

THE CORPORATION OF THE CITY OF MISSISSAUGA
ANIMAL CARE AND CONTROL BY-LAW 98-04

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NOTE: THIS IS NOT PART OF THE BY-LAW- FOR ADMINISTRATION PURPOSES ONLY



**THE CORPORATION OF THE CITY OF MISSISSAUGA
ANIMAL CARE AND CONTROL BY-LAW 98-04**

**(Amended by By-law 242-04, 219-06, 102-08, 190-08, 54-10, 242-11, 141-13,
136-14, 149-14, 230-14, 277-14, 115-15, 91-17, 195-17, 232-17)**

WHEREAS sections 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“Municipal Act”), confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

AND WHEREAS section 9(3)(b) of the Municipal Act confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 103 of the Municipal Act confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS section 105 of the Municipal Act requires Council or a Committee of Council or an animal control officer of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 396 of the Municipal Act provides that a by-law passed under section 391 may provide for fees and charges that vary on any basis the municipality considers appropriate and specifies in the by-law, and for different classes of persons and deal with each class in a different way;

AND WHEREAS Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

AND WHEREAS the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force on August 29, 2005;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

PART I: DEFINITIONS

1) In this By-law,

“Administrative Fees” means any fees specified in the Licensing Administrative Penalty By-law; (136-14)

“Administrative Penalty” means a monetary penalty as set out in the City’s Licensing Administrative Penalty By-law for a contravention of a Designated By-law; (136-14)

“Animal” means any member of the animal kingdom or living beings, including mammals, birds and reptiles but excluding fish;

“Animal Enclosure” means an enclosed place for the keeping of animals and includes bird lofts, bird cages, pigeon coops, dog runs, dog pens, doghouse, rabbit hutches, catteries and reptile tanks, but the rear yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the rear yard itself, shall not be deemed to be an animal enclosure; (230-14)

“Animal Services Officer” means a Person employed by the City to perform the duties of enforcing By-laws and appointed by Council as a Municipal Law Enforcement Officer under City of Mississauga By-law 299-04 (as amended), or its successors; (242-11)

“Animal Services Section” means the Animal Services Section of the Enforcement Division of the Corporation;

“Appeal Tribunal” means the all-citizen Tribunal duly appointed by Council to conduct hearings under this By-law: (190-08)

“At large” or “Trespass” means being at any place other than the premises 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; (219-06)

“Attractant” means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals; (242-11)

“Cat” means a domesticated feline animal, male or female;

“City” means the City of Mississauga;

“Commissioner” means the Commissioner of Transportation and Works of the City of Mississauga or his/her designate; (230-14)

“Corporation” means The Corporation of the City of Mississauga;

“**Council**” means the Council of the Corporation;

“**Designated By-law**” means a by-law or provision of a by-law that is designated under the Licensing Administrative Penalty By-law or any other by-law, as a by-law or provision of a by-law to which the Licensing Administrative Penalty By-law applies; (136-14)

“**Dog**” means a domesticated canine animal, male or female;

“**Dwelling Unit**” means one or more habitable rooms designated and intended for use as the home or residence of one or more persons, and has culinary and sanitary facilities;

“**Euthanized**” means humanely destroyed; (219-06)

“**Extreme Weather**” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the City of Mississauga including for not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds; (230-14)

“**Feed or Feeding**” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals; (242-11)

“**Foster**” means a person who provides for the temporary care of an Animal on behalf of a Rescue Organization, the Animal Services Section or the Ontario Society for the Prevention of Cruelty to Animals; (195-17)

“**Kennel**” means a building or structure or part thereof whereby animals are kept for remuneration for the purpose of breeding, boarding, housing, feeding, and/or maintenance;

“**Keep**” means to have temporary or permanent control or possession of an animal;

“**Leash**” means a rope chain or other restraining device for a dog which may not exceed 1.8 metres (6 ft) long; (219-06)

“**Leash-Free Zone**” means a designated area as listed on the City website for the purpose of permitting an animal to be off-leash in a park; (115-15)

“**Licence**” means a licence for a Dog or Cat in the form of a microchip implantation registered with the Corporation or a City of Mississauga licence tag issued by the Manager under the authority of this By-law; (242-11)

“**Licensing Administrative Penalty By-law**” means the City of Mississauga By-law to establish a System of Administrative Penalties respecting licensing in the City of Mississauga; and (136-14)

“Manager” means the Manager of Animal Services Section of the City’s Enforcement Division and includes his or her designate; (242-11)

“Microchip” means a transponder implanted into an animal by a veterinarian or an Animal Services Officer and registered with a microchip pet identification entity;

“Minor” means a person under the age of 18; (219-06)

“Muzzle” means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting; (219-06)

“Muzzle Order” means an Order issued by the Manager for a muzzle to be put on a dog;

“Owner” means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, “owner” means the person responsible for the custody of the minor;

“Penalty Notice” means a notice given to a Person pursuant to the City’s Licensing Administrative Penalty By-law for a contravention of a Designated By-law; (136-14)

“Person” means an individual, partnership, association, firm or corporation;

“Pigeon” means a member of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae;

“Police work dog” means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;

“Premises” includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;

“Protective care” means the temporary keeping of an animal as a result of an eviction, incarceration, medical or fire emergency, or any other situation that the Manager deems appropriate for the health and safety of the animal;

“Racing Pigeon” means a pigeon which, through breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is also known as a homer, homing pigeon, or carrier pigeon;

