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Chapter 349

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[History: Adopted by the Council of the City of Toronto February 4, 1999 by By-law 28-1999; amended in its entirety June 13, 2013 by By-law 803-2013¹. Subsequent amendments noted where applicable.]

General References

Fees and charges - See Ch. 441.
City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.

ARTICLE I
Definitions

§ 349-1. Definitions.

[Amended 2017-01-31 by By-law 102-2017²]

As used in this chapter, the following terms shall have the meanings indicated:

ANIMAL - All species of fauna excluding humans, fish and aquatic invertebrates.

ANIMAL CENTRE - A facility operated by or for the City of Toronto for the keeping and disposition of stray and admitted animals.

AT LARGE - An animal found on any other property than that of the owner of the animal, and not under the control of the owner except where the owner of the property permits the animal to be on his or her property.

ATTACK - An act of aggression towards a person or domestic animal causing injury. **[Added 2017-01-31 by By-law 102-2017³]**

BITE - Piercing or puncturing the skin as a result of contact with a dog's tooth or teeth.

CAT - A feline of the species *Felis catus*.

¹ Editor's Note: By-law 803-2013 was passed under the authority of various sections of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A and came into force August 1, 2013.

² Editor's Note: By-law 102-2017 deleted the definitions "Notice of Caution" and "Notice to Muzzle". The deletion of the definitions came into force March 1, 2017.

³ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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DANGEROUS ACT - Any bite, attack, act of menacing behaviour or any combination of a bite, attack or act of menacing behaviour. **[Added 2017-01-31 by By-law 102-2017⁴]**

DANGEROUS DOG - A dog that has been determined to be a dangerous dog pursuant to § 349-15 and that determination has not been rescinded pursuant to § 349-16. **[Added 2017-01-31 by By-law 102-2017⁵]**

DOG - A canine of the species *Canis familiaris*.

DWELLING UNIT - 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.

EDUCATION PROGRAM - A program that imparts information and knowledge to members of the public and which program involves: a live animal or live animals, printed material conveying information about the animal and its role in nature and the presence of knowledgeable persons on site who provide oral presentations to the public. Without limiting the above, no education program shall consist of an entertainment purpose.

EXECUTIVE DIRECTOR - The Executive Director of the Municipal Licensing and Standards Division of the City of Toronto or any person acting under his or her authority.

EXTREME WEATHER - A cold warning, heat warning or other weather warning issued by either or both the City of Toronto's Medical Officer of Health or Environment Canada for weather in the City of Toronto. **[Added 2017-01-31 by By-law 102-2017⁶]**

FERAL CAT - A cat found in the City of Toronto that has no owner, is not socialized and is extremely fearful or resistant to humans.

FERAL CAT COLONY - A collective term, referring to a group of mostly or all feral cats in the City of Toronto that congregate as a unit.

GUARD DOG - A dog used for security purposes on land legally used for industrial or commercial purposes.

HEARING - A hearing held in pursuant to the provisions of the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended from time to time, as more particularly described in § 349-16 and in respect of the issuance to an owner of a notice to muzzle.

KEEP - To have temporary or permanent control or possession of an animal; "keeping" has the same meaning.

⁴ Editor's Note: By-law 102-2017 came into force March 1, 2017.

⁵ Editor's Note: By-law 102-2017 came into force March 1, 2017.

⁶ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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MEDICAL OFFICER OF HEALTH - The Medical Officer of Health for the City of Toronto Health Unit or any person acting under his or her authority.

MICROCHIP - An encoded identification device implanted into an animal and that contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database accessible to the Executive Director.

MUNICIPAL LICENSING AND STANDARDS DIVISION - The Municipal Licensing and Standards Division of the City of Toronto and includes employees thereof.

MUZZLE - A humane fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink.

OWNER - A person or persons who possess, harbour or have custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor.

PIGEON - Any of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae.

POLICE WORK DOG - A dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.

PROHIBITED ANIMAL - Those classes of animals listed in Schedule A of this chapter.

PROTECTIVE CARE - The temporary keeping of an animal at an animal centre for a maximum of five days, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the Executive Director deems appropriate.

RESCUE GROUP - A not-for-profit or charitable organization, registered with Toronto Animal Services, whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, for animal welfare purposes.

SERVICE ANIMAL - An animal described in subsection 80.45(4) of O. Reg. 191/11, under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11. [**Amended 2016-11-09 by By-law 1068-2016**]

STERILIZATION - Either the spaying or neutering of a dog or cat.

