

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

## **BY-LAW NUMBER 066-2020**

**A By-law to regulate the keeping of animals in the City of Vaughan, including provisions for animal identification.**

**WHEREAS** the *Municipal Act*, the *Dog Owners' Liability Act*, the *Pounds Act*, the *Animals for Research Act*, the *Environmental Protection Act*, and the *Protection of Livestock and Poultry from Dogs Act* contain provisions enabling municipalities to regulate and identify animals;

**AND WHEREAS** paragraph 9 of subsection 10(2) of the *Municipal Act* provides that a municipality may pass by-laws respecting animals;

**AND WHEREAS** paragraph 9 of subsection 11(3) of the *Municipal Act* provides that a lower-tier municipality may pass by-laws respecting animals;

**AND WHEREAS** Section 103 of the *Municipal Act* confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**AND WHEREAS** subsection 105(1) of the *Municipal Act* requires Council or a Committee of Council or an animal services officer of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

**AND WHEREAS** subsection 434.1(1) of the *Municipal Act* provides that the treasurer of a local municipality may add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes; and,

**AND WHEREAS** subsection 434.2(2) of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the *Municipal Act*; and,

**AND WHEREAS** Section 436 of the *Municipal Act* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and,

**AND WHEREAS** Section 444 of the *Municipal Act* provides that a municipality may make an order requiring a Person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

**AND WHEREAS** Section 445 of the *Municipal Act* provides that a municipality may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

**AND WHEREAS** the Council of the Corporation of the City of Vaughan deems it desirable to establish regulations that support humane treatment for animals;

**NOW THEREFORE**, The Council of The Corporation of The City of Vaughan **ENACTS AS FOLLOWS:**

### **1.0 Authority and Short Title**

- (1) The By-law shall be known and referenced as the “Animal Control By-law.”

### **2.0 Applicability and Scope**

- (1) This By-law applies to all *Animals* within the *City*.
- (2) Where there is a conflict or contradiction between this By-law and any other by-law of the *City* or regulations of Regional Municipality of York, Province of Ontario or other *Governmental Entity* the provisions establishing the higher standard shall prevail.

### **3.0 Definitions and Interpretation**

- (1) In this By-law:
  - (a) “Abandoned Animal” means an *Animal* that:
    - i) is found unattended in *Unoccupied Premises*, or
    - ii) is left for more than 24 hours without adequate food or water or shelter, or
    - iii) if a person agreed to care for the *Animal*, is not retrieved from that

person within 4 days following the end of that agreement;

- (b) “Animal” means all species of fauna excluding humans and aquatic invertebrates;
- (c) “Animal Services Officer” means:
  - i) a person designated as such and appointed or employed by the *City* as Municipal Law Enforcement Officer under Section 15 of *the Police Services Act* and includes the Animal Services Manager(s) or Supervisor(s);
  - ii) any person, company, corporation or association providing an *Animal* control service by contract to the *City*; and,
  - iii) any employee, agent, servant and representative of such person, company, corporation or association;
- (d) “At Large” means to be found straying in any place other than the *Owner’s* property;
- (e) “Attack” means an assault resulting in bleeding, bone breakage, sprains, serious bruising, multiple injuries, serious injury or death;
- (f) “Attractants” means any substance which could be reasonably expected to attract a *Wild Animal* or *Animals* or does attract *Wild Animals*, *Stray*, feral or *Abandoned Animals*;
- (g) “Bite” means the breaking, puncturing or bruising of the skin of a person or an *Animal*, caused by a tooth or teeth of a *Dog*, with “Bitten” having a corresponding meaning;
- (h) “Biting Dog” means a *Dog* which, without a *Mitigating Factor*, has *Attacked*, *Bitten*, or caused physical injury to a person or an *Animal*;
- (i) “Business Day” means any working day (Monday to Friday inclusive) excluding statutory and other holidays;
- (j) “Cat” means a feline of the species *Felis catus*;
- (k) “City” means The Corporation of the City of Vaughan;
- (l) “Commercial Dog Walker Licence” means an authorization obtained pursuant to the Licensing By-law, as amended or its successor by-law;
- (m) “Control” means the act of preventing an *Animal* from creating a hazard to

any person or domestic *Animal* or damage to property;

- (n) “Custody” means temporary or permanent possession of an *Animal*, with “Custodian” having a corresponding meaning;
- (o) “Director” means the Director of By-law & Compliance, Licensing & Permit Services of the City of Vaughan, or his or her designate;
- (p) “Distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain, suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;
- (q) “Dog” means a canine of the species *Canis familiaris*;
- (r) “Dwelling Unit” means a room or suite of two (2) or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons;
- (s) “Enclosure” means an enclosed place for the keeping of *Animals* and includes but is not limited to bird lofts, bird cages, *Pigeon* coops, dog runs, dog pens, doghouses, rabbit hutches, catteries and reptile tanks; however, it does not include a rear yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the rear yard itself;
- (s) “Extreme Weather” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the City of Vaughan, including but not limited to, extreme cold or hot weather, snowstorms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds;
- (t) “Governmental Entity” means the government of a jurisdiction, any political subdivision of a jurisdiction, such as a federal, provincial, or municipal body, performing a function of the government;
- (u) “Guide Dog” means a *Dog* trained and certified for a guide for the blind, hearing impaired, or other handicap, and used as such;
- (v) “Kennel” has the same meaning as in Licensing By-Law 315-2005, as amended, or its successor By-law;

