

ANIMAL

Chapter 304 ANIMAL - KEEPING

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**Article 1
INTERPRETATION**

304.1.1 Animal - defined

“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, fowl, an exotic animal, livestock, pigeons, reptiles and wild animals.

304.1.2 Animal control contractor - defined

“animal control contractor” means the organization employed by the Town and appointed to enforce the provisions of By-laws 76-79 and 7-85 [Chapters 306 and 314, Town of Richmond Hill Municipal Code]. By-law 15-88, 5 January, 1988.

304.1.2.1 Domestic animal - defined

“domestic animal” means an animal kept by or living with human beings. By-law 83-05, 25 July, 2005.

304.1.3 Front yard - defined

“front yard” means a yard extending across the full width of a lot and lying between the front lot line of the lot and that part nearest to the front lot line of any building or structure on that lot.

304.1.4 Land - defined

“land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water.

304.1.5 Livestock - defined

“livestock” means farm animals kept for use, for propagation or intended for profit and includes, without restricting the generality of this definition, dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink, rabbits and pigeons and includes game birds where they are kept pursuant to a licence under the *Game and Fish Act*.

304.1.6 Lot - defined

“lot” includes a block, reserve or other parcel of land which can be alienated or otherwise disposed of separately and apart from any abutting land.

304.1.7 Outside side yard - defined

“outside side yard” means the side yard of a corner lot, which side yard extends from the front yard to the rear yard between the side street and the main wall nearest to the outside side yard lot line of the main building or structure on that corner lot.

304.1.8 Owner - defined

“owner” includes any person who keeps or harbours 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.

304.1.9 Person - defined

“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 *Interpretation Act*.

304.1.10 Pigeon - defined

“pigeon” means any kind of pigeon, and without restricting the generality of this definition, includes any pigeon, whether wild or kept as a pet, for consumption or for hobby purposes such as breeding, showing or sporting.

304.1.11 Property - defined

“property” refers to a lot, unless the context of a particular Section of this Chapter otherwise requires.

304.1.12 Rear yard - defined

“rear yard” means a yard extending across the full width of a lot between the rear lot line of that lot and the main wall nearest to the rear yard lot line of the main building or structure on that lot.

304.1.13 Reptile - defined

“reptile” means any bird or live invertebrate and without restricting the generality of this definition, includes any snakes, turtles, lizards and alligators. By-law 15-88, 5 January, 1988.

304.1.13.1 Semi urban - defined

“semi urban” means lands developed for primarily residential uses located within a registered estate lot plan of subdivision or hamlet outside the defined urban settlement boundary and developed on the basis of private services. By-law 83-05, 25 July, 2005.

304.1.14 Singular - plural - masculine - feminine

In this Chapter, unless the context otherwise requires, words imparting the singular number shall include the plural, the words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

304.1.15 Society or Humane Society - defined

“Society” or “Humane Society” means the Ontario Humane Society, (Ontario Society for the Prevention of Cruelty to Animals), its employees and members, and includes the York Region Branch of the Society.

304.1.16 Street line - defined

“street line” means that boundary which separates the public right-of-way from private property.

304.1.17 Town - defined

“Town” means The Corporation of the Town of Richmond Hill.

304.1.18 Wild animal - defined

“wild animal” means an animal of a wild nature or disposition or animal that is not normally kept as a household pet.

Article 2 EXEMPTIONS

304.2.1 Public park - exhibition - zoological garden

This Chapter shall not apply to the employees of a municipal or other governmental authority lawfully operating a public park, exhibition or zoological garden, and maintaining animals therein.

304.2.2 Animal control contractor - Society shelter

This Chapter shall not apply to an animal control contractor or a lawfully operated Society shelter.

304.2.3 Animal hospital - clinic - veterinarian - lawful

This Chapter shall not apply to an animal hospital or clinic which is lawfully operated and supervised by a veterinarian licensed by the Ontario Veterinary Association.