TETHER - A rope or chain or similar restraining device that prevents an animal from moving beyond a localized area, and the words "tethered" and "tethering" have a similar meaning.

TRAP NEUTER RETURN PROGRAM - A trap-neuter-return ("TNR") program that traps feral cats, sterilizes and attempts to return them to the locations where they were found.

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ARTICLE II
Prohibited Animals

§ 349-2. Keeping of certain animals prohibited.

Subject to § 349-4, no person shall keep, either on a temporary or permanent basis, any prohibited animal in the City.

§ 349-3. Seizure and impoundment of prohibited animals.

- A. Any prohibited animal found in the City may be seized and impounded by the Executive Director.
- B. Where, in the opinion of the Executive Director, a prohibited animal seized under Subsection A is injured or ill and should be euthanized for humane reasons or the safety of persons, the prohibited animal may be euthanized by the Executive Director without permitting any person to reclaim the prohibited animal.
- C. Where a prohibited animal is seized or impounded by the Executive Director under Subsection A, a per diem impoundment fee shall be paid by the owner to the Executive Director, for the amount specified in Chapter 441, Fees and Charges.
- D. Where a prohibited animal seized or impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the prohibited animal, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the owner of the prohibited animal the cost of the veterinary care.
- E. Without limiting any other sections of this chapter, where a prohibited animal is seized or impounded by the Executive Director under Subsection A the Executive Director may transfer the animal to a person in a jurisdiction in which ownership and possession of the animal is lawful.

§ 349-4. Exceptions.

Section 349-2 does not apply to:

- A. The premises of a City animal centre.
- B. The premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals.
- C. The premises of an accredited veterinary hospital under the care of a licensed veterinarian.
- D. The premises of the Toronto Zoo.

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- E. Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes within the following premises:
- (1) G. Ross Lord, Stables, 4777 Dufferin Street;
 - (2) Sunnybrook Stables at Sunnybrook Park;
 - (3) Riverdale Farm at Riverdale Park;
 - (4) Animal Paddocks on Deer Pen Road at High Park;
 - (5) Black Creek Pioneer Village;
 - (6) Exhibition Place;
 - (7) Far Enough Farm at Toronto Island Farm; and
 - (8) Woodbine Racetrack.
- F. Ripley's Aquarium of Canada, at the location of 288 Bremner Boulevard. **[Amended 2017-01-31 by By-law 77-2017]**
- G. The areas of the City in which professionally produced films are being made by film professionals and film production companies, and only temporarily during filming.
- H. The areas in the City where education programs are conducted with animals, if the animals are owned by facilities accredited by CAZA or the American Zoo and Aquarium Association and only while the education programs are actually being conducted, provided that such programs are limited to a maximum of three days at any one location⁷.
- I. Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22.
- J. The premises of slaughterhouses licensed pursuant to the *Meat Inspection Act*, R.S.O. 1990, c. M.5.
- K. Toronto Police Service animals.
- L. Anseriformes, Galliformes and Struthioniformes and Domesticated Ungulates of the families Artiodactylus and Perissodactylus:
- (1) On lands zoned agricultural; or

⁷ Editor's Note: By-law 77-2017 deletes § 349-4H. The deletion will come into force July 1, 2017.

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- (2) Where the City has otherwise expressly permitted or authorized the activity, provided that such activity is of a temporary nature.
- M. The premises of the Toronto Wildlife Centre.
- N. The premises of the Royal Ontario Museum.
- O. Those areas in the City that have been expressly exempted by the City.

§ 349-5. Number of cats and dogs restricted.

- A. No person shall keep more than three dogs in and about any dwelling unit within the City, except that any person who, on the date of the passage of this chapter, was lawfully keeping more than three dogs may keep those dogs until they have died or are otherwise disposed of.
- B. No person shall keep in any dwelling unit more than six cats, except that any person who, on the date of the passage of this chapter, is lawfully keeping more than six cats, may keep those cats until they have died or are otherwise disposed of.
- C. Subsections 349-5A and 349-4B shall not apply to individual members of a rescue group who are keeping dogs or cats for or on behalf of that rescue group.
- D. Despite Subsection A, this section shall not count service animals required by a person or persons with a disability when determining the number of dogs in Subsection A. **[Added 2016-11-09 by By-law 1068-2016]**

ARTICLE III
Care of Animals

§ 349-6. Responsibility to care for animals.