“Rescue Organization” means a not-for-profit or charitable organization approved by the Manager whose mandate and practices are predominantly the rescue and adoption of animals, and facilitating the spaying or neutering of animals; (195-17)

“Sanitary Condition” means a condition that does not result in an accumulation of faecal matter, pigeons, odour, insect infestation, or rodent attractants which endanger the health of any person or animal; or that would not disturb or would likely disturb the enjoyment, comfort or convenience of any person; (141-13)

“Sanitize” means to clean for the purpose of controlling disease-producing organisms and “sanitized” has a corresponding meaning; and

“Service Animal” means a guide dog and other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment;

“Surrender” in all of its forms, when used in relation to an animal, means the relinquishment of ownership and physical custody; (232-17)

“Trap, Neuter and Return Program Operator or “TNR Operator” means a Person who provides a program approved by the Manager for the trapping of feral cats for the purpose of spaying or neutering and eventual returning of said cats to their outdoor home; (195-17)

“Wild Animal” means all mammals other than domestic animals; (242-11)

PART II: ADMINISTRATION

- 2) The Enforcement Division of the Corporation shall be responsible for the administration and enforcement of this By-law.

PART III: LICENSING OF DOGS AND CATS

Requirement of a Licence

- 3)
 - (1) Every Owner of a Dog or Cat is required to obtain a Licence for the Dog or Cat. (242-11)
 - (2) If the Licence obtained in section 3 is in the form of a City of Mississauga Licence, the Owner shall: (242-11)
 - a) Affix the City of Mississauga Licence tag to the collar of the Dog or Cat at all times; and
 - b) Pay a Licence tag replacement fee specified in Schedule B in the event the Licence tag issued is lost; and
 - c) Advise the Animal Services Section within thirty (30) working days of the death of the Dog or Cat; and
 - d) Provide the Animal Services Section with the new address and telephone number of the owner within thirty (30) working days of moving the Dog or Cat.

- 4) A separate Licence is required for each Dog or Cat. (242-11)
- 5) A Licence issued under this By-law is not transferable. (242-11)
- 6) A City of Mississauga Licence for a Dog or Cat is valid for a period of either one year or two years from the date of issuance based on the Fee provided according to Schedule “B” of this By-law. Every Owner of a Dog or Cat shall obtain a new Licence for the Dog or Cat prior to the expiration of each Licence, unless the Licence is a lifetime Licence. (242-11, 91-17)
- 7) No Owner of a Dog or Cat shall provide any false information to the City of Mississauga in obtaining or renewing a Dog or Cat Licence. (242-11)

Application for a Licence:

- 8) The Animal Services Section shall: (242-11)
 - (1) Review and process all applications for Licences and for Renewal of Licences; and
 - (2) Issue all Licences when an application is made in accordance with the provisions of this By-law.
- 9) (1) An application for a Licence or for a renewal of a Licence shall be completed on the forms provided by the Animal Services Section. (242-11)
- (2) Each completed application shall be submitted to the Animal Services Section and be accompanied by the appropriate Licence fees as provided in Schedule B of the By-law. (242-11)

Licence Exemption

- 9.1) A Rescue Organization or Foster is exempt from requiring a Licence according to this By-law for any Animal in their temporary possession; (195-17)

PART IV: FEEDING OF WILDLIFE

- 10) No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by, a wild animal, feral or stray domestic animal on private or public property. (242-11)
- 11) Section 10 does not apply to the feeding of song birds on a property, provided the owner or occupier places seed in a bird feeding device that is sufficiently above grade and maintained in a sanitary condition. (242-11, 141-13)
- 12) Section 10 does not apply in the following situations: (242-11)
 - (1) the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O.1997, c.41

- (2) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector or a Mississauga Police Officer, in the performance of their work.
- (3) the leaving of food for a colony of stray or feral cats by a TNR Operator; (195-17)

PART V: KEEPING OF ANIMALS

General Provisions:

- 13) Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of :
 - 1) a shelter for the animal that is waterproof and that protects it from exposure to the elements;
 - 2) a shelter for the animal that is adequate for its size and breed; (230-14)
 - 3) adequate food and water for the animal;
 - 4) access to shade during warm weather which does not include shade provided by an Animal Enclosure; (230-14)
 - 5) sanitary conditions for the animal; and (230-14)
 - 6) adequate veterinary care deemed necessary by a reasonably prudent person to relieve the animal from distress caused by injury, neglect or disease. (230-14)
- 14) No person shall allow an animal to remain outdoors during Extreme Weather, except for brief walks or brief periods of exercise, unless the animal has access to an Animal Enclosure that will adequately protect the animal from the elements. (230-14, 277-14)
- 15)
 - 1) No person shall keep, or cause to be kept, any animals listed in Schedule A.
 - 2) Notwithstanding subsection (1), on lands zoned and used for agricultural purposes, no person shall keep, or cause to be kept, any animals listed in Schedule A, except for a horse, donkey, pony, mule, cow or steer, goat, swine, mink, fox, sheep, chinchilla, chickens, peafowl or any other domestic galliformes, or a nutria.
- 16)
 - 1) No person shall keep, or cause to be kept, more than four (4) animals on any premises, but this subsection does not apply to:
 - a) pet shops licensed by the Corporation;

