

# **TOWN OF FORT FRANCES**

## **BY-LAW No. xx~17**

**A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT FRANCES TO LICENCE AND REGULATE THE KEEPING OF ANIMALS AND THE REGISTRATION OF DOGS AND CATS WITHIN THE MUNICIPALITY.**

**WHEREAS** The Council of the Corporation of the Town of Fort Frances deems it necessary and expedient to pass a by-law to license and regulate the keeping of animals and the registration of dogs and cats within the Municipality.

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

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

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

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

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

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) the sale of impounded animals,
  - (i) if they are not claimed within a reasonable time,
  - (ii) if the expenses of the municipality respecting the impounding of animals are not paid, or
  - (iii) at such time and in such manner as provided in the by-law.

**AND WHEREAS** The *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

**AND WHEREAS** The *Municipal Act, 2001*, as amended, provides that a municipality may establish a system of fines for offences, subject to section 429 under by-law of the municipality passed under the Act;

**AND WHEREAS** on January 16, 2017, Council approved a recommendation from the Planning & Development Executive Committee to review and rewrite the By-Laws pertaining to animal control within the Municipality.

**NOW THEREFORE**, the Council of The Corporation of the Town of Fort Frances enacts as follows:

## **SECTION 1- Definitions**

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purpose of this By-law.

“animal” – means a member of the animal kingdom, other than a human, not covered by the Wildlife Act;

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

“at large” – means a dog, cat or animal being in a place other than a property owned or occupied by its owner and not under the effective control of a responsible person acting on behalf of the owner and, in the case of a hen means being outside a coop or hen run;

“building code act” – means the Building Code Act, S.O. 1992, C25, as amended;

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

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

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

“control” – includes care and custody;

“coop” – means a fully enclosed weatherproof building where hens are kept and which the interior of includes perches for hens not roosters to sleep on, food and water containers and nest boxes for egg laying;

“council” – means the Municipal Council of the Town of Fort Frances;

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

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

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

“dwelling unit” – means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

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

“feed(s)/feeding” – means the regular or intermittent supply of food or allowing the placing or maintenance of a supply of food on a regular or intermittent basis, which food is accessible to or accessed by a dog, cat or animal;

“fire chief” – means the head of the Fort Frances Fire/Rescue Service as designated by Council;

“harbour” – means living with, having care and control of, feeding, leaving food in a manner that is likely to attract a dog, cat or animal to a property, and shall also specifically include a situation in which any person provides food to any dog, cat or animal whether domesticated or feral;

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

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

“herding dog” – means a dog that has been trained and is actively being used in a bona fide farming operation for the purposed controlling of livestock on the farm;

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

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

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

“livestock guardian dog” – means a dog that works and/or lives with domestic farm animals to protect them while repelling predators and is used exclusively for that purpose;

“livestock, poultry and honey bee protection act” – means the Livestock, Poultry and Honey Bee Protection Act R.S.O. 1990, c. L24, as amended;

“lot line” – means the boundary line between adjoining properties and or the boundary line between a property and a highway, laneway, municipal sidewalk or municipal road allowance;

“maintain” – means to carry out repairs to any part of parts of a fence or structure retention equipment, muzzling device, or other such equipment necessary so it can properly perform its intended function;

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

“microchip” – means an approved “Canadian Standard” encoded identification device implanted into a dog or cat which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database;

“municipality” – means the land within the geographic limit of the Town of Fort Frances;

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

“noise(s)” – means unwanted sound;

“owner” – when used in relation to a dog or cat, or animal, includes a person who possesses or harbours the dog, cat or animal where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning;

“paramedic” – means a person employed by the Rainy River District Social Administration Board to provide emergency medical services;

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

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

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

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

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

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

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

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

“public property” – includes all lands owned by the Town, any local boards, any corporations owned or controlled by the Town and includes all Crown lands;

“registrar” – means the By-Law Enforcement Officer for the Town, pursuant to this by-law;

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

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

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

“service animal” – means any animal used by a person with a disability for reasons relating to the disability where it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or where the person provides a letter from a health professional confirming that he or she requires the animal for reasons relating to his or her disability’ or a valid identification card signed by the Attorney general of Canada or a certificate of training from a recognized guide dog or service training school;

“suite” – means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories;

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

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

“town” – means the Corporation of the Town of Fort Frances;

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

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

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

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

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

## **SECTION 2 - GENERAL PROVISIONS**

### **2.1 SHORT TITLE**

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

### **2.2 SCOPE**

Except where otherwise provided, the provisions of this By-law shall apply to all persons and property within the geographic limits of the Town of Fort Frances.