- A. Every person who keeps an animal within the City's boundaries shall provide the animal, or cause it to be provided with, adequate and appropriate care as may be required to meet the need of the species.
- B. For the purposes of Subsection A, adequate and appropriate care includes care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the person keeping the animal, includes, but is not limited to, the following requirements:
 - (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - (2) Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs;

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- (3) Access to a barn, house or other enclosed structure sufficient to protect the animal from wind, rain, snow and sun, and that has adequate bedding to protect against cold and dampness;
 - (4) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease; and
 - (5) Continuous access to an area:
 - (a) With adequate space for exercise necessary for the health of the animal. Inadequate space may be indicated by evidence of debility, stress or abnormal behaviour patterns;
 - (b) With air temperature suitable for the health of the animal;
 - (c) With adequate ventilation;
 - (d) With regular diurnal lighting cycles of either natural or artificial light; and
 - (e) Kept reasonably clean and free from excess waste, fecal matter or any other contaminants that could affect the animal's health.
- C. No person shall allow an animal to remain outdoors during extreme weather unless the animal has access to an enclosure that will adequately protect the animal from the elements. **[Added 2017-01-31 by By-law 102-2017⁸]**

§ 349-7. Enclosures for animals kept out of doors.

If an animal, other than a cat, is, at any time, kept outside on the owner's premises for any continuous period exceeding thirty minutes, then the person having the custody or control of the animal shall provide for that animal's use, at all times, a weather-proofed and insulated enclosure that includes sufficient space to allow for the normal postural and behavioural adjustments and adequate amounts of ventilation and intensity of light for the animal.

§ 349-8. Tethers.

- A. No person shall keep any animal in the City tethered on a chain, rope or similar restraining device of less than three metres in length.
- B. Every person who has tethered an animal shall ensure, at all times, that the animal has unrestricted movement within the range of the tether, and that the animal cannot suffer injury resulting from the tether.
- C. A person who has tethered an animal shall ensure that the animal is tethered in a manner that constrains the animal to the property to which the animal is tethered. **[Added 2017-03-09 by By-law 212-2017]**

⁸ Editor's Note: By-law 102-2017 came into force March 1, 2017.

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- D. Despite Subsections A, B and C, no person shall keep an animal tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether. [Added 2017-01-31 by By-law 102-2017⁹]
- E. No person shall tether an animal unsupervised for longer than one hour. [Added 2017-01-31 by By-law 102-2017¹⁰]

§ 349-8.1. Reserved.¹¹

§ 349-9. Unsanitary conditions.

- A. No person shall keep an animal within the City in an unsanitary condition.
- B. For the purposes of Subsection A, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants, and where the accumulation of any of the aforementioned endanger or are likely to endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

§ 349-10. Protective care provided in City animal centres.

- A. Where an animal is sheltered at a City animal centre for protective care, a per diem sheltering fee shall be paid to the Executive Director in advance of redeeming the animal by the owner in the amount specified in Chapter 441, Fees and Charges.
- B. Where an animal is not redeemed at the end of the protective care period, it shall be treated as an impounded animal.

ARTICLE IV
Dogs¹²

§ 349-11. Registration; licence tags.

Every owner of a dog shall:

- A. Have registered the dog with the Executive Director, paid a licence fee in the amount specified in Chapter 441, Fees and Charges, and acquired a licence tag, including the payment of a licence tag fee in the amount specified in Chapter 441, Fees and Charges, for the dog.

⁹ Editor's Note: By-law 102-2017 came into force March 1, 2017.

¹⁰ Editor's Note: By-law 102-2017 came into force March 1, 2017.

¹¹ Editor's Note: Section 349-8.1. Choke collar, choke chain, pronged collar, was deleted by By-law 419-2017.

¹² Editor's Note: Previous Article IV, Dogs, was deleted and replaced by a new Article by By-law 102-2017. This new Article came into force March 1, 2017.

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- B. Until ceasing to be the owner of the dog, obtain a licence for the dog prior to the expiration of each licence issued for the dog.
- C. Keep the licence tag securely fixed at all times on the dog for which the licence tag is issued.
- D. Pay a licence tag replacement fee specified in Chapter 441, Fees and Charges, in the event the licence tag issued for the dog is lost.

§ 349-12. Dogs at large.

- A. No owner of a dog shall cause or permit the dog to be at large in the City, including, but not limited to, upon or in any lands or grounds owned or operated by the City, such as sidewalks, curbs, boulevards, walkways or other public places owned by the City, except where expressly permitted by City by-law.
- B. For the purposes of this chapter, a dog shall be deemed to be at large when found on property other than the property of the owner of the dog and not under the control of any person, including but not limited to the tethering of the animal.

