

**BY-LAW NUMBER 195-2002
OF THE CORPORATION OF
THE CITY OF STRATFORD**

BEING a By-law to prohibit, regulate, restrict animals and to require the registration and identification of animals in the City of Stratford and to repeal By-laws 216-2001 and 44-2002.

WHEREAS the *Municipal Act, R.S.O. 1990 chapter M.45* authorizes a municipality to pass by-laws respecting animals and prohibiting, regulating, restricting and requiring the licencing of animals and further authorizes a municipality to pass by-laws prohibiting and abating public nuisances;

AND WHEREAS the *Pounds Act, R.S.O. 1990 chapter P.17* authorizes a municipality to impound animals found to be running at large;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1.0 DEFINITIONS:

- 1.1 "**altered**" used as an adjective to refer to an animal, means that the animal has been sterilized by a licenced veterinarian. The term is applied to either a male animal that has been castrated or a female animal that has been operated on to prevent conception;
- 1.2 "**animal**" means any member of the animal kingdom, other than a human;
- 1.3 "**Animal Control Officer**" means The Ontario Society for the Prevention of Cruelty to Animals Perth County Branch (OSPCA) and any successors thereto, including its officers, employees and agents, a Police Officer or other duly appointed municipal by-law enforcement officer;
- 1.4 "**animal sound**" means any sound emitted from an animal which is audible at property occupied by persons other than the owner of the animal emitting the sound. Without limitation, this term shall include barking, whimpering, whining, howling, yowling and yelping, meowing, crying;
- 1.5 "**at large**" means where an animal is found in a place other than the property of the owner of the animal and not under the control of the owner of the animal or his/her authorized representative, except where the owner of the property permits the animal to be on his/her property;
- 1.6 "**cat**" means a feline of the species *Felis catus*;
- 1.7 "**cattery**" means an establishment for the breeding or boarding of pure-bred domestic cats;
- 1.8 "**City**" means The Corporation of the City of Stratford;
- 1.9 "**control**" includes care and custody;
- 1.10 "**Council**" means the Council of The Corporation of the City of Stratford;
- 1.11 "**dog**" means a canine of the species *Canis familiaris*;
- 1.12 "**impounded**" means lodgement of an animal at a designated pound within the City;
- 1.13 "**kennel**" means an establishment for the breeding or boarding of pure-bred dogs;
- 1.14 "**lot**" means a parcel of land which can be legally conveyed pursuant to the *Planning Act*;
- 1.15 "**microchip**" means an approved Canadian standard encoded identification device implanted into an animal that contains a unique code that permits or facilitates access to owner information, including the name and address of the owner which is stored in a central database accessible to the Animal Control Officer;
- 1.16 "**owner**" means a person who:
 - a) has the care, charge, custody or control of an animal;

- b) owns or who claims proprietary interest in an animal;
- c) harbours, suffers or permits an animal to be present on any property owned, occupied or leased by him/her or which is otherwise under his/her control;
- d) claims and receives an animal from the custody of the animal shelter or an Animal Control Officer; or
- e) a person to whom an identification tag was issued for an animal in accordance with this by-law.

For the purposes of this by-law, an animal may have only one (1) owner. Where an owner is a minor, the person responsible for the custody of the minor is deemed to be the owner.

- 1.17 **"pound"** means premises that are used for the detention, maintenance or disposition of animals that have been impounded pursuant to this by-law, or any predecessor of this by-law, but does not include any property, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) or any society affiliated therewith, for the detention, maintenance or disposal of animals so impounded.
- 1.18 **"property"** means any interest, present or future, vested or contingent, in real or personal property.
- 1.19 **"pure-bred cat"** means a breed of cat registered or eligible for registration in the Register of the Canadian Cat Association;
- 1.20 **"pure-bred dog"** means a breed of dog registered or eligible for registration in the Register of the Canadian Kennel Club Incorporated;
- 1.21 **"wild animal"** means an animal of wild, untamed, uncultivated, feral or brutal nature or disposition. An animal that was once a domesticated animal can become a wild animal;
- 1.22 **"Zoning By-law"** means any by-law administered by the City passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990 c.P13* or a predecessor or successor thereof, as may be amended from time to time;

