

SAMPLE MUNICIPAL BYLAW REGULATING THE KEEPING AND CONTROLLING OF COMPANION ANIMALS

This document was prepared by the National Companion Animal Coalition (NCAC). The NCAC includes representatives from the Canadian Federation of Humane Societies (CFHS), Canadian Kennel Club (CKC), Canadian Veterinary Medical Association (CVMA), and the Pet Industry Joint Advisory Council of Canada (PIJAC), with participation from Agriculture and Agri-Food Canada.

Note: Municipalities should refer to their applicable provincial municipal act governing municipalities to determine their precise authority on the subject of animal care and control, in addition to consulting their municipal legal department.

1. Interpretations

- (a) "Animal" means all species of fauna excluding humans, fish and aquatic invertebrates.
- (b) "Cat" means a male or female domesticated cat.
- (c) "Cattery" means an establishment for the breeding and/or boarding of cats.
- (d) "Dangerous dog" means any individual dog,
 - (i) that has killed a domestic animal without provocation while off the owner's property;
 - (ii) that has bitten or injured a human being or domestic animal without provocation, on public or private property
 - (iii) that is attack trained
 - (iv) that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property
 - (v) that has shown the disposition or tendency to be threatening or aggressive.
- (e) "Dog" means a male or female domesticated dog.
- (f) "Inspector" means a person designated by the municipality to be responsible for enforcing this bylaw.
- (g) "Kennel" means an establishment for the breeding and/or boarding of dogs.
- (h) "Microchip" means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian, which contains a unique code number that provides owner information that is stored in a central database.
- (i) "Muzzle" means a humane fastening or covering device of adequate strength over the mouth of an animal to prevent it from biting.
- (j) "Owner" means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
- (k) "Running at Large" means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.

2. Provision of Needs

- (1) Every person who keeps an animal within the municipality shall provide the animal or cause it to be provided with:
 - (a) clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
 - (d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering;

- (2) Every person who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:
 - (a) a total area that is at least twice the length of the animal in all directions;
 - (b) contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
 - (c) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

- (3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.

- (4) No person may cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
- (5) No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
- (6) No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

3. Unsanitary Conditions Prohibited

No person shall keep an animal in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

4. Dogs and Cats

A. Owners' Responsibilities

- (1) If a dog or cat defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately.
- (2) No owner shall suffer, permit, allow or for any reason have his or her animal, bark, howl, or meow excessively or in any other manner disturb the quiet of any person.
- (3) No owner of a dog shall permit his or her dog to, without provocation:
 - a) chase, bite or attack any person
 - b) chase, bite or attack any domestic animal
 - c) damage public or private property
- (4) The running at large of dogs or cats is prohibited within the municipality, except for dogs in designated off-leash areas.

B. Licencing

- (1) The owner of any dog or cat aged four months or more shall obtain a licence for the animal by registering the dog or cat with the municipality and paying a fee as determined by the municipality. (See Appendix A for 1998 suggested fees)
- (2) The owner shall renew the licence annually with the municipality.
- (3) When the dog or cat is off the property of the owner the owner shall cause the animal to wear around the neck a collar to which shall be attached the current licence tag issued for that dog or cat by the municipality.
- (4) The licence fee for a dog or cat owned by a citizen over 65 years of age shall be reduced by 50%.
- (5) The licence fee for any dog or cat that is being registered with the municipality between July 1 and December 31 in any year shall be 50% of the fee set out in Appendix A.
- (6) A dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current licence tag. Any person who produces evidence satisfactory to the municipality showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the licence fee.
- (7) The municipality shall keep a record of all dogs and cats registered and licenced, showing the date and number of registration and licence, and the name and description of the dog or cat, with the name and address of the owner.

C. Impoundment

- (1) The inspector may seize and impound:
 - a) every dog or cat found at large
 - b) every dog or cat not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.
- (2) The inspector, poundkeeper or police constable shall make all reasonable efforts to identify and contact the owner of every stray animal received, whether the animal is living or dead.
- (3) Every dog or cat impounded shall be provided with clean food and water and sheltered in sanitary conditions. The animal shall remain impounded

for five days or for the length of time prescribed by provincial pound legislation, unless the animal is claimed by its rightful owners. If not claimed within that time, the animal shall become the property of the city.

