

THE CORPORATION OF THE TOWN OF IROQUOIS FALLS

BY-LAW NO. 3464/17

“Being a by-law to regulate the keeping of animals.”

- WHEREAS** subsection 10(2) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, (the “*Municipal Act, 2001*”) authorizes The Corporation of the Town of Iroquois Falls to pass by-laws concerning the health, safety and well-being of persons; and
- WHEREAS** subsection 10(2) of the *Municipal Act, 2001*, as amended, authorizes The Corporation of the Town of Iroquois Falls to pass by-laws regarding animals; and
- WHEREAS** subsection 103(1) of the *Municipal Act, 2001* provides that if a municipality passes a by-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such by-law; and
- WHEREAS** subsection 105(1) of the *Municipal Act, 2001* provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement; and
- WHEREAS** Council for The Corporation of the Town of Iroquois Falls deems it advisable to enact such a by-law to encourage responsible pet ownership.

NOW THEREFORE, COUNCIL FOR THE CORPORATION OF THE TOWN OF IROQUOIS FALLS ENACTS AS FOLLOWS:

INDEX:

Article 1 - Definitions	Page 2
Article 2 - Prohibited Animals.....	Page 4
Article 3 - Keeping Animals	Page 5
Article 4 - Animals at Large	Page 5
Article 5 - Impounded Animals	Page 6
Article 6 - Dog and Cat Licenses	Page 6
Article 7 - Dogs - General.....	Page 7
Article 8 - Dogs - Biting	Page 8
Article 9 - Cats - General	Page 10
Article 10 - Exemptions	Page 10
Article 11 - Backyard Chickens – Permit	Page 10
Article 12 - Backyard Chickens – General	Page 11
Article 13 - Offences.....	Page 12
Article 14 - Power of Entry.....	Page 12
Article 15 - Duty to Identify	Page 12
Article 16 - Severability.....	Page 12
Article 17 - Transitional Provision	Page 13
Article 18 - Short Title.....	Page 13
Article 19 - Interpretation	Page 13
Article 20 - Reference to Legislation.....	Page 13
Article 21 - Effective Date and Repeal	Page 13
Schedule “A” - Prohibited Animals.....	Page 14
Schedule “B” - Fees	Page 16
Schedule “C” - Application for the Keeping of Backyard Chickens	Page 17

Article 1 - Definitions

- 1.1 **Animal** includes any member of the animal kingdom, other than a human;
- 1.2 **Animal Control Officer** means a person so appointed by the Council of the Corporation of the Town of Iroquois Falls to enforce Town By-laws respecting animals and includes an Animal Control Officer and a By-law Enforcement Officer appointed by Council;
- 1.3 **Animal Control Order** means an order declaring a dog to be a biting dog, served on the owner, issued by an Animal Control Officer;
- 1.4 **At Large** means to be found in any place other than the owner's property and not under control of any person;
- 1.5 **Backyard Chickens** means the accessory keeping of hens for the purposes of companionship as a pet or of providing food for the personal consumption of occupants of a dwelling on the same lot, and does not include accessory livestock, or agricultural uses otherwise defined by the Town of Iroquois Falls' Zoning By-Law;
- 1.6 **Bite** includes the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog and "bitten" has a corresponding meaning;
- 1.7 **Biting Dog** includes a dog that:
- i. in the absence of a mitigating factor, has attacked, bitten, or caused physical injury to a person or a domestic animal;
 - ii. in the opinion of an Animal Control Officer, is likely to attack, bite or cause physical injury to a person or domestic animal; or
 - iii. a dog that has been declared vicious or a biting dog in another municipality in Ontario;
- 1.8 **Cat** includes a feline of any breed of domesticated cat or cross-breed domesticated cat, but does not include felines less than four months of age;
- 1.9 **Clerk** means the Clerk-Administrator of the Town and also means their designate;
- 1.10 **Commercial Event** includes an event where a fee is charged for entrance or participation, or goods or services are displayed for sale and the person, group or corporation conducting the event is for-profit;
- 1.11 **Coop** means a fully enclosed weatherproof building where hens are kept and which the interior includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers;
- 1.12 **Distress** includes the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;
- 1.13 **Dog** includes a canine of any breed of domesticated dog or cross-breed domesticated dog, but does not include canines less than four months of age;
- 1.14 **Domestic or Domesticated Animal** includes any animal kept by a person as a pet and includes a service animal, but does not include any exotic animal;
- 1.15 **Dwelling** includes one or more connecting rooms used, or intended for use, as a housekeeping unit containing cooking, eating, sleeping, and sanitary facilities;
- 1.16 **Enclosure** includes a structure, cage or apparatus utilized to keep the animal confined for safekeeping;