2.0 **GENERAL PROVISIONS**

- 2.1 This By-law pertains to animals being housed, harboured, kept or owned by a person for domestic purposes in the City of Stratford.
- 2.2 A **Permitted** animal means:
 - a) mammals which are commonly known as the following:
 - cats
 - chinchillas
 - degus
 - dogs
 - domesticated pot bellied pigs
 - ferrets
 - gerbils
 - guinea pigs
 - hamsters
 - hedgehogs
 - mice
 - rabbits
 - rats
 - sugar gliders
 - b) all birds, reptiles, amphibians, fish and invertebrates which are not restricted or prohibited animals;
- 2.3 A **Restricted** animal means:
 - a) a venomous or poisonous animal which is being held in captivity;
 - b) a lizard which will grow to more than 65 centimetres in length from snout to vent;
 - c) a snake which will grow to more than 2 metres in length;

- d) an animal deemed restricted by Council.
- 2.4 A **Prohibited** animal means:
- a) an animal which is wild-caught;
 - b) an animal whose parent is a prohibited animal;
 - c) a mammal which is not a permitted animal;
 - d) birds which are members of the following orders:
 - i) Order Anseriformes, for example, but not limited to, ducks, geese and swans;
 - ii) Order Casuariiformes, for example, but not limited to, cassowaries and emus;
 - iii) Order Galliformes, for example, but not limited to, grouse and pheasants, except for non-indigenous quail species which have been captive-bred for more than six generations;
 - iv) Order Rheiformes, for example, but not limited to, rheas;
 - v) Order Struthioniformes, for example, but not limited to, ostriches;
 - e) reptiles which are members of the following orders:
 - i) Order Crocodylia, for example, but not limited to, crocodiles;
 - ii) Order Sphenodontida, for example, but not limited to, tuatara;
 - f) amphibians which are members of the Order Gymnophobia or Apoda commonly known as legless amphibians.
 - g) animals generally recognized as livestock and/or used for agricultural purposes, but not limited to cattle, horses, ponies, donkeys, mules, swine, mink, foxes, sheep, goats, llamas, chicken, ducks, geese, buffalo, deer.
- 2.5 No person shall keep or harbour or permit to be kept or harboured on a temporary or permanent basis, any Prohibited animal in the City of Stratford. This provision does not apply to a Department of the City of Stratford or to lands owned by the City of Stratford and zoned as parkland under the City's Zoning By-law;
- 2.6 The provisions of 2.4 d) and g) do not apply to lands zoned as agriculture under the Zoning By-law and used for agricultural purposes.
- 2.7 Notwithstanding Section 2.5, the owner of a Prohibited animal may keep the animal, but not its offspring, for the remainder of the life of the animal provided that the Prohibited animal was owned prior to this by-law coming into effect, and provided that the owner of the Prohibited animal registers the animal in accordance with this By-law.
- 2.8 No person shall keep or harbour or permit to be kept or harboured on a temporary or permanent basis, any Restricted animal in the City of Stratford, except in accordance with this by-law.
- 2.9 No owner of an animal shall permit or allow his or her animal to be at large.
- 2.10 Subject to Section 2.11 below, Section 2.9 does not apply to a cat bearing a current identification tag or valid microchip in accordance with this By-law.
- 2.11 Notwithstanding Section 2.10, where a property owner or tenant makes a complaint to the Animal Control Officer that a cat is causing damage to the said owner's or tenant's property or otherwise creating a disturbance on that property, or is on the owner's or tenant's property without permission, the Animal Control Officer may, with the consent of the said property owner or tenant, enter onto private property and into the structures thereon, to investigate such complaint in accordance with section 2.15 of this By-law.
- 2.12 Notwithstanding Section 2.9, a Restricted animal shall be deemed to be at large in a public place, including highways, sidewalks and parks and on private property without the consent of the owner of that property, when being carried on the person of an individual having apparent care and control thereof.