- (4) Where in the opinion of the poundkeeper, in consultation with a veterinarian, a dog or cat seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog or cat may be euthanized humanely if reasonable efforts to locate the owner of the animal have failed.
- (5) Where a dog or cat seized and impounded is injured or ill and is treated by a veterinarian, the municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment.
- (6) During the impoundment period, the owner may claim the dog or cat upon proof of ownership of the animal, and payment to the municipality of:
 - a) the appropriate fine where applicable as outlined in Appendix A,
 - b) the appropriate licence fee where the dog is not licenced,
 - c) maintenance fees as identified in Appendix A, and
 - d) veterinary fees where applicable
- (7) Where the owner of a dog or cat does not claim the animal he shall, when known to the poundkeeper, pay a pound fee as outlined in Appendix A and maintenance fees for each day the animal is in custody.
- (8) A dog or cat that is impounded and not claimed by the owner within the time provided in subsection (3) may,
 - a) be adopted for such price as has been established; or
 - b) be euthanized by lethal injection of a barbiturate in accordance with the *Food and Drug Act*.

5. Dangerous Dogs

- (1) The owner of a dangerous dog shall ensure that:
 - a) such dog is licenced with the municipality as a dangerous dog in accordance with the fees outlined in Appendix A
 - b) such dog is spayed or neutered

- c) they comply with the owners' responsibilities as outlined in Section 4A
 - d) at all times when off the owner's property, the dog shall be muzzled
 - e) at all times when off the owner's property, the dog shall be on a leash not longer than one metre and under the control of a responsible person over the age of eighteen
 - f) when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement.
 - g) a sign is displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
 - h) a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least five hundred thousand dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (2) The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.
- (3) If the owner of a dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section, said dog shall then be humanely euthanized by an animal shelter, animal control agency or licenced veterinarian, after a fourteen day holding period. Any dog that

has been designated as dangerous under this bylaw may not be offered for adoption.

6. Kennels or Catteries

- (1) Every person who owns or operates a kennel or cattery shall, upon application and payment of a licence fee as set out in Appendix A and upon the approval of the municipality, obtain, no later than the date established by the municipality in each year, a licence to operate such kennel or cattery.
- (2) Every kennel or cattery licence shall be for one year.
- (3) Every person who owns or operates a kennel shall comply with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, September 1994).
- (4) Every person who owns or operates a kennel or cattery shall comply with the bylaws of the municipality.
- (5) Where an owner or operator of a kennel or cattery fails to comply with a bylaw of the municipality, the licence may be suspended or revoked.
- (6) Every person who owns or operates a kennel or cattery shall permit an inspector to enter and inspect the kennel or cattery at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this bylaw.
- (7) An inspector may enter and inspect the kennel or cattery under authority of a search warrant.
- (8) Where an inspector finds that the owner or operator of a kennel or cattery does not comply with any regulation in this section, he may direct that the animals be seized and impounded by the poundkeeper.

7. Traps

No person shall use, set or maintain a leghold trap, a killing trap or a snare in a suburban area.

8. Other Animals as Pets

[For discussion regarding ownership of animals other than cats and dogs as pets, please refer to Appendix B.]

9. Penalties

- (1) Any person who contravenes any provision of this bylaw is guilty of an offence and liable to the penalties prescribed in this section.
- (2) Each day of violation of any provision of this bylaw shall constitute a separate offence.
- (3) The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this bylaw.
- (4) A Provincial Court Judge, in addition to the penalties provided in this bylaw, may, if he considers the offence sufficiently serious, direct or order the owner of a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the city, or order the animal destroyed.
- (5) Where any person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount specified in section 9(7) of this bylaw in respect of that provision.
- (6) Where any person contravenes the same provision of this bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount specified in section 9(7) of this bylaw in respect of that provision.
- (7) The suggested minimum penalties for violating sections of this bylaw are as follows:

<u>Section</u>	<u>Penalty</u>
2, 3	\$50
4 A (1), (2), (4)	\$25
4 A (3)	\$50
4 B	\$50
5	\$250
7	\$75

(Suggested penalties as per 1999)

Appendix A

Licences

1.	Dog or cat licence (male or female)	\$50
2.	Dog or cat licence for neutered male or spayed female	\$15
3.	Dog or cat licence for neutered male or spayed female that is implanted with a microchip or tattooed	\$5
4.	Dangerous dog licence	\$250
5.	Kennel or cattery licence	\$100

Impoundment Fees

First impoundment in any calendar year:

Neutered male or spayed female dog or cat	\$25
Non-neutered or unspayed dog or cat	\$50
Dangerous dog	\$250

Second impoundment in any calendar year:

Neutered male or spayed female dog or cat	\$50
Non-neutered or unspayed dog or cat	\$100
Dangerous dog	\$500

Third and subsequent impoundments in any calendar year:

Neutered male or spayed female dog or cat	\$75
Non-neutered or unspayed dog or cat	\$150
Dangerous dog	\$1,000 or euthanasia

(Suggested fees as per 1999)

Appendix B

1) Canadian Federation of Humane Societies Position on Wild or Exotic Animals as Pets

CFHS strongly recommends that municipalities establish a list of domesticated animals that are permitted within their jurisdiction. CFHS promotes an acceptable species list rather than a prohibited list because the former is shorter and would limit the introduction of species that may not be known when the list is developed. Exemptions should be made for facilities such as wildlife rehabilitation centres, veterinary clinics, humane societies, and zoos accredited by the Canadian Association of Zoos and Aquariums.

