



PUBLIC MEETING NOTICE

PROPOSED CITY OF THOROLD ANIMAL CARE AND CONTROL BY-LAW

TAKE NOTICE that the Council of The Corporation of the City of Thorold proposes to adopt an Animal Care and Control By-law.

AND FURTHER TAKE NOTICE that a public meeting will be held on November 17, 2009 at 8:00 o'clock p.m. in Council Chambers at Thorold City Hall to hear any person who wishes to speak in favour of or in opposition to the proposed by-law.

A copy of the subject by-law is available for viewing at the Clerk's Department during regular office hours or on the City's website at www.thorold.com.

Dated at the City of Thorold, this 5th day of November, 2009.

S. Daniels, AMCT
City Clerk
The Corporation of the City of Thorold
3540 Schmon Parkway, P.O. Box 1044
Thorold, Ontario L2V 4A7

DRAFT

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. XX-2009

A BY-LAW TO REGULATE ANIMAL CARE AND CONTROL IN THE CITY OF THOROLD

WHEREAS sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended authorizes a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS section 9.(3) of the said *Act* provides that a by-law passed under section 11 may regulate or prohibit respecting a matter, provide for a system of licences, permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 103 of the said *Act* confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-law under certain conditions;

AND WHEREAS section 391 of the said *Act* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of The Corporation of the City of Thorold deems it expedient and in the public interest to licence dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the *Municipal Act, 2001* S.O. 2001, c.25, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. In this By-law:
 - (a) "Animal" means a live, non-human vertebrate member of the animal kingdom;
 - (b) "Attack" means physical contact, other than accidental contact, by an animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a person or an animal or damage to clothing worn by a person, and "Attacked" or "Attacking" have a corresponding meaning;
 - (c) "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by teeth;
 - (d) "Cat" means a male or female feline of the species *Felis catus*;
 - (e) "Chief of Police" means the Chief of Police for the Niagara Regional Police Service or persons acting under his or her authority;
 - (f) "Council" means the Council of The Corporation of the City of Grimsby;
 - (g) "Dog" means a male or female canine of the species *Canis familiaris*;
 - (h) "Domestic Animal" means any tamed or domesticated animal;
 - (i) "Dwelling Unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;
 - (j) "Keep" means to have temporary or permanent control or possession of an animal, and the words "Kept" or "Keeping" have a corresponding meaning;
 - (k) "Kennel" means any premises, cages or pens, excluding animal clinics, pet shops and grooming establishments, where four (4) or more dogs are lodged, treated, bred, kept or boarded. A kennel may be classified as:

- i. "Breeding Kennel" is a kennel where the primary purpose of the facility is for breeding of dogs and the number of dogs permitted within such kennels shall not exceed ten (10), excluding pups under ten (10) weeks of age;
 - ii. "Commercial Kennel" is a kennel where the primary purpose of the facility is for the boarding of dogs for hire or gain;
 - iii. "Hobby Kennel" is a kennel where four (4) to ten (10) dogs, excluding pups under ten (10) weeks of age, are kept for personal uses as hunting dogs, sled dogs or show dogs, kept for the purpose of training or kept as pets and where there is no boarding and no revenue derived from the kennel;
- (l) "Leash" means a restraint consisting of a rope, light chain, or other material held by a person and used to restrain an animal;
 - (m) "Lincoln County Humane Society" means the local Affiliated Society of the Ontario Society for the Prevention of Cruelty to Animals, incorporated on April 18th, 1935, that operates an Animal Shelter and Pound located at 160 Fourth Avenue, St. Catharines, and that shall be referred to hereinafter as the "LCHS";
 - (n) "Livestock" means any domestic or farmed animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;
 - (o) "Motor Vehicle" means a Motor Vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. H8, as amended;
 - (p) "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting a person or animal, and the words "Muzzled" and "Muzzling" have a corresponding meaning;
 - (q) "Officer" means a person appointed by Council as a Municipal By-law Enforcement Officer, all Canine Control Officers and Animal Control Officers employed by the Lincoln County Humane Society including agents and inspectors designated as such under the Ontario Society for the Prevention of Cruelty to Animals Act, and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario and the Region of Niagara and includes the Chief of Police.
 - (r) "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, as amended;
 - (s) "Owner" means any person who possesses, harbours or keeps an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word "Owns" has a corresponding meaning;
 - (t) "Person" includes a corporation, association, or any other non-incorporated entity;
 - (u) "Pet Shop" means a shop or place where animals are sold or kept for sale for use as pets;
 - (v) "Pound" means the part of the premises of the LCHS used for the temporary housing and care of animals that have been impounded pursuant to this By-law, in accordance with the Animals for Research Act, R.S.O. 1990, Chapter A.22;
 - (w) "Premises" includes lands, buildings or structures or any parts thereof;
 - (x) "Prohibited Animals" means those animals identified in Schedule B;

