

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2019-18

**A BY-LAW TO REGULATE ANIMAL CARE AND CONTROL IN
THE TOWN OF LINCOLN**

WHEREAS Sections 9 and 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a lower tier municipality to pass By-laws respecting animals;

AND WHEREAS Section 9 (3) of the said Municipal Act, 2001, provides that a By-law passed under Section 11 may regulate or prohibit respecting a matter, provide for a system of licenses, permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renewing a license, permit, approval or registration;

AND WHEREAS Section 103 of the said Municipal Act, 2001 confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the By-law under certain conditions;

AND WHEREAS Section 391 of the said Municipal Act, 2001 enables a municipality to pass a By-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Corporation of the Town of Lincoln deems it expedient and in the public interest to regulate and control domestic animals, and to regulate the care and keeping of animals pursuant to its authority to do so under the Municipal Act, 2001;

NOW THEREFORE the Corporation of the Town of Lincoln hereby enacts as follows:

1 SECTION ONE – DEFINITIONS

For the purpose of this By-law:

1.1 "Animal" means any non-human animal;

1.2 "Attack" means physical contact, other than accidental contact, by an animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a person or an animal or damage to clothing worn by a person, and the words "attacked" or "attacking" have corresponding meaning;

1.3 "Assigned Contractor" means any designated assigned organization that is responsible for upholding assigned contracted By-laws within this Animal Care and Control By-law from time to time.

1.4 "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal;

1.5 "Cat" means and will include any male or female feline of the species *Felis catus* or kitten under the age of twelve weeks of any breed or cross breed;

1.6 "Cattery" means any premises, cages or pens, excluding animal clinics, Groom establishments, Humane Societies and Pet Shops where four (4) or more cats are lodged, treated, bred, kept or boarded.

1.7 "Chief of Police" means the Chief of Police for the Niagara Regional Police Service or Persons acting under his or her authority;

1.8 "Council" means the Council of the Corporation of the Town of Lincoln;

1.9 "Dog" means a male or female canine of the species *Canis familiaris*;

1.10 "Domestic Animal" means any tamed or domesticated Animal;

1.11 "Dwelling Unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;

1.12 "Ear tipping" is the process of removing a small portion of the tip of the ear of a cat after sterilization as proof of the procedure being completed;

1.13 "Exotic" shall mean any Animal that is set out in Schedule "B", Exotic Animals, which may be amended by Council from time to time, as required;

1.14 "Keep" means to have temporary or permanent control or possession of an Animal, and the words "Kept" or "Keeping" have a corresponding meaning;

1.15 "Kennel" meaning any Premises, cages or pens, excluding animal clinics. Groom establishments, Humane Societies and Pet Shops where four (4) or more Dogs are lodged, treated, bred, Kept or boarded. A Kennel may be classified as:

(a) "Breeding Kennel" is a kennel where the primary purpose of the facility is for the breeding of dogs and the number of dogs permitted within such kennels shall not exceed ten (10), excluding pups under ten (10) weeks of age;

(b) "Commercial Kennel" is a kennel where the primary purpose of the facility is for the boarding of dogs for hire or gain;

(c) "Hobby Kennel" is a kennel where four (4) to ten (10) Dogs, excluding pups under ten (10) weeks of age, are kept for personal uses as hunting dogs, sled dogs, or show dogs, kept for the purposes of training or kept as pets and where there is no boarding and no revenue derived from the kennel.

1.16 "Leash" means a restraint consisting of but not limited to a rope, light chain, or other material held by a person and used to restrain an animal;

1.17 "Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;

1.18 "Motor Vehicle" means a Motor Vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. HS, as amended;

1.19 "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal to prevent it from biting a Person or Animal, and the words "Muzzled" and "Muzzling" have a corresponding meaning;

1.20 "Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, an Assigned Contractor, all Canine Control Officers and Animal Control Officers employed by Assigned Contractor including agents and inspectors designated as such under the Ontario Society for the Prevention of Cruelty to Animals Act, and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario and the Region of Niagara and includes the Chief of Police;

1.21 "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. 0.36, as amended;

1.22 "Owner" means any Person who possesses harbors or Keeps an Animal, and where the Owner is a minor, the Person responsible for the custody of the minor, and includes a Person who is temporarily the Keeper or in control of the Animal and the word "Owns" has a corresponding meaning;

1.23 "Person" includes a corporation, association, or any other non-incorporated entity;

1.24 "Pet Shop" means a shop or place where Animals are sold or Kept for sale for use as pets;

1.25 "Pound" means the part of the Premises for the temporary housing and care of Animals that have been impounded pursuant to this By-law, in accordance with the Animals for Research Act, R.S.O. 1990, Chapter A.22;

1.26 "Premises" includes lands, buildings or structures or any parts thereof;

1.27 "Prohibited Animals" means those Animals identified in Schedule "B", as may be amended by Council from time to time;

1.28 "Rescue Facility" means any registered or designated private premises where the owner of the premise's rescues abandoned cats with the sole purpose of rehabilitation, sterilization and adoption.

1.29 "Service Dog" means an Animal trained by a recognized school for service as a guide Dog for the blind or visually-impaired, a guide Dog for the deaf or hearing-impaired, or a special skills Dog for other disabled Persons;

1.30 "Shelter" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the Animal for whose use it is intended from the elements and in which the Animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;

1.31 "Sterilized" in respect of a Dog or Cat means either spayed or neutered and "Sterilization" has a corresponding meaning, where proof of the sterilization is either by documentation or a veterinary-issued tattoo on the animal;

1.32 "Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an Animal from moving away from a localized area and the words "Tethered" and "Tethering" have a corresponding meaning;

1.33 "Town" means the Corporation of the Town of Lincoln or any of its authorized full-time employees;

1.34 "Veterinary tattoo" is a mark applied by a veterinarian after a sterilization procedure to identify the animal as being sterilized;

1.35 "Wild Animal" means an untamed or undomesticated Animal indigenous to North America, wild by nature or disposition (faeae natural), but does not include the domestic ferret;

1.36 "Without Provocation", when used in reference to a Bite or Attack on a Person or Animal, means in the absence of any abuse, assault, teasing, tormenting or unwanted physical contact by the Person or Animal who sustained the Bite or Attack.