- (w) “Leash” means a restraining device attached to the collar or harness worn by a *Dog*, is of sufficient strength to restrain the *Dog*;
- (x) “Leg Hold Trap” means devices that are designed to capture an *Animal* for which they are set by the leg or the foot;
- (y) “Licence” means a licence issued pursuant to this By-law;
- (z) “Live Trap” means any box, cage or other structure which can trap and hold an *Animal* without injuring it;
- (aa) “Menace” means any intimidating, aggressive or threatening behaviour towards any person or *Animal*, without a *Mitigating factor*, including but not limited to making physical contact, approaching, chasing, growling or snarling, and “Menacing” has a corresponding meaning;
- (bb) “Microchip” means an approved universal encoded identification device implanted into an *Animal*, which contains a unique code that permits or facilitates access to *Owner* information, including the name and address of the *Owner* of the *Animal*;
- (cc) “Mitigating Factor” means any activity which, in the opinion of the *Animal Services Officer* acting in his or her absolute discretion, may be expected to cause a *Dog* to *Bite* or *Menace* a person, *Dog* or other *Animal* engaging in such activity;
- (dd) “Muzzle” means a basket-style covering device over the mouth of a *Dog* that is humane and that is strong enough and well-fitted enough to prevent the *Dog* from *Biting*, without interfering with the breathing, panting or vision of the *Dog* or with the *Dog’s* ability to drink;
- (ee) “Order” means an Order made under this By-law;
- (ff) “Owner” means any person who possesses or harbors 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 *Custodian* of the *Animal* and the word “owns” and “owned” has a similar meaning;
- (gg) “Provincial Animal Welfare Services (PAWS)” means the Chief

Animal Welfare Inspector or his or her designate, including deputy Chief Animal Welfare Inspector or another animal welfare inspector with delegated authorities;

- (hh) “Pet Grooming Establishment” has the same meaning as in Licensing By-law 315-2005, as amended, or its successor By-law;
- (ii) “Pet Shop” has the same meaning as in Licensing By-law, 315-2005, as amended, or its successor By-law;
- (jj) “Pigeon” means any bird within the family Columbidae, which also includes doves;
- (kk) “Pit bull” means:
  - i) a pit bull terrier;
  - ii) a Staffordshire bull terrier;
  - iii) an American Staffordshire terrier;
  - iv) an American pit bull terrier; or
  - v) a *Dog* that has an appearance and physical characteristics that are substantially similar to those of *Dogs* referred to in clauses (i) to (iv);
- (ll) “Premises” means any land, building, structure, place or part thereof and, in a multiple occupancy premises, each single occupancy shall be considered separate premises;
- (mm) “Protective Care” means the temporary *Custody* of an *Animal* by the *City*, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the *Director* deems appropriate;
- (nn) “Relocate” means to remove an *Animal* outside the *Owner’s* property on which it was trapped, unless under the direction of Vaughan Animal Services;
- (oo) “Reside” means to live in the *City* for more than thirty (30) days, and “Residency” has a corresponding meaning;
- (pp) “Restrained” means being kept securely confined either inside a building or house or in an *Enclosure* of sufficient dimension and

strength to be humane and to prevent a *Dog* from coming in contact with persons other than the *Owner* of the *Dog*;

- (qq) “Sanitary” means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent *Attractants*, or which may endanger the health of any person or *Animal*;
- (rr) “Self-Sustaining” means an *Animal* population that is viable in captivity without further genetic influence from the wild;
- (ss) “Senior Citizen” means a person who is sixty-five (65) years of age or older;
- (tt) “Service Animal” means an *Animal* identifiable by a harness and trained by a recognized school for service as a *Guide Dog* for the blind or *Visually-impaired*, a *Guide Dog* for the deaf or hearing-impaired, or special skills *Dog* for other disabled persons and includes an *Animal* used in therapy, registered with a recognized organization for that purpose;
- (uu) “Stray” means a domestic *Animal* that is wandering *At Large* or is lost;
- (vv) “Tag” means a registration disc or other shape of metal or plastic issued by the *City* and suitable to be securely fixed on a *Dog* or *Cat*;
- (ww) “Tether” means a rope or chain or similar restraining device that prevents an *Animal* from moving beyond a localized area, with “Tethered” and “Tethering” having a corresponding meaning;
- (xx) “Topper” means an enclosed compartment when coupled with a cargo bed of a vehicle;
- (yy) “Unoccupied” means *Premises* that do not appear to be used on a regular basis;
- (zz) “Valid Rabies Certificate” means an up to date certificate issued by a licensed veterinarian, certifying that the *Dog* or *Cat* has been immunized and verifying that it will be current on the date of application for a *Licence* or renewal *Licence*;
- (aaa) “Visually Impaired” means a person to whom an identification card has

been issued by the Attorney General or an officer of his or her Ministry,  
pursuant to the provisions of the *Blind Persons' Rights Act*;

(bbb) "Wild Animal" or "Wildlife" means an *Animal* that belongs to a species that is wild by nature, and includes game wildlife and specially protected wildlife, in line with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41.

#### **4.0 Licensing of Dogs**

- (1) Every *Owner* of a *Dog*, who *Resides* in the *City*, shall:
  - (a) have his or her *Dog Licensed*;
  - (b) upon application for a *Licence* and *Tag*, submit a *Valid Rabies Certificate*;
  - (c) pay the applicable fee, as set out in the Fees and Charges By-law, as amended or its successor by-law.
- (2) Notwithstanding the fees referred to in the Fees and Charges By-law, as amended or its successor by-law, the *Owner* of a *Dog* who is reliant upon a *Service Animal* shall not be required to pay the *Licence* fee.
- (3) The *Owner* of every *Dog* having obtained a *Licence* and *Tag* for each *Dog*, as required by this By-law shall:
  - (a) keep the *Tag* securely fixed at all times on the *Dog* for which the *Tag* was issued;
  - (b) pay a *Tag* replacement fee specified in the Fees and Charges By-law, as amended or its successor by-law, in the event the *Tag* issued for the *Dog* is lost;
  - (c) not transfer the *Licence* and *Tag* issued to any other person or *Dog*.
- (4) Every *Dog Licence* issued pursuant to this By-law shall expire annually on the anniversary date of the original date of issuance.
- (5) Any person knowingly giving false information when applying for the *Licence* shall be in breach of this By-law.
- (6) An *Owner* of a *Dog*, who fails to provide a proof of *Licence* for any preceding years of ownership of a *Dog*, for which the *Dog Resided* in the *City*, shall be required to pay a fee for each of these years prior to obtaining a *Licence* for the current year.