- 2.13 Every person having care or control of an animal, including a person or persons responsible for the temporary boarding of an animal at the request of the owner, upon realizing that the animal is missing or has escaped, shall immediately notify the Animal Control Officer.
- 2.14 An Animal Control Officer may enter on:
- a) public property at any time for the purpose of taking possession of an animal that is in violation of the provisions of this By-law;
 - b) private property where animals are kept, with the consent of the owner or tenant, for the purpose of investigating complaints and ensuring compliance with the provisions of this By-law;
 - c) private property where animals are kept, with the consent of the owner or tenant of the private property for the purpose of taking possession of an animal that is at large and in violation of the provisions of this By-law.
- 2.15 Where an animal is in violation of the provisions of this By-law or is causing damage or creating a disturbance, or is on the owner's or tenant's property without permission, the owner or tenant of the property on which the animal is in violation, may make a complaint to the Animal Control Officer. The Animal Control Officer shall investigate such complaint and shall make all reasonable efforts to contact the owner of the animal (or alternate contact) and may take all steps necessary to ensure compliance with this By-law, which may include taking possession of the animal and impounding same.
- 2.16 No owner shall permit or allow his or her animal to defecate on public or private property in the City, other than on property of the owner unless the owner immediately and without delay removes the excrement and provides for its sanitary disposal.
- 2.17 No owner shall permit his or her animal:
- a) to bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running;
 - b) to fight with any domestic animal or domestic bird.
- 2.18 No person shall cause, permit or allow the trapping of an animal, except a wild animal, on property in the City of Stratford. This provision does not apply to the Animal Control Officer, the Perth County OSPCA or its authorized agents.
- 2.19 No person shall:
- a) tease, torment, annoy, or abuse any animal,
 - b) untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner,
 - c) at any time use any property, including a house, dwelling unit or any building or structure, or any part thereof, or any land abutting same, as a place for slaughtering animals, except in an area that is zoned properly in accordance with the City's Zoning By-law.
- 2.20 No owner shall cause, permit or allow the animal to emit animal sounds or other noise for an extended or frequent period of time.
- 2.21 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law.
- 2.22 Every person required to register an animal in accordance with this By-law shall supply the following information to the City or the Perth County OSPCA or its authorized agents at the time of registration:
- a) name of owner, current address and telephone number(s) of the owner;
 - b) species of animal to be registered, breed, colour, sex, whether or not the animal has been altered and name of animal;
 - c) alternate contact person's name and telephone number(s), at the discretion of the owner.

- d) subject to prior arrangements having been made in writing with the veterinarian, the owner may provide the name and telephone number of a veterinarian as an emergency contact person.
- 2.23 The fees referred to in this By-law shall be as prescribed in Schedule "A" attached hereto and forming part of this By-law and are subject to change by Council from time to time.

3.0 RESTRICTED AND PROHIBITED ANIMALS

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

- a) to register the restricted animal within seven (7) working days of the passage of this By-law, or becoming the owner of a restricted animal, by providing the Animal Control Officer with his or her name, current address and current telephone number and a description of the restricted animal and alternate contact person's name and telephone number.
- b) to keep the restricted animal, when it is on the lands and premises of the owner, confined and under effective control, as approved by the Animal Control Officer.
- c) to keep the restricted animal under the effective control of an adult person and under leash or otherwise contained at all times as approved by the Animal Control Officer when it is not confined in accordance with clause b);
- d) to provide the Animal Control Officer with the new address and telephone number of the owner within seven (7) working days of moving the restricted animal;
- e) to provide the Animal Control Officer with the name, address and telephone number of the new owner within seven (7) working days of selling or giving away the restricted animal;
- f) to advise the Animal Control Officer within seven (7) working days of the death of the restricted animal; and
- g) to advise the Animal Control Officer forthwith if the restricted animal is running at large or has bitten or attacked any person or animal,.
- h) a restricted animal is to be identified with a micro-chip, unless in the opinion of a veterinarian licenced to practice in Ontario, doing so would cause harm to the said animal;

3.2 Section 3.1 of this By-law shall not apply to:

- a) an animal hospital or clinic lawfully operated and supervised by a veterinarian licenced to practice in Ontario;
- b) an animal shelter operated by the Perth County OSPCA;
- c) premises registered as a research facility in accordance with the *Animals for Research Act*;
- d) the lawful operation of a circus, carnival, performance, exhibition, or zoo;
- e) subject to the approval of the Perth County OSPCA:
 - i) premises where animals are being kept for the purposes of rehabilitating the individual animal;
 - ii) when under the auspices of the federal or provincial government or an organization or facility with appropriate expertise, premises where animals are being kept for the purpose of preserving the individual animal or the animal species, provided that the premises meet Canadian Association of Zoos and Aquarea standards;