2 SECTION TWO – CARE OF ANIMALS

RESPONSIBILITY TO CARE FOR ANIMALS

2.1 Every person who keeps an animal within the Town shall at all times provide the animal, or cause it to be provided with:

- (a) A clean and sanitary environment free from the accumulation of waste matter;
- (b) Adequate and appropriate:

- (i) Care;
- (ii) Food;
- (iii) Unfrozen, fresh and clean water;
- (iv) Shelter from the elements including the sun; and

(c) The opportunity for physical activity sufficient to maintain good health.

2.2 Every person who keeps an animal that normally resides out of doors, or that is kept out of doors, unsupervised for extended periods of time, shall, in addition to complying with the requirements set out in Section 2.1 of this By-law, ensure that the Animal is provided with and has complete and unrestricted access to the following:

- (a) a Shelter that protects the Animal's entire body from the elements, having regard to the Animal's weight and type of coat, and that is raised above the surface of the earth and that has an entrance that faces away from the prevailing wind;
- (b) an area separate and apart from the Shelter for the Animal to use for defecation and urination; and
- (c) an area separate from the Shelter that provides the Animal with shade and protection from direct sunlight at any time of the day; and
- (d) an area that is dry and free from standing water.

TETHERS

2.3 No Person shall Keep a Domestic Animal Tethered unless:

- (a) The Tether is a minimum of four (4) metres in length;
- (b) The Domestic Animal has unrestricted and unobstructed movement within the range of the Tether; and
- (c) The Domestic Animal has access to food, water and Shelter; and
- (d) The Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
- (e) The Domestic Animal is tethered in a way that it will not injure itself.

2.4 No Person shall Tether a Domestic Animal in such a way as to permit the Animal to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the Owner of the Domestic Animal has received prior consent from the owner of that Premises.

2.5 No Person shall Tether a Domestic Animal by tying or affixing a rope, cord, chain or any other restraining device directly around the Animal's neck.

SANITARY CONDITIONS

2.6 Every Person who Keeps a Domestic Animal within the Town shall Keep the Animal, or cause the Animal to be Kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odor, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Domestic Animal, or that may endanger the health of any Person or Domestic Animal.

2.7 Section 2.6 of this By-law shall not be interpreted so as to prohibit a person who is a bona fide farmer engaged in a normal farming practice pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended and other applicable law.

ANIMAL RABIES: IMMUNIZATION

2.8 Every Owner of a domestic animal that is four (4) months of age or older shall ensure that the animal is duly immunized against rabies and that the immunization is maintained as current.

TORMENTING ANIMALS

2.9 No Person shall annoy, assault, batter, tease or torment an Animal or willfully and recklessly kill or cause injury, pain or suffering to an Animal.

2.10 Section 2.9 of this By-law shall not be interpreted so as to prohibit:

- (a) a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended and other applicable law; or
- (b) a Person who is a bona fide hunter actively engaged in hunting in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licenses and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Town.

TRAPPING ANIMALS

2.11 No Person shall trap any Animal unless:

- (a) The Animal is causing a nuisance to, or damaging, the aggrieved Person's property;
- (b) The Animal is trapped in a live trap;
- (c) The Animal is trapped in a humane manner;
- (d) Once trapped, the Animal is not Kept in a trap for more than 24 hours;
- (e) Once trapped, the Animal is Sheltered from the elements, including the sun; and
- (f) The Animal is trapped on the property of the aggrieved Person.

2.12 No Person shall set out any trap that causes or may cause injury, pain or suffering to an Animal including, without limiting the generality thereof, conibear traps, killer traps, leg- hold traps and snares.

2.13 Any Person who traps a Domestic Animal, in addition to the provisions of Section 2.11 and 2.12 of this By-law, shall only release the animal to:

- (a) The rightful Owner of the Animal;
- (b) An Officer; or
- (c) The Pound.

2.14 Section 2.11 and 2.12 of this By-law shall not apply to a Person trapping an Animal where the Person is licensed by the Ontario Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and such trapping shall be conducted in accordance with such applicable law.

3 SECTION THREE – DOMESTIC ANIMALS

LEASHING AND RUNNING AT LARGE

3.1 For the purposes of this By-law, a Domestic Animal shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner while not on a Leash held by any Person and not under the control of any Person.

3.2 No Owner of a Domestic Animal shall permit the Domestic Animal to run at large in the Town except in designated off-Leash areas.

3.3 No Owner of a Domestic Animal shall use a Leash on the Domestic Animal that exceeds five (5) metres in length, but in no case, shall an Owner use a Leash of a length that does not enable him or her to properly control the Domestic Animal.

3.4 Every Owner of an Animal shall, while the Domestic Animal is not on the Owner's Premises, control the Domestic Animal by means of a Leash that is held or affixed to their Person or another competent Person.

3.5 A Domestic Animal shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a Motor Vehicle or a bicycle.

IMPOUNDING OF DOMESTIC ANIMALS

3.6 An Officer may seize any Domestic Animal that is found running at large in the Town and may cause such Domestic Animal to be delivered to the Pound.

3.7 Any Person may seize any Domestic Animal that is found running at large in the Town and shall immediately thereafter cause such Domestic Animal to be delivered to the Pound or, if known, returned to its Owner.

3.8 A Domestic Animal seized pursuant to Sections 3.6 and 3.7 of this By-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.

3.9 Upon seizing or taking possession of any Domestic Animal, the Pound shall impound the Domestic Animal and make reasonable efforts to determine the identity of the Owner of the Domestic Animal and inform such Person that his or her Domestic Animal has been impounded.

3.10 The Pound shall keep any Domestic Animal impounded pursuant to this By-law for a redemption period of three (3) days. This redemption period shall be calculated by excluding:

- (a) The day on which the Domestic Animal was impounded;
- (b) Statutory holidays; and
- (c) Days on which the Pound is closed.

3.11 During the redemption period, the Pound:

- (a) May provide such veterinary or other care for an injured or ill impounded Domestic Animal as may be necessary to sustain its life or relieve any distress;
- (b) Shall be entitled to recover from the Owner of the Domestic Animal, the cost of any veterinary or other care provided while the Dog was impounded; and
- (c) Shall be entitled to recover from the Owner of the Domestic Animal, any Pound fees for the redemption of the Domestic Animal.

3.12 During the redemption period, the Pound may euthanize an impounded Domestic Animal without delay if, in the opinion of the Pound, such action is warranted for humane reasons.