## **5.0 Licensing of Cats**

- (1) Every *Owner* of a *Cat*, who *Resides* in the *City*, shall:
  - (a) obtain from the *City* a *Licence* and *Tag* for such *Cat*;
  - (b) upon application for a *Licence* and *Tag*, submit a *Valid Rabies Certificate*;
  - (c) obtain a *Tag* for each *Cat*, as required by this By-law, shall:
    - i) keep the *Tag* securely fixed at all times on the *Cat* for which the *Tag* is issued;
    - ii) pay a *Tag* replacement fee specified in the Fees and Charges By-law, as amended or its successor by-law, in the event the *Tag* issued for the *Cat* is lost;
    - iii) not transfer the *Licence* and *Tag* issued to any other person or *Cat*;
- (2) Every *Cat Licence* issued pursuant to this By-law shall expire annually on the anniversary date of the original date of issuance.
- (3) An *Owner* of a *Cat*, who fails to provide a proof of *Licence* for any preceding years of ownership of a *Cat*, for which the *Cat Resided* in the *City*, shall be required to pay a fee for each of these years prior to obtaining a *Licence* for the current year.

## **6.0 Control of Animals**

- (1) No person shall allow his or her *Animal* to be *At Large* in the *City* or to trespass on any public or private property.
- (2) For the purpose of this Part, a *Dog* shall not be considered to be *At Large* if the *Dog* is within a *City* designated off-leash zone and the *Owner* or *Custodian* of the *Dog* has accompanied the *Dog* into the off-leash zone.
- (3) No person shall enter or be in a public park with a *Dog* unless the *Dog* is on a *Leash*.
- (4) Every *Owner* or *Custodian* shall have *Control* of his or her *Dog* at all times.
- (5) No person shall allow his or her *Dog* to be off-leash, except in accordance with section sections 6.0(2) and 6.0(6).
- (6) Every *Owner* or *Custodian* of a *Dog* shall comply with the following provisions when in an off-leash zone:
  - (a) no *Dog* under the age of four months is permitted;
  - (b) no *Dog* shall be left unattended;

- (c) *Owners or Custodians of Dogs* must carry a *Leash* for each *Dog* at all times;
- (d) no person shall have more than three (3) *Dogs* per visit;
- (e) no person shall bring any *Biting or Menacing Dog* or *Pit bull*;
- (f) *Dogs* shall be spayed or neutered.

## **7.0 Number of Animals**

- (1) No person shall have *Custody* of more than three (3) *Dogs* in any single *Premises*.
- (2) No person shall have *Custody* of more than three (3) *Cats* in any single *Premises*.
- (3) Notwithstanding Section 7.0 (1) and 7.0 (2), a person may *have Custody* of more than the prescribed number of *Dogs* and *Cats* provided the person has obtained a *Licence* for operating a *Kenel, Pet Grooming Establishment, or Pet Shop*, subject to the provisions of Licensing By-law 315-2005, as amended, or its successor by-law, and Zoning By-law 1-88, as amended, or its successor by-law.
- (4) Notwithstanding Section 7.0 (1) and 7.0 (2), a person authorized by a *Commercial Dog Walker Licence* may have *Control* of up to six (6) *Dogs* simultaneously, except within an off-leash zone.

## **8.0 Care of Animals**

- (1) Every person who has *Custody* or harbours an *Animal* in the *City* shall provide the *Animal*, or cause it to be provided with, food, water, exercise, light, attention and veterinary care as may be required to keep the *Animal* in good health.
- (2) Every *Owner or Custodian* of a *Dog, Cat, or ferret* three months of age or over shall ensure that the *Dog, Cat, or ferret* has current rabies vaccination in accordance with R.R.O. 1990, Regulation 567, RABIES IMMUNIZATION, as amended, or its successor regulations.
- (3) Every *Owner or Custodian* of a horse, cow, bull, steer, calf or sheep shall ensure that each such *Animal* has current rabies vaccination in accordance with R.R.O. 1990, Regulation 567, RABIES IMMUNIZATION, as amended, or its successor regulations.
- (4) Any building, structure, *Enclosure*, pen or run, whether open or completely enclosed, regardless of whether it is located indoors or outdoors, used or intended to be used for the keeping of *Animals* shall be:
  - (a) kept in a *Sanitary* condition;