- b) Peel Regional Police Canine Unit;
 - c) kennels licensed by the Corporation;
 - d) security firms licensed and authorized by the Province of Ontario to provide guard dog services;
 - e) the keeping of animals on lands zoned and used for agricultural purposes;
 - f) the keeping of pigeons.
 - g) Rescue Organizations; and (195-17)
 - h) Fosters (195-17)
- 2) Notwithstanding subsection (1), no person shall keep, or cause to be kept, more than forty (40) pigeons on any premises.
- 17) Sections 15 and 16 does not apply to:
- a) an animal hospital or clinic that is lawfully operated and supervised by a veterinarian licensed by the College of Veterinarians of Ontario; (195-17)
 - b) a pound or shelter lawfully operated by the Corporation, or the Peel Branch of the Ontario Society For The Prevention of Cruelty to Animals (OSPCA);
 - c) any organization permitted by law to provide protection and humane treatment of animals;
 - d) any person while rendering emergency treatment to an injured or abandoned animal;
 - e) the Corporation or other governmental authority while lawfully operating a public park, exhibition, or zoological garden, and maintaining animals therein;
 - f) any person in charge of a travelling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals;
 - g) persons operating premises registered as research facilities under the Animals for Research Act, R.S.O. 1990, c. A-22, as amended, or the persons in charge, or the employees thereof, during the course of their duties;
 - h) a person who operates an elementary or secondary school that contains a research facility exempted from registration under the Animals for Research Act, R.S.O. 1990, c. A-22, as amended.

- 18) No person shall keep, or cause to be kept, a reptile, insect or amphibian permitted under this By-law outside a building or structure unless it is in an animal enclosure.
Keeping of Pigeons
- 19) Every owner of a pigeon shall band and keep banded each pigeon with an identifying leg band issued by an organization listed in Schedule C.
- 20) 1) Every owner of a pigeon shall keep all grains and foodstuffs in air-tight containers.
- 2) No person shall feed a pigeon when the pigeon is outside the pigeon enclosure.

Leashing and Tethering

- 20.1) 1) Every owner of a dog shall put a leash on the dog unless the dog is:
(219-06)
- a) on the lands of the owner; or
 - b) on the lands of a person who has consented to the dog being on the lands while it is not put on a leash; or
 - c) in a Leash-Free Zone as provided in the City of Mississauga Parks By-law 186-05, as amended.(115-15)
- 2) Subsection (1) does not apply to police work dogs.
- 3) no person shall tether a dog unless the person is outside with the dog at all times or the dog is in plain view at all times. (230-14)
- 4) no person shall tether a dog using a choke chain or prong collar. (230-14)
- 5) notwithstanding subsection 20.1(3) of this By-law, a restraining device used to tether a dog must; (230-14)
- (a) be at least three metres long (9.84 feet);
 - (b) be attached to a permanently fixed object;
 - (c) allow the dog to move safely and unrestricted (except by the length of the tether); and
 - (d) allow the dog to have access to adequate water, food, shelter and shade.
- 6) no person shall tether an animal for more than four (4) consecutive hours in a 24 hour period. This time restriction shall not apply where a dog is subject to:
(i) a Muzzle Order under section 35 of this By-law or (ii) a provincial court order, should either provide for tethering restrictions. (230-14)

- 7) any person can apply for an exemption to the tethering requirement of subsection 20.1(6) of this By-law by filing an application with the Commissioner as further outlined in Schedule “D” to this By-law. (230-14)

Animals in Vehicles

- 20.2) 1) No person shall leave an animal unattended in a motor vehicle unless: (230-14)
 - a) The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - b) The animal has suitable ventilation.
- 2) Notwithstanding subsection 20.2(1) of this By-law, no person shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.
- 3) Notwithstanding subsection 20.2(1) of this By-law, no person shall transport an animal outside the passenger compartment of any motor vehicle unless the animal is contained in a kennel or similar device that provides adequate ventilation, adequate space, protects the animal from the elements and is securely fastened in such a manner to prevent distress or injury to the animal.

Animals in Parks

- 20.3) 1) No person shall have leashed or have in his/her possession or control between 5 and 8 dogs in a City park with a Leash-Free Zone or a Leash-Free Zone without a dog walker permit issued by the City. (115-15)
- 2) No person shall have leashed or have in his/her possession or control more than 8 dogs in a park with a Leash-Free Zone or a Leash-Free Zone. (115-15)

PART V.1: APPROVE OF RESCUE ORGANIZATIONS AND TNR

- 20.4) 1) Rescue Organizations and TNR Operator must be approved by the Manager in order to qualify for the applicable exemptions under this By-law; (195-17)
- 2) The Manager may impose terms and conditions on a Rescue Organization or TNR Operator to qualify for the exemptions under this By-law. (195-17)
- 3) The Manager has the ability to disqualify a Rescue Organization or TNR Operator if a Rescue Organization or TNR Operator does not comply with the terms and conditions set out in subsection 20.4(2) above. (195-17)

PART VI: ANIMAL ENCLOSURES

General Provisions

- 21) Every owner of an animal shall ensure that the animal enclosure provided for the animal meets the following requirements, regardless of whether the animal enclosure is located indoors or outdoors:
- 1) The animal enclosure shall be of a size and in a condition such that the animal may:
 - a) extend its legs, wings, and body to their full natural extent;
 - b) stand, turn around and lie down; (230-14)
 - c) sit;
 - d) perch.
 - 2) Every reptile, fish, and amphibian shall be provided with an enclosed space adequate for the needs of the species.
 - 3) The enclosure is of such a nature and condition that the animal contained therein would not be harmed and its health would not be negatively affected for the reason of being placed in such an animal enclosure.
 - 4) Every animal contained therein may be readily observed unless the natural habits of the animal require otherwise.
 - 5) The animal enclosure is kept in a clean and sanitary condition.
 - 6) The animal enclosure is kept free of offensive odour.
 - 7) The animal enclosure (except for doghouses) is escape proof. (230-14)