3.13 During the redemption period, the Owner of an impounded Domestic Animal may obtain release of such Domestic Animal by first:

- (a) providing evidence to the Pound that the Domestic Animal is registered in accordance with the requirements of this By-law or if the Domestic Animal is not registered, by registering the Domestic Animal with the Town in accordance with this By-law;
- (b) paying the costs and fees provided for in Section 3.11 of this By-law; and
- (c) Taking any other action in relation to the care or control of the Domestic Animal that the Town or Pound may direct.

3.14 After the expiration of the redemption period, the Pound may:

- (a) release the Domestic Animal to its Owner upon compliance with Section 3.13 of this By-law; or
- (b) Keep, sell or dispose of the Domestic Animal in accordance with the provisions of the Animals for Research Act, R.S.O. 1990, c. A.22, as amended.

3.15 Whenever an impounded Domestic Animal is released to its Owner, a record of such release shall be kept by the Pound.

STOOP AND SCOOP

3.16 Every Owner of a Domestic Animal shall immediately remove any feces left by the Domestic Animal in any place other the Premises of the Owner and dispose of it in a proper waste receptacle.

3.17 Section 3.16 of this By-law shall not apply to:

- (a) The handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment;
- (b) A blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
- (c) A police working Dog while they are carrying out their duties.

TRANSPORTATION OF ANIMALS

3.18 For the purpose of this By-law, "roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of vehicles.

3.19 No Person transporting an Animal shall allow the Animal to be outside of the passenger cab of a Motor Vehicle on a roadway, regardless of whether the Motor Vehicle is moving or stationary.

3.20 Notwithstanding Section 3.19, a Person may allow an Animal to be outside the passenger cab of a Motor Vehicle while on a roadway, including riding in the bed of a pick-up truck or flatbed truck, if the Animal is:

- (a) in a fully enclosed trailer;
- (b) in a fully enclosed bed area of a truck, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or
- (c) contained in a crate or similar device manufactured for the confinement or transport of an Animal, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.

3.21 Notwithstanding Section 3.19, a Person may transport an Animal in the bed of a pick-up truck or flatbed truck provided that the Animal is securely Tethered in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the bed of the truck.

3.22 No person shall keep an Animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes or may cause the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary distress, hardship, privation or neglect.

3.23 An Officer may use any means as are necessary to remove an Animal in need of assistance from a vehicle or any enclosed space and the Town shall be entitled to recover its costs for such removal from the registered owner of the vehicle or enclosed space.

NUMBER OF RESTRICTED DOMESTIC ANIMALS

3.24 No Person shall keep on their Premises more than three (3) dogs, four (4) cats and/or three (3) of another domestic animal over ten (10) weeks of age, unless the premises is zoned to permit the keeping of Domestic Animals by the current Town of Lincoln Zoning By-law as amended, or any successor thereto, and:

- (a) The Premises is registered as a Kennel in accordance with the provisions of this By-law;
- (b) The Premises is a Pet Shop;
- (c) The Premises is used by any Humane Society; or
- (d) The Premises is an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3, as amended.

3.25 Any person who keeps up to four (4) cats on their property, as per section 3.24, shall be able to demonstrate by documentation or veterinary tattoo, upon inspection by an officer, that the cats have been sterilized.

3.26 Properties zoned Agriculture under the Town of Lincoln Zoning By-law as amended from time to time, that keep barn cats are exempt from the requirements of Section 3.24 provided the owner can demonstrate by documentation or veterinary tattoo, upon inspection by an officer, that the cats have been sterilized.

3.27 Despite Section 3.24 of this By-law, any Person lawfully Keeping more than the permitted number of Domestic Animals on his or her Premises on the date this By-law comes into effect shall be permitted to Keep said Domestic Animals on his or her Premises, provided that such Domestic Animals are registered with the Town in accordance with this By-law within ninety (90) days of the date that this By-law comes into effect. If any Domestic Animals is added or replaced by the Owner, the Owner will be required to obtain an appropriate Kennel license.

3.28 The onus of proving the exemption provided for in Section 3.27 shall be upon the Person seeking the exemption.

3.29 The exemption provided for in Section 3.27 of this By-law shall be for the life of the Domestic Animals.

NUMBER OF RESTRICTED DOMESTIC ANIMALS - CATS

3.30 No Person shall keep on their Premises more than four (4) sterilized cats over ten (10) weeks of age, unless the premises is zoned to permit the keeping of Domestic Animals by the current Town of Lincoln Zoning By-law as amended from time to time, or any successor thereto, and:

- (a) The Premises is registered as a "Cattery" in accordance with the provisions of this By-law;
- (b) The Premises is designated as a "Rescue Facility" in which all unsterilized cats shall be contained within a building, caged, and sterilized before or at the time of adoption;
- (c) The Premises is a Pet Shop;
- (d) The Premises is used by any Humane Society; or
- (e) The Premises is an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3, as amended.

3.31 No Person shall keep on their Premises more than four (4) sterilized cats over ten (10) weeks of age, unless the premises is zoned for agricultural use and the keeping of cats is for the purposes of rodent control.

3.32 Any person keeping cats as per Section 3.30, except for paragraphs (a) through (e) and Section 3.31 shall be able to demonstrate upon inspection, to an officer, proof of sterilization of the cat(s) owned at the address by the owner, by providing sterilization documents, proof of Ear tipping, or Veterinary tattoo to the Assigned Contractor acting as the Animal Care & Control service provider to the town.

3.33 Despite Section 3.30 of this By-law, any Person lawfully Keeping more than the permitted number of Domestic Animals on his or her Premises on the date this By-law comes into effect shall be permitted to Keep said Domestic Animals on his or her Premises, provided that such Domestic Animals are registered with the Town in accordance with this By-law within ninety (90) days of the date that this By-law comes into effect. If any Domestic Animals is added or replaced by the Owner, the Owner will be required to obtain an appropriate Kennel license.