- (b) weatherproof;
  - (c) in good state of repair;
  - (d) air ventilated;
  - (e) insulated;
  - (f) such that the *Animal* contained there would not be harmed, and its health would not be negatively affected for the reason of being placed in such an *Enclosure*;
  - (g) not exposed to noxious odours and sounds;
  - (h) escape-proof, with the exception of doghouses that are contained within a secure *Enclosure*.
- (5) Every reptile, fish, and amphibian shall be provided with an enclosed environment adequate for the needs of the species.
- (6) Every *Animal* contained in an *Enclosure* shall be readily observable unless the natural habits of the *Animal* require otherwise.
- (7) Any *Enclosure* shall be of a size and in a condition such that the *Animal* may:
- (a) extend its legs, wings, and body to a full natural extent;
  - (b) stand, sit, perch, turn around and lie down.
- (8) No person shall allow an *Animal* to remain outdoors during *Extreme Weather*, except for brief walks or brief periods of exercise, unless the *Animal* has access to an *Enclosure* that will adequately protect the *Animal* from the elements.
- (9) No person in the *City* shall keep an *Animal* on a *Tether* that is less than 3 metres in length.
- (10) Every person who has *Tethered* an *Animal* shall ensure that the *Animal*:
- (a) has unobstructed movement within the range of the *Tether*; and
  - (b) shall not suffer an injury resulting from the *Tether*.
- (11) Despite Sections 8.0 (7) and 8.0 (8), no person shall keep an *Animal Tethered*:
- (a) where a choke collar, choke chain, pronged collar or any similar device forms part of the *Tether*; or
  - (b) by tying a rope, chain, or cord directly around the *Animal's* neck.
- (12) No person shall leave an *Animal* unattended while *Tethered*.
- (13) The *Animal* shall have access to water and shelter while *Tethered*.

- (14) Every person who has the *Custody* or *Control* of an unspayed female *Dog* or *Cat* shall, during each period that the *Dog* or *Cat* is in heat, keep it confined so that it will not attract other *Animals*.
- (15) No person shall permit or cause his or her *Animal* to be *Abandoned*.
- (16) No person shall permit or cause an *Animal* to be in *Distress*.
- (17) No person shall sell or accept money for adoption of *Animals*, except for licensed *Pet Shops* or in *Kennels* where breeding takes place.

#### **9.0 Dogs on Commercial or Industrial Property**

- (1) No person shall use or permit the use of a *Dog* on any commercial or industrial property unless a notice containing a warning that a *Dog* is present is clearly and conspicuously posted at every entrance to the *Premises*.
- (2) For the purposes of Section 9.0 (1), such notice shall be of no less than 600cm<sup>2</sup> and include a contact number for the *Owner* or *Custodian* who may be reached at any time.

#### **10.0 Biting and Menacing Dogs**

- (1) No *Owner* shall permit or cause his or her *Dog* to *Menace*, *Bite* or *Attack* a person or an *Animal*.
- (2) Where the *Director* is informed upon complaint or receives notification from another municipality regarding a *Biting* or *Menacing Dog* and confirms that a *Dog* is a *Biting Dog* or a *Menacing Dog*, the *Director* may serve an *Order* upon the *Dog Owner* requiring the *Owner* to comply with any or all of the following provisions:
  - (a) keep a *Muzzle* and a *Leash* on the *Dog* at all times, including when it is on the *Premises* of the *Owner*, with the exception of when it is within an *Enclosure* or within the *Owner's Dwelling Unit*;
  - (b) keep the *Dog Restrained* when it is on the *Premises* of the *Owner* so as to prevent the *Dog* to go beyond the boundaries of the *Premises* or certain portions of the *Premises*;
  - (c) only permit certain persons to have care and *Control* of the *Dog* when off the *Premises* of the *Owner*;
  - (d) have a *Microchip* implanted in the *Dog* and proof of the implantation provided to the *Director* within 14 days; every *Owner* of an *Animal* that is

implanted with a *Microchip* shall ensure that the *Owner's* name and contact information, which is accessible from the code in the *Microchip*, is kept current;

- (e) have the *Dog* sterilized and proof of the sterilization provided to the *Director*;
  - (f) provide an immunization record of the *Dog* to the *Director*;
  - (g) post a "Beware of Dog" sign at the entrance of the *Premises* of the *Owner* in a conspicuous place;
  - (h) prohibit the breeding of the *Dog*;
  - (i) notify the *Director* within 48 hours of any changes to the *Residency* or ownership of the *Dog*;
  - (j) notify the *Director* within 48 hours of the death of the *Dog*; and
  - (k) comply with any other requirement prescribed by the *Director* to protect the public interest.
- (3) An *Order* shall include a statement that the *Owner* of the *Dog* may appeal the *Muzzle* requirement to the Hearings Officer.
- (4) An *Order* may be served on the *Owner* personally, but where the *Order* cannot be served personally, the *Order* may be served:
- (a) in person to an individual who represents him or herself, or appears, to be at least 18 years of age on the *Owner's* property;
  - (b) by posting it in a conspicuous place upon some part of the *Owner's* property and by sending a copy by ordinary mail, which shall be deemed to have been served on the 7th day after mailing; or
  - (c) by sending it by prepaid registered mail to the *Owner* at the address where he or she *Resides*, where it shall be deemed to have been served on the 5th day after mailing.
- (5) The *Owner* of a *Dog* may appeal a *Muzzle* requirement of an *Order* to the Hearings Officer by making a request in writing to the *Director* and paying the applicable appeal fee, as prescribed by the Fees and Charges By-law, as amended or its successor by-law, within 15 days of being served with the *Order*. Where the *Owner* does not request an appeal, the *Muzzle* requirement of an *Order* is final and binding.

- (6) A request for an appeal does not act as a stay of the *Muzzle* requirement of an *Order*.
- (7) Upon receipt of the appeal request, the *Director* shall convene a hearing before the Hearings Officer and shall give the *Owner* of the *Dog* at least five (5) *Business Days* written notice of the hearing.
- (8) The Hearings Officer shall conduct the appeal pursuant to the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended, or its successor regulation.
- (9) The Hearings Officer may confirm, vary, or rescind the *Muzzle* requirement of an *Order*.
- (10) The Hearings Officer shall provide a decision to the *Director* and the *Owner* of the *Dog* within 7 days of the hearing.
- (11) The decision of the Hearings Officer is final and binding.
- (12) No person shall fail to comply with an *Order*.
- (13) If the *Owner* is unable or unwilling to meet the requirements of the *Order*, the *Owner* is required to surrender such *Dog* into the care and *Control* of the *Director* for humane euthanasia.