3.3 The Animal Control Officer or a resident of the City may request in writing that the Protection to Persons and Property Sub-committee of Council conduct a hearing as to whether:

- a) a species of animal should be added to the Restricted Animal section or Prohibited Animal section of this by-law;

- b) a species of bird, reptile, amphibian, fish or invertebrate should be added to the Restricted Animal section or the Prohibited Animal section of this by-law.
 - c) a specific animal should be added to the restricted animal section of this by-law.
- 3.4 A resident of the City who is a licenced custodian in accordance with the requirements of the Ministry of Natural Resources may request in writing that the Protection to Persons and Property Sub-committee of Council conduct a hearing as to whether:
- a) a specific animal should be added to the Restricted Animal section on a temporary basis, while such animal is in the care and custody of a licenced custodian.
- 3.5 The Protection of Persons and Property Sub-committee of Council may recommend to Council that:
- a) the mammal species be added to this By-law as a Permitted or Restricted Animal if:
 - i) the mammal species has been captive-bred for at least 10 generations;
 - ii) the general public is capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - iii) the danger the animal species may present to public health or safety is minimal;
 - iv) the danger the animal species may present to the local ecosystem should it escape or be released is minimal;
 - b) a bird species be added to this By-law as a restricted or prohibited animal if:
 - i) the bird species has been captive-bred for less than six generations;
 - ii) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - iii) the danger the animal species may present to public health or safety is not minimal; or
 - iv) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal.
 - c) a reptile, amphibian, fish or invertebrate species be added to this By-law as a restricted or prohibited animal if:
 - i) the general public is not capable of providing a level of care for the animal species which protects it from suffering at all stages of its life, considering the animal's physical and psychological or behavioural well-being;
 - ii) the danger the animal species may present to public health or safety is not minimal; or
 - iii) the danger the animal species may present to the local ecosystem should it escape or be released is not minimal.
 - d) a specific animal be added to this by-law as a Restricted animal, and Council shall determine the conditions, length of time and other provisions that shall regulate the keeping of such Restricted Animal in the City while under the care and custody of the licenced custodian on a temporary basis.
- 3.6 For the purposes of Section 3.5, the Protection to Persons and Property Sub-committee may hold a hearing, and shall give notice in writing to an owner of such hearing and permit any person to make representation respecting the matter. Following a hearing, the Protection to Persons and Property Sub-committee shall report to Council and shall provide a written summary of the evidence obtained or representations made, and the Sub-committee's recommendations to Council as soon as reasonably possible after the hearing.

4.0 CARE OF ANIMALS

- 4.1 Any person who keeps an animal within the City shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.
- 4.2 If an animal is customarily kept out of doors, the person having the custody or control of the animal shall provide for the animal's use, a structurally sound, weather-proofed and insulated enclosure of appropriate size and dimension.
- 4.3 Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.
- 4.4 Any person keeping an animal within the City shall do so under sanitary conditions.
- 4.5 For the purposes of Section 4.4 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 4.6 No person shall cause, permit or allow an animal to be confined in a vehicle without appropriate ventilation and at an appropriate temperature to ensure the animal is not in distress while in the vehicle.