3.34 The onus of proving the exemption provided for in Section 3.30 shall be upon the Person seeking the exemption.

3.35 The exemption provided for in Section 3.30 of this By-law shall be for the life of the Domestic Animals.

4 SECTION FOUR – DOGS

REGISTRATION

4.1 Every owner of a dog in the Town shall:

- (a) in every year, register the Dog with the Town and pay an annual Dog registration fee as set out in Schedule "A", as may be amended by Council from time to time;
- (b) in order to qualify for a discounted annual registration fee for a Sterilized Dog as set out in Schedule "A", as may be amended by Council from time to time, provide annually at time of registration, proof of sterilization from a qualified veterinarian;
- (c) renew the registration annually before January 1st of each year;
- (d) ensure that the Dog identification tag, issued as part of the registration, is displayed on the Dog's collar, and that said collar is affixed to the Dog at all times;
- (e) obtain a replacement identification tag by paying the fee as set out in Schedule "A", as may be amended by Council from time to time, in the event that such tag is lost, damaged or destroyed; and
- (f) pay an additional late Dog registration surcharge as set out in Schedule "A", as may be amended by Council from time to time, where the Dog is registered on or after January 1st of any given year.

4.2 Where an Owner of a Dog acquires the Dog or moves into the Town after the 30th day of June of any year, at the time of registration the Owner shall pay one-half of the applicable annual registration fee as set out in Schedule "A", as may be amended by Council from time to time.

4.3 In order to register a Dog, the Owner of the Dog shall provide the Town with the following information:

- (a) Name, address and telephone number of the Dog Owner;
- (b) Name, age, gender, breed, and colour of the Dog; and
- (c) Proof of sterilization from a qualified veterinarian, if available.

4.4 The Owner of a Dog shall notify the Town within seven (7) days of the sale or death of a Dog registered with the Town, or of any change in the Owner's name, address or telephone number.

4.5 The Town may provide the registrant with an identification tag for each Dog registered in accordance with this By-law.

4.6 No Person shall use an identification tag for any Dog other than the Dog for which such identification tag was issued.

4.7 No Person shall provide the Town with any false information in respect of the registration, or renewal of a registration, of a Dog.

DOG KENNELS

4.8 No person shall construct, establish, maintain or operate a Dog Kennel in the Town unless (as enforced by the Assigned Contractor):

(a) The Kennel is constructed, established, maintained and operated in compliance with the provisions of this by-law, any other municipal by-law and any applicable Act or Regulation including, without restricting the generality of the foregoing, the current Town of Lincoln Zoning By-law as amended from time to time, or any successor thereto, the Health Protection and Promotion Act and Regulations, the Ontario Building Code Act and Regulations, the Fire Prevention and Protection Act and Regulations and any other applicable law;

(b) the Kennel and its surrounding environs is so constructed, established, maintained and operated in a way that prevents escape by any Dog from the Kennel;

(c) in every year, the owner or operator of the Kennel registers the Kennel with the Town and pays the annual Kennel registration fee as set out in Schedule "A", as may be amended by Council from time to time;

(d) the owner or operator of the Kennel renews the Kennel registration annually before January 1" of each year;

(e) the owner or operator of the Kennel ensures that any Dog identification tag, issued as part of the Kennel registration, is displayed on the Dog's collar, and that such collar is affixed to the Dog at all times;

(f) in the event that such a Dog identification tag issued as part of the Kennel registration is lost, damaged or destroyed, the Owner or operator of the Kennel obtains a replacement identification tag by paying the fee as set out in Schedule "A", as may be amended by Council from time to time;

(g) in the event the Kennel is registered on or after January 1st of any given year, the owner or operator of the Kennel pays a late Kennel registration surcharge as set out in Schedule "A", as may be amended by Council from time to time;

(h) the owner or operator of a Breeding Kennel or a Commercial Kennel complies with the standards as set out in Schedule "C", attached hereto and forming part of this By-law; and

(i) the Owner will adhere to the regulations set out within the Code of Practice for Canadian Kennel Operations.

DOG BITES AND MUZZLING OF DOGS

4.9 No Owner of a Dog shall willfully cause the Dog, or permit the Dog through neglect or failure to control, to Without Provocation Bite, Attack or chase a Person or another Animal, or to damage public or private property.

4.10 No Owner shall Muzzle a Dog in any manner that restricts or may restrict the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.

4.11 Where an Officer becomes aware, either through his own investigation or as a result of information received by him from any source, that a Dog has Bitten or Attacked a Person or Animal Without Provocation, the Officer may, by written notice served upon the Owner, require the Owner to comply with the requirements set out in Sections 4.12 and 4.13 of this By-law within the time stipulated in said notice, and the Dog shall thereafter be deemed to be a dangerous Dog.

4.12 Every Owner of a dangerous Dog shall, at all times while the dangerous Dog is not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the Owner's Premises, ensure that the dangerous Dog wears a Muzzle in accordance with Section 4.10 of this By-law and ensure that:

- (a) the Dog is securely Tethered in accordance with Section 4 of this By-law;
- (b) the Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or Animal; and
- (c) a sign, no smaller than 12.7cm x 17.78cm, is displayed at all entrances to the property upon which the Dog is Kept, bearing words and a symbol that warn that there is a dangerous Dog on the property.

4.13 Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, keep the Dog:

- (a) Muzzled in accordance with Section 4.10 of this By-law;
- (b) Under the control of a competent person capable of handling the dog who is eighteen (18) years of age or older; and
- (c) On a leash that does not exceed two (2) meters in length.

4.14 Every Owner of a dangerous Dog shall immediately notify the Town of the following:

- (a) Any change in Ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
- (b) If the Dog runs at large, Attacks or Bites any Person or Animal; or
- (c) If the Dog dies.

4.15 An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with Sections 4.12 and 4.13 of this By-law.

4.16 Section 4.11 through 4.13 of this By-law shall not apply to police working Dogs while they are carrying out their duties.

5 SECTION FIVE - LIVESTOCK

5.1 No Person shall Keep Livestock on any Premises in the Town unless the Premises is zoned to permit the Keeping of Livestock by the current Town of Lincoln Zoning By-law as amended, or any successor thereto.

5.2 For the purposes of this By-law, Livestock shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.

5.3 No Owner of Livestock shall permit any Livestock to run at large in the Town.

5.4 An Officer may seize any Livestock that is found running at large in the Town and may cause such Livestock to be delivered to the Pound.

5.5 Any Person may seize any Livestock that is found running at large in the Town and shall immediately cause such Livestock to be delivered to the Pound or, if known, returned to the Owner.

5.6 Any Livestock seized pursuant to Section 5.4 and 5.5 of this By-law shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.

5.7 The Pound may seize and impound any Livestock running at large in the Town and shall make reasonable efforts to determine the identity of the Owner of

the Livestock and to inform the Owner that the Livestock has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c. P.17, as amended.

