

Attachment 1: Amendments to Toronto Municipal Code, Chapter 349, Animals

ARTICLE I

Definitions

§ 349-1. Definitions.

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 including but not limited to the tethering of the animal, except where the owner of the property permits the animal to be on his or her property.

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*.

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.

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 RSO 1990 Ch. 22, as amended from time to time, as more particularly described in § 349-15 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.

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.

NOTICE OF CAUTION – A notice issued by the Executive Director to the owner of a dog that cautions the owner and recommends the owner take the necessary steps, whenever persons or domestic animals are in the vicinity of the dog, to ensure the safety of the dog and any persons. The Notice of Caution shall indicate that should a subsequent bite occur, a notice to muzzle will be issued.

NOTICE TO MUZZLE – A notice issued by the Executive Director to the owner of a dog that requires the owner to muzzle the dog at all times that it is off the premises of the owner.

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 at the end 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 that has been trained to assist an individual with a disability.

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.

ARTICLE II

Prohibited Animals

§ 349-2. Keeping of certain animals prohibited.

- A. No person shall keep, either on a temporary or permanent basis, any prohibited animal in the City.

§ 349-2.1. 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.

§ 349-3. 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;
- E. Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes within the following premises:
 - i. G. Ross Lord, Stables, 4777 Dufferin Street,
 - ii. Sunnybrook Stables at Sunnybrook Park,
 - iii. Riverdale Farm at Riverdale Park,
 - iv. Animal Paddocks on Deer Pen Road at High Park,
 - v. Black Creek Pioneer Village,
 - vi. Exhibition Place,
 - vii. Far Enough Farm at Toronto Island Farm,
 - viii. Woodbine Racetrack;
- F. The premises of facilities accredited by the Canadian Association of Zoos and Aquariums (CAZA);
- 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 location;
- 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
 - (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; and
- O. Those areas in the City that have been expressly exempted by the City.

§ 349-4. 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 § 349-4 (A) and § 349-4 (B) shall not apply to individual members of a rescue group who are keeping dogs or cats for or on behalf of that rescue group.

ARTICLE III
Care of Animals

§ 349-5. 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:
- a. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
 - b. Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs.
 - c. 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.
 - d. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
 - e. Continuous access to an area:
 - i. 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.
 - ii. With air temperature suitable for the health of the animal.
 - iii. With adequate ventilation.
 - iv. With regular diurnal lighting cycles of either natural or artificial light.
 - v. Kept reasonably clean and free from excess waste, fecal matter or any other contaminants that could affect the animal's health.

§ 349-6. 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.

§ 349-7. 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.

§ 349-8. 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 faecal 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.

§ 349-9. 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

Dogs

§ 349-10. Registration; license tags.

Every owner of a dog shall:

- A. Have registered the dog with the Executive Director, paid a license fee in the amount specified in Chapter 441, Fees and Charges, and acquired a license tag, including the payment of a license tag fee in the amount specified in Chapter 441, Fees and Charges, for the dog.
- B. Until ceasing to be the owner of the dog, obtain a license for the dog prior to the expiration of each license issued for the dog.
- C. Keep the license tag securely fixed at all times on the dog for which the license tag is issued.
- D. Pay a license tag replacement fee specified in Chapter 441, Fees and Charges, in the event the license tag issued for the dog is lost.

§ 349-11. 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.
- C. 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 where consent is given by the person owning the property where the dog is found.

§ 349-12. Exceptions.

- A. Sections 349-10 and 349-11 do not apply to police work dogs.

B. Section 349-10 does not apply to any owner of a service animal.

§ 349-13. 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.
- 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 per diem impoundment fee 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.

§ 349-14. Dogs that have bitten persons or animals; muzzles.

- A. Where the Executive Director has reason to believe that a dog has bitten a person or domestic animal, the Executive Director shall:
 - (1) Where the bite is the first bite on record with the City, serve the owner with a notice of caution.
 - (2) If in his or her opinion the bite referred to in Subsection A (1) is severe, also serve the owner with a notice to muzzle.
 - (3) Where the bite is a second or subsequent bite on record with the City, serve the owner with a notice to muzzle.

§ 349-15. Notice of caution and notice to muzzle; hearing; microchip.

- A. An owner who is served with a notice of caution or a notice to muzzle is entitled to a hearing by the Executive Director who may confirm the notice or exempt the owner from the muzzling requirements.

- B. To receive a hearing, the owner must mail or deliver to the Executive Director within 30 days after a copy of the notice of caution or notice to muzzle is served on the owner, notice in writing requesting a hearing.
- C. Although a hearing may be requested, a notice served pursuant to § 349-14 takes effect when it is served on the person to whom it is directed.
- D. Once a notice to muzzle has been issued and properly served upon the owner of the dog, no person shall permit the dog to be off the property of the owner unless properly muzzled.
- E. For the purposes of Subsection D, where an owner of a dog has exclusive possession of part of a building or property, “property” means that portion of the property of which the owner has exclusive possession.
- F. If a notice to muzzle has been issued and properly served upon the owner of the dog, the owner of the dog shall ensure that the dog is identified with a microchip.
- G. A Hearing shall be held pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, as amended at the time, date and place set out in the notice to comply.

§ 349-16. 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 section § 349-16(A), such notice shall include a contact number for the owner.

§ 349-17. Removal of excrement.

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

ARTICLE V

Cats

§ 349-18. Registration; license tags.

Every owner of a cat shall:

- A. Have registered the cat with the Executive Director, paid a license fee in the amount specified in Chapter 441, Fees and Charges, and acquired a license tag, including the payment of a license 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 license for the cat prior to the expiration of each license issued for the cat.
- C. Keep the cat license tag securely fixed at all times on the cat for which the license tag is issued.
- D. Pay a license tag replacement fee specified in Chapter 441, Fees and Charges, in the event the license tag issued for the cat is lost.

§ 349-19. 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.

§ 349-20. Impoundment; redemption; fees.

- A. Where, in the opinion of the Executive Director, a cat seized under § 349-19 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 § 349-19, 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 § 349-19, 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.
- E. Where the Executive Director has taken possession of a cat and has impounded it under § 349-19 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

§ 349-21.

- 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

§ 349-22. 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 Article VI, § 349-21(B), 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.

§ 349-23. Fee.

- 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.
- 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

§ 349-24. 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
Rabbits

§ 349-25. Rabbits to be kept on owner’s property.

- A. No person keeping rabbits shall permit the rabbits to be at large.

ARTICLE X
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 XI
Offences

§ 349-27. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.

ARTICLE XII
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.

ARTICLE XIII
Schedules

§ 349-29. Schedule to form part of chapter.

Schedule A attached to this chapter shall form part of this chapter.

**SCHEDULE A TO CHAPTER 349
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