§ 349-12.1. Leashing and walking dogs.

- A. No person shall keep a dog off the premises of the owner other than on a leash which shall not exceed two metres in length, except in designated areas of a City park as permitted by Chapter 608, Parks.
- B. No person shall have control of more than three dogs at any time unless authorized by a commercial dog walker permit under Chapter 608, Parks.
- C. Any person seen to be in control of more than three dogs shall present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.
- D. No person seen to be in control of more than three dogs shall refuse to present the commercial dog walker permit under Chapter 608, Parks, to an officer upon request.

§ 349-13. Exceptions.

Section 349-11 does not apply to any owner of a service animal.

§ 349-14. Seizure; impoundment; redemption; fees.

- A. Any dog found at large contrary to the provisions of this chapter may be seized and impounded by the Executive Director.

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- B. Where, in the opinion of the Executive Director, a dog seized under Subsection A is injured or ill and should be euthanized without delay for humane reasons or the safety of persons, the dog may be euthanized by the Executive Director without permitting any person to reclaim the dog.
- C. Any dog seized by the Executive Director under Subsection A shall be impounded for a minimum period of five days from the time of its impoundment, exclusive of the day on which the dog was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the dog.
- D. If a dog is not redeemed within the time period referred to in Subsection C, the dog shall become the property of the City and the City may:
 - (1) Provide for the adoption of the dog for a fee in the amount specified in Chapter 441, Fees and Charges;
 - (2) Transfer ownership of the dog; or
 - (3) Euthanize the dog.
- E. Where a dog is seized and impounded by the Executive Director under Subsection A:
 - (1) A daily impoundment fee for daily care, feeding and sheltering shall be paid by the owner to the Executive Director, in advance of redeeming the dog, for the amount specified in Chapter 441, Fees and Charges; and
 - (2) The owner shall ensure the dog is identified with a microchip within 24 hours of redeeming the dog.
- F. Where a dog seized and impounded by the Executive Director under Subsection A is injured or ill and receives veterinary care necessary for the well-being of the dog, the Executive Director shall, in addition to any amount charged pursuant to Subsection E, be entitled to charge the person claiming the dog under this article the cost of the veterinary care to the Executive Director.

§ 349-15. Dogs that have bitten, attacked or pose a menace.

- A. Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.
- B. Where the Executive Director has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, an officer shall:
 - (1) Where the dangerous act is the first on record with the City, serve the owner of the dog with a written warning.

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- (2) Despite Subsection B(1), if it is the officer's opinion that the dangerous act is severe, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
- (3) Where the dangerous act is the second or subsequent dangerous act on record with the City, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.
- (4) Where the dangerous act occurred while the dog was the subject of a notice to muzzle or notice of caution under this Chapter or any of its predecessors, or a control order under the Dog Owners Liability Act, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under § 349-15.1.

C. Dog acting in self-defence.

- (1) Prior to the determination that a dog is a dangerous dog, the officer shall have regard to whether the dog was acting in self-defence at the time the dangerous act occurred.
- (2) Despite Subsections B(2), (3) and (4), where an officer concludes that the dog was acting in self-defence at the time the dangerous act occurred, the officer may determine that the dog is not a dangerous dog and may determine that no order to comply shall be issued.

§ 349-15.1 Dangerous dog requirements; order to comply.

A. Where an owner is served with a dangerous dog order to comply pursuant to § 349-15 of this Chapter, the owner shall, at the owners' expense and for the life of the dangerous dog, ensure:

- (1) The dangerous dog is muzzled at all times when off the owners property;
- (2) The dangerous dog is not permitted to enter into a designated leash-free area of a City park at any time;
- (3) That a dangerous dog tag is purchased from the City, the dangerous dog tag fee specified in Chapter 441, Fees and Charges, is paid and the dangerous dog is wearing the dangerous dog tag provided by the City at all times;
- (4) That a warning sign is posted on the owners' private property in the form and location required by the Executive Director;
- (5) That the dangerous dog is microchipped;

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- (6) That arrangements are made with the City to enable the City to collect a photograph of the dangerous dog and any other necessary identifying information; and
 - (7) That the dangerous dog receives training in the form required by the Executive Director within 90 days of the order to comply being served on the owner.
- B. An owner shall provide proof of compliance to the satisfaction of the Executive Director within 14 days of achieving compliance with each of the following requirements:
- (1) The microchipping requirement contained in Subsection A(5); and
 - (2) The training requirement contained in Subsection A(7).
- C. This section shall not apply if the order to comply has been rescinded in accordance with § 349-16.

