



By-law 2010-035 - As amended

This By-law printed under and by the authority of the Council of the City of Barrie

A By-law of The Corporation of the City of Barrie to regulate and govern animals including exotic animals within City and to repeal By-law 88-260, Part 4, Section 4.14.0.0.0 to 4.14.15.0.0 regarding animals including exotic animals and By-law 2006-257 regarding cats.

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BY-LAW NUMBER 2010-035

A By-law of The Corporation of the City of Barrie to regulate and govern animals including exotic animals within City and to repeal By-law 88-260, Part 4, Section 4.14.0.0.0 to 4.14.15.0.0 regarding animals including exotic animals and By-law 2006-257 regarding cats.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 10 (2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass by-law respecting matters including animals;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS by resolution 09-G-466, the Council of The Corporation of the City of Barrie deems it expedient to enact a by-law to license, regulate and govern animals, including exotic animals within City and to repeal By-law 88-260, as amended, Part 4, Sections 4.14.0.0.0 to 4.14.15.0.0 and By-law 2006-257;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0.0 DEFINITIONS

For the purpose of this by-law:

1.2.0.0.0 AGGRESSIVE DOG - means a dog which, in the opinion of the City Clerk or his designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition.

1.3.0.0.0 ANIMAL - means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit an urban centre, a park, environmentally protected land or open space.

1.4.0.0.0 CITY - means The Corporation of the City of Barrie.

1.5.0.0.0 COMPETENT PERSON - means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

1.6.0.0.0 DOG - means any member of the species Canis Familiaris.

1.7.0.0.0 DOG OFF LEASH RECREATION AREA – means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow his dog to run at large, and is not required to leash such dog.

- 1.8.0.0.0 **DOMESTIC CAT** - shall mean a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.
- 1.9.0.0.0 **DOMESTIC FOWL** – means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not be limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, song birds or vertebrates commonly kept as domestic pets such as parrots, budgies, cockatiels etc.
- 1.10.0.0.0 **GRANDFATHERED** – means the lawful keeping of any animal, currently prohibited under the provisions of this by-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.
- 1.11.0.0.0 **IMPOUND** - means to confiscate, confine, hold or take possession.
- 1.12.0.0.0 **KENNEL** – means a place or confine where pure breed dogs are bred and/or raised and registered in the register for the Canadian Kennel Club but may include the boarding or temporary housing of domestic animals.
- 1.13.0.0.0 **REGISTER / REGISTRATION**– means to register your dog or cat pursuant to the requirements in this by-law.
- 1.14.0.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws.
- 1.15.0.0.0 **NEW REGISTRATION FEE**– means a fee charged by the City for a dog or cat tag where such dog or cat has not previously been registered by the current owner in the City of Barrie.
- 1.16.0.0.0 **OWNER** - means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal.
- 1.17.0.0.0 **PHYSICALLY DISABLED PERSON**– means a person with any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree or paralysis, amputation, lack of physical coordination, blindness or visual impediment, or physical reliance on a dog guide or other animal or in a wheelchair or other remedial appliance or device including but not limited to crutches or braces.
- 1.18.0.0.0 **POLICE WORK DOG** - means a dog trained to aid law enforcement officers and is actually being used for police work purposes.
- 1.19.0.0.0 **POUND** - means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law.
- 1.20.0.0.0 **POUNDKEEPER** - means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound.
- 1.21.0.0.0 **PROOF** – means documentation signed by a qualified veterinarian attesting to the age and breed of the animal together with vaccination history, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, all documentation submitted shall be to the satisfaction of the City.
- 1.22.0.0.0 **PUREBRED DOG** - means a dog bred from stock having no admixture as certified by the Canadian Kennel Club or other competent authority.
- 1.23.0.0.0 **RESIDENTIAL DWELLING UNIT** - means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- 1.24.0.0.0 **RUNNING AT LARGE**– means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash.