Additional Provisions for Outdoor Animal Enclosures

- 22) Except for the keeping of animals on lands zoned and used for agricultural purposes. (242-04)
- (1) no person shall keep, or cause to be kept, an animal enclosure for an animal outside a building or structure unless:
 - (a) the animal enclosure is in the rear yard; and
 - (b) the animal enclosure other than a pigeon enclosure, is located at least 3 metres (10 feet) from the property line and a least 6.1 metres (20 feet) from any school, church, or residential building not located on the same lot; and

- (2) no person shall keep or cause to be kept a pigeon enclosure outside a building or structure unless the enclosure is located at least 6.1 metres (20 feet) from the property line.
- 23) In addition to the requirements in this Part of the By-law, an animal enclosure kept outside shall be:
- 1) soundly constructed of hard, durable material;
 - 2) impervious to water;
 - 3) constructed of a material that may be readily sanitized;
 - 4) maintained in a good state of repair from cracks, holes, rust and other damage;
 - 5) kept in a way that minimizes as nearly as practicable the transfer of pathogenic agents; and
 - 6) adequately ventilated for the health, welfare and comfort of the animal enclosed therein.
- 23.1) In addition to the requirement of section 23 of this By-law, all doghouses must:
(230-14)
- 1) Provide for insulation of the walls, floor and ceiling that adequately protects against cold weather;
 - 2) Be equipped with a door flap during cold weather; and
 - 3) Provide for clean, dry bedding material.
- 23.2) In addition to the requirements of section 23 of this By-law, a dog pen (which does not include the fenced perimeter of a property) used to enclose a dog outdoors shall be:
(230-14)
- 1) at least 9.3 square metres (100 square feet) in size to be increased by 2.8 square metres (30 square feet) for every additional dog;
 - 2) of a height that is 1 metre (3.3 feet) higher than the largest animal in a standing position;
 - 3) in a good state of repair with a clean dry place to lay down;
 - 4) maintained in a sanitary condition; and
 - 5) compliant with the City's Zoning By-law 225-07, as amended.

- 23.3 An animal shall be released from a dog pen for a minimum of four (4) cumulative hours in any 24 hour time period during which time the animal shall not be tethered. This time restriction shall not apply where a dog is subject to: (i) a Muzzle Order under section 35 of the By-law or (ii) a provincial court order, should either provide for tethering restrictions. (230-14, 277-14)
- 23.4 Any person can apply for an exemption to the dog pen requirement in section 23.3 of this By-law by filing an application with the Commissioner as further outlined in Schedule "D" of this By-law. (230-14)
- 24) 1) Compliance with the requirements under this Part does not exempt any person from compliance with other applicable laws and by-laws, including the Building Code Act 1992, S.O. 1992, c. 23, as amended.
- 2) In the event of any conflict between the provisions of this Part and the provisions of any other By-laws, the provisions of this Part shall prevail.

PART VII: EXCREMENTS

- 25) 1) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.
- 2) Subsection (1) does not apply to:
- a) persons reliant upon a service animal while that animal is being used to aid a person with a visual, hearing or other impediment;
 - b) owners of racing pigeons when the pigeons are at large during permitted flight times.

PART VIII: ANIMALS AT LARGE

- 26) 1) No owner shall cause or permit an animal to be at large, subject to the provisions of this Part of the By-law.
- 2) A dog is not considered to be at large if the dog is:
- a) a service animal or a police work dog;
 - b) in the designated areas of a City Park as permitted by the City of Mississauga Parks By-law 186-05, as amended; or (219-06)
 - c) on the premises of a person who has consented to the dog on the person's premises while it is unleashed.
- 3) Repeal by 242-11

- 4) A racing pigeon is not considered to be at large if:
 - a) it is flying:
 - i) before 9:00 a.m. or after 5:00 p.m. during the months of April to September, inclusive; and
 - ii) before 10:00 a.m. or after 3:00 p.m. during the months of October to March, inclusive; and
 - b) the flights of the pigeons are conducted under the owner's personal supervision, or under the supervision of another person who is competent to control the pigeons.
- 5) In addition to subsection (4), a racing pigeon is not considered to be at large if a member of an organization listed in Schedule C of this By-law supervises a flight of the racing pigeon while carrying on the duties of such an organization.
- 6) A cat is not considered to be at large if it is part of a TNR Program. (195-17)

PART VIII.I MENACING BEHAVIOR

- 26.1) Every owner of a dog shall exercise reasonable precautions to prevent the dog from: (219-06)
- 1) biting or attacking a person or animal; or
 - 2) behaving in a manner that poses a menace to the safety of persons or animals.