§ 349-16. Appeal.

- A. An owner of a dangerous dog who is served with an order to comply under § 349-15 may apply for a hearing to appeal an officer's determination of a dangerous dog. The Executive Director may:
- (1) confirm the determination of a dangerous dog; or
 - (2) rescind the determination of a dangerous dog and exempt the owner from compliance with § 349-15.1.
- B. In deciding whether to confirm or rescind the determination of a dangerous dog pursuant to subsection A, the Executive Director may consider whether the dog was acting in self-defence when the dangerous act leading to the order to comply under § 349-15 occurred.
- C. To receive a hearing, the owner must mail or deliver to the Executive Director within 30 days after a copy of an order to comply pursuant to § 349-15 is served on the owner, notice in writing requesting the hearing, accompanied by the applicable fee in the amount specified in Chapter 441, Fees and Charges.
- D. Although a request for hearing may be requested, an order to comply pursuant to § 349-15 and the requirements for owners under § 349-15.1 take effect when the order to comply is served on the person to whom it is directed.
- E. A hearing shall be held pursuant to the provisions of the *Statutory Powers and Procedures Act*, R.S.O. 1990, Chapter S.22, as amended in the time, date and place set out in the order to comply.

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§ 349-17. Guard dogs.

- A. Without limiting any other section of this chapter, no person shall use or permit the use of a guard dog at any premises unless a notice containing a warning that a guard dog is present is clearly and conspicuously posted at every entrance to the premises.
- B. For the purposes of Subsection A, such notice shall include a contact number for the owner.

§ 349-18. Removal of excrement.

Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the City.

§ 349-18.1. Purpose.

Without limiting the purpose and intent of this Article, this Article is enacted by the City in order to promote public safety and to protect the wellbeing of animals and members of the public.

§ 349-18.2. Transition.

- A. Where a dangerous act occurs prior to March 1, 2017, the requirements and provisions of any by-law applicable on that date shall continue to apply with respect to that dangerous act.
- B. Where a dangerous act occurs on or after March 1, 2017, the requirements and conditions of § 349-15 to § 349-15.1 shall apply.
- C. Despite Subsections A and B, a dangerous act which occurred prior to March 1, 2017 shall constitute a dangerous act on record with the City for the purpose of any subsequent dangerous act under this Article.

ARTICLE V
Cats

§ 349-19. Registration; licence tags.

Every owner of a cat shall:

- A. Have registered the cat with the Executive Director, paid a licence fee in the amount specified in Chapter 441, Fees and Charges, and acquired a licence tag, including the payment of a licence fee in the amount specified in Chapter 441, Fees and Charges, for the cat.
- B. Until ceasing to be the owner of the cat, renew a licence for the cat prior to the expiration of each licence issued for the cat.

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- C. Keep the cat licence tag securely fixed at all times on the cat for which the licence tag is issued.
- D. Pay a licence tag replacement fee specified in Chapter 441, Fees and Charges, in the event the licence tag issued for the cat is lost.
- E. Despite anything to the contrary in this chapter, the owner of a cat which is a service animal shall not be required to meet the requirements of this section with regards to that service animal. **[Added 2016-11-09 by By-law 1068-2016]**

§ 349-20. Seizure and impoundment.

The Executive Director may seize and impound any cat found at large where:

- A. In the opinion of the Executive Director, the cat is causing damage or is creating a nuisance; or
- B. In the opinion of the Executive Director, the cat is in distress, injured or ill.

§ 349-21. Impoundment; redemption; fees.

- A. Where, in the opinion of the Executive Director, a cat seized under § 349-20 is injured or ill and should be euthanized without delay for humane reasons or safety of persons, the cat may be euthanized by the Executive Director without permitting any person to reclaim the cat.
- B. Where the Executive Director has taken possession of a cat under § 349-20, it shall be impounded for a minimum period of three days from the time of its impoundment, exclusive of the day on which the cat was impounded, and days on which the animal centre is closed, during which time the owner shall be entitled to redeem the cat.
- C. If the cat is not redeemed within the time period referred to in Subsection B, the cat shall become the property of the City and the City may:
 - (1) provide for the adoption of the cat for a fee in the amount specified in Chapter 441, Fees and Charges;
 - (2) transfer ownership of the cat; or
 - (3) euthanize the cat.
- D. Where the Executive Director has taken possession of a cat or has impounded it under § 349-20, a per diem impoundment fee shall be paid to the Executive Director in advance of redeeming the cat by the owner in the amount specified in Chapter 441, Fees and Charges and the owner shall ensure the cat is identified with a microchip.

