

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 145-93**

**BEING A BY-LAW RESPECTING PET SHOPS**

**WHEREAS** the Council deems it desirable to licence pet shops and to authorize the North Bay and District Humane Society to assist in enforcement of such licences.

**AND WHEREAS** Section 227 of the Municipal Act, R.S.O. 1990, Chap. M-45, authorizes the council to licence, regulate and govern the keepers of shops or places where animals or birds for use as pets are sold or kept for sale.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this By-Law,
  - (a) "animal" includes all mammals, fish, reptiles or birds, intended as pets;
  - (b) "cage" means a cage, kennel, tank, container or other receptacle or enclosure used to contain or confine animals;
  - (c) "commercial kennel" means every shop, place or premise where dogs or cats are regularly boarded, or where dogs or cats are sold, offered for sale, or let for hire for breeding purposes or which are raised on the premises or kept at other facilities under contractual arrangements;
  - (d) "exotic animal" includes any wild mammal, wild bird, amphibian, reptile, fish or offspring thereof not indigenous to the United States or Canada;
  - (e) "inspector" includes the City Clerk, any person designated by the City Clerk, and any individual designated by the North Bay and District Humane Society; "issuer of licenses" means the City Clerk;
  - (f) "municipality" or "City" means The Corporation of the City of North Bay;
  - (g) "pet" means any animal kept by a person for other than work or food;
  - (h) "pet shop" means every shop, place or premise, where, in the calendar year more than three (3) animals for use as pets are sold or kept for sale.
  - (i) "pet shop keeper" means a person who owns, operates, or manages a pet shop;
  - (j) "veterinarian" means a person registered under the Veterinarians Act;
  - (k) "wild animal" includes any vertebrate except fish that lives in the wild or natural state in the United State or Canada, and which is not subjected to domestication through selective or controlled breeding.

**LICENSING**

2. No person shall operate a pet shop without a pet shop licence for each pet shop.
3. No person shall, carry on or engage in the sale of, or offer for sale, any animal, without a pet shop licence provided that a licence shall not be required of a person who sells no more than three animals in any calendar year.
4. On an application for a license under this By-Law, or the renewal or transfer thereof, the applicant shall complete the forms furnished by the City and shall furnish to the City such information as the City may direct to be furnished.
5. The Issuer of Licenses shall, upon receipt of the application referred to in the preceding section, make or cause to be made all investigations which he deems necessary or which are required by the City relative to the application.
6. If the Issuer of Licenses' investigations disclose reasonable grounds to believe that the applicant's character or business practices may not be good or that such applicant's carrying on of a pet shop operation may be in any way adverse to the Public interest, the Issuer of licenses may recommend to Council that the license not be approved.
7. If the Issuer of Licenses' investigations do not disclose any reasonable grounds to believe that the applicant's character or business practices may not be good or that such applicant's carrying on of a pet shop operation may be in any way adverse to the Public interest, the Issuer of Licenses shall recommend to Council that the license be approved.
8. The Issuer of Licenses, or such other person as may be designated by Council, shall, on behalf of the municipality, sign all licenses approved by Council pursuant to this By-Law and such licenses shall be in such form as Council from time to time designates.
9. Every pet shop keeper shall, upon application for a license or renewal of a license, or transfer of a license, pay to the municipality the a fee hereby fixed by this by-law. at \$50.00.
10. No license shall be issued, renewed, or transferred where the fee of \$50.00 is not paid in full at the time of the application.
11. No pet shop keeper's license shall be issued, renewed or approved for transfer where the applicant,
  - (1) has made material misstatements or misrepresentation in the license application; or
  - (2) has, or any of his employees have, been convicted of any offense for cruelty to animals under the Criminal Code of Canada, under a Provincial Welfare Act, or of any similar offence in any other jurisdiction; or
  - (3) has failed to produce a written report from an inspector confirming that the building, the facilities and the condition of operations are in compliance with the animal welfare provisions of this By-Law.
12. Notwithstanding Section 11, where the applicant satisfies the Council, after a hearing pursuant to the Statutory Powers Procedures Act, that it is in the public interest that a license be issued, then a licence may be issued subject to such conditions as the council deems fit.

13. Every applicant for a license, renewal or transfer of a license, shall provide three sets of photographs of the full interior of the pet shop.
14. Every person obtaining a license under this By-Law, where the same applies to premises, shall ensure that his license is posted up in some conspicuous place on the premises in respect to which the license is issued, and every person so licensed shall, when so requested by any person authorized by the City, produce the license for inspection.
15. No person shall enjoy a vested right in the continuance of a license and upon the issue, renewal transfer, cancellation or suspension thereof, the value of a license shall be the property of the City of North Bay.
16. No license issued shall be transferred to another person, or be valid at any designated place except as indicated thereon, except with the written consent of the Issuer of Licenses acting on the authority of Council of the City of North Bay, and Council shall not be bound to give such consent.