5.0 PIGEONS AND RABBITS

- 5.1 No person keeping pigeons shall permit the pigeons to stray, perch, roost or rest upon lands, premises or buildings of any person or upon any public place in the City, except on the property of the person keeping the pigeons.
- 5.2 No person shall keep or permit to be kept pigeons or rabbits in other than an enclosure that:
 - a) where it is not a cage, has its inside walls and ceiling lime washed or painted at least annually;
 - b) is screened to the maximum extent possible from adjacent premises and streets by hedges, shrubs, fences or other suitable screening.
 - c) in the opinion of the Animal Control Officer, provides adequate space, lighting and ventilation having regard to the number of pigeons and rabbits kept therein;
 - d) in the opinion of the Medical Officer of Health, does not house pigeons or rabbits in such a manner or in such number as to constitute an actual or potential threat or hazard to human health;
 - e) is maintained in such a manner as to prevent the emission of noxious odours therefrom;
 - f) is readily maintained in a clean and sanitary condition;
 - g) is constructed and maintained in compliance with the provisions of any applicable Act or Regulation and any other municipal by-law including, without restricting the generality of the foregoing, the *Health Protection and Promotion Act and Regulations*, the *Ontario Building Code Act and Regulations*, the *Fire Prevention and Protection Act and Regulations* and the *Zoning By-law*.
 - h) is constructed in such a manner as to prevent the escape from the enclosure of any pigeon or rabbit kept therein;
 - i) is located to the rear of the property and situated 40 metres from any school, church, dwelling unit or other premises used for human habitation or occupancy, other than the premises occupied exclusively by the owner.
- 5.3 An enclosure in existence prior to the passage of this by-law shall be deemed to be an enclosure within the meaning of Section 5.2 i) provided that it complies with all other provisions of Section 5.2 and provided it cannot be relocated to comply with Section 5.2 i).
- 5.4 Any person keeping pigeons or rabbits in an enclosure shall:
 - a) remove and dispose of in a sanitary manner at least three times each week all droppings, refuse or offal, and any dropped or scattered feed within or adjacent to any enclosure.

No material so removed may be burned or stored on or within the lands and premises from which it is removed; and

- b) store all feed in rodent-proof containers.
- 5.5 No person shall keep or permit to be kept more than 50 pigeons or more than 50 rabbits on any property within the City, subject to the provisions of this by-law and the Zoning By-law.
- 5.6 Section 5.5 does not apply to property located within an area zoned agricultural by the Zoning By-law and used for agricultural purposes.
- 5.7 When requested, any person shall provide to the Animal Control Officer a statement in writing as to the number of pigeons or rabbits owned by him or her that are kept on property of the owner.
- 5.8 In the event the owner of pigeons or rabbits suspects they are infected with a communicable disease, the owner shall immediately consult a veterinarian licenced to practice in Ontario to diagnose the condition. If the diagnosis confirms that the pigeons or rabbits are infected with a communicable disease, the owner shall immediately notify the Medical Officer of Health and comply with any direction which may be issued by the Medical Officer of Health in this regard.

6.0 LICENCING AND IDENTIFICATION OF DOGS

The following additional provisions shall apply to dogs.

- 6.1 Every owner of a dog shall register the dog with the City or the Perth County OSPCA or its authorized agents.
- 6.2 No person shall keep or harbour or permit to be kept or harboured more than three (3) unaltered dogs on property in the City of Stratford.
- 6.3 An owner shall, when requested to do so, provide to the Animal Control Officer a statement in writing as to the number of dogs owned by him or her that are kept on the property of the dog owner.
- 6.4 An owner shall keep his or her dog secured on a leash with a maximum length of 3 metres when on property other than that of the owner of the dog.
- 6.5 The provisions of Section 6.4 do not apply to police work dogs while engaged in law enforcement activity.
- 6.6 An owner of a dog shall:
 - a) before the 1st day of January in each year, register the dog with the City or the Perth County OSPCA or its authorized agent, pay the prescribed licence fee in Schedule "A" and obtain an identification tag for the dog; or,
 - b) until ceasing to be the owner of the dog, obtain a new identification tag for the dog prior to the expiration of the identification tag issued for the dog.
- 6.7 An owner shall ensure that his or her dog is identified with an identification tag pursuant to Section 6.6 indicating current registration that:
 - a) is securely fastened to a choke chain, collar or harness worn by the dog; and,
 - b) is worn by the dog at all times when the dog is anywhere other than on the owner's lot or property occupied by the owner pursuant to a lease or other arrangement.
- 6.8 An owner may obtain a replacement identification tag for any identification tag lost or destroyed upon payment of the fee as set out in Schedule "A".
- 6.9 An identification tag issued by the City shall not be transferable to another animal by the owner of the dog for which the identification tag was issued.
- 6.10 An owner of a dog shall display the identification tag upon the animal to which the identification tag is registered.
- 6.11 An owner of a dog shall register and obtain an identification tag for the dog within seven (7) working days of becoming the owner of a dog.

