

# THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

## BY-LAW NO. 63-2022

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Being a By-law to provide for the licensing, control and regulation of animals within the Municipality of Thames Centre.

### **ANIMAL CONTROL BY-LAW**

**WHEREAS** section 8 of the *Municipal Act, S.O. 2001, c. 25* confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, approvals or registrations, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, approval or registration;

**WHEREAS** Section 11(3) of the *Municipal Act, S.O. 2001, c. 25* provides for the authority of lower tier municipalities to pass By-laws regarding animals;

**WHEREAS** Section 103 and 105 of the *Municipal Act, S.O. 2001, c. 25* outlines specific powers of municipalities regarding the impounding of animals and the muzzling of dogs;

**WHEREAS** Section 12 of the *Dog Owners' Liability Act, R.S.O. 1990, c. D.16* designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

**AND WHEREAS** the Council of The Corporation of the Municipality of Thames Centre deems it desirable to pass a By-law to provide for the licensing and regulation of dogs, and other animals within the Municipality of Thames Centre, under the provisions of the *Municipal Act, S.O. 2001, c. 25*;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

#### 1. DEFINITIONS

- 1.1 ADULT means any person who is of the age of 18 years or older.
- 1.2 ANIMAL means any member of the animal kingdom, other than a human as defined in the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.
- 1.3 ANIMAL CONTROL OFFICER means the person or agency so designated by the Council and any employees or agents of such person or agency to carry out the provisions of this By-law.
- 1.4 APPROVED FOSTER ORGANIZATION means an organization that rescues and fosters dogs and that has been approved in writing for the purposes of this By-law by the Municipality, and whose approved status has not been revoked by the Municipality.
- 1.5 BOARDING shall mean a place or facility where four (4) or more dogs are kept between the hours of 8:00 p.m. and 6:00 a.m.
- 1.6 COUNCIL means the Council for the Corporation of the Municipality of Thames Centre.
- 1.7 DANGEROUS DOG means any individual dog which:
  - (a) has on one or more occasions bitten or attacked a person or domestic animal without provocation;
  - (b) has on one or more occasions behaved in a manner that poses a menace to the safety of person(s) or domestic animal(s) without provocation;
  - (c) is attack trained; or

(d) has been declared dangerous by another Municipality in Ontario.

A dog shall not be considered dangerous if a person is on premises with the intention of committing or is in the commission of a criminal act on the premises and incurs injury caused by being bitten or attacked by a dog.

- 1.8 DANGEROUS DOG LICENSE means a “Dangerous Dog” or “Restricted Pit Bull” as defined and shall require a license with additional restrictions imposed as specified in the By-law.
- 1.9 ~~DOG means any male or female domesticated dog, or any member of canine species.~~ DOG shall mean a dog or any member of canine species, of any breed that is not less than twelve (12) weeks old
- 1.10 DOGGY DAY CARE shall mean a place or facility where more than three (3) dogs are kept, no dogs, other than up to three (3) dogs that are owned by a licensed resident of the property, are kept between the hours of 8:00 p.m. and 6:00 a.m.
- 1.11 DWELLING UNIT means one or more habitable rooms designed for use by or occupied by not more than one (1) family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, a private entrance from outside the building or from a common hallway or stairway inside the building.
- 1.12 FENCE means any freestanding structure, wall or barrier other than a building, erected for the purpose of restricting ingress to or egress from a property, providing security or protection to property, includes a gate, must not have any openings more than 3 inches and must be taller than 6 feet in height. For the purposes of this By-law, a fence does not include a hedge, electric fence, or barbwire fence.
- 1.13 FOSTER HOME means the dwelling unit of an individual who has been approved in writing by an Approved Foster Organization to foster dogs on a temporary basis until a permanent owner can be found.
- 1.14 FOSTERING DOG OWNER means the individual who has been approved in writing by an Approved Foster Organization to foster dogs in a Foster Home and who owns, keeps, possesses, harbours or acts as a guardian of the dogs on a temporary basis until a permanent owner can be found. The Fostering Dog Owner shall be considered the owner of the dog under this by-law while the dog is under their care.
- 1.15 IMPOUND means to confiscate, confine, hold or take possession of. The terms IMPOUNDED and IMPOUNDING have corresponding meaning.
- 1.16 KENNEL means any building, pen or other structure in which four (4) or more dogs are kept as pets for show, boarding and/or breeding. A kennel is not a building used for human habitation.
- 1.17 LEASH means a chain, rope or other restraining device of not more than 1.8 meters in length.
- 1.18 LICENSE means to register the dog pursuant to the requirements in this By-law.
- 1.19 LONDON HUMANE SOCIETY means the London Humane Society, which is an organization responsible for enforcing *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36* and sections of the Criminal Code that are relevant to animal cruelty for the County of Middlesex.