### **2.3 ENFORCEMENT**

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

## **2.4 CONFLICTS WITH OTHER BY-LAWS**

Where a provision of this By-law conflicts with a provision of another by-law in force in the Town, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental wellbeing of the municipality, shall prevail to the extent of the conflict.

## **2.5 SEVERABILITY**

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

## **SECTION 3 – REGISTRATION OF CATS AND DOGS**

### **3.1 REGISTRAR**

The registrar is responsible for the issuance of tags and may, from time to time appoint in writing agents for the issuance of tags as he or she may consider necessary. The Registrar may revoke any such appointment in writing for such reason as the Registrar in his or her sole discretion may determine.

### **3.2 REQUIREMENT TO REGISTER**

3.2.1 Except as provided to the contrary in this By-law, every owner of a dog or cat shall register the dog or cat with the Registrar on or before January 1<sup>st</sup> in each year that he or she is the owner of that dog or cat.

3.2.2 Every person who becomes the owner of a dog or cat after January 1<sup>st</sup> in any year; shall register the dog or cat with the Registrar within 14 days of becoming the owner of the dog or cat and on or before January 1<sup>st</sup> in each year thereafter.

3.2.3 Notwithstanding Sections 3.2.1 and 3.2.2, no person need register a dog or cat before the dog or cat reaches the age of six (6) months. The onus of proof of age of the dog or cat shall rest with the owner.

3.2.4 Notwithstanding Section 3.2.1 the owner of a cat(s) who resides in a dwelling unit in an area which is zoned resource development pursuant to the Zoning By-Law shall not be required to register his or her cat(s), provided the property on which the dwelling unit is located is used for agricultural uses, as defined by the Zoning By-Law.

3.2.5 The registration of a dog or cat shall expire upon the earliest of:

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

### **3.3 REGISTRATION PROCESS**

3.3.1 Every person who applies to the Registrar to register a dog or cat, shall:

- (a) provide the name, physical and mailing address and telephone number of the owner of the dog or cat;
- (b) provide the name of the dog or cat;
- (c) provide a description of the dog or cat;
- (d) disclose whether the dog or cat has a microchip implant or has been tattooed;
- (e) disclose if the animal is a Service Animal;
- (f) disclose if the dog is a Livestock Guardian Dog, or Herding Dog;
- (g) proof of spay or neuter; and
- (h) pay the required registration fee as outlined in the Schedule of Fees By-Law, as amended.

### **3.4 ISSUANCE OF DOG OR CAT TAG**

3.4.1 Upon the applicant providing all information and documentation required by the Registrar, and paying the appropriate fee(s), the Registrar shall register the dog or cat and shall issue to the applicant a dog tag or a cat tag as the case may be, which bears a unique number, shows the year of issue and such other information as may be determined by the Registrar.

3.4.2 Every owner of a registered dog or cat shall advise the Registrar in writing within 14 days thereafter, of:

- (a) change of address or phone number of the owner of the dog or cat;
- (b) sale or other transfer of ownership of the dog or cat;
- (c) the death of the dog or cat.

3.4.3 The Registrar shall have the right to cancel the registration of a dog or cat in the event that the registration fee is not paid in full, through error, as a result of a cheque being returned marked 'Not Sufficient Funds', a debit or credit card being refused or for any other reason.

### **3.5 REPLACEMENT TAGS**

3.5.1 The Registrar shall issue a replacement dog tag or cat tag to the owner of a registered dog or cat upon;

- (a) application of the owner;
- (b) evidence satisfactory to the Registrar that the tag was lost or damaged; and
- (c) payment of the prescribed replacement tag fee.

### **3.6 REGISTRAR'S RECORDS**

3.6.1 The Registrar shall maintain records of all dog tags, cat tags and replacement tags issued by the Registrar in each calendar year and shall update such records as additional information is received pursuant to Section 3.4.2.