#### **11.0 Pit Bulls**

- (1) Any *Dog* that is a *Pit bull* as defined in this By-law is prohibited in accordance with the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended and any related statutes or regulations.
- (2) Any *Dog* that is a *Pit bull* as defined in this By-law that was owned in Ontario on August 29, 2005 or was born before the end of the 90-day period beginning August 29, 2005 is a restricted *Pit bull* in accordance with the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended and any related statutes or regulations.
- (3) Every *Owner* of a restricted *Pit bull* shall ensure compliance with the requirements set out in the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended and any related statutes or regulations.
- (4) Every *Owner* of a restricted *Pit bull* shall have a *Microchip* implanted in the *Dog* and proof of the implantation provided to the *Director* within 14 days; every *Owner* of an *Animal* that is implanted with a *Microchip* shall ensure that the *Owner's* name

and contact information, which is accessible from the code in the *Microchip*, is kept current.

## **12.0 Excrement**

- (1) Any person who owns any *Animal* shall forthwith clean up and dispose of any excrement left by said *Animal* on any property, whether public or private.

## **13.0 Excessive Barking**

- (1) No *Owner* or *Custodian* of a *Dog* shall allow his or her *Dog* to bark, whine, cry or cause noise, which is constant, persistent, or excessive.

## **14.0 Seizure and Impoundment**

- (1) Any *Animal* found *At Large* contrary to this By-law may be seized and impounded by the *Director* or his or her designate.
- (2) An *Animal Services Officer* may seize or impound an *Animal* in *Distress* or when it is an *Abandoned Animal*.
- (3) Any *Animal Running At Large* may be seized and impounded by any person who shall deliver the *Animal* to the *Director* or *Animal Services Officer*.
- (4) An *Owner* of a seized or impounded *Dog* or *Cat* may be required to provide proof of a *Microchip* implantation to the *Director* within 14 days. Every *Owner* of an *Animal* that is implanted with a *Microchip* shall ensure that the *Owner's* name and contact information, which is accessible from the code in the *Microchip*, is kept current.
- (5) Any prohibited *Animal* found in the *City* may be seized and impounded by the *Director* or his or her designate.
- (6) Where, in the opinion of the *Director*, a prohibited *Animal* seized under Schedule A is injured or ill and should be euthanized for humane reasons or the safety of persons, the prohibited *Animal* may be euthanized by the *Director* without permitting any person to reclaim the prohibited *Animal*.
- (7) Without limiting any other Sections of this Part, where a prohibited *Animal* is seized or impounded by the *Director* under Schedule A the *Director* may transfer the *Animal* to a person in a jurisdiction in which ownership and possession of the *Animal* is lawful.
- (8) A person whose *Animal* has been impounded shall pay the impound fee in

accordance with the Fees and Charges By-law, as amended or its successor by-law, prior to its release. For the purpose of this paragraph, an *Animal* shall be deemed to be impounded when taken into *Custody* by an *Animal Services Officer*.

- (9) If a *Dog* or *Cat* is not claimed by the *Owner* thereof and consequently picked up within three (3) *Business Days* after notice has been given as provided, or after having been impounded in the case of a *Dog* or *Cat* not having a *Tag* or identification, then the *Director* may sell the *Dog* or *Cat* and retain the proceeds of the sale or may destroy it if he/she has complied with all government regulations in that respect.
- (10) In the event the *Animal* is not sold, destroyed or otherwise disposed of, the *Owner* thereof shall be entitled to claim and pick up the *Dog* or *Cat* upon payment of the fee set out in the Fees and Charges By-law, as amended or its successor by-law, plus such additional charges for the boarding or veterinary care of it as *Director* may reasonably impose.

#### **15.0 Protective Care**

- (1) The *City* may take possession of an *Animal* for the purpose of providing *Protective Care* to it at any time when an *Animal Services Officer* deems it necessary to provide *Protective Care* to the *Animal*.
- (2) Any *Animal* seized for the purpose of providing *Protective Care* to it shall be impounded for a minimum period of ten (10) days, exclusive of the day on which the *Animal* was impounded and statutory holidays and Sundays.
- (3) Where an *Animal* is not redeemed at the end of the *Protective Care* period, it shall be treated as an unclaimed impounded *Animal*.

#### **16.0 Pigeons**

- (1) No person shall have *Custody* or harbor a *Pigeon* on any lands unless a *Licence* has been issued by the Chief Licensing Officer.
- (2) The applicant for a *Licence* shall complete an application, file any information as may be required by the Chief Licensing Officer and pay the required fee as set out in the *City's* Fees and Charges By-law, as amended or its successor by-law.
- (3) The Chief Licensing Officer shall not issue a *Licence* unless the applicant is a member of the Canadian Racing Pigeon Union or the Canadian Pigeon Fanciers' Association.



