

BY-LAW NO. 171-13

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to regulate animals other than dogs in the City of Cambridge and to repeal by-law no. 158-13

WHEREAS the Municipal Act, R.S.O., 2001, S.O. 2001, c.25, Section 11(3)(9) assigns the sphere of jurisdiction of "Animals" to lower-tier municipalities.

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 Section 8(3) provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter.

AND WHEREAS the Animals for Research Act, R.S.O., 1990, c. A.22, Section 20 provides for rules and regulations that must be followed for the keeping of cats and dogs in a municipal pound;

AND WHEREAS the Pounds Act, R.S.O., 1990, c. P.17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals;

AND WHEREAS the Health Protection and Promotion Act, R.S.O., 1990, c.H.7 provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O., 1990, Chap. O.36, provides special powers to help animals in distress;

AND WHEREAS the Dog Owner's Liability Act, R.S.O. 1990, Chap. D. 16 provides for rules and regulations that must be followed for the keeping of dogs;

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within the City of Cambridge.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this By-law:

- (a) **"Animal"** means means a live, non-human vertebrate, but does not include a dog;

- (b) **“Animal Control Officer”** means a person, servant or agent appointed by the City of Cambridge to enforce this by-law and includes any Police Officer of Ontario and By-law Enforcement Officer and any servant or agent of same;
- (c) **“By-law Enforcement Officer”** means a person, servant or agent appointed by the Council of the City to administer and enforce this by-law;
- (d) **“Circus”** means a large public entertainment, typically presented in one or more very large tents or in an outdoor or indoor arena, featuring exhibitions of pageantry, feats of skill and daring and performing animals;
- (e) **“City”** means the Corporation of the City of Cambridge;
- (f) **“Dispose”** means to sell, adopt out or destroy;
- (g) **“Dog”** means a *canis domesticus* (domestic dog);
- (h) **“Domestic Farm Animal”** means a horse, donkey, pony, mule, cow, bull, goat, pig, sheep, mink, chinchilla, pot belly pig, other types of pig, fox, nutria, buffalo, elk, and emu, ostrich, rhea, cassowary; swan and screamer;
- (i) **“Dwelling”** means a room or group of rooms occupied as a home or residence;
- (j) **“Educational Facility” means:**
 - i) a post-secondary institution, such as a college or university, recognized by the Province of Ontario;
 - ii) a pre-school, elementary, middle or secondary school operated by the Waterloo Catholic District School Board or the Waterloo Region District School Board; or
 - iii) a private school recognized by the Province of Ontario;
- (k) **“Exotic Pet”** means an animal listed in Schedule “A”;
- (l) **“Feline”** means any registered purebred or common domestic cat, male or female, over the age of sixteen weeks and shall include a domestic breed of cat that is or appears to be feral;
- (m) **“Leg Hold Trap”** means a device that is designed to trap an animal’s leg or foot;
- (n) **“Licence”** means the receipt issued by the City of Cambridge upon payment of the appropriate licence fee;
- (o) **“Not under the control of any person”** means not held on a leash by the owner or any other person or not tied up or contained;
- (p) **“Owner”** of an animal includes any person who keeps or harbors, or permits a person to keep or harbour an animal, or, if the owner is a minor, the person responsible for the custody of the minor;
- (q) **“Poultry and Fowl”** means chickens, geese, ducks, turkeys, pheasants, grouse, guinea fowl, pea fowl and the young of any of them and includes game birds where the game birds are kept pursuant to a licence under The Game and Fish Act, or the Migratory Bird Convention Act (Canada), or any successor legislation;

- (r) **"Pound"** means facilities, designated by the City or maintained by the City Poundkeeper where animals are held under the provisions of this by-law;
- (s) **"Poundkeeper"** means any of the employees, officers or agents appointed by the City to operate a Pound;
- (t) **"Rabbit"** means a small domesticated mammal of the order Lagomorpha that is more than 12 weeks of age and not otherwise prohibited under Schedule 'A';
- (u) **"Running at Large"** means an animal shall be deemed to be running at large when found in any place other than the premises of the owner and not under the control of any person;
- (v) **"Zoo"** means a park-like area in which animals are kept in cages or large enclosures for public exhibition to which the public has access.

