

CITY OF ST. CATHARINES

BY-LAW NO. 95-212

A By-law to regulate the keeping of animals.

WHEREAS the Council of The Corporation of the City of St. Catharines desires to control the ownership of animals within the City of St. Catharines;

AND WHEREAS the Council wishes to exercise any legislative authority available to it to enact such a by-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. For the purposes of this by-law:
  - (a) "At large" shall mean: on land other than the land of the owner of the animal and unrestrained by a leash or tether.
  - (b) "By-law enforcement officer" means:
    - (i) any employee of the Lincoln County Humane Society,
    - (ii) any employee of the Corporation of the City of St. Catharines, and
    - (iii) any officer of the Niagara Regional Police Force.
  - (c) "Keeper" includes:
    - (i) any person who resides in a residential unit located upon lands upon which or within which an animal is kept or harboured;
    - (ii) any person who owns the land upon which an animal is kept or harboured.
  - (d) "residential unit" shall mean: a building or part of a building that,
    - (i) consists of a self-contained set of rooms located in a building or structure,
    - (ii) is used or intended for use as a residential premises,
    - (iii) contains kitchen and bathroom facilities that are intended for the use only of the unit, and
    - (iv) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.

2. (a) No person shall keep or harbour any of the animals listed in Schedule "A" of this By-law on any lands on which an agricultural use is a permitted pursuant to the Zoning By-laws of The Corporation of the City of St. Catharines.

(b) No person shall keep or harbour on any other lands within the geographic boundaries of the City of St. Catharines any of the animals listed in Schedule "B" of this By-law.

3. The provisions of this By-law shall not apply to:

- (a) an animal hospital or clinic which is lawfully operated and supervised by a veterinarian licensed by the Ontario Veterinary Association;
- (b) a shelter lawfully operated by the Lincoln County Humane Society;
- (c) this corporation or any other government authority while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein;
- (d) any person in charge of a travelling circus, exhibition, or road show and any employee thereof lawfully displaying animals within the City of St. Catharines;
- (e) persons operating premises registered as research facilities under Section 5 of the Animals for Research Act R.S.O. 1990 c. A.22 as amended;
- (f) any person licensed or exempted as an operator or any employee of such operator of an animal supply facility in accordance with Section 3 of the Animals for Research Act R.S.O. 1990 c. A.22 as amended;
- (g) a person who operates an elementary or secondary school that contains a research facility exempted from the registration requirements of the Animals for Research Act R.S.O. 1990 c. A.22 by the regulations promulgated pursuant to that Act;
- (h) any person who lawfully operates, or who is employed by an establishment which lawfully carries on the business of supplying animals to elementary schools, secondary schools, universities or provincial institutions.

4. In the event that any animal is a threat to any person or property, a by-law enforcement officer is entitled to take whatever steps are required to terminate the threat including destroying the animal.

5. Notwithstanding Section 3 above the following provisions shall apply in the event that any animal is found to be at large within the geographic boundaries of the City of St. Catharines:

- (a) A By-law enforcement officer may impound any animal that is found at large.
- (b) If an impounded animal is not claimed by the owner of that animal within fifteen (15) days of that animal first being impounded, the City or its agents may sell or destroy the animal.
- (c) The costs of impounding an animal shall be borne by the owner of that animal.
- (d) An impounded animal shall not be returned to the owner of the animal until all fines and expenses associated with the impounding of that animal are paid.
- (e) If the owner of an impounded animal is unwilling or unable to pay any fine or expense associated with the impounding of that animal, the City or its agent may sell that animal and apply the monies received from that sale to those fines and expenses.

6. Any person who contravenes any provision of this by-law is guilty of an offence and subject to the penalties provided for such an offence by the law of the Province of Ontario.

READ a first time this 19<sup>th</sup> day of June 1995.

READ a second time this 19<sup>th</sup> day of June 1995.

READ a third time and passed this 19<sup>th</sup> day of June 1995.

 CLERK  MAYOR

SCHEDULE "A" TO BY-LAW NO. 95-212

Any venomous Reptilia (such as venomous snakes and lizards)

All Ursidae (bears)

All Felidae, except the domestic cat

All Hyaenidae (such as hyaenas and aardwolves)

All non-human Primates (such as gorillas and monkeys)

All Canidae, except the domestic dog

Notwithstanding the above, any animal raised as part of an animal husbandry operation shall be permitted in the agricultural area.

SCHEDULE "B" TO BY-LAW NO. 95-212

- All Arachnida (such as tarantulas)
- All Monotremata (such as platypuses and echidnas)
- All Marsupialia (such as kangaroos and opossums)
- All non-human Primates (such as gorillas and monkeys)
- All Felidae, except the domestic cat
- All Canidae, except the domestic dog
- All Mustelidae (such as skunks, weasels, otters, and badgers)  
except the domestic ferret
- All Ursidae (bears)
- All Hyaenidae (such as hyaenas and aardwolves)
- All Edentata (such as anteaters, sloths and armadillos)
- All Artiodactyla (such as goats, sheep, pigs and cattle)  
except pot bellied pigs
- All Perissodactyla (such as the domestic horse, mule and ass)
- All Proboscidea (elephants)
- All Chiroptera (bats)
- All Otariidae (such as sealions and fur seals)
- All Odobenidae (walrus)
- All Phocidae (earless seals)
- All Sirenia (such as manatees and dugongs)
- All Mysticeti (such as white whales and grey whales)
- All Odontoceti (such as dolphins, sperm whales and belugas)
- All Sphenisciformes (penguins)
- All Struthioniformes (ostriches)
- All Rheiformes (rheas)
- All Casuariiformes (cassowaries and emus)
- All Apterygiformes (kiwis)
- All Gaviiformes (loons)
- All Anseriformes (such as ducks, geese and swans)

Any animal, bird, amphibian or reptile other than a domestic dog which is not housed within the residential unit of the owner of the animal.