1.25.0.0.0 **SERVICE DOG** – means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person by means of, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

1.26.0.0.0 **SOCIETY** - means the Ontario Society for the Prevention of Cruelty to Animals

1.27.0.0.0 **UNINTERRUPTED** – means that the animal has not been sold, has not expired, has not been given away, has not been away from the applicant owner within the limits of the City, or has not resided together with the applicant owner or otherwise outside the limits of the City for a period of time exceeding 60 days.

1.28.0.0.0 **VISUALLY IMPAIRED** - means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

2.0.0.0.0 DOG TAG REGISTRATION

2.1.0.0.0 Every owner of a dog over the age of six (6) months shall make application to register the dog with the City, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog.

2.2.0.0.0 Every owner of a dog shall pay to the City a registration fee in accordance with the fees established and set out in the City's Fees By-law.

2.3.0.0.0 Every owner of a dog shall, upon application to register a dog, or as otherwise required by the City, produce proof that the dog has current inoculation with an anti-rabies vaccine at the time of application for such dog tag or certify at the time of application that the dog has current inoculation with an anti-rabies vaccine.

2.4.0.0.0 The City shall not issue a dog tag until the applicable registration fee has been paid in full and proof or owners certification of inoculation with an anti-rabies vaccine has been provided to the satisfaction of the City.”

2.5.0.0.0 Where proof or owners certification of inoculation has been provided, the registration fee has been paid and necessary application information has been received for the registration of such dog, the City shall issue for each dog, a serially numbered tag and shall cause such information, as provided, to be recorded.

2.6.0.0.0 Every owner shall affix to his dog a valid tag issued by the City in accordance with this by-law and shall keep such tag affixed on the dog at all times when the dog is not on the owner's property.

2.7.0.0.0 No tag or registration shall be transferable and the tag shall become void upon the sale, death or other means of disposal of the dog so registered, including but not limited to relocating the dog's home outside the geographical boundaries of the City.

2.8.0.0.0 Every tag issued by the City after January 1, 2016, shall have no expiry date associated with such tag.

2.9.0.0.0 No person other than the owner or his agent shall remove a tag from a dog.

3.0.0.0.0 REPLACEMENT DOG TAG

3.1.0.0.0 Every owner of a dog, having lost the dog's registration tag shall immediately make application to the City and pay to the City a replacement fee in accordance with the fees established and set out in the City's Fees By-law for the replacement of such tag, and shall, upon request, provide any information as may be required by the City.

4.0.0.0.0 NUMBER OF DOGS

4.1.0.0.0 No owner shall have more than three (3) dogs in any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the City.

4.2.1.0.0 Section 4.1.0.0.0 does not apply to:

- a) the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals;
- b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
- c) a pet store licensed in accordance with the provisions of municipal by-laws;
- d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or
- e) dogs under the age of six (6) months.

5.0.0.0.0 CONTROL OF DOGS

5.1.0.0.0 No owner of a dog shall allow his dog to run at large.

5.2.0.0.0 Notwithstanding Article 5.1.0.0.0, no owner of any dog shall allow his dog to run at large in a Dog Off Leash Recreational Area as defined in this by-law, unless:

- a) a City of Barrie dog tag is affixed to the dog, and,
- b) a current rabies vaccination tag is affixed to the dog.

5.3.0.0.0 No owner of a dog shall allow his dog to trespass on private property even when on a leash.

5.4.0.0.0 No person shall allow a leash to extend beyond a length of six (6) feet and such leash must be held or restrained by a competent person who can reasonably control the dog.

5.5.0.0.0 No owner of a dog shall allow his dog in any waterfront park.

5.6.0.0.0 Notwithstanding Section 5.5.0.0.0, the owner of a dog may lead the dog, provided it is on a leash not exceeding 6 feet in length, on any signed walking path in Heritage Park, Allandale Station Park and Centennial Park.

5.7.0.0.0 No owner shall leave a dog unattended within any permitted public park area.

5.8.0.0.0 A dog shall not be considered to be running at large if it is a police dog as defined in this by-law.

5.9.0.0.0 Any dog found running at large pursuant to the provisions of this by-law may be impounded by any Municipal Law Enforcement Officer or other duly appointed officer and delivered to the Pound.