3.6.2 The records under Section 3.6.1 shall include:

- (a) the name, physical and mailing address and phone number of the owner of the dog or cat;
- (b) name of the animal;
- (c) a description of the dog or cat;
- (d) the particulars of any tattoo or microchip implanted in the dog or cat;
- (e) the number of the dog tag or cat tag issued for that dog or cat;
- (f) the fee paid;
- (g) if the animal is a Service Animal;
- (h) if the dog is a Livestock Guardian Dog, or a herding Dog;
- (i) if the dog or cat is spayed or neutered;
- (j) the particulars of any evidence provided in support of a fee reduction; and
- (k) other information as the Registrar in his or her sole discretion determines to be necessary.

#### **SECTION 4 – REGULATION – DOG, CAT AND ANIMAL**

##### **4.1 DOG AND CAT TO WEAR TAG**

4.1.1 Every owner of a dog and every owner of a cat shall keep the tag securely fixed on the dog or cat while the tag was issued, at all times during the year of issue.

4.1.2 Notwithstanding Section 4.1.1, an owner need not keep the tag on his or her dog or cat:

- (a) while the dog or cat is within the dwelling unit of its owner;
- (b) in the case of a dog or cat, while the dog or cat is being lawfully used for hunting in the bush, and the tag is produced upon request of a By-Law Enforcement Officer or member of the Ontario Provincial Police; or,
- (c) where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog or cat; or,
- (d) if the dog is a Livestock Guardian Dog or a Herding Dog and the dog is being actively used in farming practices, and has been tattooed or implanted with a microchip; and
- (e) if the dog or cat has been tattooed or implanted with a microchip and the dog or cat has been registered with the Town.

4.1.3 No person shall remove a tag from a dog or cat without the consent of the owner thereof.

4.1.4 No person shall attach a tag to a dog or cat other than the dog or cat for which it was issued.

##### **4.2 NUMBER OF DOGS AND CATS**

There is no limit to the number of dogs and cats that a resident of the Town of Fort Frances can own; as long as all of the dogs and cats have current tags and the owner is in compliance with any other By-Law or other Legislation as deemed appropriate.

#### **4.3 AT LARGE**

4.3.1 No owner of a dog or cat shall cause, allow or permit a dog or cat he or she owns to be at large within the limits of the Town of Fort Frances.

4.3.2 No owner shall permit a dog or cat to run at large that is not within the dwelling unit or on the premises of its owner or on private property without the consent of the owner of that private property.

4.3.3 No owner shall permit a dog or cat to be at large that is not under the effective control of a responsible person.

4.3.4 When not within the dwelling unit or on the premises of its owner or on private property with the consent of the owner of that private property all dogs and cats shall be under the effective control of a responsible person.

4.3.5 Notwithstanding Section 4.3.4 this requirement shall not apply to an owner exercising/walking his or her dog(s), in any area that requires dog(s) to be leashed at all times, as set out in Schedule A of this By-Law.

4.3.6 Notwithstanding Section 4.3.1 this requirement shall not apply to an owner of Livestock Guardian Dogs and Herding Dogs while such dogs are being used in accordance with their defined function on property owned or leased by the owner.

#### **4.4 OWNER NOT TO PERMIT TRESPASS**

4.4.1 No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not.

#### **4.5 REQUIRED TO STOOP AND SCOOP**

4.5.1 Every owner or person who keeps a dog or cat or animal shall forthwith remove and dispose of excrement left by the dog, cat or animal on any public property or private property without the consent of the owner of the property.

4.5.2 Notwithstanding Section 4.5.1 this requirement shall not apply to a Service Animal.

#### **4.6 OWNER NOT TO PERMIT NOISE**

4.6.1 No person or owner shall permit any noise made by any dog, cat, bird or any other animal kept or used for any purpose, which is likely to disturb the peace or comfort of any individual in any location.

4.6.2 Notwithstanding Section 4.6.1 Livestock Guardian Dogs, Herding Dogs and Police Dogs shall be exempt from the foregoing provision while actively engaged in their duties.



#### **4.7 NO PERSON TO HARBOUR**

No person shall keep or harbour any dog, cat or animal in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, running at large of dog(s), cat(s) or animal(s), accumulation of feces or otherwise.

### **SECTION 5 – VICIOUS**

5.1 No owner shall permit his or her dog, cat, or animal to attack, bite or show aggressiveness towards a person, or other dog, cat or animal.

5.2 Where a By-Law Enforcement Officer or Police Officer is informed upon receipt of complaint, and is satisfied that a dog, cat or animal has attacked, bitten a person or animal or has been threatening or aggressive towards a person or animal without being provoked, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, cat or animal that the By-Law Enforcement Officer or Police Officer shall serve notice on the owner of the dog, cat or animal that the dog, cat or animal is deemed to be a vicious dog, cat or animal and requiring the owner to comply with any or all of the requirements set out in Section 5.4 and 5.5.