- 1.17 Exotic** when used to describe an animal means one that does not have its habitat (either customarily or habitually) within Canada;
- 1.18 Farmers' Market** means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;
- 1.19 Hen** means a domesticated female chicken that is at least four months old;
- 1.20 Keep** means to own, or possess or harbour or to have custody of an animal, and "keeps" and "keeper" have a corresponding meaning;
- 1.21 Kennel** includes any building, structure or other facility or part thereof, where greater than three (3):
- i. dogs or cats are kept for breeding or show purposes; or
 - ii. dogs or cats are kept for boarding purposes;
- 1.22 Leash** includes a leash attached to the collar or harness worn by a dog or cat and of sufficient strength to restrain the dog or cat;
- 1.23 Minor** is a person who has not achieved the age of 18 years of age;
- 1.24 Mitigating Factor** includes a circumstance that may excuse aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
- i. the dog was, at the time of the aggressive behaviour, acting in defense of an attack by a person or aggressive animal; or
 - ii. the dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing without permission or colour of right on the property of its owner; or
 - iii. the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;
- 1.25 Muzzle** includes a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog, that fits over the mouth of the dog and cannot be removed by the dog, so as to prevent the dog from biting;
- 1.26 OSPCA** means the Ontario Society for the Prevention of Cruelty to Animals, whose purpose under the *OSPCA Act* is to facilitate and provide for the prevention of cruelty to animals and their protection and relief therefrom;
- 1.27 OSPCA Act** means the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O. 36*, as amended;
- 1.28 Owner** means a person or persons who keeps an animal, and where the owner is a minor, the person responsible for the minor;
- 1.29 Owner's Property** includes the property, building or dwelling owned or occupied by the owner of an animal, or any portion thereof;
- 1.30 Police Dog** includes a dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer;
- 1.31 Possession or Harboring** of an animal shall be deemed to occur when:
- i. a person permits an animal to remain at or about the property or dwelling which s/he owns or occupies; or

- ii. an animal is habitually kept in the occupier's dwelling or on the owner's property;
- 1.32 Pound** includes premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of the municipality or the *Dog Owners' Liability Act, R.S.O. 1990, Chapter D.16*, as amended;
- 1.33 Prohibited Animal** includes an animal of the type listed in Schedule "A";
- 1.34 Public Property** means any property owned by:
 - i. the Corporation of the Town of Iroquois Falls;
 - ii. any local board as defined in the *Municipal Affairs Act, R.S.O. 1990, c. M.46*, as amended; or
 - iii. the federal or provincial government;
- 1.35 Residential Zone** means a property:
 - i. zoned to permit residential uses pursuant to pursuant to the municipality's zoning By-Law; or
 - ii. for which a residential use is a legal non-conforming use pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, as amended;
- 1.36 Rural Zone** means a property:
 - i. zoned Rural Restricted or Rural General and which permits agricultural uses pursuant to the municipality's zoning By-Law; or
 - ii. for which an agricultural use is a legal non-conforming use pursuant to the *Planning Act, R.S.O. 1990, c. P.13*, as amended;
- 1.37 Safekeeping** of an animal means the provision of such security in order to prevent an animal from attacking or injuring a person or another animal, or exposing such person or animal to infection or disease, and also includes the provision of an environment wherein the animal cannot be injured or infected by the enclosure, and in addition, the said enclosure shall not cause psychological or mental harm to the animal, which shall be ascertained by the distress caused to the animal in the said enclosure, so determined by a veterinarian or other animal expert;
- 1.38 Service Animal** includes an animal if:
 - i. it has been trained to provide assistance to a person with a disability that relates to a person's disability; and
 - ii. it is readily identifiable that the animal is used by the person for reasons relating to his or her disability; or
 - iii. if the person provides a letter from a regulated health professional confirming that the person requires the animal for reasons relating to the disability;
- 1.39 Town** means the Corporation of the Town of Iroquois Falls or the geographical boundary of the municipality, as the case may be.
- 1.40 Under Control** means having the animal kept secure and in the possession of the keeper by means of a leash, chain or tether, or confined in a safe and secure enclosure in the possession of the keeper.

Article 2 - Prohibited Animals

- 2.1** No person shall keep, harbour, possess, on a temporary or permanent basis, sell or offer to sell any animal of any kind listed in Schedule "A" - Prohibited Animals - to this by-law anywhere in the Town unless the animal is specifically listed as an exception within the Schedule.

- 2.2 No person shall keep an animal within the Town which is on the list of the Convention on International Trade and Endangered Species (CITES) without the prerequisite permit in accordance with CITES.

Article 3 - Keeping Animals

- 3.1 Every person who keeps one or more animals shall be responsible to ensure that the owner's property upon which the animal or animals are kept are maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard. This provision is in addition to further requirements relating to specific types of animals contained elsewhere in this by-law.
- 3.2 No person shall keep an animal that is listed as an "exception" in Schedule "A" to this by-law, except in an area zoned as specified in Schedule "A" in relation to that animal and where such a requirement is stated.
- 3.3 No person shall keep an animal incidental to a farm or agricultural use, except in a Rural Zone. A farm use shall be deemed to occur when the animal(s) is/are used to produce or generate food for human or animal consumption.
- 3.4 No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
- i. the tether is a minimum of three (3) metres;
 - ii. the animal has unrestricted movement within the range of such tether;
 - iii. the animal is not tethered for longer than ten (10) consecutive hours in a twenty-four (24) hour period;
 - iv. the animal has access to water and shelter while tethered; and
 - v. the animal cannot injure itself as a result of the tethering.
- 3.5 Every person who keeps an animal in the Town shall ensure that the standards of care set out in the Regulations under the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36*, as amended, are provided for the animal.
- 3.6 Nothing under this section requires the Town to assume responsibility concerning an animal in distress where such action falls under the purview of the *Ontario Society for the Prevention of Cruelty to Animals*.