- (4) A maximum of 60 *Pigeons* may be kept on a lot.
- (5) Notwithstanding Section 16.0 (4), the maximum number of *Pigeons* may exceed 60 during breeding season, March 31 to October 1.
- (6) *Pigeons* shall be banded with an identifying leg band issued by the Canadian Racing Pigeon Union or the Canadian Pigeon Fanciers' Association.
- (7) *Pigeons* shall be kept enclosed within the loft except during flying times. The following restrictions shall apply:
  - (a) a maximum of two flights per day;
  - (b) each flight shall be restricted to two (2) hours;
  - (c) flights shall be permitted between April 1 and September 30, from the hours of 6:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m.;
  - (d) flights shall be permitted between October 1 and March 31, from the hours of 10:00 a.m. to 2:00 p.m.;
  - (e) not more than 30 *Pigeons* are to be allowed out during these flights;
  - (f) flights are permitted on Saturdays between April 1 to September 30, from the hours of 6:00 a.m. to 11:00 a.m., provided these times shall not apply to long distance races, being races of a minimum distance of 500 kilometers;
  - (g) no flights are permitted on Sundays.
- (8) With respect to both their interior and exterior, *Pigeon* lofts shall:
  - (a) be in a clean condition;
  - (b) be free from any rodents/mice etc.;
  - (c) be free from any offensive odours;
  - (d) have all exterior surfaces painted or covered with a vinyl or aluminum cover;
  - (e) have all interior surfaces kept in a clean and *Sanitary* condition;
  - (f) have all droppings removed and disposed of in a *Sanitary* manner at least twice per week.
- (9) An *Animal Services Officer*, may, upon the complaint of the *Owner* or occupant of any *Premises*, enter upon such *Premises* and the lands and buildings in the vicinity thereof for the purpose of trapping, removing or exterminating strayed *Pigeons* that are causing annoyance to the *Owner* or occupant or damage to such *Premises*. In addition, an *Animal Services Officer* may enter the *Premises* of anyone harboring

*Pigeons* at any reasonable time to ensure that the provisions of this By-law are being met.

- (10) *Pigeon* lofts shall be located in a rear yard not less than 3 meters from the property line, and 10 metres from any *Dwelling Unit* other than the *Owner's Dwelling Unit*.
- (11) The Chief Licensing Officer may refuse to issue or renew, or may suspend, a *Licence* where the Chief Licensing Officer is of the opinion that:
  - (a) the issuance or the holding of a *Licence* would be contrary to the public interest in respect of:
    - i) the health and safety of any person or *Animal*; or
    - ii) a nuisance affecting any land or person in Vaughan;
  - (b) any application or other document provided to the Chief Licensing Officer or on behalf of the applicant contains a false statement, or provides false information;
  - (c) the applicant does not meet all the requirements of this By-law or any other *City By-law*.
- (12) Where the Chief Licensing Officer has refused to issue or renew, or has suspended, a *Licence*, the applicant may appeal to the Hearings Officer in accordance with procedures established by Licensing By-law 315-2005, as amended, or its successor by-law.
- (13) Notwithstanding Section 16.0 (10), a *Pigeon* loft identified as being in existence by Vaughan Animal Services for the purpose of having *Custody* and housing racing *Pigeons* prior to the 8th day of April 2014, is hereby exempt from the set-back requirements as outlined in Section 16.0 (10), subject to the following criteria:
  - (a) that the loft not be expanded or moved from its current location on the property;
  - (b) that any expansion or relocation comply with Section 16.0 (10); and
  - (c) that the loft meets all other criteria set out in this By-law.

## **17.0 Prohibited Animals**

- (1) No person shall have *Custody* either on a temporary or permanent basis, of any prohibited *Animal* in the *City*.

- (2) For purposes of Section 17.0 (1) above prohibited *Animals* are those classes of *Animals* listed in Schedule A.
- (3) Section 17.0 (1) does not apply to:
- (a) the *Premises* of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals or Provincial Animal Welfare Services;
  - (b) the *Premises* of an accredited veterinary hospital under the care of a licensed veterinarian;
  - (c) *Premises* registered as research facilities pursuant to the *Animals for Research Act*, RSO, 1990, c.A.22.
  - (d) *Premises* of the York Regional Police;
  - (e) on the *Premises* of a university or community college, where such *Animals* are being kept for research, study or teaching purposes or on *Premises* registered as research facilities under Section 5 of the *Animals for Research Act*;
  - (f) on *Premises* holding a *Licence* under any Statute of the Province of Ontario or Canada, which permits the *Custody* of *Animals* under stated conditions;
  - (g) horses in the *Custody* of the City of Vaughan and other public authorities;
  - (h) domesticated Ungulates of the families Artiodactylous and Perissodactylus, Anseriformes, Galliformes, Columbiformes and Struthioniformes:
    - i) on lands zoned agricultural, except for those lands zoned A Agricultural Zone, as defined in the City of Vaughan Zoning By-law, which are substantially surrounded by residential development;
    - ii) within the *Premises* of Akachi Farms and Woodbridge Fall Fair grounds at their current locations;
  - (i) *Animals* in the *Custody* of the Reptilia Reptile Zoo & Education Facility that have been approved by the *Director*;
  - (j) areas of the *City* in which professionally produced films are being made by film professionals and film production companies and only during temporary filming, provided that:
    - i) the exhibitor or the *Owner* of such *Animals* is a member of, and accredited by either the Canadian Association of Zoos and Aquaria

- (CAZA) or the American Zoo and Aquarium Association, or is otherwise licensed by an appropriate authority;
- ii) such *Animals* have been inspected and approved by the Provincial Animal Welfare Services (PAWS) or successor, or Animal Services Officer, 7 *Business Days* prior to the exhibit or performance;
  - iii) such *Animals* are used or kept in a place that has protective devices which are adequate to prevent such *Animal* from escaping or injuring the public; and
  - iv) such *Animals* are provided with a species-appropriate living environment while in the City of Vaughan;
  - v) *Animal Services Officers* may enter upon such areas at any reasonable time for the purpose of carrying out inspections to determine compliance with this By-law;
- (k) *Animals* in the *Custody* of the Earth Rangers Foundation that have been approved by the *Director*.
- (4) For purposes of Subsection 17.0 (3)(i):
- (a) the Reptilia Reptile Zoo & Education Facility shall not keep any animal that is not on the Species inventory list approved by the *Director*;
  - (b) the Reptilia Reptile Zoo & Education Facility shall not add or delete *Animals* from the list in Subsection (4)(a) without approval from the *Director*; and
  - (c) the Reptilia Reptile Zoo & Education Facility shall provide reasonable access to its facilities for purposes of ensuring compliance with this By-law.
- (5) For purposes of Subsection 17.0 (3)(k):
- (a) the Earth Rangers Foundation shall not keep any animal that is not on the Species inventory list approved by the *Director*;
  - (b) the Earth Rangers Foundation shall not add or delete *Animals* from the list in Subsection 17.0 (5)(a) without approval from the *Director*; and
  - (c) the Earth Rangers Foundation shall provide reasonable access to its facilities for purposes of ensuring compliance.