PART IX: SEIZURE & IMPOUNDMENT

- 27) 1) a) Any animal found at large contrary to this By-law may be seized by an Animal Services Officer.
- b) An Animal Services Officer may take possession of an animal for the purpose of providing protective care to it at any time when the Animal Services Officer deems it necessary to provide protective care to the animal.
- 2) a) A dog seized under this By-law shall be impounded for a period of five (5) days, exclusive of the day on which the dog was impounded and statutory holiday and Sundays, if the dog is wearing a traceable external identification upon arrival at the Shelter unless: (102-08)
- i) The dog is redeemed by the Owner during this period of impoundment in accordance with the provisions of this By-law;

- ii) The dog is a female dog found running at large while in heat;
 - iii) The dog was seized for the purpose of providing protective care to it; or
 - iv) In the opinion of the Animal Services Officer, the dog should be euthanized or receive veterinary care immediately.
- b) A dog seized under this By-law shall be impounded for a period of ten (10) days, exclusive of the day on which the dog was impounded and statutory holidays and Sundays, if the dog is found to have a standard or international traceable microchip upon arrival at the Shelter unless: (102-08)
 - i) The dog is redeemed by the Owner during this period of impoundment in accordance with the provisions of this By-law
 - ii) The dog is a female dog found running at large while in heat;
 - iii) The dog was seized for the purpose of providing protective care to it; or
 - iv) In the opinion of the Animal Services Officer, the dog should be euthanized or receive veterinary care immediately.
- c) A cat seized under this By-law shall be impounded for a period of five (5) days, exclusive of the day on which the cat was impounded and statutory holidays and Sundays, if the cat is wearing a traceable external identification upon arrival at the Shelter unless: (102-08)
 - i) The cat is redeemed by the Owner during this period of impoundment in accordance with the provisions of this By-law;
 - ii) The cat was seized for the purpose of providing protective care to it; or
 - iii) In the opinion of the Animal Services Officer, the cat should be euthanized or receive veterinary care immediately.
- d) A cat seized under this By-law shall be impounded for a period of ten (10) days, exclusive of the day on which the cat was impounded and statutory holidays and Sundays, if the cat is found to have a standard or international traceable microchip upon arrival at the Shelter unless: (102-08)
 - i) The cat is redeemed by the Owner during this period of impoundment in accordance with the provisions of this By-law

- ii) The cat was seized for the purpose of providing protective care to it; or
 - iii) In the opinion of the Animal Services Officer, the cat should be euthanized or receive veterinary care immediately.
- e) A female dog seized while in heat shall be held at the Animal Shelter until is no longer in heat, but in any case, for a period not longer than twenty-one (21) days, exclusive of the day on which it was seized and statutory holidays and Sundays. (102-08)
- f) The owner of a female dog seized while in heat may redeem the dog prior to the time specified in subsection 27(2)(e), if the owner makes satisfactory arrangements with the Animal Services Section for its confinement elsewhere and redeems it in accordance with the provision of this By-law. (102-08)
- g) Any other animal seized under this By-law shall be impounded for a period of three (3) days, exclusive of the day on which the animal was impounded and statutory holidays and Sundays; unless: (102-08)
 - i) the animal is redeemed by the owner during this period of the impoundment in accordance with the provisions of this By-law;
 - ii) in the opinion of the Animal Services Officer, the animal should be euthanized or should receive veterinary care immediately.
- h) Any animal seized for the purpose of providing protective care to it shall be impounded for a period of ten (10) days, exclusive of the day on which the animal was impounded and statutory holidays and Sundays, unless the animal is redeemed by the owner during this period of impoundment in accordance with the provisions of the this By-law or is euthanized for humane reasons. (102-08)
- 3) a) The owner of an animal impounded under this By-law may redeem the animal upon payment of the appropriate impoundment and maintenance fees or portion thereof for the time of the impoundment under this and any other applicable City of Mississauga By-laws.
- b) (i) In addition to subsection 3(a), the owner of a dog or cat seized and impounded shall produce a valid licence for the dog or cat before the owner may redeem it.
 - (ii) If no valid licence could be produced under subsection 3(b)(i), the owner of the dog shall obtain a licence for the dog and be responsible for the payment of the applicable licence fees.
- 4) If an animal is not redeemed within the time period specified in this By-law, the animal shall become the property of the Corporation and may be:

- a) put up for adoption; or
 - b) euthanized by the Animal Services Section.
- 5) a) An Animal Services Officer may euthanize an animal without delay without permitting any person to redeem it if:
- i) the animal seized and impounded under this By-law is seriously injured or ill and should be euthanized without delay for humane reasons; or
 - ii) euthanasia of the animal seized and impounded under this By-law is necessary for the safety of persons.
- b) Where, in the opinion of the Animal Services Officer, an animal seized and impounded under this By-law is injured and requires the services of a veterinary surgeon, the Animal Services Section shall arrange for such services and, in addition to any amount charged under this Part, be entitled to charge the owner of the animal the cost of the veterinary care to the Animal Services Section.

Right of Inspection

- 27.1) 1) An Animal Services Officers may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this By-law are complied with. (230-14)
- 2) Upon an inspection, an Animal Services Officer may: (230-14)
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
 - c) require information from any person concerning a matter related to the inspection.