2. RABBITS

- 2.1 **Maximum Number of Rabbits Per Dwelling:** No person shall keep or permit to be kept more than five (5) rabbits within or about any dwelling in the City, unless the dwelling is located on lands zoned under the City's Zoning By-law for agricultural, open space, industrial or rural residential purposes.

3. FELINES

- 3.1 **Maximum Number of Felines Per Dwelling:** No person shall keep or permit to be kept more than five (5) felines within or about any dwelling in the City, unless the dwelling is located on lands zoned under the City's Zoning By-law for agricultural, open space, industrial or rural residential purposes.
- 3.2 **Exception:** The maximum number of felines may be increased for a dwelling operating as an animal foster home that has been approved by a Poundkeeper.

4. DOMESTIC FARM ANIMALS

- 4.1 **Permitted Lands:** No person shall keep a domestic farm animal except on land zoned under the City's Zoning By-law for agricultural, open space, industrial or rural residential purposes.
- 4.2 **Housing Requirements:** Any owner of a horse, pony, donkey or mule shall house the animal in accordance with subsections (a) to (f):
 - (a) Any horse, pony, donkey or mule shall be housed in a building or stable;
 - (b) Any building or stable shall be located at least ninety-one (91) meters from any school, church, public hall, store, dwelling or other premises used for human occupation or habitation, except for premises occupied by the owner or keeper;
 - (c) The floors of such building or stable shall be of durable material, impervious to moisture and provided with gutters so that drainage is effected into a sanitary sewer;
 - (d) A wooden platform can be built above such a floor provided an airspace of at least five (5) centimeters is allowed between the floor and the platform;

- (e) Where a sanitary sewer is unavailable, provisions for drainage of sanitary waste shall be made in accordance with the requirements of the Health Protection and Promotion Act, R.S.O., 1990, C.H., or any successor legislation; and
- (f) All doors, windows and openings of the building or stable shall, at all times, between the 1st day of April and the 30th day of November following in each year, be kept protected by screens effective against flies and small insects.

4.3 Maintenance: An owner of a horse, donkey, pony or mule shall ensure that:

- (a) Manure receptacles are constructed and maintained in such a manner that objectionable odors and the breeding of flies will be kept to the lowest level practicable;
- (b) Manure receptacles are emptied and the manure disposed of at least once a year;
- (c) Buildings or stables are maintained in a clean condition, and any yard under 280 square meters, in which animals are allowed to run, shall be kept free from accumulations of manure and other refuse at all times; and
- (d) All food, except roughage, is kept in rodent proof containers.

5. POULTRY AND FOWL

5.1 Permitted Lands: No person shall keep poultry and fowl except on land zoned under the City's Zoning By-Law for agricultural, open space, industrial or rural residential purposes.

5.2 Location of Coops, Pens, Lofts or Runs: No person shall have a pen, cage, loft, coop and/or run unless it is:

- (a) located at the rear of the person's lot;
- (b) situated at least three (3) meters from the property line; and
- (c) situated at least fifteen (15) meters from any school, church, dwelling, or other premises used for human occupation or habitation, other than the premises occupied by the owner or keeper.

5.3 Condition of Coops, Pens, Lofts or Runs: All pens, cages, lofts, coops and runs shall

- (a) be kept in a clean and sanitary condition; and
- (b) be suitably enclosed.

6. PIGEONS AND OTHER BIRDS

Ownership

6.1 Prohibition of Ownership: No person shall keep pigeons on land:

- (a) unless such land is zoned for agricultural, open space, industrial or rural residential purposes; or
- (b) if such land is zoned for residential purposes (excluding rural residential purposes) and the coop was in existence prior to October 31, 1987 and has been continuously registered with the City since October 31, 1987.