## **18.0 Unattended Animals**

- (1) The *Owner* of an *Animal* shall ensure that such *Animal* is not left unattended while

*Tethered* or tied on *Premises* where the public has access, whether the access is expressed or implied.

- (2) The *Owner* of an *Animal* left unattended in a motor vehicle shall ensure that:
  - (a) the *Animal* is *Restrained* in a manner that prevents contact between the *Animal* and any member of the public;
  - (b) the *Animal* has suitable ventilation; and
  - (c) the *Animal* is not exposed to extreme temperatures which can cause *Distress* and/or death.

#### **19.0 Securing Animals in Vehicles**

- (1) No person shall allow an *Animal* to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- (2) Notwithstanding Section 19.0 (1), a person may allow an *Animal* to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or flatbed truck if the *Animal* is:
  - (a) in a fully enclosed trailer;
  - (b) in a *Topper* enclosing the bed area of a truck;
  - (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - (d) securely *Tethered* in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

#### **20.0 Pet Shops**

- (1) Every *Pet Shop* shall obtain *Dogs* and *Cats* from only the following sources:
  - (a) municipal animal shelters;
  - (b) registered humane societies; or
  - (c) rescue groups.
- (2) Notwithstanding Section 20.0 (1), no *Dog* or *Cat* shall be offered for adoption at a *Pet Shop* unless the *Animal* has been spayed or neutered and has a *Valid Rabies Certificate*.

#### **21.0 Feeding of Wildlife**

- (1) 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.

- (2) Section 21.0 (1) does not apply to the feeding of songbirds on a property, provided the following feeding requirements are met by the resident:
  - (a) seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by *Wild Animals*;
  - (b) bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic *Pigeons*; and
  - (c) spillage of seed upon the ground is removed by the property *Owner* or resident forthwith and disposed of in such a manner that it does not attract *Wild Animals*, feral or *Stray* domestic *Animals*.
- (3) Section 21.0 (1) does not apply in the following situations:
  - (a) the leaving of food as bait in a trap by a property *Owner* or resident to capture a sick or injured *Animal* inhabiting or habituating their property pursuant to this By-law;
  - (b) the leaving of food as bait by a licensed trapper, an employee of a *Wildlife* or pest control agency licensed by the province, a Municipal Law Enforcement Officer, or York Regional Police Officer, or other *Government Entity* in the performance of their duties;
  - (c) the leaving of food for a colony of *Stray* or feral *Cats* for the purpose of trap, neuter or spay, and manage program approved by the *Director*.

## **22.0 Animal Traps**

- (1) No person shall leave a killing or restraining trap or snare that may cause injury in any place outdoors whereby any person, *Wild* or domestic *Animal* may come into contact with it.
- (2) No person shall capture any *Animal* by means of a *Leg Hold Trap*.
- (3) Unless otherwise permitted by law, no person shall *Relocate* any trapped *Animal*.
- (4) No person shall leave an *Animal* in a *Live Trap* for any extended period of time that can cause *Distress* to the trapped *Animal*.
- (5) Notwithstanding any other Sections of this Part, *Animals* may be trapped by persons authorized under other provincial regulations.

### **23.0 Livestock Disposal**

- (1) A dead farm *Animal* must be disposed of by a method set out in Section 8 of O. Reg. 106/09: *Disposal of Dead Farm Animals*, as amended or its successor regulation, within 48 hours of its death.

### **24.0 Enforcement and Right of Access**

- (1) Subject to section 437 of the *Municipal Act*, an *Animal Services Officer* may enter a *Premises* at any reasonable time for the purpose of carrying out inspections to determine compliance with this By-law, or a notice, or *Order* issued in accordance with this By-law.
- (2) Subject to section 437 of the *Municipal Act*, an *Animal Services Officer* can enter a *Premises* at any reasonable time when he or she deems appropriate if in his or her opinion an *Animal* kept there is in *Distress* and needs immediate treatment or attention.
- (3) For the purposes of an inspection under Section 24.0 (1) and 24.0 (2), an *Animal Services Officer* may decide to take *Custody* of the *Animal* and arrange for food, water, shelter, care and veterinary treatment for it.
- (4) All costs associated with the transportation, impoundment and veterinary care, under Sections 24.0 (2) and 24.0 (3) are borne by the *Owner* of the *Animal*.
- (5) For the purposes of an inspection under Sections 24.0 (1) and 24.0 (2) an *Animal Services Officer* or any other designated person authorized by the *City* may:
  - (a) require documents, things relevant to the inspection and information from any person relevant to the inspection;
  - (b) be accompanied by such person or persons as the *Animal Services Officer* determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
  - (c) make examinations, take tests, samples and photographs necessary for the purposes of the inspection.
- (6) If an *Animal Services Officer* has reasonable grounds to believe that a contravention of this By-law has occurred, he or she may make an *Order* requiring any person who contravened the By-law, or who caused or permitted the contravention to discontinue the contravention.