PART X: SURRENDERING OF ANIMALS

- 28) An animal shall not be surrendered to the Animal Services Section except in accordance with this By-law. (232-17)
- 29) An animal may be surrendered to the Animal Services Section if all of the requirements of section 29.1 are met. (232-17)

- 29.1) Prior to surrendering an animal to the Animal Services Section, the owner or the person surrendering the animal on behalf of the owner shall: (232-17)
- 1) pay the appropriate fees as required under the applicable City Fees and Charges By-law; and
 - 2) provide information as requested by the Animal Services Section regarding the prior health and behavioral history of the animal being surrendered.
- 29.2) By surrendering an animal or permitting the surrender of an animal to the Animal Services Section, the owner is deemed to have relinquished all rights of ownership and possession of the animal. (232-17)
- 29.3) The Manager may refuse to accept the surrender of an animal to the Animal Services Section if the Manager is satisfied that the animal is not being surrendered in accordance with the requirements of this By-law. (232-17)
- 30) An animal that has been surrendered to the Animal Services Section becomes the property of the Corporation and may be kept or disposed of as the Corporation deems appropriate, including:
- 1) placing the animal for adoption;
 - 2) euthanasia by the Animal Services Section in the case where in the opinion of an Animal Services Officer, the animal is not suitable for adoption or should be euthanized for humane reasons.
- 30.1) No person shall provide any false information when surrendering an Animal to the Animal Services Section. (195-17)

PART XI: QUARANTINE OF ANIMALS

- 31) If, in the opinion of the Region of Peel Health Department, an animal shall be put in quarantine with the Animal Services Section, the owner of the animal shall:
- 1) bring or ensure that the animal is brought to the Animal Services Section to be put in quarantine; and
 - 2) be responsible for the costs associated with the quarantine, including the costs of any veterinary care required for the animal and any other fees as provided in the applicable City of Mississauga Fees and Charges By-law.

PART XII: ADOPTION

- 32) 1) a) A person may adopt an animal from the Animal Services Section if the person demonstrates to the satisfaction of the Animal Services Section that the person is capable of providing proper care to the animal and otherwise meets the requirements of this By-law.

- b) A person adopting an animal from the Animal Services Section shall pay the appropriate adoption fee as set out in the applicable City of Mississauga Fees and Charges By-law.
- 2) If the animal to be adopted is a dog or a cat, the person adopting the animal shall obtain a licence for the dog or register the cat in the form of a microchip implantation if the animal does not already have one.

PART XIII: MUZZLING OF DOGS

- 33)
 - 1) Where the Manager has reason to believe that a dog has bitten a person or an animal, the Manager may issue a Muzzle Order to the owner of the dog.
 - 2) The Manager may impose conditions on the Muzzle Order to ensure the health and safety of the owner, the dog, and other persons and animals.
- 34)
 - 1) A Muzzle Order may be served by:
 - a) delivering it personally to the owner of the dog; or
 - b) sending it by registered mail to the last known address of the owner of the dog.
 - 2) Service of a Muzzle Order served by registered mail is deemed to be made on the seventh day after the day of mailing.
- 35) Notwithstanding other sections of the By-law, when a Muzzle Order has been served, the owner of a dog:
 - 1) shall not permit the dog to be off the premises of the owner unless it is properly leashed and muzzled; and
 - 2) shall ensure that the dog does not bite, chase or attack a person or a domestic animal on any property, including that of the owner; and
 - 3) shall either tether the dog on a chain capable of restraining the dog or confine it within a fenced yard capable of preventing the dog from escaping; and
 - 4) shall put the dog under the control of a person at least sixteen (16) years of age when the dog is not on the owner's premises; and
 - 5) shall notify the Manager within five (5) days of transfer if the dog is transferred to a new location or if the ownership of the dog is transferred to another person; and
 - 6) shall not contravene any other conditions imposed in the Muzzle Order; and (219-06)

- 7) shall within seven (7) days purchase a Dangerous Dog warning sign from the Corporation and place it in a conspicuous place at the entrance to the owner's premises indicating the presence of a dog; and (219-06)
- 8) shall have the dog implanted with a microchip if the dog does not already have one and provide proof of the implant to the Animal Services Section within seven (7) days. (219-06)
- 36) A Muzzle Order expires when the animal dies or the Manager is satisfied that it no longer resides in the City.
- 36.1) Where an owner has been issued a muzzle order by a court of competent jurisdiction, the owner shall, in addition to complying with all the conditions listed in the muzzle order, within seven (7) days of being issued the muzzle order, purchase a Dangerous Dog warning sign from the Corporation and place it in a conspicuous place at the entrance to the owner's premises indicating the presence of a dog. (219-06)

Hearing before the Appeal Tribunal

- 37) 1) Where a Muzzle Order has been issued, the owner of the dog may apply for a hearing to appeal the Order to the Appeal Tribunal. (190-08)
- 2) An application for a hearing under subsection (1) shall be made in writing and delivered to the City Clerk after the Muzzle Order has been served.
- 38) An application for a hearing submitted under section 37 shall be accompanied by the appropriate fee as set out in the applicable City of Mississauga Fees and Charges By-law. (219-06)
- 39) 1) The powers and authority to conduct appeal hearings under this By-law are hereby delegated to an all-citizen Appeal Tribunal duly appointed by By-law. (190-08)
- 2) When a hearing date before the Appeal Tribunal has been fixed and the appellant or owner who has been given notice of the hearing does not attend at the appointed time and place, the Appeal Tribunal may proceed in the absence of the appellant or owner and the appellant or owner will not be entitled to any further notice in the proceedings. (190-080)
- 3) At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within fourteen (14) days of the hearing to the appellant or owner and the Manager. (190-08)
- 4) The Appeal Tribunal may uphold the Muzzle Order as issued by the Manager, exempt the owner in whole or in part from the requirements under the Muzzle Order and impose any conditions that the Tribunal deems appropriate. (190-08)

- 5) The decision of the Appeal Tribunal issued under this By-law is final. (190-08)
- 40) An application made by the owner for a hearing under this Part does not act as a stay of the Muzzle Order which shall take effect on the day it is served or deemed served, and shall continue to be effective until the Appeal Tribunal renders a decision indicating otherwise. (190-08)