Maintenance and Construction

- 6.2 Maintenance of Lands and Premises:** Any owner of pigeons or other birds shall maintain all lands, premises, and structures where the pigeons or birds are kept in a sanitary condition at all times.
- 6.3 Disposal of Cleanings:** Any owner of pigeons or other birds shall dispose of all waste and garbage from pigeons and birds:
- (a) in a manner that will not create a public nuisance or health hazard; and
 - (b) in accordance with the provisions of the Health Protection and Promotion Act, R.S.O., 1990, C.H.7, as amended, or any successor legislation, and regulations pursuant thereto.
- 6.4 Construction Standards Generally:** Any owner of pigeons or other birds shall ensure that every building, structure or enclosure used for the keeping of the pigeon(s) or other birds is constructed so as to be airy, dry and light.
- 6.5 Construction Standards for Lofts:** Any owner of pigeons or other birds shall ensure that lofts used for the containment of the pigeons or other birds are constructed and maintained so that the ingress to the loft can only be obtained by what is known as a drop trap opening or a series of bobs, which shall be so installed as to prevent their being used as a means of egress by the pigeon or other bird.
- 6.6 Perch Required:** Any owner of pigeons or birds shall provide a perch for each pigeon or bird in the loft.
- 6.7 Location of Coops, Pens, Lofts or Runs:** No owner of pigeons or birds shall locate a pen, cage, loft, coop and/or run unless it is:
- (a) located behind the building line;
 - (b) situated at least three (3) meters from the property line; and
 - (c) situated at least fifteen (15) meters from any school, church, dwelling, or other premises used for human occupation or habitation, other than the premises occupied by the owner or keeper.
- 6.8 Condition of Coops, Pens, Lofts or Runs:** All pens, cages, lofts, coops and runs shall be kept in a clean and sanitary condition.

Maximum Number in Loft

- 6.9 Calculation of Permitted Number:** No owner or keeper may harbor more than one bird for every 0.227 m³ (8 cu. Ft.) of air space within a loft.
- 6.10 Maximum Number:** No owner or keeper shall harbor more than one hundred (100) pigeons (including newly born pigeons).

Maximum Number in Cages

- 6.11 Calculation of Permitted Number:** No owner or keeper shall harbor caged birds (excluding pigeons) unless:
- (a) with respect to birds not exceeding thirty (30) centimeters in length, each bird is provided with a minimum of 0.05 square meters of roosting area for each bird; or
 - (b) with respect to birds exceeding thirty (30) centimeters in length, each bird is provided with a minimum of 0.1 square meters of roosting area for each bird.

Prohibitions

- 6.12 Prohibition on Straying, Perching, Roosting, or Nesting:** Any owner or keeper of pigeons or other birds shall not allow such pigeons or other birds to stray, perch, roost or nest:
- (a) upon the lands or buildings of any person; or
 - (b) on any public highway or public place.
- 6.13 Exception:** Notwithstanding section 6.12, an owner or keeper of pigeons or other birds may allow such pigeons or other birds to stray, perch, roost or nest:
- (a) On the real property of the owner, whether the owner owns the property or leases it; or
 - (b) For the purposes of racing pigeons, as long as the pigeons are under the owner or keeper's control.

Communicable Disease

- 6.14 Notification Requirement:** If an owner or keeper of pigeons or other birds suspects that the pigeon(s) or bird(s) is infected with a communicable disease, the owner or keeper shall:
- (a) immediately consult a Doctor of Veterinary Medicine to diagnose the condition; and
 - (b) if the diagnosis is confirmed, immediately notify the Medical Officer of Health and comply with any instructions given by the Medical Officer of Health.

7. EXOTIC PETS

Prohibitions

- 7.1 Prohibited Exotic Pets:** No person shall keep or harbour an exotic pet.

Exception

- 7.2 Exception:** Section 7.1 shall not apply to:

- (a) Research facilities under The Animals for Research Act, R.S.O., 1990, C.A. 22 as amended, or any successor legislation;
- (b) Educational facilities;
- (c) Parades licensed by the City or Regional Municipality of Waterloo;
- (d) Circuses;
- (e) Veterinary hospitals;
- (f) Pounds operated by the City;
- (g) The Cambridge and District Humane Society;
- (h) Any other facility or location that is otherwise permitted to keep such animals in this by-law;
- (i) Any Federal or Provincial Enforcement Office; or
- (j) Anyone holding a licence or temporary or permanent loan agreement issued under appropriate Provincial or Federal Wildlife Legislation which permits the keeping of animals under stated conditions.