- 6.12 An owner of a dog shall register and obtain an identification tag for the dog within seven (7) working days from the date the owner took up residence in the City of Stratford.
- 6.13 An owner shall notify the Animal Control Officer of any address change within seven (7) working days of such change occurring including a change in alternate contact person name or contact telephone number.
- 6.14 Notwithstanding Section 6.6 herein, an owner of a kennel shall obtain a kennel licence each year provided that all dogs are pure-bred dogs by paying the kennel licence fee as prescribed in Schedule "A". When a kennel licence has been issued in accordance with this By-law, the owner shall not be liable to pay any additional annual licence fee for the kennel of pure-bred dogs.
- 6.15 An identification tag shall be issued at no charge to any owner of a specialized needs dog, such as a seeing eye dog, or a hearing ear dog or other specialized needs dog or with respect to any dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.
- 6.16 Every annual identification tag issued for a dog in accordance with this By-law shall expire on December 31st in the year shown or marked on the identification tag.

7.0 REGISTRATION AND IDENTIFICATION OF CATS

The following additional provisions shall apply to cats:

- 7.1 Every owner of a cat shall register the cat with the City or the Perth County OSPCA or its authorized agents.
- 7.2 No person shall keep or harbour or permit to be kept or harboured, more than three (3) unaltered cats on property in the City of Stratford.
- 7.3 When requested to do so, an owner shall provide the Animal Control Officer a statement in writing as to the number of cats owned by him or her that are kept on the property of the cat owner.
- 7.4 An owner of a cat shall:
 - a) before the 1st day of January in each year, register each cat with the City or the Perth County OSPCA or its authorized agent, pay the prescribed registration fee in Schedule "A" and obtain an identification tag for the cat; or,
 - b) until ceasing to be owner of the cat, obtain a new identification tag for the cat prior to the expiration of the identification tag issued for the cat.
- 7.5 An owner shall ensure that his or her cat is identified with a City identification tag indicating current registration that:
 - a) is securely fastened to a collar or harness worn by the cat; and,
 - b) is worn by the cat at all times when the cat is anywhere other than on the owner's lot or property occupied by the owner pursuant to a lease or other arrangement.
 - c) If a cat is identified in the current city animal registry by means of a valid microchip, then a) and b) do not apply with respect to the wearing of an identification tag.
- 7.6 An owner may obtain a replacement identification tag for any identification tag lost or destroyed upon payment of the fee as set out in Schedule "A".
- 7.7 An owner of a cat shall register and obtain an identification tag for the cat within seven (7) working days of becoming the owner of the cat.
- 7.8 An owner of a cat shall register and obtain an identification tag for each cat that he or she owns within seven (7) working days from the date the owner took up residence in the City.
- 7.9 An owner shall notify the Animal Control Officer of any address change within seven (7) working days of such change occurring, including a change in alternate contact person name or contact telephone number.
- 7.10 An owner of a cat shall display the identification tag upon the cat to which the identification tag is registered or ensure that the cat is identified with a valid microchip.

- 7.11 Notwithstanding Section 7.4 herein, an owner of a cattery shall register the cattery each year and pay the cattery registration fee as prescribed in Schedule "A". When a cattery has been registered each year in accordance with this By-law, the owner shall not be liable to pay any additional registration fee for the cattery of pure-bred cats.
- 7.12 An identification tag issued by the City for a cat shall not be transferable to another cat by the owner of the cat for which the identification was issued.
- 7.13 Every annual identification tag issued for a cat in accordance with this By-law shall expire on December 31st in the year shown or marked on the annual identification tag.

8.0 TRANSITION

- 8.1 A cat owner who previously acquired a City cat licence for the 2002 calendar year, and paid the applicable licence fee pursuant to Schedule "A" of By-law 216-2001 as it read prior to the enactment of amending By-law 44-2002, shall have the licence tag automatically transferred to an identification tag and the licence fee credited to the registration fee pursuant to Schedule "A" to By-law 216-2001 as amended by By-law 44-2002, and the cat shall be recognized as having been registered and the owner as having obtained an identification tag for the calendar year 2002.
- 8.2 A cat or dog owner who previously acquired a one-time licence or registration and paid the applicable one-time fee pursuant to Schedule "A" of By-law 216-2001 as amended by By-law 44-2002, shall have the one-time registration honoured for the life-time of the cat or dog provided that the owner continues to register the cat or dog and obtain a current identification tag on an annual basis and provides proof of current rabies vaccination. In such cases, the owner shall not be required to pay the annual licence fee for a dog tag or a registration fee for a cat tag.

