the person:

- (a) Is leaving bird food for songbirds on land owned or occupied by the person, and the person:
 - i. Places the bird food in a bird feeding device which, by its construction or height above grade, is not accessible by Animals other than birds,
 - ii. Ensures that the bird food does not attract large flocks of homing birds, such as pigeons,
 - iii. Promptly removes any bird food spilled on the ground, and disposes of it in such a way as not to attract any Wild Animal,
 - iv. Removes any accumulation of bird feces, and
 - v. Ensures that the birds that are attracted to the bird food do not interfere with the normal use or enjoyment of other land; or
- (b) Is authorized under this By-law or any other legislation to leave food as bait for Wild Animals.

Geographic Limits

38.Unless otherwise specified in this By-law, all provisions of this By-law apply everywhere within the geographic limits of the City.

Offence and Enforcement

39.Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a maximum fine of \$10,000 for each offence.

40.The provisions of this By-law may be enforced by an Animal Protection Officer.

Severability of Provisions

41.If any provision of this By-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, then such invalidity does not affect other provisions or applications of this By-law which can be given effect without the invalid provision or application, and to this end, the provisions of this By-law are severable.

Repeals

42.The following by-laws are hereby repealed:

- (a) By-law Number (1979)-10081;
- (b) By-law Number (1985)-11952;
- (c) By-law Number (1991)-14008;
- (d) By-law Number (2013)-19577.

In Force

Passed this NINETEENTH day of DECEMBER, 2016.



Cam Guthrie – Mayor

Stephen O'Brien – City Clerk