5.3 Service of notice that a dog, cat or animal has been deemed a vicious dog, cat or animal may be effected on the person who shows in the Town's records as the owner of the dog, cat or animal, or where the dog, cat or animal does not appear to be registered pursuant to this By-law, on such other person who appears to be the owner of the dog, cat or animal. Service may be effected by personal service, by registered mail, or by posting up in a conspicuous place at the address shown in the records of the Town as the address of the owner of the dog, cat or animal, or there the dog, cat or animal is not registered under this By-law, at such address as appears to be the address of the owner of the dog, cat or animal. Service of the notice shall be effective upon the date that a personal service is effected or where served by registered mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.

5.4 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not in the owner's dwelling unit, but otherwise within the boundaries of the owner's premises, ensure that:

- (a) the vicious dog, cat or animal is muzzled so to prevent it from biting a person or animal;
- (b) the vicious dog, cat or animal is securely leashed on a leash which does not allow it to go beyond the Lot Line of the owner's lands; or
- (c) the vicious dog, cat or animal is confined within a secure structure in a good state of repair so as to prevent escape; and
- (d) a warning sign stating 'beware of dog' is posted in a conspicuous place so as to be visible from the road.

5.5 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not within the boundaries of the owner's premises;

- (a) keep the vicious dog, cat or animal under effective control of a responsible person on a leash held by the person; and
- (b) keep the vicious dog, cat or animal muzzled.

5.6 Every owner of a vicious dog, cat or animal shall notify the Registrar within two (2) working days of any change in ownership or residence of the vicious dog, cat or animal and provide the Registrar with the new address and telephone number of the owner.

5.7 Where the owner of a vicious dog, cat or animal is informed that his dog, cat or animal has been deemed to be a vicious dog, cat or animal, the owner may, within fourteen (14) days of receipt of such notice, request in writing to the Secretary of the Planning and Development Executive Committee a hearing by the Planning and Development Executive Committee for that purpose. The Planning and Development Executive Committee may confirm the order, exempt the owner from the muzzling or leashing requirements and modify the conditions for muzzling or leashing or both such requirements.

5.8 The notification that a dog, cat or animal is a vicious dog, cat or animal is effective the date it is served, even if a hearing to the Planning and Development Executive Committee is requested by the owner of the dog, cat or animal affected.

## **SECTION 6 – SEIZE AND IMPOUND**

### **6.1 OFFICERS MAY SEIZE**

A By-Law Enforcement Officer or Police Officer may seize and impound any dog, cat or animal found at large.

6.1.2 A By-Law Enforcement Officer or Police Officer may enter onto any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this By-law and to enforce its provisions, without a search warrant, provided he or she is in active pursuit of a dog, cat or animal.

6.1.3 In no instance shall a By-Law Enforcement Officer or Police Officer enter into any dwelling unit or other building situated on private property without a search warrant authorizing such entry.

6.1.4 Any dog, cat or animal seized by a By-Law Enforcement Officer or Police Officer under this by-law shall be impounded for three (3) days from the time of its impoundment, exclusive of the day on which the dog, cat or animal was impounded, and days on which the pound facility is closed.

6.1.5 Any dog, cat or animal at large contrary to the provisions of this By-law which in the opinion of a By-Law Enforcement Officer or Police Officer appears to be vicious or rabid and to be a threat to the safety of the community, and which cannot be captured by a By-Law Enforcement Officer or Police Officer, may be killed by a Police Officer or other duly appointed officer. The owner of the dog, cat or animal shall not be entitled to damages or compensation on account of its killing.

6.1.6 Notwithstanding Section 6.1.4, where in the opinion of a By-Law Enforcement Officer or Police Officer, a dog, cat or animal seized under Section 6.1.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons, dogs, cats, or animals, the By-Law Enforcement Officer or Police Officer may have the dog, cat or animal euthanized in a

humane manner as soon as after seizure as he or she thinks fit without permitting any person to reclaim the dog, cat or animal without offering it for sale and no person shall be entitled to damages or compensation on account of the euthanasia.