9.0 KENNEL AND CATTERY

- 9.1 No person shall keep or permit a dog or dogs to be kept in a kennel, or a cat or cats to be kept in a cattery, outside of the premises of the owner on the lot in a kennel or cattery that is not:
- a) screened to the maximum extent possible from adjacent premises and streets by hedges, shrubs, fences or other suitable screening;
 - b) in the opinion of the Animal Control Officer provides adequate space, lighting and ventilation having regard to the number of dogs or cats kept therein;
 - c) maintained in such a manner as to prevent the emission of noxious odours therefrom;
 - d) readily maintained in a clean and sanitary condition;
 - e) constructed and maintained in compliance with the provisions of any applicable Act or Regulation and any other municipal by-law including, without restricting the generality of the foregoing, the *Health Protection and Promotion Act and Regulations*, the *Ontario Building Code Act and Regulations*, the *Fire Prevention and Protection Act and Regulations* and the City's Zoning By-law.
 - f) constructed in such a manner as to prevent the escape from the enclosure of any dog or cat kept therein;
 - g) located to the rear of the property and situated 40 metres from any school, church, dwelling unit or other premises used for human habitation or occupancy, other than the premises occupied exclusively by the owner.

10.0 SEIZING, IMPOUNDING AND DISPOSITION OF ANIMALS

- 10.1 The Animal Control Officer is authorized by the City to impound animals for the purposes of enforcing this By-law.
- 10.2 The Animal Control Officer shall keep a record of every animal impounded or seized, including the date upon which it was impounded, a description of the animal, any identification or registration tag number if it wore a tag, the date of disposition and the disposition made.
- 10.3 The Animal Control Officer may take possession of any cat or dog, regardless of its identification being evident:

- a) that in the opinion of the Animal Control Officer is interfering with public health or safety; or,
 - b) that is in contravention of this By-law; or
 - c) that is injured or in distress.
- 10.4 Any cat or dog found in contravention of this By-law but with a current identification or registration tag or identified with a valid microchip, such cat or dog shall be returned to the owner at no charge where the cat or dog can be returned the same day and where such cat or dog has not been in possession of the Animal Control Officer within the current calendar year.
- 10.5 Where a cat or dog with a current identification or registration tag or identified with a valid microchip is impounded and has not been returned to the owner under Section 10.4, the Animal Control Officer shall make all reasonable effort to inform the owner or alternate contact person in accordance with the policies or practices of the Perth County OSPCA for notifying owners that a cat or dog has been impounded and to advise of any conditions or requirements upon which the owner may regain custody of the cat or dog.
- 10.6 Any cat or dog seized and impounded which is not wearing an identification tag or registration tag issued for the current year, or identified with a valid microchip, shall be released to its owner upon the payment of the applicable fees in Schedule "A" attached hereto. The owner shall be required to purchase a current City registration or identification tag or valid microchip as required by this By-law if the cat or dog has not been registered for the current year.
- 10.7 In addition to any other provisions of this By-law, where the Animal Control Officer has received a complaint from a property owner or tenant that a cat or dog or other animal:
- a) is diseased or injured, or
 - b) has bitten a person or inflicted an open wound, or
 - c) has exhibited characteristics of a wild animal in the presence of the Animal Control Officer,
- the Animal Control Officer may enter onto private property with the consent of the property owner or tenant and take possession of the cat or dog or other animal for the purpose of impoundment.
- 10.8 Possession of an impounded animal may be restored to the owner if the owner claims the animal within 72 hours or the time frame established by the Perth County OSPCA for the keeping of an impounded animal, whichever is greater, exclusive of statutory holidays and Sundays, where the ownership of the animal can be established. Prior to the Animal Control Officer releasing an impounded animal to its owner under this provision, the owner shall pay the applicable fees to the Perth County OSPCA as prescribed in Schedule "A" herein.
- 10.9 An animal that is impounded and has not been restored to the owner after 72 hours, exclusive of holidays and Sundays, or the time frame established by the Perth County OSPCA for the keeping of an impounded animal, whichever is greater,
- a) may be put up for adoption and the proceeds from the sale of any animal so adopted shall belong to the Perth County OSPCA and no damages or compensation shall be recovered by a person on account of any disposition made thereunder; or,
 - b) may be euthanized by lethal injection.
- 10.10 Where an animal that has a current identification or registration tag or valid microchip has been impounded and is injured or should be destroyed for humane reasons and in the opinion of the Animal Control Officer, imminent death of the animal is inevitable, the Animal Control Officer shall make reasonable efforts to contact the owner, or alternate contact person before the animal is destroyed, provided that the time involved in making reasonable effort to contact the owner or alternate contact person does not cause the animal to suffer unduly. If the owner has made prior arrangements in writing with a veterinarian and has provided that information to the Animal Control Officer at the time of registration of the animal, then the Animal Control Officer shall make all reasonable efforts to contact the veterinarian before the animal is euthanized.
- 10.11 The Animal Control Officer may seize and impound any prohibited animal and shall not be required to return the prohibited animal to the owner if the prohibited animal at the time of impounding is a prohibited animal under this by-law and no exemption has been granted by Council.