Article 4 - Animals At Large

- 4.1 No owner of an animal shall permit his/her animal to be at large in the Town.
- 4.2 No owner of an animal shall cause or permit an animal to be at large on the lands of any other person, provided, however, that this clause does not apply if the owner or the keeper have not intentionally or deliberately caused or permitted the animal to be at large and the owner or keeper has proceeded with proper dispatch to recover the animal according to law.
- 4.3 An Animal Control Officer may capture and take into custody an animal that is at large upon any property.
- 4.4 Any person may humanely capture an animal found:
- i. at large on his or her property; or
 - ii. at large on public property, and
- deliver the animal to the custody of an Animal Control Officer.

Article 5 - Impounded Animals

- 5.1** Where an Animal Control Officer captures and takes into custody an animal running at large or has a captured animal delivered to him or her, the animal Control Officer may in his or her discretion:
- i. impound the animal;
 - ii. release the animal to its owner;
 - iii. if the animal is sick or injured, deliver the animal to a licensed veterinarian; or
 - iv. if the animal is severely sick, injured or vicious, destroy the animal.
- 5.2** The Animal Control Officer shall keep a record of every animal impounded, including:
- i. the date it was impounded;
 - ii. a description of the animal;
 - iii. a description of any identification;
 - iv. the disposition made with respect to the animal.
- 5.3** Where an animal is impounded for being at large, the owner of the animal shall pay to the Town reimbursement of its expenses with respect to the animal including:
- i. the cost of taking the animal into custody, (impound fee) fixed at the amount listed in Schedule "B";
 - ii. the daily boarding fees for the care of the animal fixed at the amount listed in Schedule "B"; and
 - iii. actual veterinarian fees incurred with respect to the animal.
- 5.4** No person shall retrieve an impounded animal from the Town without payment of the expenses in full referred to in Schedule "B".
- 5.5** Every owner shall retrieve the impounded animal from the Town within three (3) days of the day of impound, excluding the day of impound, Saturdays, Sundays, and any statutory holidays.
- 5.6** Where an animal is not claimed by its owner within three (3) calendar days, the animal may be disposed of, or destroyed in a humane manner.
- 5.7** Where an animal bears a tag in accordance with this By-law, the Animal Control Officer shall make at least one attempt to contact the owner in accordance with the information provided prior to disposing or destroying the animal.
- 5.8** Where an animal is injured or diseased before or after being taken into custody such that in the opinion of the Animal Control Officer it should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Town may destroy the animal in a humane manner without giving notice to the owner or permitting any person to reclaim the animal.
- 5.9** An impounded animal not wearing a tag issued by the Town may be given an inoculation to provide temporary immunization against common diseases.

Article 6 - Dog and Cat Licenses

- 6.1** Within seven (7) calendar days of the later of becoming:
- i. an owner of a dog or cat required to be licensed under this By-law; or
 - ii. a resident of the Town if already an owner of a dog or cat required to be licensed under this by-law;

a person shall obtain a license and pay the fee prescribed by Schedule “B”.

- 6.2** Every service animal shall be registered/licensed and receive a tag, but at no cost to the owner.
- 6.3** No person shall operate a kennel without obtaining a license and paying the fee prescribed in Schedule “B”.
- 6.4** All licenses shall be valid for the lifetime of the animal.
- 6.5** A record shall be kept by the Town, showing the name and address of the owner of the dog or cat and the serial number of the tag provided to the person.
- 6.6** Where an owner obtains a license for a dog or cat under this By-law, the owner will be issued a Town of Iroquois Falls tag. Every dog or cat licensed under this by-law shall have their tag securely attached to a breakaway collar and attached to the animal at all times unless the dog or cat:
- i. is receiving veterinary treatment;
 - ii. is being cleaned;
 - iii. otherwise cannot have the tag affixed because it would represent a danger to the animal; or
 - iv. the dog is being lawfully used for hunting.
- 6.7** No person shall place an Iroquois Falls tag upon any dog or cat other than the dog or cat for which it was obtained.
- 6.8** Tags which are lost may be replaced by providing sufficient proof that the license for the dog or cat has been issued, and paying to the Town the fee outlined in Schedule “B” for each lost tag.

Article 7 - Dogs - General

- 7.1** The owner of every dog shall cause the dog to be licensed under this By-law in accordance with the license fee outlined in Schedule “B”.
- 7.2** No person shall keep, or permit to be kept, in or about an owner’s property in the Town, more than three (3) dogs at any one time, with the exception of:
- i. a registered and licensed shelter or pound;
 - ii. a kennel;
 - iii. dogs under the age of four months; or
 - iv. a registered sled dog owner located in a rural area and registered with the Town.
- 7.3** No owner of a dog shall permit the dog to be at large in the Town. A dog shall be deemed to be at large if it is found in any place other than the owner’s property and not under the control of any person.
- 7.4** Every owner of a dog shall ensure that the dog is kept on a leash and under the control of a person when the dog is on any land in the Town unless:
- i. the land is the premises of the owner of the dog; or
 - ii. the land is owned by a person who has given prior consent to the dog being off the leash;
- 7.5** The owner of a dog shall forthwith remove, or cause to be removed, any excrement left by the dog on land within the Town. The owner shall dispose of the excrement in a proper refuse receptacle.