CFHS believes that only species that have been domesticated to live in close proximity to humans should be permitted. The process of domestication involves the selective breeding over many generations for preferred attributes such as temperament and behaviour that make animals suitable companions for humans.

Most Canadian humane societies and SPCAs, as well as many zoos and wildlife organizations, join CFHS in their opposition to non-domesticated animals as pets. The reasons include concerns about animal welfare, public safety, disease transmission and threats to native ecosystems. Non-domesticated animals are often acquired without full knowledge of the specific physiological, nutritional, social, environmental, behavioural and exercise needs of the species. Since many of these needs cannot be met even by the most dedicated owners, the result is widespread suffering for these animals. One of the harshest aspects of the trade in wild and exotic animals as pets is the suffering and death of millions of animals during capture, transport and quarantine.

Non-domesticated animals retain their physical characteristics, wild instincts and behaviours and may therefore be unpredictable and potentially dangerous to humans or domestic animals. Captive-bred and hand-raised animals may appear tame, particularly when young, but may become aggressive, territorial and unpredictable as they mature. In addition to the risk of physical injury, most reptiles, some birds and small mammals carry dangerous bacteria such as salmonella, which can cause serious illness in humans.

Escape, release or abandonment of wild or exotic animals frequently results in the death of the animal, and may also pose a significant threat to domestic animals, humans and the viability of native wildlife.

Although legislation exists at the provincial and national levels pertaining to the trade and keeping of animals, these laws are not comprehensive enough nor are they sufficiently enforced to ensure the well-being of animals and the prevention of illegal trade.

List of Acceptable Species as Pets

For urban dwellings, the following captive born species are appropriate as pets or companions:

Dog	Budgerigar
Cat	Canary
Guinea pig	Pigeon
Rabbit	Other common cage birds
Mouse	Aquarium fish (captive born)
Rat	Psittacines (captive bred)
Gerbil	Finches (captive bred)
Golden hamster	Ferret
Chinchilla	

For country dwellings with access to fields or paddocks, plus appropriate shelter, the following captive born species, in addition to the above, are appropriate as pets or companions:

Horse	Domestic fowl
Donkey	Goose
Pig	Duck (Mallard type or Muscovy)
Sheep	Turkey
Goat	Guinea fowl
Cattle	Peafowl
Llama	Alpaca

2) Canadian Veterinary Medical Association Position Statement on Keeping of Native or Exotic Wild Animals as Pets

Position:

“The Canadian Veterinary Medical Association (CVMA) does not condone the keeping as pets of any native or exotic wild animal species, or hybrids thereof, that are considered to be inherently dangerous to humans and other animals. Veterinarians are also discouraged from performing surgical procedures on these animals for the sole purpose of making the animal a safer companion.

The CVMA urges veterinarians to exert their influence to discourage the keeping of these wild animals as pets.”

Background:

Legislation clearly defines wild animals in many jurisdictions. The keeping of native wild animals is prohibited except under permit in most regions of Canada. Regional legislation may also prohibit the keeping of exotic animals that are considered dangerous, hazardous to the environment or very difficult to provide with basic husbandry and psychological requirements.

Fundamental guidelines are necessary in order to distinguish non-traditional captive-born animals, which can potentially be acceptable pets, from wild animals. Some smaller wild or exotic animal species (e.g., some birds, various “pocket pets”), not yet considered to be domesticated, are being successfully propagated in captivity for the pet trade. When maintained under responsible pet ownership, these animals do not present a significant hazard to the health and safety of humans and other animals.

Other native or exotic wild animal species (e.g., large carnivores, non-human primates, large and/or venomous reptiles) may be captive-born and available to the pet trade. These animals do not make good pets. While they can become acclimated to people and may appear to be tame, they are potentially dangerous (as a source of injury or zoonosis). These animals may be acquired by people who do not have good basic information regarding their proper care, housing, nutritional requirements, and training. Carnivores and non-human primates are often subjected to various surgical procedures (e.g., declawing, canine extraction, neutering, descenting, etc.) in order to prolong their maintenance as pets. If the animal becomes an unacceptable pet as it reaches maturity, disposing of it can be a traumatic experience for both the animal and the owner: legitimate zoos usually will not accept an altered wild animal pet; and release to the wild is not a viable option since the animal may not be able to fend for itself and could pose a threat to people, other animals, and the environment. Euthanasia may be the only option, if the animal’s needs cannot be met in a safe situation.