10.12 The OSPCA policies and practices mentioned in this By-law are available for review by the public at the Perth County OSPCA.

11.0 COST RECOVERY

11.1 The cost of taking possession of and impounding any animal, and the return of any animal found to be at large shall be the sole responsibility of the owner of the animal.

12.0 SCHEDULES

12.1 Schedule "A" attached hereto forms part of this By-law.

13.0 ENFORCEMENT

13.1 Every owner who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding \$5,000 exclusive of costs for each offence, recoverable under the *Provincial Offences Act*.

14.0 SEVERABILITY

14.1 Each and every of the provisions of this By-law is severable and if any provisions of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the remaining provisions hereof shall remain in full force and effect.

15.0 EFFECTIVE DATE

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

16.0 REPEAL

16.1 Upon this By-law coming into effect, By-laws 216-2001 and 44-2002 are hereby repealed.

17.0 TITLE

17.1 This By-law may be referred to as the "Animal Control By-law" of The Corporation of the City of Stratford.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 28th day of October, 2002.

"Karen Haslam"
MAYOR – Karen Haslam

"Joan Thomson"
CLERK – Joan L. Thomson

This is Schedule "A" to By-law 195-2002
enacted this 28th day of October, 2002

ANIMAL CONTROL SERVICES FEES	FEE FOR SERVICE	
Impound Fee for a cat or dog	\$15.00 if wearing a current City identification tag, licence tag or has a valid microchip \$30.00 if not wearing a current City identification tag, licence tag or has a valid microchip	
Maintenance Fee per day or part thereof that the animal was impounded	\$15.00	
Fee for retrieving animals from buildings on private property or from traps on private property or from private or public property: (i) Day time (ii) Nights or Saturdays (iii) Sundays or Statutory Holidays	\$15.00 including G.S.T. \$38.00 including G.S.T. \$50.00 including G.S.T.	
DOG LICENCING FEES	If paid before January 1st	If paid after January 1st
1. For an altered dog:	\$12.00	\$20.00
2. For an unaltered dog (no more than 3 unaltered dogs per household):	\$25.00	\$35.00
3. For a Specialized Needs Dog	No fee	No fee
4. For a Kennel Licence	\$250.00	\$250.00
5. Replacement Tag for dog	\$7.00	\$7.00
6. For a dog less than 1 year of age:	\$12.00	\$12.00
DISCOUNTS:		
7. Discount where the dog: a) is altered; b) is fitted with a valid microchip; and, c) has current rabies vaccination.	25 % off licence fee for altered dog.	
8. Seniors discount (persons 65 years of age or older)	15 % off licence fees for altered and unaltered dogs	
CAT REGISTRATION FEES	If paid before January 1st	If paid after January 1st
9. For an altered cat:	\$12.00	\$20.00
10. For an unaltered cat (no more than 3 unaltered cats per household)	\$25.00	\$35.00
11. For a Cattery Registration	\$250.00	\$250.00
12. Replacement Tag for cat	\$7.00	\$7.00
13. For a cat less than 1 year of age:	\$12.00	\$12.00
DISCOUNTS:		
14. Discount for a cat registration fee where the cat: a) is altered; b) is fitted with a valid microchip; and, c) has current rabies vaccination.	25 % off registration fee for altered cat	

15. Seniors discount (persons 65 years of age or older)	15 % off registration fees for altered and unaltered cat
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