- 7.6 Every person who owns a dog shall remove from his or her premises, in a timely manner, excrement left by the dog.
- 7.7 Article 7.6 does not apply to:
- i. a handler of a service animal, where the handler is unable to remove the excrement left by such dog due to physical disability or impediment; or
 - ii. a blind or visually impaired handler of a service animal if the excrement was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

Article 8 - Dogs - Biting

- 8.1 No owner shall permit a dog to bite or attack a person or a domestic animal.
- 8.2 Where an Animal Control Officer has reason to believe that a dog is a biting dog, an Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a biting dog.
- 8.3 An Animal Control Order declaring a dog to be a biting dog shall set out such measures as are required by the owner of the dog to take in respect of such dog, which may include the following requirements:
- i. the owner shall, when the dog is not securely inside the owner's dwelling but is otherwise on the owner's property, at all times keep the dog securely restrained in one of the following manners so as to prevent the dog from escaping and to prevent the dog from biting or causing injury to any person or domestic animal entering onto the owner's property:
 - a. the dog shall be located within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the dog from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
 - b. the dog shall be located in a rear or side yard within a fully enclosed pen or run of sufficient dimension, design and strength to be humane and to prevent the dog from digging its way out of or otherwise escaping from the enclosed pen or run; or
 - c. the dog shall be muzzled so as to prevent it from biting a person or domestic animal and securely restrained within a rear or side yard by means of a leash or chain to prevent the dog from escaping from the yard; and
 - d. the dog shall not be kept in the front yard of the owner's property.
 - ii. the owner shall securely attach a muzzle to the dog at all times when the dog is in any place other than the owner's property;
 - iii. the owner shall keep the dog under the physical control of a person eighteen (18) years of age or older by means of a non-retractable leash with a maximum length of three (3) metres held by the said person at all times when the dog is in any place other than the owner's property;
 - iv. the owner shall provide to the Animal Control Officer a copy of all immunization records of the dog within forty-eight (48) hours of service of the Animal Control Order;
 - v. the owner shall notify the Animal Control Officer within forty-eight (48) hours of any changes to the residency or ownership of the dog;
 - vi. the owner shall notify the Animal Control Officer within forty-eight (48) hours of the death of the dog.
- 8.4 Every Animal Control Order shall include a statement advising the owner of the dog of the ability to make application for a hearing before Town Council in accordance with the provisions of this by-law.

- 8.5** An Animal Control Order may be served on the owner personally by handing it to the owner, but where the Animal Control Order cannot be given or served by reason of the owner's absence from the owner's property or by reason of evasion of service, the Animal Control Order may be given or served, by:
- i. leaving it at the owner's last known or usual place of abode with an occupant thereof who appeared at least sixteen (16) years of age; or
 - ii. posting it in a conspicuous place upon some part of the owner's property and by sending a copy by regular mail; or
 - iii. sending it by prepaid registered mail to the owner at the address where he or she resides.
- 8.6** An Animal Control Order takes effect when it is served on the person to whom it is directed, and remains fully in effect unless it has been varied by Council.
- 8.7** An owner of a dog may apply for and is entitled to a hearing before Town Council in respect of an Animal Control Order, provided the application for a hearing is made in writing and delivered to the Clerk within fifteen (15) calendar days after the Animal Control Order has been served.
- 8.8** In accordance with subsection 105(4) of the *Municipal Act, 2001*, an application by the owner of a dog for a hearing under this By-law does not act as a stay of any muzzling requirement imposed by an Animal Control Order.
- 8.9** Upon receipt of an application for a hearing pursuant to the provisions of this by-law, the Clerk shall convene a meeting of Council and shall give the owner of the dog at least seven (7) calendar days written notice of the hearing.
- Council may:
- i. confirm, vary, or reverse the declaration in an Animal Control Order that the subject dog is a biting dog, as the case may be;
 - ii. confirm or vary any of the requirements of an Animal Control Order as Council considers appropriate;
 - iii. exempt the owner of the dog in whole or in part from any of the requirements of an Animal Control Order, subject to such terms and conditions as Council considers appropriate;
 - iv. impose conditions which, if fulfilled to the satisfaction of Council, will permit Council in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order; or
 - v. combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as Council considers appropriate.
- 8.10** Any notice or document that has been served pursuant to the provisions of this By-law by prepaid registered or regular mail shall be deemed to have been received by the person to whom it is addressed on the fifth (5th) day after the day it is mailed.
- 8.11** No person shall:
- i. fail to comply with an Animal Control Order;
 - ii. fail to restrain a dog that is required to be restrained pursuant to an Animal Control Order;
 - iii. fail to muzzle a dog that is required to be muzzled pursuant to an Animal Control Order; or
 - iv. fail to leash a dog that is required to be leashed pursuant to an Animal Control Order.