- 1.20 MUNICIPALITY means The Corporation of The Municipality of Thames Centre.
- 1.21 MUZZLE means a humane fastening or covering device of adequate strength and design that is suitable to the breed of the dog, which fits over the mouth of the dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal. The terms MUZZLED and MUZZLING have corresponding meaning.
- 1.22 MUZZLE ORDER means a written Order from the Municipality requiring the dog be muzzled at all times, except when in the owner's dwelling unit or any other provision specified in this By-law.
- 1.23 NOT UNDER PHYSICAL CONTROL OF ANY PERSON means when a dog is not on a leash held by a person.
- 1.24 OFFICER means any Police Officer, Animal Control Officer or By-law Enforcement Officer of the Municipality or a contractor appointed by Council.
- 1.25 OWNER means any person who owns, possesses, harbours or has custody of an animal and includes a person who is the temporary keeper of the animal. Such person shall also include a foster dog owner. Where the owner is under the age of 18 years old, the legal parent or guardian shall be responsible. The terms OWNS and OWNED have corresponding meaning.
- 1.26 PHYSICAL DISABILITY means a person with any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device.
- 1.27 PIT BULL means:
- (a) a Pit Bull Terrier;
  - (b) a Staffordshire Bull Terrier;
  - (c) an American Staffordshire Terrier;
  - (d) an American Pit Bull Terrier; and
  - (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d).
- 1.28 POLICE WORK DOG means a dog trained to aid law enforcement officers and is used for police work purposes.
- 1.29 POUND means those premises designated by the Municipality for the detention, maintenance or disposal of dogs that have been impounded by an officer. Such premises shall include any building(s) and enclosure(s) maintained on behalf of the Municipality by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this By-law and such building(s) and enclosure(s) shall conform to the Ontario regulations under The Animals for Research Act, R.S.O. 1990, Chapter A.22.

- 1.30 POUNDKEEPER means the person(s) or organization appointed by the Municipality to be responsible for maintaining the pound for the purpose of maintaining and enforcing the provisions of this By-law.
- 1.31 RESTRICTED PIT BULL means a Pit Bull as defined by this By-law that was born before August 29, 2005.
- 1.32 RUNNING AT LARGE means when a dog is found in any place other than the premises of the owner and not under physical control of any person by means of a leash. The term RUN AT LARGE shall have a corresponding meaning.
- 1.33 SEIZE means to take possession, to confiscate, take possession of by legal process, to possess or take by force or capture.
- 1.34 SERVICE DOG means a dog that has been certified by a nationally recognized organization in Canada or association in providing assistance to a person by means of, guiding, hearing or assisting a person with a physical disability. A service dog does not include a therapy dog as defined.
- 1.35 THERAPY DOG means an emotional support dog that provides therapeutic support to an elderly owner or an owner with a disability through companionship or affection.
- 1.36 VETERINARIAN means a member of the College of Veterinarians of Ontario.
- 1.37 ZONING BY-LAW means the current Zoning By-law of the Municipality of Thames Centre.

## 2. ANIMAL CONTROL OFFICER

Council may appoint an Animal Control Officer whose duty it shall be to:

- (a) Receive accurate records from the Municipality of all licenses and dog tags issued pursuant to this By-law; and
- (b) Seize and impound animals and/or dogs found to be in contravention of this By-law.

