

CITY OF NIAGARA FALLS

A CONSOLIDATED BY-LAW

Being **By-law No. 2002 - 129** as amended by:
By-law 2002-152 and 2010-70

A by-law to provide for the control of animals within the City of Niagara Falls

WHEREAS section 210 of the *Municipal Act*, R.S.O. 1990 Chap. M45, as amended, provides that by-laws may be passed for prohibiting or regulating the keeping of animals or any class thereof and for restricting the number of animals that may be kept in or about any dwelling unit.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. In this By-law:

"animal" means an animal set out in the Schedules;

"Clerk" means the Clerk of the Municipality;

"Council" means the Council of the Municipality;

"dwelling unit" means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;

"Forms" means the forms attached to this by-law which may be amended, added to or deleted from time to time and which Forms shall form part of this by-law;

"Humane Society" means The Niagara Falls Humane Society or such other agent as the Municipality may appoint and retain from time to time for the purposes of animal control;

"Municipality" means The Corporation of the City of Niagara Falls;

"owner" includes a person who possess or harbours an animal and "owns" has a corresponding meaning;

"public place" includes a highway, public park and other municipal property;

"Schedules" mean the schedules attached to this by-law which may be amended, added to or deleted from time-to-time and which Schedules shall form part of this by-law;

"Urban Boundary" means the urban boundary as set out in Schedule "G" attached to this by-law.

2. Those animals in the City which are prohibited or regulated in this By-law are set out in the Schedules attached to this By-law.
3. In the event of any conflict between the provisions of this By-law and any other general or special by-law, the provisions of this By-law shall prevail.
4. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine not exceeding \$5,000.00.
5. If a court of competent jurisdiction should declare any section of this By-law or part thereof, or any provision in the Schedules or Forms to be invalid, such section, part or provision in the Schedules shall not be construed as having influenced Council to pass the remainder of the By-law or the provision in the Schedules, and it is hereby declared that the impugned section or provision in the Schedules shall be severable and distinct from the remainder of this By-law or Schedules and the remainder of the By-law or Schedules shall be valid and shall remain in force.
6. By-laws No.95-237 and 99-120 are repealed.
7. The short title of this By-law is the *Animal Control By-law*.

Passed this 15th day of July, 2002.

DEAN IORFIDA, CITY CLERK

WAYNE THOMSON, MAYOR

First Reading: July 15th, 2002
Second Reading: July 15th, 2002
Third Reading: July 15th, 2002.

SCHEDULE "A"
DOGS

1. No owner shall keep more than three dogs in or about any dwelling unit.
2. Notwithstanding section 1 of this Schedule, every owner who owns more than three dogs at the date of the passage of this By-law, may be permitted to keep the dogs on condition that the dogs are registered in accordance with section 3 of this Schedule.
3. Within ninety days of the passage of this By-law, every owner who wishes to keep more than three dogs in or about a dwelling unit, shall fully complete the form attached to this By-law as Form 1, failing which the Clerk shall refuse to register the dogs.
4. Every owner who successfully registers dogs pursuant to section 3 of this Schedule shall be entitled to keep the dogs until the dogs die or are otherwise disposed of but otherwise shall be in full compliance with respect to the maximum number of dogs that an owner is entitled to keep in or about a dwelling unit.
5. All registrations for dogs in accordance with this Schedule are non-transferable.
6. Notwithstanding section 1, an owner may keep more than three dogs upon filing with the Clerk satisfactory documentation proving that the owner is a breeder registered with an association incorporated under *The Animal Pedigree Act* and that all dogs are, or are eligible to be, registered with an association incorporated under *The Animal Pedigree Act*.
7.
 - (1) Notwithstanding section 1, a dog rescue group may keep more than three dogs upon filing with the Clerk satisfactory documentation proving that the group is a bonafide dog rescue organization, and
 - (2) A dog rescue group shall operate under a kennel licence.