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- E. Where the Executive Director has taken possession of a cat and has impounded it under § 349-20 and it is injured or ill and receives veterinary care necessary for the well-being of the cat, the Executive Director shall, in addition to any amount charged pursuant to Subsection D, be entitled to charge the person claiming the cat under this article the cost of the veterinary care to the Executive Director.

ARTICLE VI
Feral Cats, Trap Neuter Return Program

§ 349-22. Feral Cats.

- A. The Executive Director may operate a trap, neuter, return program in respect of any feral cat or feral cat colony and maintain a record of the feral cat's sterilization.
- B. Any feral cat may be spayed or neutered by the Executive Director and subsequently released.
- C. Where, in the opinion of the Executive Director, a feral cat is injured or ill and should be euthanized without delay for humane reasons, the feral cat may be so euthanized.

ARTICLE VII
Spay/Neuter Clinics

§ 349-23. Previously established clinics continued; supervision; requirements for spaying and neutering.

- A. Clinics established for spaying or neutering dogs and cats are referred to as "City Spay/Neuter Clinics".
- B. City Spay/Neuter Clinics shall be operated under the control and supervision of the Executive Director.
- C. Subject to § 349-22B, no dog or cat shall be spayed or neutered at a clinic unless:
- (1) The dog or cat is owned by a resident of the City;
 - (2) The dog or cat is the property of the City; or
 - (3) The dog or cat has been adopted from a City animal centre.

§ 349-24. Fees.

- A. Where a dog or cat is spayed or neutered, a fee shall be paid to the Executive Director in advance of the spaying or neutering being performed in the amount specified in Chapter 441, Fees and Charges.

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- B. Despite Subsection A, an additional fee in the amount specified in Chapter 441, Fees and Charges, payable in advance of redeeming the cat or dog may be charged if the spay or neuter surgery was complicated by the physical condition, including pregnancy, of the dog or cat.

ARTICLE VIII
Pigeons

§ 349-25. Pigeons to be kept on owner's property.

- A. No person keeping pigeons shall permit the pigeons to stray, perch, roost or rest upon lands, premises or buildings of any person or upon any public place in the City, except on the property of the person keeping the pigeons.

ARTICLE IX
Fees

§ 349-26. Additional services.

- A. Additional fee schedules for services provided by the Executive Director are set out in Chapter 441, Fees and Charges.

ARTICLE X
Offences, Entry to Inspect¹³

§ 349-27. Offences.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A, D or E or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;

¹³ Editor's Note: Previous Article X, Offences, was deleted and replaced by a new Article by By-law 102-2017. This new Article came into force March 1, 2017.

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- (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the *City of Toronto Act, 2006*;
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Each offence in Subsection C is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
- E. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$25,000.
- F. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 349-27.1. Entry to inspect.

- A. In accordance with section 376 of the *City of Toronto Act, 2006*, an officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (1) this chapter; or
 - (2) a notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
- (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and

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- (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 349-27.2. Toronto Police Service.

This chapter does not apply to the Toronto Police Service.

ARTICLE XI
Conflicting Provisions

§ 349-28. Conflicting by-laws.

Where this chapter conflicts with any other by-laws respecting animals, this chapter prevails to the extent of the conflict.

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SCHEDULE A
PROHIBITED ANIMALS

MAMMALS

Artiodactyla (such as cattle, goats, sheep, pigs)
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
Chiroptera (bats such as fruit bats, myotis, flying foxes)
Edentates (such as anteaters, sloths, armadillos)
Felidae (such as tigers, leopards, cougars) except cats
Hyaenidae (such as hyenas)
Lagomorpha (such as hares, pikas) except rabbits
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)
Perissodactyla (such as horses, donkeys, jackasses, mules)
Proboscidae (elephants)
Procyonidae (such as coatimundi, cacomistles)
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
Ursidae (bears)
Viverridae (such as mongooses, civets, genets)

BIRDS

Anseriformes (such as ducks, geese, swans, screamers)
Galliformes (such as pheasants, grouse, guinea fowls, turkeys)
Struthioniformes (flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis)

REPTILES

Crocodylia (such as alligators, crocodiles, gavials)
All snakes which reach an adult length larger than 3 metres
All lizards which reach an adult length larger than 2 metres

OTHER

All venomous and poisonous animals