## 3. LICENSES

### 3.1 **Licensing Requirements:**

- ~~(a) Every owner of a dog within the Municipality shall license each dog or Dangerous Dog owned by him/her in accordance with the provisions of this by-law;~~
- ~~(b) Every owner of a Dangerous Dog shall purchase a license annually through the Municipality;~~
- ~~(c) A permanent dog license shall expire on the 31<sup>st</sup> day of December of each year;~~
- ~~(d) The license shall be obtained before the 28<sup>th</sup> day of February of each calendar year, unless the dog came into the owner's possession or care after that date;~~
- ~~(e) Every owner of a dog that comes into possession of the dog after March 1<sup>st</sup> shall obtain a license for the dog within ten (10) days of taking possession of the dog;~~
- ~~(f) Dogs enrolled in the dog license program will be automatically renewed for the following year, unless notification has been received that the dog has moved or is deceased.~~
- ~~(g) Every dog shall be inoculated with an anti-rabies vaccine.~~
- ~~(h) No more than three (3) dogs shall be permitted per dwelling unit,~~

- ~~— which includes licensed dogs and/or foster dogs. Where four (4) or more dogs are kept for pets, fostering, show, boarding and/or breeding, a kennel license shall be required. Dog licenses shall be issued at the Municipality of Thames Centre Municipal Office;~~
- ~~(i) No person shall own, possess or harbour a dog within the Municipality or allow a dog to be owned, possessed or harboured on the premises of that person unless the license for the current year as required by this By-law, has been issued.~~
- ~~(j) Every owner of a dog shall keep the dog license securely fixed on the dog at all times;~~
- ~~(k) Where a dog tag is issued pursuant to the provisions of this By-law has been lost or destroyed, the owner shall pay the replacement fee in accordance with the current Tariff of Fees By-law;~~
- ~~(l) Every owner of a dog who resides within the Municipality and is in possession of a current dog tag issued by another Municipality shall be required to obtain a new dog tag for the Municipality of Thames Centre;~~
- ~~(m) The Municipality may direct an official to license each dog door to-door; and~~
- ~~(n) The owner of each dog shall complete the Dog License Application included in Schedule "A".~~
- ~~(o) A Fostering Dog Owner and an Approved Foster Organization are exempt from the requirement to apply for and obtain a license with respect to dogs from an Approved Foster Organization;~~
- ~~(p) Each Approved Foster Organization shall request a foster tag for each dog in its fostering program. The Approved Foster Organization shall provide a foster tag for each dog it places with the Fostering Dog Owner;~~
- ~~(q) The Fostering Dog Owner shall ensure that the tag is fixed securely to the dog at all times;~~
- ~~(r) Where a tag has been lost, the Fostering Dog Owner shall advise the Approved Foster Organization of the loss, and the Approved Foster Organization shall request a replacement tag and pay the applicable replacement fee;~~
- ~~(s) In the event the ownership of the fostered dog is transferred from the Foster Dog Owner or an Approved Foster Organization to a new owner, the Fostering Dog Owner and/or the Approved Foster Organization shall inform the new owner of the requirements to license the dog under this by-law;~~
- ~~(t) Where the ownership of the fostered dog is transferred from a Fostering Dog Owner or an Approved Foster Organization to a new owner, there shall be no fee for the remainder of the year in which the license was applied. Thereafter, the normal license fees shall apply;~~
- ~~(u) Prior to any transfer of ownership, Fostering Dog Owners and Approved Foster Organization shall ensure that the dog is spayed or neutered and has received all recommended and required vaccinations where there is no unacceptable medical risk to the dog to do so.~~

3.1 **Registration and Licensing Requirements:**

- (a) Every owner of a dog or Fostering Dog Owner within the Municipality shall register each dog or dangerous dog owned by him/her within ten (10) days of taking possession of the dog or within thirty (30) days of taking up residence in the Municipality;
- (b) Every owner of a Dangerous Dog shall purchase a special Dangerous Dog license annually through the Municipality;
- (c) Upon Registration of the of a dog or Dangerous Dog, each owner shall receive a permanent dog tag.
- (d) Every owner of a dog shall keep the dog tag securely fixed on the dog at all times;

- (e) Where the issued dog tag is lost or destroyed, the owner shall pay the replacement fee in accordance with the current Fees and Charges By-law;
- (f) Every owner of a dog within the Municipality shall be required to complete the Dog Registration Form, included as Schedule A

### 3.2 License Fee Exemptions:

~~A dog license is not required for the following:~~

- ~~(a) a Police Work Dog, as defined;~~
- ~~(b) a Service Dog, as defined;~~
- ~~(c) an animal hospital, clinic or kennel lawfully operated and supervised by a registered member of the College of Veterinarians of Ontario for the exclusive purpose of treating sick animals; and~~
- ~~(d) A Fostering Dog Owner and an Approved Foster Organization, as defined.~~

### Exemptions

A dog license is not required for the following:

- (a) a Police Work Dog, as defined;
- (b) a Service Dog, as defined;
- (c) an animal hospital, clinic or kennel lawfully operated and supervised by a registered member of the College of Veterinarians of Ontario for the exclusive purpose of treating sick animals

## 4. EXCREMENT

No person shall fail to forthwith remove and dispose of dog excrement from any property.