Article 9 - Cats - General

- 9.1** The owner of every cat shall cause the cat to be licensed under this by-law in accordance with the license fee outlined in Schedule “B” and the owner of such cat shall provide proof of current rabies immunization.
- 9.2** Every owner of a cat shall ensure that the cat is kept on a leash and under control of a person unless the:
- i. land is the premises of the owner of the cat; or
 - ii. land is owned by a person who has given prior consent to the cat being off the leash.
- 9.3** No person shall keep, or permit to be kept, in or about an owner’s property in the Town, more than three (3) cats at any one time, with the exception of:
- i. a registered and licensed shelter or pound,
 - ii. a kennel, or
 - iii. cats under the age of four months.
- 9.4** No owner of a cat shall permit the cat to be at large in the Town. A cat shall be deemed at large if found in any place other than the owner’s property and not under the control of any person.
- 9.5** The owner of every cat shall forthwith remove, or cause to be removed, any excrement left by the cat on land within the Town. The owner shall dispose of the excrement in a proper refuse receptacle.
- 9.6** Every person who owns or keeps a cat shall remove from his or her premises, in a timely manner, excrement left by the cat.

Article 10 - Exemptions

- 10.1** Nothing in this by-law shall apply to prohibit the keeping of an animal in the following places or circumstances:
- i. in a veterinary clinic or hospital under the care of a licensed veterinarian;
 - ii. by the OSPCA;
 - iii. by the Humane Society;
 - iv. in a retail pet shop, in relation to the keeping for sale or display of those animals specified as exceptions on Schedule “A” and ;
 - v. at a Porquis Agricultural Society event;
 - vi. at a Farmers’ Market event, in relation to the keeping for sale or display of those animals specified as exceptions on Schedule “A”;
 - vi. by anyone licensed by the Provincial or Federal Government which permits the keeping of animals under certain conditions;
 - vii. within educational facilities where animals are being kept for study, research or teaching purposes; or
 - viii. on the premises of a licensed circus, non-profit exhibition or commercial event, or authorized parade or procession and during such parade or procession if kept under control.
- 10.2** This by-law does not apply to a police dog actually engaged in law enforcement.

Article 11 - Backyard Chickens - Permit

- 11.1** No person shall keep Backyard Chickens unless that person first receives a permit for the keeping of Backyard Chickens from the Town of Iroquois Falls.

- 11.2 An application for a permit to keep Backyard Chickens, Schedule “C”, must be signed by the applicant(s) and/or property owner(s).
- 11.3 Where an applicant is a tenant on the property, written permission from the property owner(s) to keep Backyard Chickens must be obtained and submitted with the permit application.
- 11.4 A site sketch illustrating the location and size of the coop, outdoor enclosure, and manure storage structure must be submitted with the application.
- 11.5 The applicant(s) shall pay the applicable annual permit fee outlined in Schedule “B” prior to receiving a permit under this by-law.
- 11.6 The permit to keep Backyard Chickens is to be renewed annually, expiring on December 31st of each calendar year.

Article 12 - Backyard Chickens - General

- 12.1 No person shall keep roosters.
- 12.2 No person shall keep, or permit to be kept, in or about an owner’s property, more than four (4) Backyard Chickens at a property in a residential zone under the Zoning By-Law providing the conditions and requirements contained in this Article are met.
- 12.3 The owner of Backyard Chickens must reside on the property where the hens are be kept.
- 12.4 A person who keeps one or more Backyard Chickens shall:
 - i. construct and maintain a coop to prevent any rodent from harbouring underneath or within its walls, and to prevent entrance by any other animal;
 - ii. provide each hen with at least 0.14 m² (1.5 ft²) of coop floor area;
 - iii. provide and maintain, in each coop, at least one roost giving 15 cm (6 in.) of space per hen and also one nest box per four hens;
 - iii. provide each hen with at least 0.31 m² (3.3 ft²) of outdoor enclosure or fenced yard, having a floor of any combination of vegetated or bare earth in each outdoor enclosure;
 - v. provide an enclosed structure to store manure in with no more than 0.12 m³ (120 litre/26 gallon) of manure to be stored at any one time;
 - vi. ensure the coop and manure storage structure, exclusive of the outdoor enclosure, not cumulatively exceed an area of 10 m²;
 - vii. ensure the coop, outdoor enclosure, and manure storage structure are all within the rear yard, exterior side yard, or interior side yard of the property and are set back at least:
 - a) 1.2 metres (3.9”) from the rear lot line of the property;
 - b) 2.5 metres (8’2”) from any interior side lot line of the property
 - c) 2.5 metres (8’2”) from the exterior side lot line of the property; and
 - d) 2.5 metres (8’2”) from any rear lot line abutting an exterior side yard or interior side yard of another property

Note: when a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the setback requirements.