CITY OF ST. CATHARINES

BY-LAW NO. 2013-252

A By-law to amend By-law No. 95-212 entitled "A By-law to regulate the keeping of animals."

AND WHEREAS by giving the required public notice and holding a public meeting, the City of St. Catharines has complied with the statutory notices required, and notice of the said by-law was posted to the City of St. Catharines website on September 10, 2013, and the public meeting was held on September 23, 2013;

WHEREAS section 11(2) of the Municipal Act provides authority for lower-tier municipalities to pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS section 103 of the Municipal Act provides authority for municipalities to pass by-laws to regulate or prohibit with respect to animals being at large;

AND NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That By-law No. 95-212, as amended, is hereby further amended by deleting the words "Any venomous Reptilia (such as venomous snakes and lizards)" in Schedule "A" and Schedule "B" thereof and replacing with the following:

"All Reptilia as follows:

- (a) all Helodermatidae (e.g. gila monster and Mexican bearded lizard);
- (b) all front-fanged venomous snakes, even if devenomized, including, but not limited to:
  - (i) all Viperidae (e.g. viper, pit viper),
  - (ii) all Elapidae (e.g. cobra, mamba, krait, coral snake),
  - (iii) all Atractaspididae (e.g. African burrowing asp),
  - (iv) all Hydrophiidae (e.g. sea snake), and

- (v) all Laticaudidae (e.g. sea krait);
- (c) all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if de venomized;
- (d) any member or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda, except members of the family Boidae reaching an adult length of no greater than two (2) meters;
- (e) any member of the family Pythonidae, including, but not limited to, the African rock python, the Indian or Burmese python, the Amethystine or scrub python, except members of the family Pythonidae reaching an adult length of no greater than two (2) meters;
- (f) any member of the family Varanidae, including, but not limited to, the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, except members of the family Varanidae reaching an adult length of no greater than one (1) meter;
- (g) any member of the family Iguanidae, including the green or common iguana;
- (h) any member of the family Teiidae, including, but not limited to, the golden, common or black and white tegu;
- (i) all members of the Chelydridae, including snapping turtle and alligator snapping turtle;
- (j) all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile;
- (k) all other snakes of a species or subspecies that can reach an adult length greater than three (3) meters, whether the particular snake exceeds that length or not; and
- (l) all other lizards of a species or subspecies that can reach an adult length greater than two (2) meters, whether the particular lizard exceeds that length or not."

2. That By-law No. 95-212, as amended, is hereby further amended by adding to Schedule "A" and Schedule "B" the following:
  - a. "Any other animal that produces venom that is medically significant to humans."
3. That By-law No. 95-212, as amended, is hereby further amended by deleting the words "By-law Enforcement Officer" in section 1.(b) and in 4, and 5.(a) and replacing with the word "Officer".
4. That By-law No. 95-212, as amended, is hereby further amended by adding the following section 1.(e):
  1. (e) "medically significant" shall mean able to cause harm by natural toxin, for example: pain, swelling, blood pressure irregularities;
5. That By-law No. 95-212, as amended, is hereby further amended by deleting section 6 and replacing with the following sections:
  6. Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined by this By-law.
  7. An Officer may issue any order or direction requiring that a person comply with the provisions of this By-law.
  8. An Officer may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
    - (a) the provisions of the By-law are being complied with; or
    - (b) an order or direction under this By-law is being complied with.

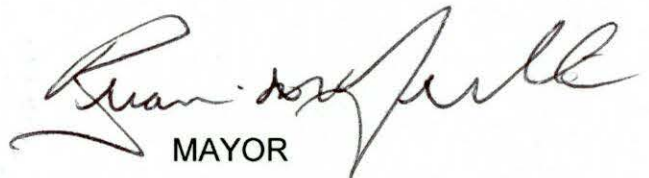
9. No person shall hinder or obstruct any Officer, or any person lawfully acting in aid of such an Officer, in the execution of their duties under this by-law.

10. Every Person who contravenes any provision of this By-law is guilty of an offence and is liable upon conviction to a fine recoverable pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended or any successor thereto."

Read a first time this	4 <sup>th</sup>	day of	November	2013.
Read a second time this	4 <sup>th</sup>	day of	November	2013.
Read a third time and passed this	4 <sup>th</sup>	day of	November.	2013.



CLERK



MAYOR

SUPERINTENDENT  
LONDON DISTRICT  
MUNICIPALITY