## 5. KENNELS

- 5.1 All person(s) operating a kennel for breeding, boarding or fostering dogs shall make an application to the Municipality for a kennel license for each year, as attached hereto as Schedule "C".
- 5.2 A kennel license shall expire on the 31<sup>st</sup> day of December of every year.
- 5.3 All new kennel applications shall be accompanied by the following information:
  - (a) name and address of the kennel owner;
  - (b) map or drawing of the location and size of the kennel;
  - (c) proof of zoning approval for the said location;
  - (d) a report from the London Humane Society, or from an official appointed by the Municipality to conduct inspections, that the premises are suitable for the keeping and raising of dogs;
  - (e) proof of vaccination against rabies for all dogs over four (4) months of age kept at a breeding kennel; and
  - (f) must pay the applicable fee as set out in the current Tariff of Fees By-law.
- 5.4 No person(s) operating a kennel for breeding, boarding or fostering dogs shall fail to obtain a kennel license.
- 5.5 All person(s) who own or operate a kennel shall pay an annual kennel license fee, as prescribed in the current Tariff of Fees By-law.

- 5.6 No person(s) shall establish a “Kennel” within the Municipality, unless the facility is situated within a zone where its use is permitted, in accordance with the provisions of the current Zoning By-law.
- 5.7 Kennel license renewal may be subject to periodic inspections by the London Humane Society, or from an official appointed by the Municipality to conduct inspections, to ensure the premises are suitable for the keeping and raising of dogs.
- 5.8 Every person who owns or operates a kennel shall maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve (12) month period during which kennel licensing is sought. This policy shall name the Municipality as an additional insured, and the permit holder shall notify the Municipality of any cancellation, termination or expiration of the policy.
- 5.9 All person(s) who own or operate a kennel shall comply with this By-law and if found in contravention, the kennel license may be revoked.
- 5.10 A Fostering Dog Owner and an Approved Foster Organization are exempt from the Kennel license fee with respect to dogs from an Approved Foster Organization.

## 6. DOGGY DAY CARE

- 6.1. All person(s) operating a Doggy Day Care, as defined, shall make an application to the Municipality for a Doggy Day Care Registration for each year as attached hereto as Schedule “F”
- 6.2. A Doggy Day Care Registration shall expire on the 31<sup>st</sup> day of December each year.
- 6.3. All new Doggy Day Care registrations shall be accompanied by the following information:
  - (a) Name and address of Doggy Day Care Operator
  - (b) Authorized Agent Form, as attached hereto as Schedule “G”, if a property owner is different from the Doggy Day Care Operator.
  - (c) Map or drawing of the location
  - (d) Proof of zoning approval for the said location
  - (e) Proof of an inspection by an official appointed by the Municipality of the premises to ensure that the premises are suitable for the safe keeping of dogs;
  - (f) Must pay the applicable fee as set out in the current Fees and Charges By-law
- 6.4. No person(s) operating a Doggy Day Care shall fail to register with the Municipality.
- 6.5. All person(s) who own or operate a Doggy Day Care shall pay an annual registration fee, as prescribed in the current Fees and Charges By-law.
- 6.6. No person(s) shall establish a Doggy Day Care within the Municipality, unless the facility is situated within a zone where its use is permitted, in accordance with the provisions of the Zoning By-law.

6.7. Doggy Day Care Registrations shall be subject to periodic inspections from an official appointed by the Municipality to conduct inspections to ensure that the premises are suitable for the keeping of dogs.

6.8. Every person who owns or operates a Doggy Day Care shall maintain a policy of liability insurance in the amount of at least one million dollars, cover twelve (12) month period, during which the Doggy Day Care registration is valid. This policy shall name the Municipality as an additional insured, and the registrant shall notify the Municipality of any cancellation, termination or expiration of the policy.

6.9. All person(s) who own or operate a Doggy Day Care shall comply with this By-law and if found in contravention, may have their Doggy Day Care Registration revoked.

