



BY-LAW NUMBER 2015-

**A By-law of The Corporation of the City of Barrie
to further amend By-law 2010-035 as amended
being a by-law to regulate and govern animals.**

WHEREAS Section 8 of the *Municipal Act 2001*, S.O. 2001, c. 25 (“the *Municipal Act*, 2001”), provides that a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues for the purpose of exercising its authority under the Act;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10 (2) of the *Municipal Act, 2001*, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS the Council of The Corporation of the City of Barrie passed By-law Number 2010-035, on February 22, 2010;

AND WHEREAS pursuant to motion 15-G-214, the Council of The Corporation of the City of Barrie deems it expedient to amend By-law Number 2010-035;

AND WHEREAS the Council of the Corporation of the City of Barrie deems it expedient to complete all necessary housekeeping changes and renumber the appropriate sections as is required to accommodate the amendments below;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** By-law 2010-035, Section 1.0.0.0.0, Definitions, be amended by deleting articles 1.9.0.0.0; 1.12.0.0.0; 1.13.0.0.0; 1.14.0.0.0; 1.16.0.0.0; 1.18.0.0.0; 1.22.0.0.0; 1.24.0.0.0; 1.26.0.0.0; 1.29.0.0.0; and 1.32.0.0.0 and replacing them with the following, and all articles within this section are to be renumbered as is appropriate:

“1.9.0.0.0 **DOMESTIC FOWL** – means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not be limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, song birds or vertebrates commonly kept as domestic pets such as parrots, budgies, cockatiels etc.”

“1.13.0.0.0 **KENNEL** – means a place or confine where pure breed dogs are bred and/or raised and registered in the register for the Canadian Kennel Club but may include the boarding or temporary housing of domestic animals.”

“1.14.0.0.0 **REGISTER / REGISTRATION**– means to register your dog or cat pursuant to the requirements in this by-law.”

“1.16.0.0.0 **NEW REGISTRATION FEE**– means a fee charged by the City for a dog or cat tag where such dog or cat has not previously been registered by the current owner in the City of Barrie.”

“1.18.0.0.0 **PHYSICALLY DISABLED PERSON**– means a person with any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree or paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, or physical reliance on a dog guide or other animal or in a wheelchair or other remedial appliance or device including but not limited to crutches or braces.”

“1.22.0.0.0 **PROOF** – means documentation signed by a qualified veterinarian attesting to the age and breed of the animal together with vaccination history, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, all documentation submitted shall be to the satisfaction of the City.”

“1.26.0.0.0 **RUNNING AT LARGE**– means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash.”

2. **THAT** By-law 2010-035, Section 2.0.0.0.0, regarding Dog Licensing and Registration, be amended by deleting articles 2.0.0.0.0 - 2.2.11.0.0 and replacing them with the following:

“2.0.0.0.0 **Dog Tag Registration”**

“2.1.0.0.0 Every owner of a dog over the age of six (6) months shall make application to register the dog with the City, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog.”

“2.2.0.0.0 Every owner of a dog shall pay to the City a registration fee in accordance with the fees established and set out in the City’s Fees By-law.”

“2.3.0.0.0 Every owner of a dog shall, upon application to register a dog, or as otherwise required by the City, produce proof that the dog has current inoculation with an anti-rabies vaccine at the time of application for such dog tag or certify at the time of application that the dog has current inoculation with an anti-rabies vaccine.”

“2.4.0.0.0 The City shall not issue a dog tag until the applicable registration fee has been paid in full and proof or owners certification of inoculation with an anti-rabies vaccine has been provided to the satisfaction of the City.”

“2.5.0.0.0 Where proof or owners certification of inoculation has been provided, the registration fee has been paid and necessary application information has been received for the registration of such dog, the City shall issue for each dog, a serially numbered tag and shall cause such information, as provided, to be recorded.”

“2.6.0.0.0 Every owner shall affix to his dog a valid tag issued by the City in accordance with this by-law and shall keep such tag affixed on the dog at all times when the dog is not on the owner’s property.”

“2.7.0.0.0 No tag or registration shall be transferable and the tag shall become void upon the sale, death or other means of disposal of the dog so registered, including but not limited to relocating the dog’s home outside the geographical boundaries of the City.”

“2.8.0.0.0 Every tag issued by the City after January 1, 2016, shall have no expiry date associated with such tag.”

“2.9.0.0.0 No person other than the owner or his agent shall remove a tag from a dog.”

3. **THAT** By-law 2010-035, Section 3.0.0.0.0, Replacement Dog License, be deleted and replaced with the following:

“3.0.0.0.0 **Replacement Dog Tag”**

“3.1.0.0.0 Every owner of a dog, having lost the dog’s registration tag shall immediately make application to the City and pay to the City a replacement fee in accordance with the fees established and set out in the City’s Fees By-law for the replacement of such tag, and shall, upon request, provide any information as may be required by the City.”

4. **THAT** By-law 2010-035, Section 5.0.0.0.0 Control of Dogs be amended by deleting article 5.2.0.0.0 and replacing it with the following:

“5.2.0.0.0 Notwithstanding Article 5.1.0.0.0, no owner of any dog shall allow his dog to run at large in a Dog Off Leash Recreational Area as defined in this by-law, unless:

- a) a City of Barrie dog tag is affixed to the dog, and,
- b) a current rabies vaccination tag is affixed to the dog.