5.8 The Pound:

- (a) May provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress;
- (b) Shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock was impounded; and
- (c) Shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.

5.9 The Pound may euthanize any impounded Livestock without delay if, in the opinion of the Pound, such action is warranted for humane reasons.

5.10 The Owner of any Livestock impounded may obtain release of such Livestock by first:

- (a) paying all costs and fees provided for in this By-law; and
- (b) Taking any other action in relation to the care or control of the Livestock that the Town or Pound may direct.

5.11 The Pound may, in accordance with the Pounds Act, R.S.O. 1990, c. P.17, as amended:

- (a) release the Livestock to its Owner upon compliance with Sections 5.10 and 5.12 of this By-law;
- (b) Keep, sell or dispose of the Livestock.

5.12 The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock and for the costs incurred by the Town in seizing and/or impounding such Livestock.

5.13 Whenever any impounded Livestock is released to its Owner, a record of such release shall be kept by the Pound.

6 SECTION SIX - WILD ANIMALS

6.1 No Person shall remove any Wild Animals from any public land in the Town unless authorized to do so by the Town or by law and provided that the removal is done in a humane manner.

6.2 No Person shall keep, or cause to be kept, any Wild Animal in the Town unless they are authorized to do so by law.

6.3 Despite Section 6.2 of this By-law, a Person who comes into the possession of any Wild Animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than 24 hours after coming into possession of the Wild Animal:

- (a) Release the Wild Animal back into the wild within 1 kilometre from where it was found;
- (b) Surrender the Wild Animal to the care of Assigned Contractor;
- (c) Surrender the Wild Animal to a Person or facility licensed by the Ministry of Natural Resources to care for Wildlife.

7 SECTION SEVEN - PROHIBITED ANIMALS

7.1 No Person shall Keep, either temporarily or permanently, any Animal listed in Schedule "B", as may be amended by Council from time to time, unless the Premises on which the Animal is Kept or is to be Kept is zoned by the current Town of Lincoln Zoning By-law as amended, or any successor thereto, to permit a Kennel and:

- (a) The Person is authorized to Keep the Animal by the Government of Canada or the Province of Ontario; or
- (b) The Animal is a bird used for falconry.

7.2 Despite Section 7.1 of this By-law, a Person who is lawfully Keeping a Prohibited Animal on the date this By-law comes into effect shall be permitted to Keep such Animal on his or her Premises provided that the Animal is Kept in an environment which is appropriate for the species and the Owner has registered the Animal by advising the Town in writing of the species of Animal, the name, current address and phone number of the Owner and providing a photograph clearly depicting the Animal within ninety (90) days of the date that this By-law comes into effect.

7.3 The onus of proving the exemption provided for in Section 7.2 of this By-law is upon the Person seeking the exemption.

7.4 The exemption provided for in Section 7.2 of this By-law is for the life of the Prohibited Animal.

7.5 The Town may maintain a list of all Prohibited Animals for which written notice has been received in accordance with Section 7.2 of this By-law.

7.6 Section 7.1 of this By-law shall not apply to:

- (a) any Premises used by the Assigned Contractor;
- (b) any Premises of the Government of Canada, the Province of Ontario, the Region of Niagara or the Town of Lincoln;
- (c) any lawful fair, circus or other entertainment event where Animals are displayed;
- (d) Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3, as amended;
- (e) Premises owned or operated by any zoo or exhibit, permanently and lawfully located in the Town, and where such Premises or facilities are accredited by the Canadian Association of Zoos and Aquariums (CAZA);
- (f) areas of the Town in which professionally produced films are being lawfully made using such Animals, provided that there is supervision by an agent or inspector of the OSPCA;
- (g) any area of the Town in which educational programs are being lawfully conducted with such Animals, provided that the Animals are Owned by institutions accredited by the CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually being conducted;
- (h) Premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c. A.22, as amended;
- (i) Premises owned or operated by an Ontario College or University;
- (j) Premises that are authorized by the Ontario Ministry of Natural Resources; or
- (k) Premises owned and legally operated by an Animal rescue organization registered with the Assigned Contractor or pursuant to other legislation.

7.7 For the purposes of this By-law, a Prohibited Animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Prohibited Animal and not under the control of any Person.

7.8 No Person shall permit a Prohibited Animal to run at large.

8 SECTION EIGHT – EXOTIC ANIMALS

8.1 The following Exotic Animals Section, shall be applied to regulate the keeping of Exotic Animals;

8.2 The Owner of the Exotic Animal shall register such Animal with the Town:

- (a) By completing and delivering the form attached to this Bylaw as schedule "C" to the Clerk together with a colour photograph of the Animal clearly depicting the Animal and paying the applicable registration fee within ninety (90) days of the date that this By-law is passed
- (b) Upon the registration of the Exotic Animal the Town will use this information to notify all emergency services and appropriate agencies of potential dangers.
- (c) the Animal shall remain securely at the Owner's Premises, except for necessary visits to a veterinarian's office;
- (d) the Animal shall not be shown to, or displayed to the public;
- (e) the Animal shall be prohibited from breeding;
- (f) the Animal shall be kept in an environment and Enclosure which is appropriate for the species and has been properly inspected and approved by an animal control officer, inspector or agent appointed by the Society; g. If the Animal shows Aggression or Attacks, the Owner shall consult with the Society to determine if the Animal poses a danger to the Owner or the public. The Society may use outside experts as it deems necessary or turn the matter over to the OSPCA.
- (g) Have a qualified vet install a microchip in the animal.
- (h) The Owner of the Exotic Animal shall immediately notify the Town upon the loss, death, or sale of the Animal.

8.3 No Person shall permit an Exotic Animal to run at large.

8.4 For the purposes of this By-law an Exotic Animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Exotic Animal, and not under the control of any Person while in transit to the veterinarian's office.

8.5 In addition, those who possess Exotic Animals shall display the Reptile Colour Code prescribed by the Assigned Contractor. The Reptile Colour Code indicates the level of danger the Prohibited Animal possesses and which category the Prohibited Animal belongs to. The Colour Codes can be found in Schedule "C" of this By-law.

9 SECTION NINE – ADMINISTRATION

ENFORCEMENT

9.1 Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.

9.2 An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.

9.3 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) The provisions of this By-law are being complied with; or
- (b) A direction or order under this By-law is being complied with.