8. HOUSING OF ANIMALS – OTHER THAN POULTRY, FOWL, PIGEONS, BIRDS, HORSES, DONKEYS, PONIES AND MULES

8.1 Housing Requirements (excluding fish and snakes): Any owner using a cage, tank or pen for the housing of an animal (excluding poultry, fowl, pigeons, birds, horses, donkeys, ponies, mules, fish and snakes) kept as a pet or for hobby purposes shall ensure that the cage, tank or pen is constructed and maintained so that:

- (a) It is not likely to harm any animal;
- (b) Every animal therein may be readily observed unless the natural habits of the animal otherwise require;
- (c) Any animal cannot readily escape therefrom;
- (d) It minimizes as nearly as possible the transfer of pathogenic agents;
- (e) It may be readily sanitized; and
- (f) Every animal in the cage, tank or pen may comfortably:
 - (i) Extend its legs to their full extent;
 - (ii) Stand, sit and lie down in a fully extended position; and
 - (iii) Be provided with adequate space for exercise purposes.

8.2 Housing Requirements (fish and snakes): Any owner using a cage, tank or pen for the housing of fish and/or snakes kept as a pet or for hobby purposes shall ensure that the cage, tank or pen is constructed and maintained so that:

- (a) It is not likely to harm the fish and/or snake;
- (b) Any fish and/or snake therein may be readily observed unless its natural habits otherwise require;
- (c) The fish and/or snake cannot readily escape therefrom;
- (d) It minimizes as nearly as possible the transfer of pathogenic agents;
- (e) It may be readily sanitized; and
- (f) Every fish and/or snake in the cage, tank or pen shall have adequate room for its health, welfare and comfort.

9. OWNER REQUIREMENTS

- 9.1 Prohibition Against Running at Large:** No owner of any animal shall allow the animal to run at large.
- 9.2 Prohibition Against Trespass:** No owner of any animal shall allow the animal to trespass upon private property.

10. CARE OF ANIMALS

- 10.1 Obligation to Care:** Any person who owns or becomes the owner of any animal shall continuously ensure that the animal is provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required.

11. IMPOUNDMENT

- 11.1 Impoundment by Animal Control Officer:** Any animal may be seized and impounded by an Animal Control Officer if it is:
- (a) Found running at large;
 - (b) A prohibited exotic pet
 - (c) Alleged to have bitten any person, and is ordered impounded by the Regional Medical Officer of Health in accordance with the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, or any successor legislation;
 - (d) Suspected of being rabid, and is ordered impounded by the Regional Medical Officer of Health in accordance with the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, or any successor legislation;
 - (e) Otherwise behaving in a manner that is in contravention of any City by-law; or
 - (f) Is being kept by its owner in contravention of any City by-law.
- 11.2 Impoundment by Any Person:** Any person may capture an animal running at large or trespassing on his or her property and deliver it to the Animal Control Officer.

- 11.3 Power to Immunize Against Rabies:** Any impounded animal may be given an inoculation by the Poundkeeper to provide immunization against rabies.
- 11.4 Release of Animal:** An Animal Control Officer may release an impounded animal to an owner at any time unless otherwise directed by this by-law.
- 11.5 Conditions for Release:** An Animal Control Officer may require any of the following of the owner prior to releasing the animal, and may refuse to release the animal until such conditions are met:
- (a) Payment of any pound and maintenance fees;
 - (b) Payment for the cost of any vaccination or medical treatment administered; or
 - (c) Reimbursement of any costs incurred by the Pound during impoundment of the animal.

12. DISPOSAL OF ANIMALS

12.1 Power to Dispose:

- (a) **General:** Unless otherwise directed in this by-law, if an animal has been impounded and has not been restored to its owner within three (3) working days after impoundment, the animal may be disposed of by the Animal Control Officer.
- (b) **Proceeds of Sale:** The sale price of any animal sold by the Animal Control Officer shall belong to the City.

12.2 Exemptions:

An animal may be disposed of by the Animal Control Officer at any time if:

- (a) In the Animal Control Officer's opinion it would be inhumane to wait for the animal to be reclaimed or sold;
- (b) The animal is rabid; or
- (c) The animal is a prohibited exotic pet.

12.3 Costs:

Any costs incurred by the Pound, including but not limited to the costs of impoundment, inoculation during impoundment, to destroy a animal, and/or for medical treatment administered during impoundment shall be paid to the Pound by the animal owner.