SCHEDULE "B"
CATS

1. In this Schedule:

"being at large" means to be found in any place other than the property of the owner of the cat and causing damage to property other than the property of the owner of the cat, and "be at large" has a corresponding meaning.
2. This Schedule applies to all owners of cats in the Municipality who reside within the Urban Boundary.
3. No owner shall allow or permit his or her cat to be at large.
4. (1) No owner of a cat shall allow or permit the cat to defecate or urinate on or in the following places:
 - (a) private property, other than the property of the owner; or
 - (b) in any public place.
- (2) The owner shall immediately and without delay, remove the excrement and provide for its sanitary disposition.
5. (1) No owner shall keep more than three cats in or about any dwelling unit except that any owner who, on the date of the passage of this by-law, was lawfully keeping more than three cats may keep those cats until they have died or are otherwise disposed of.
- (2) Subsection (1) does not apply to any owner who is registered as a breeder with The Canadian Cat Association and whose cats are registered with The Canadian Cat Association.
6. Where a cat is impounded, the owner shall pay the following expenses incurred:
 - (a) the expenses of taking the cat into custody;
 - (b) the expenses for the care of the cat;
 - (c) veterinarian fees; and
 - (d) cage rental fees.
7. (1) Every owner shall claim the cat within five days of the day on which the cat was impounded, excluding the day of impounding, Sundays and statutory holidays.
- (2) Where a cat is not claimed by its owner in accordance with subsection (1), the cat may be adopted forthwith or disposed of or killed in a humane manner.

SCHEDULE "C"
CHICKENS

1. In this Schedule:

"being at large" means to be found in any place other than the property of the owner of the chicken and "be at large" has a corresponding meaning.
2. No owner shall allow or permit his or her chicken to be at large.
3. No person shall keep a rooster are not permitted within the Urban Boundary.
4. The total number of chickens permitted within the Urban Boundary shall be as follows;
 - (a) On and after July 15, 2002: maximum 20 chickens
 - (b) On and after July 15, 2005: maximum 10 chickens
5. All chicken coops shall be located only in the rear yard and must fully enclose the chickens and prevent them from escaping.
6. The chicken coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens and maintained in accordance with good animal husbandry practices and shall keep all vermin out.
7. All dead chickens must be disposed of immediately and in any event, within 24 hours.
8. There must be hygienic storage of and prompt removal of chicken feces.
9. The chicken's food supply must be protected against vermin.
10. All lots housing chickens must have:
 - (1) detached dwellings on them;
 - (2) a frontage of at least 40 feet; and,
 - (3) a depth of at least 100 feet.
11.
 - (1) The chicken coop shall be located at least 25 feet from the rear lot line of the lot on which the chicken coop is located.
 - (2) The chicken coop shall be located at least 15 feet from any side lot line of the lot on which the chicken coop is located.

**SCHEDULE "D"
RABBITS**

1. In this Schedule:

"being at large" means to be found in any place other than the property of the owner of the rabbit and "be at large" has a corresponding meaning.
2. No owner shall allow or permit his or her rabbit to be at large
3. The total number of rabbits permitted within the Urban Boundary shall be as follows:
 - (a) On and after July 15, 2002: maximum 10 rabbits
 - (b) On and after July 15, 2005: maximum 6 rabbits
4. All rabbits must be located only in the rear yard and the rabbitry must fully enclose the rabbits and prevent them from escaping.
5. The rabbitry must be designed and constructed to ensure proper ventilation and sufficient space for the rabbits and maintained in accordance with good animal husbandry practices and must keep all vermin out.
6. All dead rabbits must be disposed of immediately and in any event, within 24 hours.
7. There must be hygienic storage of and prompt removal of rabbit feces.
8. The rabbit's food supply must be secured against vermin.
9. All lots housing rabbits must have:
 - (a) detached dwellings on them;
 - (b) a frontage of at least forty feet; and,
 - (c) a depth of at least 100 feet.
10.
 - (1) The rabbitry shall be located at least 25 feet from the rear lot line of the lot on which the rabbitry is located.
 - (2) The rabbitry shall be located at least 15 feet from any side lot line of the lot on which the rabbitry is located.

**SCHEDULE "E1"
EXOTIC ANIMALS**

1. In this Schedule:

"Agricultural Operation" means a business operated outside the Urban Boundary for the principal purposes of agriculture and which involves a commitment of finances, time, size, and scope and with a reasonable expectation of a profit;

"exotic animal" means any animal or animals of any class and classes listed on Schedule "E2" attached to and forming part of this By-law;

"Rehabilitation Centre" means a facility established for the care and treatment of injured, sick or orphaned animals with the objective of restoring the animals to their former capacity or function and then returning and releasing them to their natural habitat.