9.4 No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

OFFENCES AND PENALTIES

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

INTERPRETATION

9.6 Where a Court of competent jurisdiction declares any Section or part of a Section of this By-law invalid, the remainder of this By-law shall continue in force and effect unless the Court makes an order to the contrary.

9.7 For the purposes of this By-law, unless the context requires otherwise:

- (a) Words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa; and
- (b) Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

9.8 The schedules attached hereto shall form part of this By-law.

ENACTMENT

9.9 By-law Nos. 08-92, as amended, and any other By-law of the Town of Lincoln previously providing for the licensing, control and regulation of Animals is hereby repealed.

9.10 This By-law shall come into force and take effect upon the date of passage.

SHORT TITLE

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

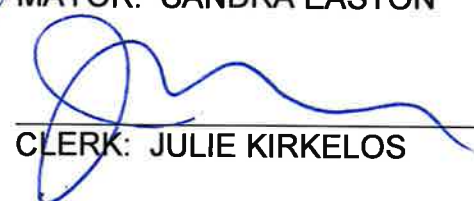
9.12 This By-law shall come into force and effect on the date of its passing and enactment.

BY-LAW read a FIRST time this 19th day of February, 2019.

BY-LAW read a SECOND time this 19th day of February, 2019.

BY-LAW read a THIRD time and FINALLY PASSED this 19th day of February, 2019.


MAYOR: SANDRA EASTON


CLERK: JULIE KIRKELOS

SCHEDULE "A"
TO BY-LAW NO 2019-18
FEEES AND CHARGES

All Fees and Charges shall be in accordance with the Town's Fees and Charges By-law as amended from time.

SCHEDULE "B"
TO BY-LAW NO. 2019-18

PROHIBITED ANIMALS

1. All protected or endangered Animals being all Animals, native or non-native, whose possession or sale is Prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the Animal is not identified in this Schedule.
2. All Dogs, other than domesticated Dogs (*Canis familiaris*) including, but not limited to: wolf, fox, coyote, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated Dog.
3. All Cats other than domesticated Cats (*Felis catus*) including, but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wildcat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated Cat.
4. All bears, including polar, grizzly, brown and black bear.
5. All Procyonidae, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.
6. All carnivorous mammals of the family Viverrid including, but not limited to, civet, mongoose, and gene.
7. All bats (Chiropter).
8. All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
9. All squirrels (Sciuridae).
10. Reptiles (Reptilians) including:
 - (a) All Helodermatidae (glia monster and Mexican bearded lizard);
 - (b) All front-fanged venomous snakes, even if devenomized, including, but not limited to,
 - (i) All Viperidae (viper, pit viper);
 - (ii) All Elapidae (cobra, mamba, krait, coral snake);
 - (iii) All Atractaspididae (African burrowing asp);
 - (iv) All Hydrophiid (sea snake); and
 - (v) All Anticandidal (sea krait);
 - (c) All venomous, mid- or rear-fanged, Duvernoy-glanded members of the family Colubrid, even if de-venomized;
 - (d) Any member or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda, save and except members of the family Boidae reaching an adult length of no greater than two (2) meters;
 - (e) Any member of the family Pythonidae, including, but not limited to, the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family Pythonidae reaching an adult length of no greater than two (2) meters;
 - (f) Any member of the family Veranda, including, but not limited to, the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family Varanidae reaching an adult length of no greater than one meter;

- (g) Any member of the family Teiidae, including, but not limited to, the golden, common or black and white tegu;
- (h) All members of the family Chelydridae (snapping turtle and alligator snapping turtle) and Apolune (smooth soft-shell turtle, Florida soft shell turtle, eastern spiny softshell turtle);
- (i) All members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile;
- (j) All other snakes that reach an adult length larger than three (3) meters; and
- (k) All other lizards that reach an adult length larger than two (2) meters.

11. Birds (Aves) including:

- (a) All predatory or large birds (Accipitrids, Cathartids), including, but not limited to, eagle, hawk, falcon, owl, vulture and condor;
- (b) Anseriformes including, but not limited to, ducks, geese and swans;
- (c) Galliformes including, but not limited to, pheasants, grouse, guinea fowl and turkeys; and
- (d) Struthioniformes including, but not limited to, flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis;
- (e) Paragraphs (a) to (d) inclusive in Section (1) do not apply if the birds are kept as Livestock pursuant to Section 5.13 of this By-law.

12. Arachnida and Chilopoda including

- (a) All venomous spiders including, but not limited to, tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean Rose (*Grammostola rosea*), Mexican Red-Knee (*Brachypelma smithi*), Pink-Toed (*Avicularia avicularia*); and
- (b) All venomous arthropods including, but not limited to, centipede.

13. All even-toed ungulates (Artiodactyla) including, but not limited to, antelope, giraffe and hippopotamus, but not including domestic sheep, Cattle, pigs, pot-bellied pigs or goats.

14. All odd-toed ungulates (Perissodactyla) other than domesticated horses (*Equus caballus*) and Zebra, including, but not limited to, rhinoceros and tapir.

15. All marsupials, including, but not limited to, Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.

16. Sea mammals (Cetacea, Pinnipedia and Sirenia) including, but not limited to, dolphin, whale, seal, sea lion and walrus.

17. All elephants (Proboscides).

18. All hyrax (Hyracoidea).

19. All pangolin (Polycot).

20. All sloth and armadillo (Edentala).

21. All insectivorous mammals (Insectivora), including aardvark (*Tubulidentata*). Anteater, shrew, otter shrew and mole.