PART XIV: PAYMENT OF FEES

General Provisions:

- 41) 1) Every person responsible for the payment of a fee under this By-law shall make such payment in full upon demand by the Corporation.
- 2) The payment of any fees and charges as required under this By-law does not constitute partial or full payment of any fines imposed by a court of competent jurisdiction, or of any administrative penalty imposed by an appointed Screening or Hearing Officer under the Licensing Administrative Penalty By-law for a contravention committed under this or any other By-laws. (136-14)

Non-Resident Fees:

- 42) 1) Should the owner of an animal or an animal requires the services of the Animal Services Section, and if the owner of the animal is not a resident of the City, the owner is responsible for the payment of an additional non-resident fee as set out in the City of Mississauga Fees and Charges By-law for each services provided, in addition to the regular fees and charges applicable to each service provided by the Animal Services Section.
- 2) For the purposes of this section, a service by the Animal Service Section includes every act conducted pursuant to this By-law of the Animal Services Section that incurs a cost, fee or charge.

PART XV.1 NO COMPENSATION

- 42.1) The Corporation, its officers, employees and agents shall not be liable for damages or compensation for any animal euthanized under the provisions of this By-law and no such damages or compensation shall be paid to any person. (219-06)

PART XV: OFFENCE

- 43) 1) Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, and the *Municipal Act, 2001*, as each may be amended from time to time. (136-14)

- 2) Every person who contravenes the designated provisions of this By-law as set out in the City's Licensing Administrative Penalty By-law shall, when given a Penalty Notice, be liable to pay to the City an Administrative Penalty in the amount specified in the City's Licensing Administrative Penalty By-law, and shall be liable to pay to the City Administrative Fees pursuant to the City's Licensing Administrative Penalty By-law, and shall follow the procedures for payment or review/appeal as outlined in the City's Licensing Administrative Penalty By-law. (136-14)

PART XVI: VALIDITY

- 44) If a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART XVII: REPEAL AND EFFECTIVE DATE

- 45) By-law 512-83, being the Animal Control By-law, as amended, and By-law 948-80, being the Dog Control By-law, as amended, are hereby repealed. (242-04)
- 46) This section repealed by By-law 242-04.

PART XVIII: SHORT TITLE

- 47) This By-law may be referred to as the "Animal Care and Control By-law".

ENACTED AND PASSED this 10 day of March, 2004.

Signed by: Hazel McCallion, Mayor Crystal Greer, City Clerk

SCHEDULE “A”

PROHIBITED ANIMALS

(amended by 242-04, 149-14)

CLASS	ORDER	COMMON NAMES
MAMMALS	Artiodactyla	All species purely or partially of the order Artiodactyla [cattle, goats, sheep, pigs, deer, elk, etc.]
	Carnivora	All species purely or partially of the order Carnivora [panda, otter, wolves, bears, seals, walruses, coyotes, foxes hybrid, wolf dogs, tigers, leopards, cougars, lions, lynx, hyaenas, minks, skunks, weasels, otters, badgers, mongoose, civets, genets coatimundi, cacomistles, raccoons, African wildcats, savannah cat, jungle cat, serval cat, European wildcat, Chinese mountain cat, sand cat,] Except common domestic dogs, common domestic cats and ferrets
	Chiroptera	All species purely or partially of the order Chiroptera [bats, myotis, flying foxes, etc.]
	Edentates	All species purely or partially of the order Edentates [anteaters, sloths, armadillos, etc.]
	Lagomorpha	All species purely or partially of the order Lagomorpha [hares, pikas, etc.] Except domestic rabbits
	Marsupialia	All species purely or partially of the order Marsupialia [koala, kangaroo, possum, wallabies, etc.] Except sugar gliders derived from self-sustaining captive populations
	Primates	All species purely or partially of the order Primates [chimpanzees, gorillas, monkeys, lemurs, etc.]
	Perissodactyla	All species purely or partially of the order Perrisodactyla [horses, donkeys, jackasses, mules, zebras, ponies, etc.]
	Proboscidea	All species purely or partially of the order Proboscidea [elephants, rhinoceros, hippopotamus, etc.]
	Rodentia	All species purely or partially of the order Rodentia [porcupines, prairie dogs, nutria, chinchillas] Except rodents which do not exceed 1,500 grams and are derived from self sustaining captive populations

SCHEDULE “A”