#### **SUSPENSION OR REVOCATION**

17. The Council may revoke any license issued under this By-Law where it determines that the licensee is not complying with the provisions and spirit of this By-Law but before revoking any such license the holder thereof shall be given at least seven (7) days notice mailed or delivered to his address last known in the City and shall be permitted, either personally or by his representative, to appear before Council to show cause why he believes such license should not be revoked.
18. The City Clerk may suspend for cause any license referred to in Section 17 hereof until the next meeting of the Council and the Licensee shall be given notice of the meeting and shall be permitted, either by himself or by his representative, to attend thereat to show cause why his license should not be revoked or the suspension continued. In the event that the notice given is less than the seven (7) days' notice required by Section 17, and if the requirements of such notice are not waived by the licensee, the City shall, before revoking the license, adjourn the matter on such terms as to continuation or withdrawal of suspension in the meantime as it sees fit, until the next meeting which is at least seven (7) days after giving of such notice.
19. Notice of the revocation of any license may be given by the City by registered letter, signed by the Issuer of Licenses, mailed to the address given by the licensee in his application for the license, or by communication to the licensee in any manner whatsoever, and upon such notice the license revoked shall cease and terminate and be of no further effect.
20. The licenses issued under this By-Law shall, unless they are expressed to be for a shorter or longer time, be valid for a period on one year, and unless they are sooner forfeited or revoked, shall, in each case expire on December 31 of each year.

#### **PET SHOP PERSONNEL**

21. Every pet shop keeper shall,
  - (1) permit only persons to operate or manage a pet shop who are skilled and conscientious in animal care, and who have knowledge of the characteristics, care and handling of the species entrusted to their care;
  - (2) permit only persons to attend to the care, feeding and cleaning of animals in the pet shop, who have been adequately trained by the pet shop keeper, and who demonstrate that they are able to discharge their responsibilities in a positive, caring matter;

- (3) provide for a sufficient number of employees to provide for the care of animals and maintenance or facilities during normal business hours, on weekends and holidays; and
- (4) keep posted in a conspicuous place for employees, instructions issued to all personnel for the cleaning, care and feeding of animals .

### **HOUSING AND FACILITIES**

22. Every pet shop keeper shall,

- (1) maintain the shop, place of business, every part thereof and every cage, container and receptacle,
  - (a) in a state of good repair,
  - (b) in a sanitary condition,
  - (c) in a well ventilated condition,
  - (d) in a clean condition,
  - (e) free from offensive odors, and
  - (f) free from trash, dirt, filth, manure, excrement or other offensive matter; and
- (2) keep all animals in a constant and comfortable environment to ensure their health and well-being;
- (3) provide quarters which take into consideration the need of each animal, and which are,
  - (a) clean and sanitary,
  - (b) at a healthy temperature at all times,
  - (c) appropriately ventilated to maintain good air quality,
  - (d) adequately lighted to aid in maintaining good husbandry practices adequate inspection of animals, maintenance of the well-being of the animals, and provide for safe working conditions for personnel, and
  - (e) free from avoidable, intense, unaccustomed to or unexpected noises or disturbances;
- (4) provide all animals with species-appropriate housing, care and exercise, in cages that ensure the comfort and safety of the animals, and which permit normal postural and behavioural adjustments, and that,
  - (a) cannot be easily overturned,
  - (b) permit easy, thorough cleaning and disinfecting,
  - (c) are equipped with appropriate receptacles for feed and water,
  - (d) are designed to prevent injury to the animal confined, and

- (e) when constructed for animals other than birds, have floors of either solid construction with an impermeable surface, or wire mesh with spaces between the wire mesh smaller than the pads of the animals confined therein, and of a sufficient thickness to support the weight of each animal without bending;
- (5) use only cages sufficient in size and height, and of a design, that permit each animal confined therein to,
    - (a) stand normally to its full height,
    - (b) turn around easily,
    - (c) move about easily for the purpose of normal postural adjustments and suitable exercise to maintain physical well-being,
    - (d) to have species-appropriate social contact;
  - (6) at all times provide litter pans containing clean litter for kittens and cats;
  - (7) keep birds in cages having removable metal or impermeable bottoms of adequate size;
  - (8) permit no more than 20 dogs to be housed in the Pet Shop without the prior filing and maintenance of a care program approved by a veterinarian, with the municipality;
  - (9) permit no more than 15 budgerigars or canaries or 20 finches to be housed in a single cage with minimum dimensions of 60 cm. (24") x 35 cm. (14") x 40 cm. (16");
  - (10) increase or decrease, bird density or the numbers of birds housed in cages of other dimensions, providing that each cage shall be of sufficient size and dimensions to enable each bird confined therein an amount of perch space to allow it to fully extend its wings in every direction, while all birds are perched;
  - (11) locate all animals in the pet shop in such a way as to provide for,
    - (a) their maximum comfort, and to satisfy their known and established needs,
    - (b) protection from extreme environmental changes, and
    - (c) prevention of undue direct or disturbing physical contact with the general public;
  - (12) only display any animal in the shop or display window,
    - (a) at the rear of the windowed space,
    - (b) out of draughts, and
    - (c) protected from excessive heat or cold;
  - (13) make available within the pet shop, an exercise area and a separate suitable area that permits segregation of animals which require special observation or attention;
  - (14) clean and wash the floors of cage bottoms thoroughly, at least once each day, or more often as may be necessary to comply with sections 22(1) and (2);

- (15) clean and sanitize runs and exercise areas by periodic removal of soiled materials, application of suitable disinfectants and replacement with clean surface materials;
- (16) provide for an ongoing effective program for the control of vermin infestation; and
- (17) provide a rapid communication system in case of an emergency, with names and telephone numbers of contact persons prominently posted and readily accessible to security and fire personnel.