304.2.4 Research - facilities - registered

This Chapter shall not apply to premises registered as research facilities under the *Animals for Research Act*, or the persons in charge or the employees thereof, during the course of their duties.

304.2.5 Research - animal supply facility

This Chapter shall not apply to any person licensed or exempted as an operator of an animal supply facility in accordance with the *Animals for Research Act*, or the employees of such facility, during the course of their duties.

304.2.6 Licensee - of provincial - federal - government

This Chapter shall not apply to anyone holding a licence under any statute of the Province of Ontario or the Government of Canada, which permits the keeping of animals under stated condition.

304.2.7 Television studio - keeping - temporarily

This Chapter shall not apply on the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.

304.2.8 Emergency situation - treatment of animal

This Chapter shall not apply to any person while rendering emergency treatment to an injured or abandoned animal.

304.2.9 Dog - keeping - other legislation - in effect

This Chapter shall not apply to dogs during such time as By-law 7-85 [Chapter 314, Town of Richmond Hill Municipal Code] or succeeding legislation is in force and effect. By-law 15-88, 5 January, 1988.

Article 3
LIVESTOCK - WILD ANIMAL

304.3.1 Keeping - within area - Schedule 'A' - prohibited

No person shall keep, harbour or cause to be kept any wild animal or livestock within the defined areas of the Town of Richmond Hill more particularly shown on Schedule 'A' to this Chapter and identified as urban and semi urban. By-law 83-05, 25 July, 2005.

304.3.2 Keeping - on residential - commercial - industrial land

Notwithstanding anything in this Chapter to the contrary, no person shall keep, harbour or cause to be kept, any livestock on any land zoned for residential, commercial or industrial use.

304.3.3 Keeping - permitted area - conditions - set out

Notwithstanding anything in this Chapter to the contrary, where any livestock is harboured or kept in a permitted area, the person so keeping or harbouring it shall comply with the provisions set out in Sections 304.3.4 through 304.3.8 inclusive.

304.3.4 Barn - stable - pen - distance - from lot line

No barn, stable or pen shall be placed or permitted within 22.86 metres (75 feet) of any lot line.

304.3.5 Barn - pen - distance from lot line - adjacent land use

No barn, stable or pen shall be placed or permitted within 91.44 metres (300 feet) of a lot line adjacent to land zoned for residential, commercial or industrial use.

304.3.6 Livestock - enclosed - screened from adjacent lots

Livestock shall be contained in a totally enclosed structure or garage, and insofar as practicable, be screened from adjacent lots and streets by hedges, shrubs or other suitable screening.

304.3.7 Cage - pen - construction - requirements

Every cage, tank, pen, lot or other such structure of enclosure used for the housing of livestock shall:

- (a) not be constructed of any unsightly material;
- (b) be of sound construction and totally enclosed;
- (c) be kept within the half of the rear yard nearest to the main building or structure; and
- (d) be constructed with a wooden or metal floor, with a clearance from the ground of at least 30 centimetres (12 inches) or on a concrete pad.

304.3.8 Cage - pen - maintained - clean - sanitary

Every cage, tank, pen, loft or other such structure or enclosure used for the housing of livestock shall be maintained so that:

- (a) such enclosure may be readily sanitized;
- (b) such enclosure is kept in a clean condition; and
- (c) such enclosure minimizes, as nearly as practicable, offensive odours.

**Article 4
PIGEON****304.4.1 Keeping - maximum - 25 - per lot**

Notwithstanding anything in this Chapter to the contrary, no person shall keep or cause to be kept, on any lot, more than 25 homing, pouter, racing or tumbler pigeons, or any combination thereof.

304.4.2 Keeping - exemption - previously permitted

Notwithstanding anything in this Chapter to the contrary, Section 304.4.1 does not apply to any person who, at the time By-law 17-82 came into force and effect and since that time, has kept more than the maximum permitted number of such pigeons, provided such person continues to keep no more than the same number of such pigeons as he had at the time By-law 17-82 came into force and effect.