22. Gliding lemur (Dermoptera).

23. All other venomous or poisonous Animals.

SCHEDULE "C"
TO BY-LAW NO. 2019-18

EXOTIC ANIMALS

EXOTIC ANIMALS PERMITTED WITH REGISTRATION

1. *Otocyon megalotis*,
2. Bat Eared Fox
3. *Prionailurus bengalensis*
4. Bengal Cat
5. *Galago senegalensis*
6. Bush Baby
7. Crepuscular rodents
8. Chinchilla
9. Members of the family Boidae and members of the family Pythonidae under 1.8 m in adult length
10. *Vulpes zerda*
11. Fennec Fox
12. *Mustela putorius furo*
13. Ferret
14. Erinaceinae
15. Hedgehog
16. Procyonidae
17. Kinkajou
18. Non-human primates' family of Lemur
19. Non-Venomous reptiles under 2m in adult length
20. Non-Venomous snakes under 3m in adult length
21. All domestic even-toed ungulates (*Artiodactyla*) including, sheep, cattle, pigs, potbellied pigs or goats
22. Feline hybrid
23. Savannah Cats
24. Edentala
25. Sloth
26. Carnivorous mammals of the family Viverridae
27. Spotted Genet
28. *Saimiri sciureus*, Squirrel Monkey
29. Marsupials, including Sugar Glider / Greater Glider

SCHEDULE "C" (continued) TO BY-LAW NO. 2019-18

EXOTIC ANIMAL COLOUR CODES FOR REPTILES

- (i) Green represents reptiles or related animals that are able to be placed in public homes that are qualified and pass basic screening processes. These are animals that are considered to be common pet type animals that usually wouldn't offend town or town exotic animal bylaws. There will be specific care sheets offered and there will be a basic tracking process of where the animals are coming from and going to. Examples of animals in Green group- arachnids, geckos, hermit crabs, small lizards, small snakes, betta fish. Ratsnakes, kingsnakes, milksnakes, small pythons & boas, small turtles & tortoises, small monitors, small tegus, bearded dragons, and not limited to skinks.
- (ii) Yellow represents reptiles or related animals that would offend some exotic animal By-laws and by most standards would be considered zoo type animals or for experienced handlers only. These type reptiles will be offered to zoo and educational animal type facilities first and for most but where experienced foster homes can be found without offending town By-laws the option will be considered. All homes will be tracked and follow up contact after first 6 months for private homes to ensure a foster home is a good fit will be mandatory. Foster's can be temporary or permanent homes depending on the situation. Examples of animals in Yellow group- medium pythons & boas, medium sized turtles & tortoises, monitors, tegus- small dwarf type crocodilians, med to large turtles & tortoises, medium to large boas & pythons.
- (iii) Red represents reptiles and related animals that are considered dangerous by most standards and or require highly specialized care and or are able to attain great sizes or lengths. Reptiles not considered practical in most captive situations and or are protected species or considered rare by zoo standards. These animals will only be considered for adoption by qualified zoos and accredited animal facilities. Reptile Kingdom is concocting a list of zoo and animal facilities considered qualified for these types of reptiles, so we can send out an adoption availability list and help these animals where needed. Examples of animals in Red group- large to giant pythons and anacondas, medium to larger crocodilians, large to giant tortoises, large aquatic turtles, and venomous snakes, large monitor lizards et cetera.

SCHEDULE "C" (CONTINUED) TO BY-LAW NO. 2019-18

REGISTRATION OF EXOTIC ANIMALS

1. Name of Owner(s) of Exotic Animal(s):

2. Address if Owner(s) of Exotic Animal(s):

3. Contact Information

Phone _____

E-Mail _____

4. List All Exotic Animal(s)

Species _____

How Many _____

Age _____

5. Room or usual location of Exotic Animal(s) are kept

In accordance with By-law 2019-18, I have enclosed the fee of \$25.00 and a colour photograph(s) that truly depicts the exotic, prohibited & dangerous animal(s) registered under this form. **The fee is based on per property registration, not per animal.

***I certify that the above information provided herein is true and that if a false claim is made that the registration may be forfeited, and the animal may be removed from the property. ***

DATE: _____

SIGNATURE OF OWNER(S): _____

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2020-40

A BY-LAW TO AMEND BY-LAW NO. 2019-18, BEING A BY-LAW TO AMEND THE ANIMAL CARE AND CONTROL BY-LAW IN THE TOWN OF LINCOLN.

WHEREAS:

1. Sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorize a lower tier municipality to pass by-laws respecting animals;
2. On February 19, 2019, the Council of the Corporation of the Town of Lincoln enacted By-law 2019-18, being a by-law to Regulate Animal Care and Control in the Town of Lincoln, to regulate and control domestic Animals and to regulate the care and keeping of animals;
3. It is desirable to amend By-law 2019-18, to address the feeding of wild animals.

NOW THEREFORE, the Council of the Corporation of the Town of Lincoln hereby enacts as follows:

1. That the second recital be deleted and replaced with the following new recital:

AND WHEREAS Subsection 8(3) of the *Municipal Act, 2001*, provides that a by-law passed under Section 11 may regulate or prohibit respecting the matter, require persons to do things respecting the matter and provide for a system of license respecting the matter.

2. That Section 1 is hereby deleted and replaced with the following new subsection 1:
 - 1.1 "Animal" means any non-human animal.
 - 1.2 "Assigned Contractor" means any designated assigned organization that is responsible for upholding assigned contracted By-laws within this Animal Care and Control By-law from time to time.
 - 1.3 "Attack" means physical contact, other than accidental contact, by an animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a person or an animal or damage to clothing worn by a person, and the words "attacked" or "attacking" have corresponding meaning.
 - 1.4 "Attractant" means any substance which could be reasonably expected to attract a wild animal or does attract wild animals, strays, feral or abandoned animals.
 - 1.5 "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal.
 - 1.6 "Cat" means and will include any male or female feline of the species *Felis catus* or kitten under the age of twelve weeks of any breed or cross breed.
 - 1.7 "Cattery" means any premises, cages, or pens, excluding animal clinics, Groom establishments, Humane Societies and Pet Shops

where four (4) or more cats are lodged, treated, bred, kept, or boarded.