## 7. RUNNING AT LARGE

- 7.1 Every owner of a dog within the Municipality shall ensure that the dog is at all times restrained upon a leash and under the effective control of a person, when it is not confined to the dwelling unit or property of its owner or the person having the care or custody.
- 7.2 No person, being the owner or keeper of any dog within the Municipality, shall permit any dog to run at large.
- 7.3 Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the Municipality.
- 7.4 Any person may capture any dog running at large on his or her own property and contact the Animal Control Officer or other duly appointed officer, who may impound said dog.
- 7.5 The Animal Control Officer or other duly appointed officer may enter on any public property or private property, without the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this By-law.
- 7.6 When a dog is designated as a Dangerous Dog, Pit Bull or Restricted Bull by the Municipality and is found running at large, the dog shall become the property of the Poundkeeper, who will dispose of it as the pound deems fit within the time specified in Section 7.3(b). The owner shall be responsible for all licensing fees and/or other applicable fees, including impound fees, veterinarian bills and costs associated with the impounding of the dog, and no damages or compensation shall be recovered by the owner.

## 7. SEIZING AND IMPOUNDING

- 7.1 Pound(s) shall be established, which comply with the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended, the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, 59/09, 60/09*, and the Regulations of the Ministry of Agriculture and Food. The pound shall be under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large, who have not been returned to their owner and to dispose of the dogs in accordance with the *Animals for Research Act*. The Poundkeeper shall supply the Municipal Clerk with a record of all dogs impounded and how disposed of, as well as the number of licenses issued and amounts collected for impound fees.



- 7.2 It shall be the duty of the Animal Control Officer or other duly appointed officer to impound or detain all dogs running at large and return the dog to the owner if known, or otherwise hold the dog as specified in this By-law.
- 7.3 The owner may:
- (a) redeem the dog upon payment of any applicable fees; or
  - (b) redeem the dog from the pound within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound.
- 7.4 Any owner redeeming a dog from the pound shall pay all applicable fees, including impound fees, veterinarian bills and costs associated with the impounding of the dog, as established in the current Tariff of Fees By-law, prior to the release of the dog by the pound to the owner.
- 7.5 If the dog has not been redeemed from the pound within the time specified in 7.3 (b), the dog shall become the property of the Poundkeeper, who may sell the dog or dispose of it as the pound deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner.
- 7.6 Where an injured dog is impounded, seized or otherwise detained for running at large, and requires immediate veterinary care or should be destroyed due to such injuries without delay for humane reasons, the Animal Control Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog. Where an injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian, and no damages or compensation shall be recoverable by the owner.
- 7.7 It shall be the duty of the Poundkeeper to properly care for all animals after they have been impounded, pursuant to the *Animals for Research Act, R.S.O 1990, c. A.22* or any other applicable Act, as may be amended.
- 7.8 All impound fees and maintenance fees shall be retained by the Poundkeeper or as prescribed under contract.
- 7.9 All animal control services fees collected on behalf of the Municipality by any authorized agent shall be remitted to the Municipality on a monthly basis, along with any monthly report.
- 7.10 No person shall interfere with, hinder or impede an Animal Control Officer or Officer in the performance of any duty authorized by this By-law or provincial legislation.
- 7.11 No person shall forcibly retrieve a dog from the Poundkeeper and Animal Control Officer or, break and enter into a pound facility to retrieve a dog without payment in full of all fees and charges owed.
- 7.12 Every person shall comply with any Order or Notice issued under the authority of this bylaw.

## 8. PIT BULL REQUIREMENTS

- 8.1 No person shall:
- (a) own a Pit Bull, except a Restricted Pit Bull;
  - (b) fail to obtain a Dangerous Dog License for a Restricted Pit Bull;
  - (c) breed a Pit Bull;
  - (d) transfer a Pit Bull by sale;
  - (e) transfer a Pit Bull by gift or otherwise;

- (f) abandon a Pit Bull other than to a pound operated by or on behalf of the Municipality, the Province or a designated body;
- (g) allow a Pit Bull in his or her possession to stray; or
- (h) train a Pit Bull for fighting.

8.2 All other requirements regarding Pit Bulls or Registered Pit Bulls shall be in accordance with the *Dog Owner's Liability Act, 1990* (DOLA), as amended, including regulations pertaining to DOLA, and the *Animals for Research Act, 1990*, as amended.

9. RESPONSIBILITIES OF OWNERS, CONSEQUENCES OF ATTACK  
MUZZLE ORDERS, EXEMPTIONS & APPEALS

9.1 **Responsibilities of Owners**

No owner shall permit a dog to:

- (a) bite or attack any person;
- (b) bite or attack any domestic animal or pet; or
- (c) damage public or private property.