5. **THAT** By-law 2010-035, Section 8.0.0.0 Seizing and Impounding be amended by deleting articles 8.3.0.0.0 and 8.7.0.0.0 and replacing them with the following:

“8.3.0.0.0 The owner may:

a) redeem the dog upon payment of any registration fee and / or other applicable fees; or

b) redeem the dog from the pound within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay all applicable registration fees, impound fees, animal control service fees and maintenance fees as established and set out in the City’s Fees By-law and all other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.”

“8.7.0.0.0 All registration fees and animal control services fees collected on behalf of the City by any authorized agent shall be remitted to the City monthly, along with any monthly report.”

6. **THAT** By-law 2010-035, Section 10.0.0.0 Animal Control Services Fees be amended by deleting article 10.2.0.0.0 and replacing it with the following:

“10.2.0.0.0 Where the dog is returned to the owner, the municipal law enforcement officer or other duly appointed officer may issue an Animal Control Services Fee to the owner of the dog and the owner of the dog shall pay such fee as established and set out in the City’s Fees By-law. Such fee shall be paid to the City within seven (7) days of the return of the dog to the owner.”

7. **THAT** By-law 2010-035, Section 12.0.0.0.0 Cat Licensing and Registration be amended by deleting the articles 12.0.0.0.0 - 12.11.0.0.0 and replacing them with the following:

“12.0.0.0.0 **Cat Registration”**

“12.1.0.0.0 An owner of a cat over the age of six (6) months may make application to register the cat with the City or its agent. An owner of a cat choosing to make application shall provide particulars pertaining to the cat and its owner in order to facilitate the registration of such cat.”

“12.2.0.0.0 The owner of a cat choosing to make application to register a cat shall pay to the City a registration fee in accordance with the fees established and set out in the City’s Fees By-law.”

“12.3.0.0.0 An owner of a cat shall, upon choosing to make application for a cat tag, or as otherwise required by the City, produce proof that the cat has current inoculation with an anti-rabies vaccine at the time of application for such cat tag or certify at the time of application that the cat has current inoculation with an anti-rabies vaccine.”

“12.4.0.0.0 The City shall not issue a cat tag until the applicable fees have been paid in full and proof or owners certification of inoculation with an anti-rabies vaccine has been provided to the satisfaction of the City.”

“12.5.0.0.0 Where proof or owners certification of inoculation with an anti-rabies vaccine has been provided, all applicable fees have been paid, and the necessary application information has been received for the registration of such cat, the City shall issue for each cat, a serially numbered tag and shall cause such information, as provided to be recorded.”

“12.6.0.0.0 Every owner of a cat, who has obtained a tag from the City, should affix such tag to his cat and should keep such tag affixed on his cat at all times when the cat is not on the owner’s property.”

“12.7.0.0.0 No tag or registration shall be transferable and the tag shall become void upon the sale, death or other means of disposal of the cat so registered including but not limited to relocating the cat’s home outside of the geographical boundaries of the City.”

8. **THAT** By-law 2010-035, Section 13.0.0.0 Replacement of Cat License Tag be amended by deleting articles 13.0.0.0; and 13.1.0.0 and replacing them with the following:
- “13.0.0.0 **Replacement Cat Tag**”
- “13.1.0.0 Every owner of a cat who has chosen to obtain a cat tag and having lost the cat tag can make application to the City and pay to the City a replacement fee in accordance with the fees established and set out in the City’s Fees By-law for the replacement of such tag, and shall, upon request, provide any information as may be required by the City.”
9. **THAT** By-law 2010-035, Section 16.0.0.0, Seizing and Impounding of Cats be amended by deleting article 16.3.0.0 and replacing it with the following:
- “16.3.0.0 The owner may:
- a) redeem the cat and upon return of the cat to the owner, make payment of any applicable fees; or
- b) redeem the cat from the pound within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a cat from the pound shall pay all applicable impound fees and maintenance fees as established and set out in the City’s Fees By-law and all other fees associated with the impounding of the cat, prior to the release of such cat.”
10. **THAT** By-law 2010-035, Section 18.0.0.0 Animals – Other be amended by deleting article 18.4.0.0 and replacing it with the following:
- “18.4.0.0 Notwithstanding the provisions of Article 18.3.0.0 any person may keep any number of domestic fowl on any lot in any area within the City which is zoned Agricultural, Residential Hold or Industrial.”
11. **THAT** By-law 2010-035, Section 19.0.0.0 Registry of Grandfathered Animals be amended by deleting article 19.1.0.0 and replacing it with the following:
- “19.1.0.0 Any person may seek ‘grandfathered’ status for such animal as set out in Sections 17.0.0.0 and 18.0.0.0 within 12 months of a prohibition of the keeping of such animal by making application and providing to the City proof that the animal was owned prior to the prohibition, and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the City Clerk or his designate may deem the animal to be ‘grandfathered’ and enter such information pertaining to the animal and its owner into a registry of grandfathered animals
12. **THAT** By-law 2010-035, Section 23.0.0.0 Penalties be amended by deleting the entire section and replacing it with the following:
- “23.1.0.0 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the *Act*.”
- “23.2.0.0 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.”
- “23.3.0.0 Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended.”

- “23.4.0.0.0 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.”
- “23.5.0.0.0 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended”
- “23.5.1.0.0 Notwithstanding Section 23.3.0.0.0, and in accordance with the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.”

13. **THAT** By-law 2010-035 be amended by deleting Section 24.0.0.0.0 Table of Fees.
14. **THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this 23rd day of November, 2015.

READ a third time and finally passed this 23rd day of November, 2015.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – DAWN A. MCALPINE