- 1.8 "Chief of Police" means the Chief of Police for the Niagara Regional Police Service or Persons acting under his or her authority.
- 1.9 "Council" means the Council of the Corporation of the Town of Lincoln.
- 1.10 "Dog" means a male or female canine of the species *Canis familiaris*.
- 1.11 "Domestic Animal" means any tamed or domesticated Animal.
- 1.12 "Dwelling Unit" means a building, structure, room, or rooms occupied or intended for use for human habitation in which sanitary, cooking, living, and sleeping facilities exist.
- 1.13 "Ear tipping" is the process of removing a small portion of the tip of the ear of a cat after sterilization as proof of the procedure being completed.
- 1.14 "Exotic" shall mean any Animal that is set out in Schedule "B", Exotic Animals, which may be amended by Council from time to time, as required.
- 1.15 "Feed or Feeding" means the deliberate act of furnishing or making available food or other substances which are likely to be consumed by stray, feral, wild or abandoned animals and for the purpose of this by-law, food found on a property is deemed to have been furnished by the property owner.
- 1.16 "Feeding device" means a mechanism that attracts or is intended to attract Wild Animals and shall include anything used to support or contain food but shall not include a bird feeder used in accordance with this by-law.
- 1.17 "Food" means any substance or food which could reasonably be expected to be consumed by a Wild Animal, but does not include:
 - (a) compost kept in accordance with all applicable by-laws, statutes, or regulations;
 - (b) landscaping materials used for landscaping purposes; or
 - (c) food being grown for human consumption.
- 1.18 "Keep" means to have temporary or permanent control or possession of an Animal, and the words "Kept" or "Keeping" have a corresponding meaning.
- 1.19 "Kennel" meaning any Premises, cages, or pens, excluding animal clinics, Groom establishments, Humane Societies and Pet Shops where four (4) or more Dogs are lodged, treated, bred, Kept, or boarded. A Kennel may be classified as:
 - (a) "Breeding Kennel" is a kennel where the primary purpose of the facility is for the breeding of dogs and the number of dogs permitted within such kennels shall not exceed ten (10), excluding pups under ten (10) weeks of age;
 - (b) "Commercial Kennel" is a kennel where the primary purpose of the facility is for the boarding of dogs for hire or gain;
 - (c) "Hobby Kennel" is a kennel where four (4) to ten (10) Dogs, excluding pups under ten (10) weeks of age, are kept for personal uses as hunting dogs, sled dogs, or show dogs, kept

for the purposes of training or kept as pets and where there is no boarding and no revenue derived from the kennel.

- 1.20 "Leash" means a restraint consisting of but not limited to a rope, light chain, or other material held by a person and used to restrain an animal.
- 1.21 "Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs.
- 1.22 "Motor Vehicle" means a Motor Vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c. HS, as amended.
- 1.23 "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal to prevent it from biting a Person or Animal, and the words "Muzzled" and "Muzzling" have a corresponding meaning.
- 1.24 "Nuisance" means a situation that is likely to adversely impact any owner or occupant of property, and includes a situation which:
- (a) results in a potential health and safety risk, including but not limited to the accumulation of feces; or
 - (b) is likely to interfere with the normal use or enjoyment of a property, for any reason, including through odour or noise.
- For greater certainty, without limiting the above, a situation which attracts large numbers of Wild Animals or Wild Birds is deemed to constitute a nuisance.
- 1.25 "Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, an Assigned Contractor, all Canine Control Officers and Animal Control Officers employed by Assigned Contractor including agents and inspectors designated as such under the Ontario Society for the Prevention of Cruelty to Animals Act, and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario and the Region of Niagara and includes the Chief of Police.
- 1.26 "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. 0.36, as amended.
- 1.27 "Owner" means any Person who possesses harbors or Keeps an Animal, and where the Owner is a minor, the Person responsible for the custody of the minor, and includes a Person who is temporarily the Keeper or in control of the Animal and the word "Owns" has a corresponding meaning.
- 1.28 "Person" includes a corporation, association, or any other non-incorporated entity.
- 1.29 "Pet Shop" means a shop or place where Animals are sold or Kept for sale for use as pets.
- 1.30 "Pound" means the part of the Premises for the temporary housing and care of Animals that have been impounded pursuant to this By-law, in accordance with the Animals for Research Act, R.S.O. 1990, Chapter A.22.

- 1.31 "Premises" includes lands, buildings or structures or any parts thereof.
 - 1.32 "Prohibited Animals" means those Animals identified in Schedule "B", as may be amended by Council from time to time.
 - 1.33 "Rescue Facility" means any registered or designated private premises where the owner of the premise's rescues abandoned cats with the sole purpose of rehabilitation, sterilization, and adoption.
 - 1.34 "Service Dog" means an Animal trained by a recognized school for service as a guide Dog for the blind or visually impaired, a guide Dog for the deaf or hearing-impaired, or a special skills Dog for other disabled Persons.
 - 1.35 "Shelter" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the Animal for whose use it is intended from the elements and in which the Animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended.
 - 1.36 "Sterilized" in respect of a Dog or Cat means either spayed or neutered and "Sterilization" has a corresponding meaning, where proof of the sterilization is either by documentation or a veterinary-issued tattoo on the animal.
 - 1.37 "Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an Animal from moving away from a localized area and the words "Tethered" and "Tethering" have a corresponding meaning.
 - 1.38 "Town" means the Corporation of the Town of Lincoln or any of its authorized full-time employees.
 - 1.39 "Veterinary tattoo" is a mark applied by a veterinarian after a sterilization procedure to identify the animal as being sterilized.
 - 1.40 "Wild Animal" means an untamed or undomesticated Animal indigenous to North America, wild by nature or disposition (faeae natural), but does not include the domestic ferret.
 - 1.41 "Wild Bird" means a bird that is outdoors and not confined to a cage.
 - 1.42 "Without Provocation", when used in reference to a Bite or Attack on a Person or Animal, means in the absence of any abuse, assault, teasing, tormenting or unwanted physical contact by the Person or Animal who sustained the Bite or Attack.
3. That the following section be added to Section 6 "Wild Animals":
- 6.4 No person shall leave or provide food or attractant of any type outdoors in such a manner that such food or attractant is accessible to wild, feral, or stray Animals.
 - 6.5 Exception to section 6.4
 - (a) Section 6.4 does not apply to:
 - (i) The feeding of songbirds provided the seed is placed in a bird feeding device and is inaccessible to other Animals;

- (ii) Food that is placed as bait in a trap by a property owner to capture nuisance Animals in accordance with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c.41;
- (iii) Food that is placed as bait by a licensed trapper, a wildlife removal service, or an Officer in accordance with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c.41;
- (iv) Food that is placed for a colony of community Cats as part of an approved Trap, Neuter, Release program as set out by a licensed trapper, wildlife removal service, an Officer or an agency approved by the Town;
- (v) An agricultural operation while conducting a normal farming practice as defined by the *Farming Food and Production Protection Act, 1998*, S.O. 1998, c.1.

4. This by-law shall come into full force and effect on the date of final passing.

By-law read a first time this 24th day of August 2020.

By-law read a second time this 24th day of August 2020.

By-law read a third time and finally passed 24th day of August 2020.


MAYOR: SANDRA EASTON


CLERK: JULIE KIRKELOS