### **FEED AND WATER**

23. Every pet shop keeper shall ensure that,
- (1) all animals are fed in a consistent manner with an appropriate amount of palatable, uncontaminated and nutritionally adequate food, on a regular schedule and according to their specific requirements;
  - (2) young animals are fed at more frequent intervals, and with specific diets, as their needs dictate;
  - (3) all animals are provided with ready access to a source of potable drinking water; and
  - (4) all animals receive food and water according to their specific requirements, every day, including Sundays, holidays and on days when regular staff is not in attendance.

### **VETERINARY CARE**

24. Every pet shop keeper shall establish and maintain programs of disease prevention and control including,
- (1) appointment of a consulting veterinarian with the name and telephone number posted in a conspicuous place easily accessible to all personnel;
  - (2) prompt examination and treatment or humane euthanasia of any animals suspected of being sick or injured, by a veterinarian or other person qualified and experienced in the care and treatment of the species concerned;
  - (3) segregation of any apparently sick or injured animal to a separate area as provided for by section 22(11); and
  - (4) proper and lawful disposal of deceased animals forthwith at the municipal landfill site.

### **RECORDS**

25. The pet shop keeper shall keep a legible register of all animal sales and purchases in good condition for a period of 12 months after each transaction.
26. The animal register shall contain the following information entered at the time the animals come into the possession of the pet shop keeper,
- (1) name and address of supplier and or other person from whom the animals were purchased or otherwise obtained;

- (2) date of purchase or other acquisition;
  - (3) in the case of dogs and cats, descriptions of each individual animal;
  - (4) in the case of dogs identifiable by numbered neck bands, the numbers that correspond with each dog; and
  - (5) with animals other than dogs and cats, a description of each shipment.
27. The pet shop keeper shall provide each person who purchases an animal from the pet shop with a receipt containing the following information,
- (1) name and address of the vendor and purchaser;
  - (2) date of sale;
  - (3) description of the animal, including sex, age, colour or placing of markings, if any; and
  - (4) description of breed or cross-breed when the animal is a dog or cat.
28. When the animal purchased is a dog or cat, the purchaser shall also be given
- (1) a valid certificate of health and vaccination from a veterinarian; and
  - (2) an application for a municipal license (where licensing is mandatory).
29. The pet shop keeper shall forward copies of all municipal license applications to the municipality not later than the tenth day of each month.

### **PROHIBITIONS**

30. A pet shop keeper shall not,
- (1) confine incompatible genus or species of animals in the same cages;
  - (2) sell or offer for sale any animal before its normal weaning age;
  - (3) sell or offer for sale any animal that is dyed or to which dye has been applied externally or through ingestion;
  - (4) sell or offer for sale chicks, ducklings or other live animals as a bonus to a sale or part of a sale of any other goods, products, or services;
  - (5) keep for sale, sell, or offer for sale,
    - (a) any primate,
    - (b) any North American animal, excluding fish, that is wild by nature, unless it has been legally bred and raised in captivity,
    - (c) any exotic animal, that has not been legally imported into Canada, or
    - (d) any animal listed as rare, endangered or threatened by the Convention on International Trade in Endangered Species (CITES), by the International Union for the Conservation of Nature and Natural resources (ICUN), Red Data Book, or by other known acts and regulations for the protection of endangered species;

- (6) sell or offer for sale any animal that is known to be sick or diseased; or
- (7) sell or offer for sale any animal that exhibits,
  - (a) obvious signs of infectious disease,
  - (b) obvious signs of nutritional deficiencies,
  - (c) obvious signs of severe parasitism sufficient to influence the general health of the animal, or
  - (d) obvious fractures or congenital deformities affecting the general health of the animal.

### INSPECTIONS

- 31. An inspector may, at reasonable times during normal business hours, enter any building or premises covered by the license issued under this by-law for the purpose of enforcing this by-law.
- 32. No person shall hinder or obstruct an inspector in the course of their duties or furnish him with false information, or refuse to furnish the inspector with information.

### PENALTIES

- 33. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
- 34. Each violation of this by-law shall be considered a separate offence.
- 35. When a person has been convicted of an offence under this by-law, any court of competent jurisdiction may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence, or the doing of any act or thing by the person convicted.


### REPEAL

- 36. Schedule "8" of North Bay By-Law 131-74 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THE 13<sup>TH</sup> DAY OF DECEMBER, 1993.

READ A SECOND TIME IN OPEN COUNCIL THE 13<sup>TH</sup> DAY OF DECEMBER, 1993.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 13<sup>TH</sup> DAY OF DECEMBER, 1993.

  
MAYOR

  
CITY CLERK