

B I L L
No. 66
1985

B Y - L A W N U M B E R 8156

A B Y - L A W F O R P R O H I B I T I N G ,
R E G U L A T I N G A N D R E S T R I C T I N G T H E
K E E P I N G O F A N I M A L S W I T H I N T H E C I T Y
O F W I N D S O R O R D E F I N E D A R E A S
T H E R E O F

Passed the 18th day of March, 1985.

WHEREAS Section 210 of the Municipal Act, R.S.O. 1980, c. 302, as amended, authorizes the councils of local municipalities to pass by-laws to prohibit, regulate or restrict the keeping of animals within the municipality or defined areas thereof;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this by-law,
 - (a) **"agricultural area"** means those areas within the City of Windsor where agricultural uses are permitted by the Zoning By-laws, as amended, of the Corporation;
 - (b) **"animal"** means any live non-human vertebrate or invertebrate, including a bird or reptile, and without limiting the generality of the foregoing, includes a domestic animal, an animal raised for commercial purposes, an animal kept as a working animal, a pet, or for hobby purposes such as breeding, showing, or sporting;
 - (c) **"animal supply facility"** means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;
 - (d) **"Corporation"** means The Corporation of the City of Windsor;
 - (e) **"domestic fowl"** means and includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them, and includes game birds where the game birds are kept pursuant to a licence under the Game and Fish Act, R.S.O. 1980, c. 182, as amended, or the Migratory Bird Convention Act, R.S.C. 1970, c. M-12, as amended;
 - (f) **"exotic animal"** means an animal not indigenous to Canada and not commonly kept as a household pet in Canada, whether or not such animal is a "wild animal" as defined herein;
 - (g) **"highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by the general public for the passage of vehicles;
 - (h) **"owner"** includes any person who keeps, harbours or is in control of an animal, and for the purpose of this definition "owns" or "owned" shall have a corresponding meaning and shall include a person who is temporarily the keeper or in control of an animal;

- (i) **"person"** means any individual, firm, incorporated or unincorporated group or organization, business entity or club to whom the context can apply in accordance with the Interpretations Act, R.S.O. 1980, c. 219, as amended;
- (j) **"pigeons"** shall include racing, runt and tumbler pigeons;
- (k) **"premises"** means lands, buildings or any structures;
- (l) **"research facility"** means premises on which animals are used in research and includes premises used for collecting, assembling or maintaining of animals in connection with a research facility, and registered under the Animals for Research Act, R.S.O. 1980, c. 22;
- (m) **"releasable age"** means that age when an animal is able to fend on its own, provided however, that such age shall be deemed to be reached two (2) months after birth;
- (n) **"suitable enclosure" shall mean a building or structure that:**
 - (i) **has its inside walls and ceiling limewashed or painted at least once per year;**
 - (ii) **is screened as far as practicable, from adjacent premises and streets by hedges, shrubs, or other suitable screening;**
 - (iii) **is properly ventilated;**
 - (iv) **in the opinion of the local medical officer of health, does not house animals in such a manner or in such number as to be injurious or dangerous to health;**
 - (v) **is maintained in such a manner as to prevent odours arising from it;**
 - (vi) **may be readily sanitized and is kept in a clean condition;**
 - (vii) **is at least forty (40) feet from any school, church, dwelling or other premises used for human habitation or occupancy other than premises occupied exclusively by the animal keeper or members of the keeper's immediate family.**
 - (viii)
- (o) **"wild animal"** means an animal of a wild nature or disposition (ferae naturae).

2. This by-law applies to all persons and to the keeping of all animals referred to in this by-law within the City of Windsor.

3. No person shall keep, or cause to be kept:

- (1) any exotic animal, venomous snakes and snakes not indigenous to Canada, venomous reptiles, venomous insects or venomous spiders; or
- (2) any wild animal unless such animal is under releasable age and cannot fend for itself, or is injured and unable to fend for itself and the facilities for keeping the animal must be such that there is no danger to people and to other animals. When any wild animal being kept for the aforementioned reasons, becomes able to fend for itself, it must then be released back into the wild or to the care of an animal shelter operated by the Essex County Humane Society or Erie Wildlife Rescue Inc. (Substituted B/L 181-2002, dated July 8, 2002)

4. Any person who owns an animal shall:
 - (1) treat it in a humane manner;
 - (2) keep it so that,
 - (a) offensive odours and the transfer of disease are minimized,
 - (b) a female animal in heat does not attract other animals,
 - (c) there is a suitable exercise area for each animal, and
 - (d) the animal cannot readily escape;
 - (3) provide the necessary food, water, housing and attention as required to keep the animal in good health and free from harm; and
 - (4) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.
 - (a) Any person who owns an animal that is customarily kept outside shall at all times:
 - (i) Provide it with protection from the elements including harmful temperatures;
 - (ii) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight of type of coat;
 - (iii) Provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position. **(Added B/L 152-2014, August 25, 2014)**
 - (b) No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
 - (i) The tether is of appropriate length for the species tethered; i.e. 5 times the length of the dog from the nose to the base of the tail except for small dogs – (should be a minimum of 3 metres);
 - (ii) The animal has unrestricted movement within the range of such tether;
 - (iii) The animal is not tethered for longer than 4 hours per day;
 - (iv) The animal has access to water, and shelter while tethered; and
 - (v) The animal cannot injure itself as a result of the tethering. **(Added B/L 152-2014, August 25, 2014)**
5. No person shall keep, or cause to be kept, at or in any premises,
 - (1) more than two (2) of each kind of animal not otherwise prohibited by this by-law with the exception of cats in accordance with Section 5(4) and dogs in accordance with Section 5(5). **(Substituted B/L 181-2002, dated July 8, 2002) (Deleted and substituted B/L 35-2013, March 4, 2013)**
 - (2) any domestic fowl, horses, donkeys, mules, cattle, goats, swine, mink, fox, sheep, ferrets, or chinchillas; or
 - (3) **more than eighty (80) pigeons and such pigeons shall be banded with an identifying leg band issued by a nationally recognized organization or association, notwithstanding subsection (1). (inserted B/L 10180, Mar.19/90; amended B/L 10324, June 18/90)**
 - (4) more than four (4) cats **(added B/L 75-2002, Mar.18/2002)**