2. No owner shall keep an exotic animal in the Municipality unless those animals are kept:

(a) in a Veterinary Hospital under the care of a licensed Veterinarian;

(b) on the lands and premises of the Humane Society and the Ontario Society for the Prevention of Cruelty to Animals, and such lands and premises, as may be required by the Humane Society or the Ontario Society for the Prevention of Cruelty to Animals, to house or shelter exotic animals, on a temporary basis, because of space or special requirements;

(c) on any lands and premises listed on Schedule "E3" attached to and forming part of this By-law; or,

(d) in accordance with the provisions of this Schedule.

3. Unless otherwise permitted in this Schedule, no owner shall keep an exotic animal in the Municipality.

4. Notwithstanding section 3, every owner who successfully registered an exotic animal pursuant to By-law No. 95-237 shall be entitled to keep the exotic animal until the exotic animal dies or is otherwise disposed of.

5. All registrations for exotic animals are non-transferable.

6. No person shall be required to register the keeping of an exotic animal, if the exotic animal is kept on any of the lands and premises set out in section 2(a), (b), and (c) of this Schedule.

7. Exotic animals may be kept at an agricultural operation, where the agricultural operation is listed on Schedule "E3".
8. Exotic animals may be kept on lands and premises where exotic animals are kept for public exhibition and display as part of a commercial establishment and which lands and premises are listed on Schedule "E3".
9. Exotic animals may be kept at a Rehabilitation Centre, where the Rehabilitation Centre is listed on Schedule "E3".
10. Any person may apply to have any lands or premises added to Schedule "E3" by appearing before Council and establishing to the satisfaction of Council that he or she intends to keep the exotic animal for purposes of an agricultural operation, public exhibition and display or rehabilitation centre.
11. Exotic animals may be temporarily kept on the lands and premises used for a circus or similar exhibition and display of exotic animals provided that Council has given its prior approval for the lands and premises to be used for such a circus or similar exhibition and display of exotic animals.

SCHEDULE "E2"

1. The following list of animal classes shall be considered exotic animals:
 - (a) All venomous arachnids (such as spiders, scorpions and tarantulas);
 - (b) All canids (such as wolves and coyotes), except domestic dogs;
 - (c) All crocodylians (such as alligators and crocodiles);
 - (d) All felids (such as lions, tigers, and cougars), except domestic cats;
 - (e) All venomous reptiles;
 - (f) All snakes of the families *Pythonidae* and *Boidae* (such as pythons and boa constrictors);
 - (g) All ursids (such as bears).

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

SCHEDULE "E3"

1. The lands and premises at 7657 Portage Road South, Niagara Falls, Ontario, being more particularly described as follows:

"ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Niagara Falls, in the Regional Municipality of Niagara, and being composed of parts of Township Lots Nos. 175, 190, 191, 193, 194, 219, 220, 221, 222 and 223 and parts of the original road allowances between Township Lots Nos. 190 and 191, between Township Lots Nos. 193 and 194, between Township Lots Nos. 220 and 221, between Township Lots Nos. 222 and 223, and part of the original road allowance formerly known as Welland Line lying between Township Lots Nos. 193 and 194 on the north, and Township Lots Nos. 221 and 222 on the south (all of said parts of said road allowances closed by By-law No. 293, confirmed by By-law No. 1292, registered as Instrument No. 66579A), all in the former Township of Stamford, County of Welland, and part of Lots 1, 2 & 3, Broken Front Concession, Welland River and part of the road allowance between Lots 2 & 3 (closed by By-law) Broken Front Concession, Welland River and parts of Lots 19 & 2 Concession 3 in the former Township of Willoughby, now in said City of Niagara Falls, in the Regional Municipality of Niagara. As previously described in Instrument Number 636799".

2. The lands and premises at 5400 Robinson Street, Niagara Falls, Ontario, being more particularly described as follows:

"Lots 18, 19, 20, 21, 22 and 23, and part of Lots 1, 2, 10 and 11 Plan 270 and part Ranges 19, 20, 21, 22, and 24 Plan 1 in the Town of Niagara Falls, now the City of Niagara Falls, in the Regional Municipality of Niagara, as previously described in Instrument No. 460971."

3. The lands and premises at 5781 Ellen Avenue, Niagara Falls, Ontario, being more particularly described as follows:

PT. Lots 49 to 53 & 68 to 73 inc. PL 291 Town of Niagara Falls PT. 5, 59R12574.

SCHEDULE "F"
FEES AND CHARGES

-12-

**SCHEDULE "G"
URBAN AREA BOUNDARY**

See "Schedule G.pdf"