5.10.0.0.0 Any person may capture any dog running at large on his property and deliver the same to a Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said dog.

5.11.0.0.0 A Municipal Law Enforcement Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining and detaining any dog found running at large pursuant to the provisions of this by-law.

5.12.0.0.0 Every owner of a dog shall immediately remove any excrement left by such dog on public or private lands not being the property of the dog owner, within the City, and shall dispose of such excrement in a sanitary manner.

5.13.0.0.0 Notwithstanding Section 5.12.0.0.0, proof that the owner is either a visually impaired person or a physically disabled person shall constitute a defense to the prosecution of such an offence.

6.0.0.0 CONTROL OF AGGRESSIVE DOGS

6.1.0.0.0 Where a dog has been declared an aggressive dog by the Clerk of the Corporation or a Court of a competent jurisdiction the owner of the dog shall restrain the dog at all times.

6.2.0.0.0 Where an aggressive dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a) the dog is secured so as to meet its environmental needs and in such a manner as to prevent the dog from leaving the owners property; and,
- b) such restraint prevents the dog from having contact with any person who has not consented to being in contact with the dog.

6.3.0.0.0 Where an aggressive dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a) the dog is leashed in accordance with the provisions of this By-law; and,
- b) the dog is under the control of the owner at all times so as to prevent the dog from having any contact with any person who has not consented to being in contact with the dog.

7.0.0.0 DOG BITES OR ATTACKS

7.1.0.0.0 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.

7.2.0.0.0 Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the City against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the *Dog Owners' Liability Act, R.S.O. 1990, c. D.16* and any amendments thereto.

8.0.0.0 SEIZING AND IMPOUNDING

8.1.0.0.0 A Pound shall be established which complies with the *Animals for Research Act, R.S.O. 1990, c. A.22*, the *Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36, 59/09, 60/09* as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large contrary to this by-law which have not been returned to their owner and brought to him and to dispose of the same in accordance with the *Animals for Research Act*. The poundkeeper shall also keep a record and make return as required to the City Clerk of all dogs impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.

8.2.0.0.0 It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise distain and detain all dogs running at large pursuant to this by-law and,

- a) return the dog to the owner, if known; or,
- b) impound the dog, subject to the right of the owner to redeem the dog.

- 8.3.0.0.0 The owner may:
- a) redeem the dog upon payment of any registration fee and / or other applicable fees; or
 - b) redeem the dog from the pound within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay all applicable registration fees, impound fees, animal control service fees and maintenance fees as established and set out in the City's Fees By-law and all other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.
- 8.4.0.0.0 If the dog is not redeemed from the pound within the time set out in Section 8.3.0.0.0, the dog shall become the property of the Poundkeeper who may sell the dog or dispose of it as the pound deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.
- 8.5.0.0.0 It shall be the duty of the Poundkeeper to care for all animals after they have been impounded pursuant to the *Animals for Research Act, R.S.O 1990, c. A.22* or any other applicable Act, as may be amended.
- 8.6.0.0.0 All impound fees and maintenance fees shall be retained by the Poundkeeper or as prescribed under contract.
- 8.7.0.0.0 All registration fees and animal control services fees collected on behalf of the City by any authorized agent shall be remitted to the City monthly, along with any monthly report.
- 9.0.0.0.0 DOGS RUNNING AT LARGE - INJURED**
- 9.1.0.0.0 Where an injured dog is impounded or otherwise distained and detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal Law Enforcement Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise distaining and detaining the dog as he thinks fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.
- 10.0.0.0.0 ANIMAL CONTROL SERVICE FEES**
- 10.1.0.0.0 Where a Municipal Law Enforcement Officer or other duly appointed officer impounds or otherwise distains and detains a dog found running at large, contrary to the provisions of this by-law, and the owner of such dog is known, the Municipal Law Enforcement Officer or other duly appointed officer may return the dog to the owner.
- 10.2.0.0.0 Where the dog is returned to the owner, the municipal law enforcement officer or other duly appointed officer may issue an Animal Control Services Fee to the owner of the dog and the owner of the dog shall pay such fee as established and set out in the City's Fees By-law. Such fee shall be paid to the City within seven (7) days of the return of the dog to the owner.