9.2 **Consequences of an Attack – Muzzle Orders:**

- (a) Where a dog bites, attacks, any person or domestic animal, the dog may be deemed to be a Dangerous Dog, by way of a written Order issued by the Animal Control Officer;
- (b) An officer may issue a Muzzle Order, and the Order shall include a description of the dog, issue of concern, required action and should reference the Section of the By-law that is in contravention;
- (c) The owner of a Dangerous Dog must follow all provisions outlined in Section 10 of this By-law;
- (d) A Muzzle Order shall be final and binding, if not appealed within 15 days of being sent to the last known address; and
- (e) No owner shall fail to comply with the conditions of a Muzzle Order.

9.3 **Muzzle Order Exemption**

Where an incident described in Section 9.1 is made in defense, or due to provoking of the other party involved in the incident, the Animal Control Officer may choose to:

- (a) not issue a Muzzle Order; or
- (b) deem the incident to be sufficiently serious in nature to require a Muzzle Order, but not so significant as to require a Dangerous Dog designation.

9.4 **Appeals for Muzzle Orders and Dangerous Dog Designations:**

- (a) The owner(s) of a dog who have been issued a Muzzle Order or their dog has been designated as a Dangerous Dog may apply for an appeal of Council through requesting a hearing. Appeals are not available for Registered Pit Bulls or Unregistered Pit Bulls;
- (b) A request by the owner(s) of a dog for a hearing under Section 9.4(a) shall be made in writing, be accompanied by the applicable fee as specified in the current Tariff of Fees By-law and be delivered by registered mail to the Clerk, within 15 days of Muzzle Order and/or Dangerous Dog designation being sent. The Muzzle Order and Dangerous Dog designation will remain in effect until Council has made a decision;

- (c) The Municipality shall send a Notice of Hearing to the owner(s) who have made the appeal to the Muzzle Order and/or Dangerous Dog designation and shall include:
  - i. a statement of the time, date and purpose of the hearing; and
  - ii. a statement that if the owner(s) of the dog do not attend the hearing, the hearing may proceed in their absence without notice to them;
- (d) The Notice of Hearing may be served by delivering it personally or by sending it through prepaid registered mail to the last known address of the owner of the dog on file with the Municipality. When notice is given by registered mail, it shall be deemed to have given on the 5<sup>th</sup> day after the day of mailing;
- (e) Council shall hold a hearing for appeals pursuant to the *Statutory Powers Procedure Act* at the time, date and place as set out in the notice of hearing and may:
  - i. confirm or rescind the Muzzle Order and/or Dangerous Dog designation;
  - ii. modify the Muzzle Order or Dangerous Dog designation as it sees fit; or
  - iii. impose additional conditions to the Muzzle Order and/or Dangerous Dog designation;
- (f) The decision of the Council is final and binding, including all of the requirements of the owner imposed by the designation, and remains in effect until that decision is made.

## 10. KEEPING OF DANGEROUS DOGS

- 10.1 When a Municipality deems that a dog is a Dangerous Dog, the owner of a Dangerous Dog shall:
- (a) obtain a Dangerous Dog license from the Municipality, as attached hereto as Schedule "B";
  - (b) ensure that the dog is spayed or neutered;
  - (c) ensure that the dog has up-to-date rabies vaccinations;
  - (d) display a sign at each entrance to the property or building in which the dog is kept, warning that there is a Dangerous Dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare;
  - (e) forfeit the dog to the Municipality if the Dangerous Dog has been found running at large in the Municipality, or not securely confined when on the property of the owner of the Dangerous Dog, as outlined in Subsections 10.2 & 10.4; and
  - (f) provide proof to the Municipality that the Dangerous Dog is deceased or that ownership has been transferred to another person.
- 10.2 When a Dangerous Dog is on its owner's property, the owner shall ensure the dog is securely confined in an area that is suitable to prevent the escape of the Dangerous Dog, and is capable of preventing the entry of any person not in control of the dog. The owner shall securely enclose the dog in one or more of the following:
- (a) a dwelling;
  - (b) a yard or portion which has fence with a minimum height of 6 feet, with no openings greater than 3 inches. All gates must be equipped with self-closing and self-latching devices and be locked at all times;

- (c) a locked pen or structure, suitable to prevent escape and is capable of preventing the entry of any person not in control of the dog. The pen or structure must have minimum dimensions of two (2) metres by four (4) metres, and must have secure sides and a secure top. The pen or structure shall not be within one (1) metre of the property line, and the enclosure must also provide protection from the elements for the dog.