- (7) If an *Animal Services Officer* is satisfied that a contravention of this By-law has occurred, he or she may make an *Order* requiring work to be done to correct the contravention.
- (8) Every person is guilty of an offence under this By-law who:
  - (a) hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law;
  - (b) knowingly makes, participates in, assents to, or acquiesces, in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this By-law.
- (9) No person shall fail to comply with an *Order*.

## **25.0 Administrative Monetary Penalties**

- (1) Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law, an *Animal Services Officer* may issue an administrative monetary penalty to the person who has contravened this By-law.
- (2) If an administrative monetary penalty is issued to a person under Section 25.0 (1), no charge shall be laid against that same person for the same breach.
- (3) The amount of the administrative monetary penalty for a breach under this Bylaw is \$200.00.
- (4) A person who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law, as amended, or its successor by-law.

## **26.0 Fines**

- (1) Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to *the Provincial Offences Act*, R.S.O. 1990, c. P.33, and *the Municipal Act*, 2001, as each may be amended from time to time.

## **27.0 Recovery of Expenses**

- (1) The *City* may recover its expenses of remedying a violation of this By-law by invoicing the *Owner*, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes.



- (2) An administrative monetary penalty imposed on a person that becomes a debt to the *City* under the Administrative Monetary Penalties By-law may be added to the municipal tax roll and collected in the same manner as municipal taxes.

## **28.0 Repeal and Amendment of Other By-laws**

- (1) That Vaughan By-laws 1483, 3869, 148-83, 348-86, 349-86, 122-87, 34-88, 435-88, 151-94, 242-94, 347-95, 241-96, 392-97, 38-96, 53-2002, 272-2006, 2-2010, 118-2010, 52-2014, 16-2015, 196-2015, section 3 of 124-2016, section 2 of 53-2017, and section 1 of 044-2018 are hereby repealed.

## **29.0 Force and Effect**

- (1) This By-law shall take effect on the date of enactment.

Enacted by City of Vaughan Council this 27<sup>th</sup> day of May, 2020.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

**SCHEDULE “A”**

**BY-LAW 53-2002**

**PROHIBITED ANIMALS**

CLASS	ORDER	COMMON NAMES
<u>MAMMALS</u>	<u>Artiodactyla</u>	Such as cattle, goats, sheep, pigs, deer, elk
	<u>Canidae</u>	Such as coyotes, wolves, foxes, hybrid dogs <b>(except domestic <i>Dogs</i>)</b>
	<u>Chiroptera</u>	Such as bats, fruit bats, myotis, flying foxes
	<u>Edentates</u>	Such as anteaters, sloths, armadillos
	<u>Felidae</u>	Such as tigers, leopards, cougars, lions, lynx, servals, hybrid cats <b>(except domestic <i>Cats</i>)</b>
	<u>Hyaenidae</u>	Such as hyaenas
	<u>Lagomorpha</u>	Such as hares, pikas <b>(except domestic rabbits)</b>
	<u>Marsupialia</u>	Such as koalas, kangaroos, opossums, wallabies
	<u>Mustelidae</u>	Such as mink, skunks, weasels, otters, badgers <b>(except ferrets)</b>
	<u>Non-Human Primates</u>	Such as chimpanzees, gorillas, monkeys, lemurs
	<u>Perissodactyla</u>	Such as horses, donkeys, jackasses, mules, zebras, ponies
	<u>Pinnipedia</u>	Such as seals, fur seals, walruses
	<u>Proboscidea</u>	Such as elephants, rhinoceros, hippopotamus
	<u>Procyonidae</u>	Such as coatimundi, cacomistles, racoons
	<u>Rodentia</u>	Such as porcupines, prairie dogs, nutria, <b>(except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a <i>Self-Sustaining</i> captive population)</b>
	<u>Ursidae</u>	Such as bears
	<u>Viverridae</u>	Such a mongoose, civets, genets
<u>REPTILES</u>	<u>Crocodylia</u>	Such as alligators, crocodiles, gavials, caimans
	<u>Squamata</u>	Such as anacondas, amethystine and scrub pythons, Indian pythons, Indian rock pythons, Burmese pythons, African rock pythons, Reticulated pythons, varanus niloticus, crocodile monitors, water monitors, lace monitors, perenties, Komodo dragons, true vipers, fea’s vipers, night adders, rattlesnakes, cobras, mambas, kraits, coral snakes, sea snakes, coral reef snakes, boomslang snakes, twig snakes, keelbacks, burrowing vipers, mole vipers, South American green racers, gila monsters, beaded lizards. All other snakes which are venomous.
	<u>Testudines</u>	Such as terrapins, tortoises, turtles (except turtles derived from a <i>Self-Sustaining</i> captive population).
	<u>Trachemys scripta elegans</u>	All red-eared slider turtles
	<u>Chelydridae</u>	Snapping and alligator snapping turtles
<u>BIRDS</u>	<u>Anseriformes</u>	Such as ducks, geese, swans, screamers
	<u>Columbiformes</u>	Such as pigeons and doves
	<u>Galliformes</u>	Such as chickens, pheasants, grouse, guinea fowl, turkeys, pea fowl
	<u>Gruiformes</u>	Such as cranes and rails.
	<u>Phoenicopteriformes</u>	Such as flamingos.

	<u>Sphenisciformes</u>	Such as penguins.
	<u>Struthioniformes</u>	Such as ostriches, rheas, cassowaries, emus, kiwis
	<u>Raptors</u>	Such as eagles, hawks, falcons, owls
<u>OTHER</u>	<u>Arachnida</u>	Such as Scorpions and Tarantulas
		All venomous or poisonous insects and amphibians