The animal species included in the group of acceptable non-traditional pet species will change over time and with perspective. An animal should be considered as unacceptable as a pet if any of the following criteria are true:

The animal presents a significant health or safety risk to people or other animals.

The animal will present a risk to the environment if it escapes.

The acquisition of this animal will have an impact on the conservation of this or other species in the wild. The CVMA is opposed to the capture of wild

animals to be kept as pets (See separate position statement: Non-domesticated, Wild-caught Animals as Pets).

The long-term husbandry needs of the captive animal cannot be met at all stages of its life.

Qualified and willing veterinary support is not locally available for the care of the animal. (Special training, facilities, or experience, not commonly available in domestic animal practices, may be required to provide appropriate veterinary care of wild animals and non-traditional pet species.)

(Adopted - August 2003)

3) PIJAC Canada Dealing with other animals as pets: Excerpts from PIJAC Canada's Exotic Animal Policy

Introduction

The fate of exotic animals in captivity has been the subject of intense debate for a long time. This issue is now being addressed at the municipal level across the country. Our suggested approach reflects the different changes experienced in areas such as animal husbandry, captive breeding, veterinary care, public health and safety, and consumer demand. We believe our approach provides municipalities with the most efficient and economical approach to animal control, when it comes to this specific issue.

A prohibited versus a permitted species list?

PIJAC Canada favors a prohibited species list (see enclosed list). Most of the species available through pet retailers enjoy proven track records as pets and are available through the efforts of established local captive breeding programs. Prohibited species lists are much shorter and easier to enforce by your local by-law officers. These prohibited lists are the preferred format by most Provincial and Federal agencies.

Threats to Public Health and Public Safety

Dangerous species and their potential threat to public health and safety are well documented. Exotic pets presently available to consumers **do not** pose a greater risk to the safety and health of their owner. Certainly not more than the threats already associated with the keeping of a dog or cat. We feel the prohibited species list submitted to you by PIJAC Canada takes into account all the concerns found

under this heading.

A growing interest in exotic pets has led to a steady growth in the amount of information pertinent to their veterinary care, nutrition and proper housing requirements. Exotic pet owners are better informed and more responsible than ever before, as evidenced by the very low amount of exotic pets ending up in local pounds and shelters. Realizing the importance of education in promoting responsible pet ownership, pet industry players and consumers have access through PIJAC Canada, to a variety of care sheets, training manuals and certification programs. Owners of exotic pets enjoy access to a large amount of information through specialized clubs and societies, specialty magazines and scientific publications. Exotic animal veterinarians, hobby groups and associations are well structured, catering not only to the educational and technical needs of their colleagues, but to the ones of the pet owners themselves.

Our organization encourages and promotes the sale of captive-bred animals. It is common knowledge that through this approach, pet retailers are able to provide their customers with animals that are healthier, easier to handle and a lot friendlier towards their prospective owners. This benefits everybody: the animal, the pet owner, the retailer and the by-law officers. Today, pet retailers have access to an increasing variety of captive-bred animals for their clients. Most pet birds, small mammals, reptiles, and amphibians available to pet retailers come from captive breeding facilities.

PIJAC Canada's Suggested List Of Prohibited Species

All artiodactylous ungulates, except domestic goats, sheep, pigs and cattle
All canidae, except the domestic dog
All crocodylians (such as alligators and crocodiles)
All edentates (such as anteaters, sloths and armadillos)
All elephantidae (elephants)
All Erinacidae (except the African pigmy hedgehog)
All felidae, except the domestic cat
All hyaenidae (hyenas)
All marsupials (except sugar gliders)
All mustelidae (such as skunks, otters and weasels) except the domestic ferret
All non-human primates (such as gorillas and monkeys)
All pinnipeds (such as seals, fur seals and walruses)
All perissodactylous ungulates, except the domestic horse and ass
All procyonidae (such as raccoons, coatis and cacomistles)
All pteropodidae (bats)
All raptors, diurnal and nocturnal (such as eagles, hawks and owls)
All ratites (such as ostriches, rheas and cassowaries)
All ursidae (bears)

All venomous reptiles

All viverridae (such as mongooses, civets and genets)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

This list is subject to review according to the accepted criteria.

Revised June 1997