10.3 No person shall chain or tie up a Dangerous Dog as means of confinement.

10.4 When a Dangerous Dog is off its owner's property, the owner shall ensure the dog is:

- (a) is muzzled in a humane manner at all times;
- (b) on a leash not longer than 1.8 metres; and
- (c) under the control of an adult of the age of 18 years or older.

10.5 It shall be a condition of every Dangerous Dog license that the owner maintain a policy of liability insurance in the amount of at least two million dollars, covering the twelve (12) month period during which licensing is sought, for injuries caused by the owner's Dangerous Dog. This policy shall name the Municipality as an additional insured, and the Municipality shall be notified of any cancellation, termination or expiration of the policy.

10.6 Any Dangerous Dog owner who fails to comply with any provisions of this By-law shall have the Dangerous Dog license revoked and found to be in contravention to Section 3.1(b).

## 11. EXOTIC PETS

11.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time without the written permission of Council.

*Examples of animals of a particular prohibited group are given in parentheses and shall not be construed as limiting the generality of the group.*

- (a) All canids, except the dog as defined in this By-law;
- (b) All felids, except the domestic cat;
- (c) All non-human primates (such as gorillas and monkeys);
- (d) All viverrine (such as mongooses, civets and genets);
- (e) All marsupials (such as kangaroos and opossums);
- (f) All mustelids (such as skunks, weasel, otters, badgers);
- (g) All ursids (such as bears);
- (h) All artiodactyls (such as hippopotamuses and pronghorns);
- (i) All procyonids (such as raccoons, coatis and cacomistles);
- (j) All hyaenids (such as hyenas);
- (k) All elephantids (such as elephants);
- (l) All pinnipeds (such as seals, fur seals and walruses);
- (m) All snakes of the families pythonidae and boidae;
- (n) All venomous snakes, reptiles and amphibians;
- (o) All raptors (such as eagles, hawks, owls and falcons);
- (p) All edentates (such as anteaters, sloths and armadillos);
- (q) All chiroptera (such as bats);
- (r) All crocodilians (such as alligators, crocodiles and cayman);
- (s) All venomous arachnids (such as spiders, scorpions and tarantulas);
- (t) All cetaceans (such as dolphins, whales and sharks);
- (u) All perissodactyls (such as tapirs and rhinoceroses);

11.2 Notwithstanding Section 11.1, on lands zoned for agricultural purposes where livestock facilities are a permitted use, no person shall keep or cause to be kept any animals listed in Section 11.1, except those permitted in the current Zoning By-law.

12. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises, at any reasonable time, where pet(s) or animal(s) of the owner are kept or to make inquiries deemed necessary for the purposes of ensuring compliance with the provisions of this By-law.

13. PENALTIES

13.1 Any person who contravenes the provisions of this By-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the *Provincial Offences Act*, or as set out in the current Fees and Charges By-law.

13.2 Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

13.3 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

14. SEVERABILITY

In the event that any provision or part of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted By-law.

15. **THAT** this By-law may be cited as the "Animal Control By-law".

16. **THAT** Schedule 'A' attached hereto and forming part of this By-law sets out "Dog License Application" requirements and application for those matters contained within the schedule to this By-law.

17. **THAT** Schedule 'B' attached hereto and forming part of this By-law sets out "Dangerous Dog License Application" requirements and application for those matters contained within the schedule to this By-law.

18. **THAT** Schedule 'C' attached hereto and forming part of this By-law sets out "Kennel License Application" requirements and application for those matters contained within the schedule to this By-law.

19. **THAT** Schedule 'D' attached hereto and forming part of this By-law sets out "Part 1 Set Fine Schedule".

20. **THAT** By-laws 64-2020 and 44-2022 are hereby repealed.

21. **THAT** this By-law shall come into force and take effect on the day of final passing thereof.

**READ** a **FIRST** and **SECOND** time this 11<sup>th</sup> day of July, 2022.

**READ** a **THIRD** time and **FINALLY PASSED** this 11<sup>th</sup> day of July, 2022.

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Mayor, A. Warwick

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Clerk, T. Michiels

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