REPTILES	Crocodylia	All species purely or partially of the order Crocodylia [alligators, crocodiles, gavial, caymans, etc.]
	Squamata	All squamata purely or partially of the following species: <ul style="list-style-type: none"> ○ The genus Eunectes [Anacondas] ○ Morelia amethystina [Amethystine and Scrub pythons] ○ Python molurus [Indian python, Indian rock python, Burmese python] ○ Python sebae [African rock python] ○ Python reticulatus [Reticulated python] ○ Varanus niloticus ○ Varanus salvadorii [Crocodile monitor] ○ Varanus salvator [Water monitor] ○ Varanus varius [Lace monitor] ○ Varanus giganteus [Perentie] ○ Varanus komodoensis [Komodo dragon] ○ The family Viperidae [True vipers, Fea’s viper, Night adders, Rattlesnakes, etc.] ○ The family Elapidae [Cobras, Mambas, Kraits, Coral snakes, etc.] ○ The subfamily Hydrophiinae [Sea snakes, Coral reef snakes, etc.] ○ The genus Dispholidus [Boomslang snakes] ○ The genus Thelotornis [Twig snakes] ○ The genus Rhabdophis [Keelbacks] ○ The genus Atractaspis [Burrowing vipers, Mole vipers, etc.] ○ Philodryas viridissimus [South American green racer] ○ The family Helodermatidae [Gila monster, Beaded lizards]
BIRDS	Anseriformes	All species purely or partially of the order Anseriformes [ducks, geese, swans, screamers, etc.]
	Galliformes	All species purely or partially of the order Galliformes [pheasants, grouse, guineafowls, turkeys, chickens, pea fowls, etc.]
	Struthioniformes	All species purely or partially of the order Struthioniformes [ostriches, rheas, cassowaries, emus, kiwis, eagles, hawks, falcons, owls, etc.]
ARACHNIDA	Araneae	All Araneae purely or partially of the following species: <ul style="list-style-type: none"> ○ The family Ctenidae [Wandering spiders] ○ The genus Latrodectus [Black widow spiders] ○ The family Sicariidae [Brown recluse spider, Assassin spider, etc.] ○ The family Hexathelidae [Australian Funnel web spiders]
	Scorpiones	All species purely or partially of the family Buthidae [Fat tailed scorpions, Bark scorpions, etc.]
CHILOPODA		All species purely or partially of the class Chilopoda [Centipedes]

SCHEDULE “ B”

LICENCE AND OTHER FEES

(amended by 54-10, 242-11, 230-14, 91-17)

GENERAL

Dog or Cat, Not Spayed or Neutered (1 year licence)	\$45.00
Dog or Cat, Not Spayed or Neutered (2 year licence)	\$80.00
Dog or Cat, Spayed or Neutered (1 year licence)	\$20.00
Dog or Cat, Spayed or Neutered (2 year licence)	\$30.00

FOR OWNERS WHO ARE 65 YEARS OF AGE OR OLDER

Dog or Cat, Not Spayed or Neutered (1 year licence)	\$20.00
Dog or Cat, Not Spayed or Neutered (2 year licence)	\$40.00
Dog or Cat, Spayed or Neutered (1 year licence)	\$10.00
Dog or Cat, Spayed or Neutered (2 year licence)	\$20.00

LOW INCOME PERSONS*

Dog or Cat, Not Spayed or Neutered (1 year licence)	\$20.00
Dog or Cat, Not Spayed or Neutered (2 year licence)	\$40.00
Dog or Cat, Spayed or Neutered (1 year licence)	\$10.00
Dog or Cat, Spayed or Neutered (2 year licence)	\$20.00

OTHER FEES

Replacement Tag	\$5.00
Administrative Fee for late Licence Renewal	\$10.00
Exemption Application	\$200.00
First Impoundment	\$20.00
Second Impoundment	\$30.00
Third and subsequent impoundment	\$50.00

FEE EXEMPTIONS

A Person with a service animal or therapy animal may be exempt from the Licensing Fees in this Schedule “B”.

To be granted this exemption for a service animal, the Manager shall require proof of training from an animal service training agency which can include but not be limited to services accommodating the blind and hearing impaired.

To be granted this exemption for a therapy animal, the Manager shall require medical documentation from a licensed medical physician recommending use of a therapy animal.

*Low income persons will be determined based on the “Low Income Cut-Off” which is a measure of poverty calculated by Statistics Canada using an annual survey of incomes and defines a set of after tax (net) income levels below which individuals are considered to be living under the poverty line. Cut-off levels vary with the number of family members and are adjusted periodically for inflation.

SCHEDULE “C”

NATIONAL PIGEONS ORGANIZATIONS

1. The Canadian Racing Pigeon Union Inc.
2. The Canadian Pigeon Fanciers Association

SCHEDULE “D”

(amended by 230-14)

EXEMPTIONS FROM TETHERING AND DOG PEN TIME PROVISIONS

1. Any person may apply for an exemption from sections 20.1(6) and 23.3 of this By-law, with respect to the time restrictions for tethering and dog pens.
2. An application for exemption under Section 1 of this Schedule “D” shall be in writing to the Commissioner and shall contain:
 - a. the name and address of the applicant;
 - b. a statement of the section of the By-law from which exemption is sought;
 - c. the period of time from which the exemption is sought;
 - d. the reasons why the exemption is sought; and
 - e. the application fee;
3. The Commissioner shall have the power and authority to:
 - a. grant an exemption;
 - b. refuse an exemption;
 - c. impose terms and conditions on an exemption; or
 - d. revoke an exemption.
4. The Commissioner may ask the applicant for any other documentation or information as may be required to make a decision regarding an exemption.
5. The Commissioner may refuse an application for an exemption for any one or more of the following reasons:
 - a. the application is incomplete;
 - b. in the opinion of the Commissioner, the applicant has not demonstrated undue hardship would befall the applicant should he/she be subject to the time restrictions for tethering and/or dog pens; or
 - c. in the opinion of the Commissioner, the applicant has not demonstrated that appropriate measures will be taken by the applicant to ensure the animal will be free from injury, neglect or harm should the exemption be granted.

SCHEDULE “D”

6. If the Commissioner refuses to grant an exemption, he/she shall advise the applicant and provide the applicant with written reasons for the refusal.
7. The Commissioner may revoke an exemption if in the opinion of the Commissioner the considerations set out in subsections 5(b) and 5(c) will no longer be met.
8. An applicant can appeal a decision of the Commissioner regarding an exemption to the Appeal Tribunal.