13. ANIMAL TRAPS

13.1

No person shall set out a leg hold trap used to trap animals in the City.

14. ADMINISTRATION AND ENFORCEMENT

- 14.1 Power:** Any Animal Control Officer may enter on land at any reasonable time for the purpose of removing animals in accordance with this by-law or carrying out an inspection to determine whether this by-law, or a direction or notice made under this by-law, is being complied with.
- 14.2 Inspection Powers of Animal Control Officer:** For the purposes of an inspection under this by-law, the Animal Control Officer may:
- (a) Require the production for inspection of documents or things relevant to the inspection;
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) Require information from any person concerning a matter related to the inspection; and
 - (d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 14.3 Remedial Powers:** Where any act or thing required to be done in accordance with this by-law is not done, the City may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.
- 14.4 Prohibition on Obstruction:** No person or persons shall obstruct, hinder, delay or prevent an Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, or as an agent of the City, in the exercise of any power conferred or the performance of any duty imposed by this by-law.

15. OFFENCE

- 15.1 Contravention:** Every person or owner who contravenes any provision of this by-law is upon conviction guilty of an offence and is liable to a fine recoverable under the *Provincial Offences Act*, R.S.O, 1990, c. P.33, as amended, or any successor legislation.

16. LIABILITY

- 16.1 No Liability:** The City, its agents and servants, the Animal Control Officer and Poundkeeper shall not be liable for damages or compensation for any animal destroyed or sold under the provisions of this by-law and no such damages or compensation shall be paid to any person.

17. SEVERABILITY

- 17.1 Continued Force and Effect:** Should any part of this by-law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the by-law shall be read as if the offending section has been struck out.

18. SHORT TITLE

18.1 Animal Control By-Law: This by-law may be cited as the Animal Control By-Law.

19. REPEAL

19.1 Repealed: By-Law No. 158-13 is hereby repealed on January 1, 2014.

20. EFFECTIVE DATE

20.1 Date: This by-law shall come into force on January 1, 2014.

READ A FIRST, SECOND AND THIRD TIME
ENACTED AND PASSED THIS 21ST DAY OF OCTOBER, 2013, A.D.

MAYOR

DEPUTY CLERK

Schedule 'A'

CLASS	ORDER	COMMON NAMES
MAMMALS	Artiodactyla	Such as cattle, goats, sheep, pigs, deer, elk
	Canidae	Such as coyotes, wolves, foxes, hybrid wolf dogs, coydogs (except dogs)
	Chiroptera	Such as bats, fruit bats, myotis, flying foxes
	Edentates	Such as anteaters, sloths, armadillos
	Felidae	Such as tigers, leopards, cougars, lions, lynx (except domestic cats)
	Hyaenidae	Such as hyaenas
	Lagomorpha	Such as hares, pikas (except domestic rabbits)
	Marsupialia	Such as koalas, kangaroos, possums, wallabies (except sugar gliders derived from self-sustaining captive population)
	Mustelidae	Such as mink, skunks, weasels, otters, badgers (except ferrets)
	Primates	Such as chimpanzees, gorillas, monkeys, lemurs
	Perissodactyla	Such as horses, donkeys, jackasses, mules, zebras, ponies
	Proboscidea	Such as elephants, rhinoceros, hippopotamus
	Procyonidae	Such as coatimundi, cacomistles, raccoons
	Rodentia	Such as porcupines, prairie dogs, nutria, (except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)
	Ursidae	Such as bears
	Viverridae	Such as mongoose, civets, genets
REPTILES	Crocodylia	Such as alligators, crocodiles, gavials, caimans
	Squamata	Lizards that are venomous or poisonous Lizards that are greater than 2 metres (6.56 feet) Snakes that are venomous or poisonous Snakes that are greater than 2 metres
BIRDS	Anseriformes	Such as ducks, geese, swans, screamers
	Galliformes	Such as pheasants, grouse, guinea fowl, turkeys, chickens, pea fowl
	Struthioniformes	Such as ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Such as eagles, hawks, falcons except those falcons licensed by the Ontario Ministry of Natural Resources, owls
OTHER		All venomous or poisonous insects and amphibians