304.4.3 Replacement - pigeons - immediate - upon death - other

Section 304.4.1 does not apply to any person who, at the time By-law 17-82 came into force and effect and since that time, has kept more than the maximum permitted number of such pigeons, provided such person immediately replaces any such pigeon which dies or is otherwise disposed of.

304.4.4 Recognized club member - written proof - to Town

Section 304.4.1 does not apply to any person who, at the time By-law 17-82 came into force and effect and since that time, has kept more than the maximum permitted number of such pigeons, provided such person provides written proof with the Town that he or she is a member of a recognized Pigeon Racing Club.

304.4.5 Declaration - number kept - to Town

Section 304.4.1 does not apply to any person who, at the time By-law 17-82 came into force and effect and since that time, has kept more than the maximum permitted number of such pigeons, provided such person provides the Town with a declaration stating the number of pigeons in his or her possession.

304.4.6 Flight periods - two daily - times - seasons

All pigeons must be kept enclosed at all times, except during a maximum of two flight periods daily, which flights shall take place:

- (a) October 1 to April 30, any time of the day; and
- (b) May 1 to September 30, before 9:00 a.m. or after 7:30 p.m.

By-law 15-88, 5 January, 1988.

Article 5 HUMANE CARE

304.5.1 Food - water - exercise - attention

Every person who keeps an animal in the Town of Richmond Hill shall provide the animal or cause it to be provided with such food, water, exercise, attention and veterinary care as may be required from time to time to keep the animal in good health.

304.5.2 Enclosure - outdoors - requirements

If an animal is customarily kept out-of-doors, the person having the custody or control of the animal shall at all times provide for its use a structurally sound, weather-proof, insulated enclosure with off-the-ground flooring, which enclosure shall be located not less than five feet from the property line.

304.5.3 Female - unspayed - confinement

Every person who has the custody or control of an unspayed female animal shall, during each period that the animal is in heat, keep it confined so that it will not attract other animals.

304.5.4 Chain - rope - length - minimum

No person in the Town of Richmond Hill shall keep an animal tethered on a chain, rope or similar restraining device of less than three metres in length. By-law 212-94, 19 July, 1994.

Article 6 PROHIBITED ANIMALS

304.6.1 Set out - Schedule 'B'

Except as hereinafter provided, no person shall keep, harbour or cause to be kept within the Town, any animal of the kind listed in Schedule 'B' forming part of this Chapter, for sale, for exhibition, as a pet or for any other purpose. By-law 15-88, 5 January, 1988.

Article 7
ENFORCEMENT

304.7.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*. By-law 226-93, 28 July, 1993.

Article 8
REPEAL

304.8.1 By-law - previous

By-law 17-82 is hereby repealed. By-law 15-88, 5 January, 1988.

SCHEDULE

Schedule `A` - Map - Designated Areas

Schedule `A` to this Chapter, being a map outlining designated areas, is available for inspection upon request at the office of the Clerk during normal office hours.

ANIMAL - KEEPING

Schedule `B` - Prohibited Animals

List of animals, the keeping of which is prohibited within the Town of Richmond Hill:

All marsupials (such as kangaroos and opossums)

All non-human primates (such as gorillas and monkeys)

All felids, except the domestic cat

All canids, except the domestic dog

All viverrids (such as mongooses, civets and genets)

All mustelids (such as skunks, weasels, otters, badgers) except the domestic ferret

All ursides (bears)

All artiodactylus ungulates, except domestic goats, sheep, pigs and cattle

All procyonids (such as raccoons, coatis and cacomistles)

All hyaenas

All perissodactylus ungulates, except the domestic horse and ass

All elephants

All pinnipeds (such as seals, fur seals and walruses)

All snakes of the families pythonidae and boidae

All venomous reptiles

All ratite birds (such as ostriches, rheas, cassowaries)

All diurnal and nocturnal raptors (such as eagles, hawks and owls)

All edentates (such as anteaters, sloths and armadillos)

All bats

All crocodilians (such as alligators and crocodiles)

Note: Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

By-law 15-88, 5 January, 1988; Schedule `B`.