- viii. maintain each hen enclosure(s) in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;

- ix. provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors, all sufficient to maintain the hen in good health. A food container and water is to be kept in each coop;
- x. keep each coop locked from sunset to sunrise;
- xi. keep each hen in an enclosed area at all times;
- xii. ensure all stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
- xiii. remove leftover feed, trash, and manure in a timely manner;
- xiv. remove all other manure not used for composting or fertilizing;
- xv. follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- xvi. keep hens for personal use only;
- xvii. not slaughter, or attempt to euthanize, a hen on the property;
- xviii. not dispose of a hen except by delivering it to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully; and
- xix. not sell eggs, manure and other products associated with keeping hens.

Article 13 - Offences

- 13.1** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
- 13.2** Every corporation who contravenes any provision of this by-law, including those contained in any of the Schedules, is guilty of an offence and on conviction liable to a fine of not more than \$50,000.00, exclusive of costs, under the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.

Article 14 - Power of Entry

- 14.1** Pursuant to Section 436 of the *Municipal Act, 2001*, an Animal Control Officer, and anyone under the Officer's direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of the Animal By-Law are being complied with.

Article 15 - Duty to Identify

- 15.1** Where an Animal Control Officer has reasonable grounds to believe that an offence has been committed by a person, the Animal Control Officer may require the name, address and proof of identity of that person and the person shall supply the required information. A failure by the person to supply the required information constitutes a hindrance or obstruction of the Animal Control Officer.
- 15.2** No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this bylaw.

Article 16 - Severability

- 16.1** In the event any provision of this by-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect unless the court makes an order to the contrary.

Article 17 - Transitional Provision

17.1 Notwithstanding the repeal of By-Laws 837, 2376-88, 2522-92, 2688-97, 2764-99, those By-laws and Chapters shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this by-law.

Article 18 - Short Title

18.1 This by-law may be known as the “Animal By-Law.”

Article 19 - Interpretation

19.1 Whether any word, phrase or term defined in this by-law is capitalized or not, the use of that word, phrase or term is a reference to the defined word, phrase or term. Where the context requires, the plural shall mean the singular and vice versa.

Article 20 - Reference to Legislation

20.1 Reference to any legislation shall include any and all amendments made thereto.

20.2 Reference in any document to a By-law repealed by this By-law shall be deemed to be reference to this by-law.

Article 21 - Effective Date and Repeal

21.1 This by-law and the attached Schedules come into effect on the day of passing.

21.2 That By-Law No. 3454/17 is repealed.

Read a **FIRST, SECOND, and THIRD** time and passed this 30th day of October, 2017.

MICHAEL SHEA



SIGNED: Michael Shea
MAYOR

LINDA McLEAN

SIGNED: Linda McLean
CLERK-ADMINISTRATOR

Certified True Copy of
By-Law No. 3464/17

Clerk

Prohibited Animals

CLASS / ORDER	SPECIFICS AND EXCEPTIONS
Actinopterygii (bony fish)	Including but not limited to catfish, eels, piranhas EXCEPT: Fish kept in approved zoning areas for aquaculture/fish farming purposes
Amphibia (amphibians)	Including but not limited to frogs, salamanders
Arthropods	Including but not limited to arachnids, insects, scorpions
Aves (birds)	Including but not limited to pigeons, doves, hawks, eagles, owls, grouse, peacocks, swans EXCEPT: Backyard Chickens; as well as chickens, ducks, emus, geese, ostriches, rheas, and turkeys kept in a Rural Zone for agricultural/farming purposes
Chondrichthyes (cartilaginous fish)	Including but not limited to rays, sharks, stingrays
Mammalia (mammals)	
Afrosoricida	Golden moles, tenrecs
Artiodactyla	Including but not limited to antelopes, camels, moose, giraffes EXCEPT: Alpacas, bison, cattle, deer, elks, goats, llamas, pigs, sheep kept in a Rural Zone for agricultural/farming purposes
Carnivora	Included but not limited to badgers, bears, canines, civets and related species, felines, mongooses, raccoons, skunks, weasels and related species, weasels EXCEPT: Domestic cats; domestic dogs but not Pit Bull Terriers; ferrets
Cetacea	Including but not limited to dolphins, porpoises, whales
Chiroptera	Bats, flying foxes
Cingulata	Armadillos
Dasyuromorphia	Most carnivorous marsupials including quolls, dunnarts, numbats, Tasmanian Devils
Didelphimorphia	Opposums
Diprotodontia	Including but not limited to kangaroos, koalas, wombats, possums
Erinaceomorpha	Hedgehogs
Hyracoidea	Hyraxes
Lagomorpha	Including but not limited to hares, leporids, pikas, rabbits
Macroscelidea	Elephant shrews
Microbiotheria	Monito
Notoryctemorphia	Marsupial moles
Pancituberculata	Rat opossums, shrew opossums
Peramelemorphia	Bandicoots and bilbies
Perissodactyla	Including but not limited to rhinoceros, tapirs, zebras EXCEPT: Donkeys, horses, mules kept in a Rural Zone for agricultural/farming purposes
Pholidota	Pangolins