6.1.7 Any person may capture any dog, cat or animal at large and trespassing on his or her property and, upon doing so, shall report capture of the dog, cat or animal to the By-Law Enforcement Officer who may impound the dog, cat or animal

6.1.8 During the impound period referred to in Section 6.1.4, the owner of the dog, cat or animal shall be entitled to redeem the dog, cat or animal upon:

(a) payment of the impound fees and board fees in the amount as set out in the Schedule of Fees By-law, as amended.

(b) payment of any veterinarian fees incurred for the well-being of the dog, cat or animal;

(c) registering the dog, cat or animal in accordance with this By-law if there is no evidence the dog, cat or animal is already registered. When registration is completed as per this requirement, the registration fee is in accordance with the Schedule of Fees By-law, as amended.

6.1.9 If a dog, cat or animal is not redeemed within the time frame specified in subsection 6.1.4, the By-Law Enforcement Officer may dispose of the dog, cat or animal as they see fit without liability to any person for the disposition of the dog, cat or animal or the manner thereof.

## **6.2 PROTECTIVE CARE**

6.2.1 The By-Law Enforcement Officer is authorized should they choose, upon a request of a Police Officer, Fire Chief or his or her designate, or paramedic to impound a dog, cat or animal for protective care purposes, pursuant to an incarceration, fire, medical emergency, or for any other situation that the By-Law Enforcement Officer deems appropriate and to keep such dog(s), cat(s) or animal(s) for a maximum of five (5) days.

6.2.2 In the event that the owner of a dog, cat or animal impounded for protective care does not claim the dog, cat or animal and pay the impound fees, protective care fees, as set out in the Schedule of Fees By-law, as amended within five (5) days, then on the sixth day, the dog, cat or animal shall be deemed to have been impounded as running at large in accordance with Section 6.1 and impound timelines as set out in Section 6.1.4 shall begin.

## **6.3 IMPOUND FEES**

6.3.1 Where a dog, cat or animal is seized, or impounded for protective care, the owner, if known, shall be liable for the impound fees and protective care fees as set out in the Schedule of Fees By-law, as amended, before the dog, cat or animal is released to the owner.

6.3.2 Notwithstanding Section 6.3.1, in appropriate humanitarian circumstances, as determined by the By-Law Enforcement Officer, the By-Law Enforcement Officer, may, in his or her discretion, waive all or part of the impound fees and protective care fees, or provide for delayed or installment payments of same.

## **6.4 TRAP REGULATIONS**

6.4.1 Any dog, cat or animal seized in accordance with Section 6.1.7 shall be:

- (a) trapped in a humane manner;
- (b) not kept in a trap for more than 24 hours;
- (c) protected from the elements while in a trap.

6.4.2 In no circumstance shall a person use any trap that causes or may cause injury, pain or suffering to an animal. Without limiting the generality of the foregoing, no person shall set a trap within the Town:

- (a) without permission being granted by the By-Law Enforcement Department;
- (b) no person shall use a killer trap, leg-hold trap, body gripping trap or snare.

6.4.3 Notwithstanding Sections 6.4.1 and 6.4.2 shall not apply to the trapping of an animal where the animal is trapped by a person who is licensed by Ministry of Natural Resources or is otherwise authorized by law to trap an animal, and the trapping is conducted in accordance with any applicable legislation.

## **SECTION 7 – REGULATIONS - PRESCRIBED BIRDS**

### **7.1 PRESCRIBED BIRDS**

7.1.1 A person may keep in a dwelling unit or on a premises with the Town, any combination of domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaries, pied hornbills or cock-of-the-rocks, provided same are housed and kept in an escape proof enclosure.

### **7.2 HENS (FEMALE CHICKENS)**

7.2.1 Any person keeping hens on their property are only permitted to do so within the Town of Fort Frances if the following requirements have been met by the property owner:

- (a) the hens are confined in either a hen coop or hen run; and the hens are kept in the hen coop between 9:00pm and 6:00am
- (b) the owner of the hens resides on the property where the hens are kept;
- (c) each hen is provided with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviours such as scratching, dust-bathing and roosting, all sufficient to maintain the hen in good health;
- (d) establish a maximum area of 0.1 cubic metre for manure storage in an enclosed container;
- (e) the external storage of feed must be kept in a rodent-proof container within the coop area
- (f) must comply with all other applicable legislation.