(5) more than three (3) dogs. **(Added B/L 35-2013, March 4, 2013)**

5a. The number of animals stated in subsection 5(1), 5(3), 5(4) and 5(5) are the maximum numbers that are permissible for any premises, regardless of the number of persons occupying the premises. **(inserted B/L 10180, Mar.19/90) (Deleted and substituted B/L 35-2013, March 4, 2013)**

5b. Despite subsection 5(1) of this by-law, five (5) additional cats may be kept in ten (10) dwellings which are operated as shelters for Jazzpurr Cat Care Society. **(added B/L 11366, March 1/93)**

5c. Despite subsection 5(1) of this by-law, more than 2 caged birds may be kept in any persons' private dwellings. **(added B/L 166-2012, Nov. 5/12)**

6. No person shall keep or cause to be kept:

- (a) any snake, reptile, insect or spider not otherwise prohibited by this by-law unless they are housed in an escape-proof enclosure;
- (b) any guinea pigs, white rats or pigeons unless they are housed in a suitable enclosure.

7.(1) Notwithstanding any other provision of this by-law, any person who owns pigeons shall keep them enclosed except during a maximum of two (2) flight periods daily, each flight consisting of not more than forty (40) pigeons and which flight periods shall take place only for the purpose of conditioning; and

- (a) between the hours of 7:00 o'clock in the forenoon and 11:00 o'clock in the forenoon;
- (b) between the hours of 4:00 o'clock in the afternoon and 8:00 o'clock in the afternoon; and
- (c) under the supervision of the owner of such pigeons, or some other competent person on his behalf.

(2) The local medical officer of health or a person appointed to enforce the provisions of this by-law may enter the pigeon enclosure at any reasonable time for the purpose of inspecting the enclosure and may be accompanied by a member of the executive of either the Border City Flying Club or the Sun Parlour Feather Fanciers Association.

8.(1) No person who owns any animal shall permit such animal to be at large within the City of Windsor.

(2) For the purpose of this section, an animal is deemed to be at large when:

- (a) found on a highway or other public property, or on private property other than the premises upon which it is habitually kept, and
- (b) not under the control of any person.

(3) For the purpose of this section, an animal shall be deemed not to be under the control of any person unless on a leash not more than three (3) metres in length.

9. Section 8 shall not apply to cats or pigeons.

10. Sections 3, 5 and 6 of this by-law shall not apply to:

- (1) an animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (2) a shelter operated by the Essex County Humane Society, Erie Wildlife Rescue Inc. or Jazzpurr Cat Care Society; **(amended B/L 12630, July 15/96)**
- (3) DELETED BY BY-LAW 109-2018, DATED JULY 23, 2018
- (4) a research facility of any person licensed or exempted as an operator of an animal supply facility under the Animals for Research Act, R.S.O. 1980, c. 22, as amended.
- (5) The Ojibway Nature Centre. **(added B/L 9154, Sept. 28/87)**

11. Sections 5 and 6 of this by-law shall not apply to:
- (1) any person who lawfully carries on the business of offering pet animals for sale to the public, except that no person shall keep ferrets or Vietnamese pot-bellied pigs for sale or display purposes at the business premises. **(inserted B/L 10324, June 18/90)**
 - (2) any person who lawfully carries on the business of operating an establishment which either breeds or boards animals, or both;
 - (3) any person who keeps an animal under releasable age;
 - (4) the keeping of a pig, calf, goat, horse or mule and chickens, ducks, rabbits or other common small domestic animals at the Nature Study Centre operated in conjunction with the Regional Children's Centre of the Windsor Western Hospital Centre, I.O.D.E. Unit; provided that such animals shall be kept for temporary periods not exceeding three (3) months at one time and the number of animals shall not exceed a total of twelve (12) mature animals at any one time; or
 - (5) any person who keeps animals in an agricultural area.

11a. This by-law shall not apply to any dog owned, possessed or harboured by the Windsor Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other government enforcement agency. **(added B/L 9497, Aug. 29/88)(deleted B/L 12905, Apr.21/97; added B/L 445-2001, Dec.3/2001)**

- (b) This by-law shall not apply to restrict the use of horses in any circus, exhibition, menagerie or carnival. **(added by by-law 109-2018, dated July 23, 2018.)**

12. Every person who contravenes any of the provisions of this by-law (Chapter) is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act. **(inserted B/L 10277, May 22/90)**

13. By-laws Number 612, 950, 1756, 1916, 2164, 4110 and 5028 and Section 11 of By-law Number 6683 are hereby repealed.

14. This by-law shall come into force and take effect upon the day following the final passing thereof.

(signed) "Elizabeth Kishkon"

MAYOR

(signed) "J. B. Adamac"

ACTING CLERK

First Reading	March 18, 1985
Second Reading	March 18, 1985
Third Reading	March 18, 1985