11.0.0.0.0 RABIES

11.1.0.0.0 Where any animal is suspected of rabies, the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* and any amendments shall apply.

11.2.0.0.0 Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.

11.3.0.0.0 Where an animal other than a dog, is, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

12.0.0.0.0 CAT REGISTRATION

12.1.0.0.0 An owner of a cat over the age of six (6) months may make application to register the cat with the City or its agent. An owner of a cat choosing to make application shall provide particulars pertaining to the cat and its owner in order to facilitate the registration of such cat.

12.2.0.0.0 The owner of a cat choosing to make application to register a cat shall pay to the City a registration fee in accordance with the fees established and set out in the City's Fees By-law.

12.3.0.0.0 An owner of a cat shall, upon choosing to make application for a cat tag, or as otherwise required by the City, produce proof that the cat has current inoculation with an anti-rabies vaccine at the time of application for such cat tag or certify at the time of application that the cat has current inoculation with an anti-rabies vaccine.

12.4.0.0.0 The City shall not issue a cat tag until the applicable fees have been paid in full and proof or owners certification of inoculation with an anti-rabies vaccine has been provided to the satisfaction of the City.

12.5.0.0.0 Where proof or owners certification of inoculation with an anti-rabies vaccine has been provided, all applicable fees have been paid, and the necessary application information has been received for the registration of such cat, the City shall issue for each cat, a serially numbered tag and shall cause such information, as provided to be recorded.

12.6.0.0.0 Every owner of a cat, who has obtained a tag from the City, should affix such tag to his cat and should keep such tag affixed on his cat at all times when the cat is not on the owner's property.

12.7.0.0.0 No tag or registration shall be transferable and the tag shall become void upon the sale, death or other means of disposal of the cat so registered including but not limited to relocating the cat's home outside of the geographical boundaries of the City.

13.0.0.0.0 REPLACEMENT CAT TAG

13.1.0.0.0 Every owner of a cat who has chosen to obtain a cat tag and having lost the cat tag can make application to the City and pay to the City a replacement fee in accordance with the fees established and set out in the City's Fees By-law for the replacement of such tag, and shall, upon request, provide any information as may be required by the City.

14.0.0.0.0 NUMBER OF DOMESTIC CATS

14.1.0.0.0 No person shall have more than six (6) cats in any residential dwelling unit within the City.

14.2.0.0.0 Section 14.1.0.0.0 does not apply to:

14.2.1.0.0 a premises licensed under the provisions of municipal by-law and operated for the purpose of breeding or boarding;

14.2.2.0.0 an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;

14.2.3.0.0 a pet store licensed in accordance with the provisions of municipal by-laws;

14.2.4.0.0 a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or,

14.2.5.0.0 cats under the age of six (6) months.

15.0.0.0.0 CONTROL OF CATS

15.1.0.0.0 No owner of a cat shall allow his cat to run at large.

15.2.0.0.0 No owner of a cat shall allow his cat to trespass on private property even when on a leash.

15.3.0.0.0 No owner of a cat shall allow a leash to extend beyond a length of six (6) feet and such leash must be held or restrained by a competent person who can reasonably control the cat.

15.4.0.0.0 Any person may capture any cat running at large on his property and may contain such cat for delivery to the Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said cat. For the purpose of this section "contain" shall include but not be limited to the cat being held within a container such as a cat carrier, small room in the home not occupied by obstructions so as to prevent the Municipal Law Enforcement Officer from retrieving the cat etc.

15.5.0.0.0 No person shall use a live trap to capture a cat.

15.5.1.0.0 Notwithstanding the above section, persons or agents acting on behalf of, or in conjunction, with a registered charitable or not for profit organization with a mandate to care for feral or stray cats shall be exempt from section 15.5.0.0.0. All other provisions of this By-law shall apply.