### **7.3 HEN COOP CONSTRUCTION**

7.3.1 Any hen coop which is erected, used or maintained for the housing of hens must:

- (a) be constructed in such a manner as to prevent the escape of the hens;
- (b) be constructed in such a way as to be rodent proof;
- (c) be equipped with perches and nest boxes to appropriately accommodate each hen;
- (d) no hen coop or hen run may be located in any front, side or flank yard as described in the Zoning By-Law;
- (e) must be located within the rear yard and must be a minimum of 3.0m from any rear lot line or side lot line;

(f) at a distance of no less than 15m from any school, church or business.

## **7.2 HEN COOP MAINTAINENCE**

7.2.1 Every owner of any building which is erected, used or maintained as a hen coop for the housing of hens shall be maintained as follows:

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

## **7.3 GENERAL PROHIBITIONS**

7.3.1 Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

7.3.2 The sale of eggs, meat, manure or other products derived from the hens is not permitted;

7.3.3 No owner shall cause or permit his or her hen to become a public nuisance by persistently clucking. No owner shall cause or permit his or her hen to violate the Noise By-law.

7.3.4 No owner shall cause or permit his or her hen to be at large.

7.3.5 No person shall keep a rooster.

## **SECTION 8 – PROHIBITED ANIMALS**

### **8.1 GENERAL PROHIBITIONS**

8.1.1 No person shall keep any animal other than a dog, cat, prescribed bird or prescribed animal within the Town of Fort Frances.

8.1.2 Nothing herein shall give any person any right to keep animals where such animal is prohibited by this By-law.

8.1.3 In the event that any setback requirements set out herein are inconsistent with the requirements set out in the Zoning By-Law, the requirements of the by-law which are more restrictive shall prevail.

### **8.2 PROHIBITED ANIMALS LISTING**

8.2.1 The following list of animals are prohibited to be owned within the Town of Fort Frances. The list of prohibited animals may not include all animals prohibited in Town.

- 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) (Exception is domestic Ferret)
- All Ursids (Bears)
- All Artiodactylus Ungulates. (Such as Goats, Sheep, Pigs, and Cattle)
- All Procyonids (Such as Racoons, Coatis, Cacomistles, etc.)
- All Hyaenas
- All Perissodactylus Ungulates (Such as Horses and Asses)
- All Elephants
- All Pinnipeds (Such as Seals, Fur Seals, Walruses, etc.)
- All Snakes of the families Pythonidae and Boidae
- All Venomous Reptiles
- All Ratite Birds (Such as Ostriches, Rheas, Cassowaries, etc.)
- All Diurnal and Nocturnal Raptors (Such as Eagles, Hawks, Owls, etc.)
- All Edentates (Such as Anteaters, Sloths, Armadillos, etc.)
- All Bats
- All Crocodilians (Such as Alligators, Crocodiles, etc.)
- All Anatidae and Genus Cygnus (Ducks, Geese, Swans, etc.)

## **SECTION 9 – INTERFERE**

### **9.1 INTERFERE**

9.1.1 No person shall interfere with, hinder or molest a By-Law Enforcement Officer or Police Officer in the performance of their duties, or to seek to release any dog, cat or animal in the custody of the Town, except as herein provided.

9.1.2 No person shall tamper, remove or interfere with traps or equipment.

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

9.1.4 No person shall knowingly furnish false information to a By-Law Enforcement Officer or Police Officer.

## **SECTION 10 – EXEMPTIONS**

### **10.1 POLICE DOG EXEMPT**

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

**SECTION 11 – PENALTIES**

**11.1 GENERAL PENALTIES**

Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-Law or any permit or order issued pursuant thereto, commits an offence and except where specifically set out in Schedule “B” attached to and forming part of this By-Law, shall be liable of a fine of not more than \$5,000 pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, As amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

**SECTION 12 - REPEAL**

12.1 By-Law 17/90, By-Law 12/79, By-Law 45/87 and By-Law 16/90 and all amendments are hereby repealed.

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

READ THREE TIMES and finally passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
R. Avis, Mayor

\_\_\_\_\_  
E. Slomke, Clerk

**TOWN OF FORT FRANCES**  
**AREA LEASHING REQUIRED ALL TIMES**

**BY-LAW NO.**  
**SCHEDULE “A”**

<u>NO.</u>	<u>AREA LEASHING REQUIRED ALL TIMES</u>
1.	Point Park.
2.	Front Street (waterfront area) From Victoria Ave. To Col Rd. E.
3.	Seven Oaks Area.