CLASS / ORDER	SPECIFICS AND EXCEPTIONS
Pilosa	Anteaters, sloths
Platypoda	Platypus, also called duckbill
Primates	Including but not limited to apes, monkeys, lemurs
Proboscidea	Elephants
Rodentia	Including but not limited to beavers, mice, porcupines, rats, squirrels <u>EXCEPT:</u> Chinchillas, gerbils, guinea pigs, hamsters kept as pets - limit of two per Dwelling
Scandentia	Tree shrews
Sirenia	Dugong, manatees
Soricomorpha	Shrews, moles
Tachyglossa	Echidnas
Tubulidentata	Aardvark
Reptilia (Reptiles)	Including but not limited to lizards, snakes, turtles <u>EXCEPT:</u> Chameleons, geckos – limit of two per Dwelling

TOWN OF IROQUOIS FALLS

Backyard Chickens Permit Fee

	Fee
Keeping of Backyard Chickens	\$25.00 / year

Cat and Dog Impoundment Fees

	Fees
Impound Fee	\$50.00
Boarding Fee* (max. of three days)	\$10.00 / day
Veterinarian Fee	Based on actual fees

* excluding the day of impoundment

Cat and Dog License Fees

	Fees	
	2017	Effective January 1 st , 2018
Cat – Spayed/Neuterd*	\$10.00 / lifetime of animal	\$20.00 / lifetime of animal
Cat – Unaltered	\$20.00 / lifetime of animal	\$30.00 / lifetime of animal
Dog – Spayed/Neutered*	\$20.00 / lifetime of animal	\$30.00 / lifetime of animal
Dog – Unaltered	\$20.00 / lifetime of animal	\$30.00 / lifetime of animal
Replacement tag	\$ 5.00 / tag	\$5.00 / tag
Kennel License	\$25.00 / year	\$25.00 / year

* Veterinarian documentation is required as proof that the animal is spayed/neutered.

Service Animals

In accordance with Article 6.2, all service animals must be licensed, but shall pay no licensing fee.



TOWN OF IROQUOIS FALLS

Application for the Keeping of Backyard Chickens

Applicant Information

Name of Applicant(s)	
Name of property owner (if other than Applicant)	
Address of property where Backyard Chickens are to kept	
Mailing address of Applicant (if different than above)	
Telephone Number	

A site sketch illustrating the location and size of the coop, outdoor enclosure, and manure storage structure must be submitted with the application.

Declarations

I/we _____

(name of Applicant(s)) hereby declare:

- That I/we have reviewed the following documents:
 - The OMAFRA Factsheet entitled *"Biosecurity Recommendations for Small Flock Chickens Owners"*
 - The Resource Kit entitled *"Keeping Your Birds Healthy"* distributed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
- That I/we will provide for suitable housing and shelter of the chickens in my/our care and will maintain such housing in a clean and wholesome state, having regard for *"Biosecurity Recommendations for Small Flock Chickens Owners"*.
- That I/we will provide the chickens in my/our care with appropriate food, water, space, and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, and roosting.
- That I/we have reviewed the relevant sections of the Town of Iroquois Falls' Zoning By-Law and will abide by the permissions and provisions within it.

Dated this _____ day of _____, 20____

Signature of Applicant

Signature of Witness

Signature of Applicant

Signature of Witness

Where the applicant is a tenant, the signature of the property owners are required below confirming they are aware of and support the application for the keeping of Backyard Chickens on their lands.

Signature of Property Owner

Signature of Witness

Signature of Property Owner

Signature of Witness

The Corporation of the Town of Iroquois Falls

Part 1 Provincial Offences Act

By-Law Number 3454/17: Regulate the Keeping of Animals

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Keep, harbor, or possess a prohibited animal	2.1	\$100.00
2	Fail to maintain property	3.1	\$100.00
3	Keep a prohibited animal in a zone other than that specified	3.2	\$100.00
4	Keep a farm animal – not in an agricultural zone	3.3	\$100.00
5	Improper length of tether	3.4 i	\$100.00
6	Fail to provide unrestricted movement while tethered	3.4 ii	\$100.00
7	Keep animal tethered longer than ten consecutive hours	3.4 iii	\$100.00
8	Fail to provide access to shelter and water while tethered	3.4 iv	\$100.00
9	Fail to protect animal from injury while tethered	3.4 v	\$100.00
10	Permit animal to be at large	4.1	\$100.00
11	Operate a kennel without a license	6.3	\$ 20.00
12	Fail to attach tag to dog	6.6	\$ 50.00
13	Fail to attach tag to cat	6.6	\$ 50.00
14	Place tag on dog other than dog for which it was obtained	6.7	\$100.00
15	Place tag on cat other than cat for which it was obtained	6.7	\$100.00
16	Fail to obtain license for dog	7.1	\$ 70.00
17	Keep more than three dogs	7.2	\$100.00
18	Permit dog to be at large	7.3	\$100.00
19	Fail to remove dog excrement on land within the Town	7.5	\$100.00
20	Fail to remove dog excrement from premises	7.6	\$100.00
21	Permit dog to bite or attack	8.1	\$300.00
22	Fail to comply with Animal Control Order	8.11	\$300.00
23	Fail to obtain license for cat	9.1	\$100.00
24	Keep more than three cats	9.3	\$ 50.00
25	Permit cat to be at large	9.4	\$100.00
26	Fail to remove cat excrement on land	9.5	\$100.00
27	Fail to remove cat excrement from premises	9.6	\$100.00
28	Fail to maintain hen enclosure(s)	12.4 viii	\$100.00
29	Fail to provide hen with food, water, shelter, light, ventilation, or veterinary care	12.4 ix	\$100.00
30	Fail to keep coop locked	12.4 x	\$100.00
31	Fail to keep hen in enclosed area	12.4 xi	\$100.00
32	Fail to store and secure feed	12.4 xii	\$100.00
33	Fail to remove leftover feed, trash, manure	12.4 xiii	\$100.00
34	Slaughter or attempt to euthanize hen	12.4 xvii	\$200.00
35	Fail to dispose of hen at farm, abattoir, veterinarian, mobile slaughter unit, or other facility able to lawfully do so	12.4 xviii	\$200.00
36	Sell eggs, manure, or associated products	12.4 xix	\$200.00
37	Obstruct an Animal Control Officer	15.2	\$500.00