15.6.0.0.0 Every person capturing a cat running at large on his property shall, following the capture of the cat for delivery to the Municipal Law Enforcement Officer or other duly appointed officer, ensure that the cat is provided with the necessities of life including but not limited to food, water and shelter until such time as the animal is received by the Municipal Law Enforcement Officer or other duly appointed officer.

16.0.0.0.0 SEIZING AND IMPOUNDING OF CATS

16.1.0.0.0 A Pound shall be established which complies with the Animals for Research Act, the Ontario S.P.C.A Act as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all cats delivered found to be running at large contrary to this by-law which are brought to him and which have not been returned to their owner, to dispose of the cats in accordance with the Animals for Research Act. The Poundkeeper shall also keep a record and make return as required to the City Clerk of all cats impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.

16.2.0.0.0 It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise dispose of all cats found running at large pursuant to Section 15.0.0.0.0 by:

a) returning the cat to the owner, if known; or,

b) impounding the cat, subject to the right of the owner to redeem the cat.

- 16.3.0.0.0 The owner may:
- a) redeem the cat and upon return of the cat to the owner, make payment of any applicable fees; or
 - b) redeem the cat from the pound within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a cat from the pound shall pay all applicable impound fees and maintenance fees as established and set out in the City's Fees By-law and all other fees associated with the impounding of the cat, prior to the release of such cat.

16.4.0.0.0 If the cat is not redeemed from the pound within the time set out in Section 16.3.0.0.0, the cat shall become the property of the Poundkeeper who may sell the cat or dispose of it as he deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the cat.

17.0.0.0.0 EXOTIC ANIMALS

17.1.0.0.0 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.

- a) all non-human primates (such as gorillas and monkeys);
- b) all felids, except the domestic cat;
- c) all canids, except the domestic dog;
- d) all mustelids (including but not limited to skunks, weasels, otters, badgers, etc. but not including the domestic ferret);
- e) all marsupials (including but not limited to kangaroos and opossums);
- f) all bats;
- g) all ursids (bear);
- h) all hyaenas;
- i) all snapping turtles;
- j) all elephants;
- k) all snakes of the families pythonidae and boidae;
- l) all poisonous or venomous snakes;
- m) all poisonous or venomous arachnids (including but not limited to spiders);
- n) all poisonous or venomous lizards;
- o) all crocodilians (including but not limited to alligators and crocodiles); or,
- p) any endangered species as defined by the Canadian Wildlife Service.

17.2.0.0.0 Notwithstanding Section 17.1.0.0.0, the prohibition shall not apply to:

- a) circuses;
- b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals;
- c) a veterinary hospital under the control of a licensed veterinarian;
- d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all by-laws of the municipality; or,
- f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended.

18.0.0.0.0 ANIMALS - OTHER

18.1.0.0.0 No person shall keep any fox(es) within the limits of the City, except in a licensed zoological park or menagerie.

18.2.0.0.0 No person shall keep any mink within the limits of the City, except in a licensed zoological park or menagerie.

- 18.3.0.0.0 No person shall keep any domestic fowl as defined by the by-law, on any residential lot or in any residential dwelling unit within the City.
- 18.4.0.0.0 Notwithstanding the provisions of Article 18.3.0.0.0 any person may keep any number of domestic fowl on any lot in any area within the City which is zoned Agricultural, Residential Hold or Industrial.
- 18.5.0.0.0 No person shall keep any cattle, goats, sheep or swine within the limits of the City except on a lot exceeding 4.4685 hectares in any area zoned Agricultural, Residential Hold or Industrial.
- 18.6.0.0.0 No person shall keep more than twelve (12) rabbits with no more than two (2) over the age of six months, within any residential lot or in any residential dwelling unit within the City.
- 18.7.0.0.0 Domestic animals, not including dogs and cats and domestic fowl as defined by this by-law, must be contained, when not kept indoors, within the owner's property by means of fencing or other reasonable method including but not limited to pens and flight cages so as to not disturb or hinder any neighbouring properties from the enjoyment of such property.
- 18.8.0.0.0 FEEDING OF WILDLIFE**
- 18.8.1.0.0 For the purpose of this section the following meanings shall apply:
- 18.8.1.1.0 "attractant" means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals.
- 18.8.1.2.0 "feed or feeding" means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals.
- 18.8.1.3.0 "wild animal" means all mammals other than domestic animals.
- 18.8.2.0.0 No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by a wild animal, feral or stray domestic animal on private or public property.
- 18.8.3.0.0 Section 18.8.2.0.0 does not apply to the feeding of song birds on a property, provided the following feeding requirements are met by the owner or occupier:
- (1) Seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and
 - (2) Bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic pigeons; and
 - (3) Spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that it does not attract wild animals, feral or stray domestic animals.

18.8.4.0.0 Section 18.8.2.0.0 does not apply in the following situations:

- (1) the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41.
- (2) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector or a City of Barrie Police Officer, in the performance of their work.
- (3) the leaving of food for the purpose of providing life sustaining resources or as a bait in a trap for feral or stray cats by a person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization having a mandate to care for feral or stray animals.

19.0.0.0.0 REGISTRY OF GRANDFATHERED ANIMALS

19.1.0.0.0 Any person may seek 'grandfathered' status for such animal as set out in Sections 17.0.0.0.0 and 18.0.0.0.0 within 12 months of a prohibition of the keeping of such animal by making application and providing to the City proof that the animal was owned prior to the prohibition, and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the City Clerk or his designate may deem the animal to be 'grandfathered' and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.

19.2.0.0.0 Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the City Clerk or designate.

19.3.0.0.0 The City may, at the discretion of the City clerk or his designate impose special conditions on the keeping of any grandfathered animal (e.g. housing).

20.0.0.0.0 EXEMPTIONS

20.1.0.0.0 The Clerk of The Corporation of the City of Barrie may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

21.0.0.0.0 ENFORCEMENT

21.1.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

21.2.0.0.0 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

22.0.0.0.0 SEVERABILITY

22.1.0.0.0 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.

23.0.0.0.0 PENALTIES

23.1.0.0.0 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the *Act*.

23.2.0.0.0 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

23.3.0.0.0 Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

23.4.0.0.0 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

23.5.0.0.0 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.

23.5.1.0.0 Notwithstanding Section 23.3.0.0.0, and in accordance with the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

24.0.0.0.0 REPEAL

24.1.0.0.0 That By-law 88-260, Part 4, Section 4.14.0.0.0 to 4.14.15.0.0, as amended regarding animals including exotic animals be repealed.

24.2.0.0.0 That By-law 2006-257 regarding cats be repealed.

25.0.0.0.0 FORCE AND EFFECT

25.1.0.0.0 **THAT** this By-law shall come into force and take effect immediately upon passing.

READ a first and second time this 22nd day of February, 2010.

READ a third time and finally passed this 22nd day of February, 2010.

THE CORPORATION OF THE CITY OF BARRIE

“ORIGINAL SIGNED”

MAYOR - DAVE ASPDEN

“ORIGINAL SIGNED”

CITY CLERK – DAWN A. MCALPINE

AMENDMENTS TO ANIMAL LICENCING BY-LAW 2010-035

By-law 2011-054	Section 1.32.0.0.0, 2.2.11.0.0, 3.1.0.0.0 and Table of fees	May 9, 2011
By-law 2012-041	Section 2.2.0.0.0, 2.2.10.0.0, 3.1.0.0.0, 8.3.0.0.0, 12.11.0.0.0, 12.10.0.0.0, 13.1.0.0.0 and 16.3.0.0.0 , Section 24.0.0.0.0 of Table 1 Table of Fees	February 13, 2012
By-law 2013-029	Adding Section 18.8.0.0.0	February 11, 2013
By-law 2014-098	Adding Section 15.5.1.0.0 and 18.8.4.0.0	August 25, 2014
By-law 2015-116	Various Sections – Pet Licensing Services	November 23, 2015