NOTE: The penalty provisions for the offences indicated above is Section 13 of By-Law No. 3454/17, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

November 29, 2017

Ms. Linda McLean
Town of Iroquois Falls
253 Main Street
P.O. Box 230
Iroquois Falls, Ontario, P0K 1G0

Dear Ms. McLean:

Re: Set Fines – Provincial Offences Act – Part I
Town of Iroquois Falls, Cochrane District

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 3464/17, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Town of Iroquois Falls.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fine to the Ontario Court of Justice in Cochrane, together with a certified copy of the By-law.

Yours truly,

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: Her Worship Lauren Scully, Regional Senior Justice of the Peace
His Worship Francois Cloutier, Justice of the Peace

By-law No. 3464/17	
COPIED TO: COUNCIL ☐	DEPT. HEADS ☐
Ray, Marie Provincial Offences Office	
DEC 12 2017	
ACTION FILE ☐ CC ☐ RC ☐ DEPT. HEADS ☐	
REFERRED TO: _____	

The Corporation of the Town of Iroquois Falls

Part 1 Provincial Offences Act

By-Law Number ~~3454/17~~ 3464/17: Regulate the Keeping of Animals

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Keep, harbor, or possess a prohibited animal	2.1	\$100.00
2	Fail to maintain property	3.1	\$100.00
3	Keep a prohibited animal in a zone other than that specified	3.2	\$100.00
4	Keep a farm animal – not in an agricultural zone	3.3	\$100.00
5	Improper length of tether	3.4 i	\$100.00
6	Fail to provide unrestricted movement while tethered	3.4 ii	\$100.00
7	Keep animal tethered longer than ten consecutive hours	3.4 iii	\$100.00
8	Fail to provide access to shelter and water while tethered	3.4 iv	\$100.00
9	Fail to protect animal from injury while tethered	3.4 v	\$100.00
10	Permit animal to be at large	4.1	\$100.00
11	Operate a kennel without a license	6.3	\$ 20.00
12	Fail to attach tag to dog	6.6	\$ 50.00
13	Fail to attach tag to cat	6.6	\$ 50.00
14	Place tag on dog other than dog for which it was obtained	6.7	\$100.00
15	Place tag on cat other than cat for which it was obtained	6.7	\$100.00
16	Fail to obtain license for dog	7.1	\$ 70.00
17	Keep more than three dogs	7.2	\$100.00
18	Permit dog to be at large	7.3	\$100.00
19	Fail to remove dog excrement on land within the Town	7.5	\$100.00
20	Fail to remove dog excrement from premises	7.6	\$100.00
21	Permit dog to bite or attack	8.1	\$300.00
22	Fail to comply with Animal Control Order	8.11	\$300.00
23	Fail to obtain license for cat	9.1	\$100.00
24	Keep more than three cats	9.3	\$ 50.00
25	Permit cat to be at large	9.4	\$100.00
26	Fail to remove cat excrement on land	9.5	\$100.00
27	Fail to remove cat excrement from premises	9.6	\$100.00
28	Fail to maintain hen enclosure(s)	12.4 viii	\$100.00
29	Fail to provide hen with food, water, shelter, light, ventilation, or veterinary care	12.4 ix	\$100.00
30	Fail to keep coop locked	12.4 x	\$100.00
31	Fail to keep hen in enclosed area	12.4 xi	\$100.00
32	Fail to store and secure feed	12.4 xii	\$100.00
33	Fail to remove leftover feed, trash, manure	12.4 xiii	\$100.00
34	Slaughter or attempt to euthanize hen on property	12.4 xvii	\$200.00
35	Fail to dispose of hen at farm, abattoir, veterinarian, mobile slaughter unit, or other facility able to lawfully do so	12.4 xviii	\$200.00
36	Sell eggs, manure, or associated products	12.4 xix	\$200.00
37	Obstruct an Animal Control Officer	15.2	\$500.00

NOTE: The penalty provisions for the offences indicated above is Section 13 of By-Law No. 3454/17, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 3464/17 of the Town of Iroquois Falls, Cochrane District, attached hereto is the set fine for that Offence. This Order is to take effect December 6th, 2017.

Dated at the City of Greater Sudbury, this 29th day of November, 2017.

A handwritten signature in black ink, appearing to read 'P. Boucher'.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE