

**TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

**BY-LAW NO. 2011-024**

**ANIMAL CONTROL BY-LAW**

**BEING A BY-LAW TO RESCIND AND REPLACE BY-LAW 2000-043 AS AMENDED BY BY-LAW 2011-024;**

**WHEREAS** pursuant to section 210 of the Municipal Act, Chapter M.45, R.S.O. 1990 By-Laws may be passed by the Councils of local municipalities:

**AND WHEREAS** By-law 99-39 was passed on the 13<sup>th</sup> day of July, 1999 by the Council of the Township of Drummond/North Elmsley and a Set Fine Application for the Township of Drummond/North Elmsley was applied for through the Ministry of the Attorney General.

**AND WHEREAS** the set fine application under Part 1 of the Provincial Offences Act - Part 1 has been approved by Order of The Honourable Paul R. Belanger, Regional Senior Justice, East Region, Ontario Court of Justice.

**NOW THEREFORE** the Council of the Corporation of the Township of Drummond/North Elmsley hereby enacts this By-law for the purposes as stated below:

1. for regulating establishments for the breeding or boarding of animals, or any class thereof;
2. for prohibiting or regulating the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law;
3. for appraising the damages to be paid by the owners of animals impounded for trespassing;
4. for determining the compensation to be allowed for services rendered with respect to animals impounded;
5. for requiring an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land other than that of the owner;
6. for requiring the owner of a dog to remove forthwith excrement left by the dog;
7. for requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal subject to a hearing before the Protection of Persons and Property Committee at the request of the owner;
8. for licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owner;
9. for prohibiting or regulating the running at large of dogs, for seizing and impounding and killing dogs running at large contrary to the By-Law and for selling dogs so impounded in such manner as provided by the By-Law;

Section 1.     **DEFINITIONS**

1.     For the purpose of this By-Law the following definitions apply:

**ANIMAL CONTROL OFFICER** - shall mean that person appointed by By-Law of the Corporation to undertake the control of small-domesticated animals within the Township.

**ANIMAL SHELTER** - shall mean any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by the agents of the Corporation.

**AT LARGE** - a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.

**CONTROL** - shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of a dog.

**CORPORATION** - shall mean the Corporation of the Township of Drummond/ North Elmsley.

**DOG** - shall mean a domesticated canine, dog or dogs, male or female six months of age or older, and includes any dog or dogs spayed or neutered.

**DOG LICENCE ISSUER** - shall mean a person or persons employed by the Corporation for the purpose of implanting, registration and/or issuance of a dog licence.

**DOG TAG** - shall mean a tag bearing a serial number and the year it was issued.

**GUIDE DOG** - shall mean any dog trained as a guide dog for a blind person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act, and shall also include a dog professionally trained as guide dog for other physically disabled persons.

**KENNEL** - means any premises where more than five dogs are lodged, bred, kept or boarded and meets the requirements of the Zoning By-Law.

**LEASH** - shall mean a restraining device of sufficient strength and material for holding a dog.

**LEASHED** - shall mean a restraining device securely attached to the dog and a person or object.

**LICENCE HUNTING DOG** - shall mean the dog of an owner that has a valid hunting licence the dog or dogs from the previous year.

**MUZZLED** - shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

**OWNER OF A DOG** - included any person who owns, possesses, harbours or has the care and control of a dog and "owns" and "owned" have corresponding meaning.

**RESTRAINED** - shall mean being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.

**RUNNING AT LARGE** - means found in any place other than the premises of the owner of the dog and not under the control of any person.

**SANITIZE** - means to clean for the purpose of controlling disease producing organisms and "sanitized" has a corresponding meaning.

**TOWNSHIP** - shall mean the Corporation of the Township of Drummond/North Elmsley; consisting of the geographical Townships of Drummond and North Elmsley, which now constitute the two wards of the Township, and where the ~~words~~ Drummond, and North Elmsley are used in this by-law they shall refer to the former townships or the separate wards of the Township.

**VICIOUS DOG** - shall mean:

- a) a dog which without provocation has bitten a person, domestic animal or domestic fowl, or
- b) any dog with a known propensity, tendency or disposition to attack without provocation a person, domestic animal, or domestic fowl.

**WASTE** - shall mean: waste matter sent out from the body (excrement or faeces).

**WILD** - shall mean an animal which has not been made tame, nor has been taught to live with and under the control of humans.

## Section 2. LICENSING

- a) No person shall own, keep or harbour any dog within the limits of the Township, unless he/she has obtained a licence for such dog.
- b) Every dog brought into the Township shall be licensed and registered by its owner with two (2) weeks of being brought into the Township.
- c) Every dog born in the Township shall be licensed and registered by its owner within twelve (12) weeks after its date of birth.
- d) The Dog License Permit Issuer will collect fees for the dog license tags before the end of July of each year.
- e) Upon payment of the licence fee in full, the Dog Licence Permit Issuer shall provide the owner with a dog tag and a record shall be kept by the Township showing the name, address and phone number of the owner and the serial number of the tag, and a complete description of the animal.
- f) Each licence for a dog or kennel unless specifically expressed to be for a shorter period and unless suspended or revoked, shall remain in force for a period of twelve months.
- g) The owner shall keep the dog tag securely fastened on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is lawfully hunting.
- h) It is an offence to use a tag upon a dog, other than the dog for which it was issued.
- i) The Dog Licence Issuer shall turn over to the Treasurer all money paid to him/her under this bylaw.

When a certificate is produced from the Canadian National Institute for the Blind, stating that a dog is being used as a guide dog for a blind person, no fee shall be charged for a license and tag.

### Section 3. KENNELS

1. a) No person shall operate a kennel in the Township unless he has obtained a licence for such kennel under the provisions of this By-Law and meets the requirements of the Zoning By-Law of the Township.
- b) In no case shall the kennel be located closer than 152 metres from the nearest residence.
- c) When a kennel is to be established, the owner of the kennel shall be required to enter into a Site Plan Control Agreement with the Township. This Agreement shall provide screening to the satisfaction of the Planning and Development Committee so as to minimize the effects of noise.
- d) The Animal Control Officer shall not issue the licence for a kennel until the licence fee provided in this By-Law has been paid and he/she is satisfied that the applicant has complied with the provisions of this By-Law.
- e) Each licence for a kennel, unless specifically expressed to be for a shorter period, and unless suspended or revoked, shall remain in force for a twelve-month period.
- f) All fencing and runs for kennels shall be built as follows:
  - 1) A fence or its equivalent which is to form a kennel enclosure or part thereof shall be of:
    - i) Chain link construction, or
    - ii) Vertical board construction
  - 2) A fence of chain link construction, six feet (6') (1.8m) high, shall:
    - i) have a mesh not greater than 2" (5.08cm) consisting of 12ga. galvanized steel wire, or a 14 ga. steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 ga. steel wire.
    - ii) be supported by a minimum of 1/2" (1.27cm) galvanized steel posts, spaced not more than ten feet (10') (3.048m) apart. Such posts must extend at least three feet (3') (.914m) below grade or to bed rock and be encased in concrete at least two inches.
    - iii) have a top and bottom rails firmly fastened to the upright posts, made of a minimum of 1 1/4" (3.18cm) galvanized steel pipe.  
NOTE: Galvanized steel tension wire, 9 ga. may be substituted for the bottom rail.
  - 3) A fence of wood construction six feet (6') (1.8m) high, shall:
    - i) have vertical boarding one-inch (1") (2.54cm) thick minimum, attached to a top and bottom rail in such manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 1" x 4" (2.54cm x 10.16cm) minimum and must be spaced not more than 4" (10.16cm) apart.

- ii be supported by cedar posts at least 4" x 4" (10.16cm x 10.16cm) minimum, spaced not more than eight feet (8') (2.4m) apart. Such post shall extend at least three feet (3') (.914m) into the ground or to bedrock and be securely embedded therein.
  - iii have that portion of the post below the ground level treated with an approved wood preservative.
  - iv have top and bottom rails at least 2" x 4" (5.8cm x 10.16cm) minimum dimensions.
- 4. A fence (or its equivalent) of any other construction which might yield an equivalent or greater degree of security and strength may be approved by the Animal Control Officer upon the receipt of completed plans and specifications for said fence.
- 5. Gates which form a part of the kennel enclosures shall be:
  - i of such height and of such construction as to provide a degree of safety and rigidity equivalent to or greater than that of required fence.
  - ii supported on substantial hinges;
  - iii self-closing, self-latching with the latching device at the top of and on the inside of the gate.
- h) Maintenance:
  - i all fences, walls, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this By-Law.
- i) All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards:
  - 1) Dog cages and/or doghouses shall be constructed so as to be easily cleaned.
  - 2) All surfaces of yards and runways shall be covered in concrete, asphalt, fine gravel or other material, which can be easily cleaned or raked.
  - 3) All doorways and windows and outside openings shall be screened and provide an effective barrier against the escape of any dog.
  - 4) All kennels must at all times be maintained in a clean, sanitary condition.
  - 5) Excrement, dead animals and other waste resulting from the operation of a kennel shall be removed daily from the premises in an environmentally approved manner.
    - i Any person when applying for a licence under the section regarding Waste shall satisfy the Animal Control Enforcement Officer that the kennel or proposed kennel complies with the provisions of this By-Law and such person shall furnish the Animal Control Officer with all information he may reasonably require and permit him to examine the premises where the kennel is located or is to be located in order to satisfy himself/herself that the kennel complies with the provisions of this By-Law.

- i) If the Animal Control Office is not satisfied he/she will refer the matter to Council who, if they concur, may hire a qualified person to advise on the adequacy of the kennel in question.
- k)
  - 1) Where, in the opinion of the Animal Control Officer, any kennel does not comply with the provisions of this By-Law or creates or is likely to create a public health concern, nuisance or unsanitary condition, he/she shall require the owner of the kennel to abate the nuisance or rectify the conditions within a reasonable period of time after notice in writing to the owner.
  - 2) If the owner fails to abate the nuisance or rectify the conditions specified by the Animal Control Officer, he/she shall be deemed to be contravening the provisions of this By-Law.
- l) Any kennel licence may be suspended or revoked by Council on the recommendation of the Animal Control Officer, if in his/her opinion the kennel does not comply with the provisions of this By-Law.
- m) Whenever in this By-Law, any duty is imposed upon the Animal Control Officer related to the suspension or revocation of kennel licences or the inspection of kennel premises, the Animal Control Officer, at his/her discretion, considers that professional advice is necessary or desirable, he/she may retain the services of a qualified veterinarian entitled to practice his profession in Ontario to advise him/her and to make a report to him/her, to Council and then the kennel owner. The By-Law Enforcement Officer shall be guided by such professional advice and report. If the required corrections are not done by the owner the work will be done by the municipality and collected as taxes on the property.

**Section 4. LICENCE FEES**

- a) Annual Licence Fees shall be as follows:

<b>DOG LICENCE FEE</b>	<b>\$15.00 per year</b>
<b>MICRO-CHIPPED</b>	<b>\$7.50 first year no charge for subsequence years</b>
<b>REPLACEMENT DOG TAG</b>	<b>\$ 1.00</b>
<b>GUIDE DOG TAG</b>	<b>\$ N/C</b>
<b>KENNEL LICENCE FEE</b>	<b>\$30.00 per year</b>

The licence fees listed in this section are not to be interpreted as part of a release fee. Pound Release and Maintenance Fees shall be determined by the Animal Shelter and approved by the Township from time to time.

**Section 5. NOISE**

Every owner of a dog, or person responsible for the care of a dog, shall take all reasonable precautions necessary to prevent the dog from barking as to disturb the peace and quiet of any residence or persons in the vicinity.

**Section 6. DOGS RUNNING AT LARGE**

- a) For the purpose of this section, a dog shall be deemed to be running at large when found straying from the property upon which it is normally kept and not under the control of any person.
- b) Every person or owner of a dog shall maintain sufficient control of the dog, so as to prevent the dog from running at large within the boundaries of the Township.
- c) Every person or owner of a dog, who fails to maintain sufficient control of the dog while off the property of the owner, may be directed by the Corporation or agent to leash the dog. The leash shall be securely attached to the person in control of the dog.
- d) The Corporation or agent may seize any dog running at large in the Township and cause such dog to be returned to the owner or impounded.
- e) Dogs running at large shall be taken up by the agents of the Corporation and impounded in an animal shelter and there confined in a humane manner for a period of not less than three days (Sundays and Statutory Holidays excluded) and may thereafter be disposed of in a humane manner if not claimed by their owner. Dogs not claimed by the owner at the expiration of three days shall become the property of the Corporation and may be destroyed or placed for adoption by the Corporation or through an agency. All reasonable efforts shall be made to identify the dog and notify the owner.
- f) Any owner of a dog that has been seized or impounded shall be required to pay all impoundment fees prior to release of the dog.
- g) Any owner of a dog that has been seized or impounded that has not obtained a dog licence for the current year shall do so before the dog is released. The shelter shall be responsible to collect the licence fee and for this service they shall be paid 50% of the fees collected.
- h) Owners of dogs remain responsible for all costs even if the owner doesn't claim his/her dog.

**Section 7. DOG BITES**

- a) Every person or owner of a dog shall take all precautions necessary to prevent the dog from biting or attacking any person or fighting with, attacking, or biting any dog, domestic animal or domestic fowl, whether on private or public property.
- b) When a dog has bitten or attacked a person, or fought with, bitten or attacked a dog, domestic animal or domestic fowl, the owner shall cause the dog to remain muzzled or leashed until such time as the incident has been reviewed by the Animal Control Officer. As a result of his review, if in his/her opinion, the dog has fought, bitten or attacked without provocation, the Animal Control Officer may rule that the dog is a vicious dog, and at his/her discretion, may commence proceedings under the Dog Owner's Liability Act, whereby at the discretion of the Judge, penalties ranging from a fine to an order to destroy the dog, may be imposed.

**Section 8. VICIOUS DOG**

- a) The owner of a vicious dog shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in one of the following manners so as to prevent the dog from causing injury to any person, dog, domestic animal, or domestic fowl entering onto the owners land.

1. The vicious dog shall be located wholly within a fenced area and any gate in such fenced area shall be locked at all times when a vicious dog is in the fenced area.
  2. When the vicious dog is kept in an enclosed run or pen, such run or pen shall be built in accordance with the information in this By-Law under Kennels, except that said run shall be enclosed on all four (4) sides and its top shall be of material of the same or greater strength than that of the sides.
  3. The dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed or chained. The leash shall not exceed 9 metres in length.
- b) It is the owner's responsibility to ensure that any person who is left with the charge of a vicious dog is fully capable of controlling the dog with strength and knowledge.
  - c) The owner of a vicious dog shall at all times when the dog is outside the boundaries of its owner's land keep the dog leashed and muzzled so as to prevent it from biting.
  - d) No person shall permit a dog to attack, or bite any person, or to attack, bite or fight with any dog, domestic animal or domestic fowl.
  - e) Every owner of a vicious dog shall at the time the dog is licensed inform the Animal Control Officer that the dog is vicious.
  - f) Immediately upon the transfer of a vicious dog from one owner to another, the owners shall notify the Animal Control Officer.
  - g) Every owner of a vicious dog shall post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.
  - h) If the dog owner fails to comply to any of the above, the Animal Control Officer may commence proceedings under the Dog Owners Liability Act.

#### Section 9. WASTE

- a) Every person or owner of a dog who allows waste (excrement/faeces) to be placed on public property owned by the Corporation without authorization is guilty of an offence.
- b) If a person who has deposited or allowed waste to be deposited on private property or property of the Corporation shall immediately and entirely without leaving the scene, cause such waste to be entirely picked up and thence removed to his own property, such person shall be deemed not to have committed an offence under this section.
- c) This section shall not apply to a Seeing Eye dog while on a leash and actually in use in providing assistance to a person with impaired vision or to a disabled person as defined herein.

#### Section 10. ANIMAL PROVISIONS

##### KEEPING OF ANIMALS - GENERAL

1. Every animal shall be:
  - a) treated in a humane manner, and
  - b) kept so that:



- (i) the transfer of pathogenic agents is minimized; and
- (ii) there are no offensive odours, or odours which may attract animals.

#### **ANIMAL ENCLOSURES**

1. Every cage, pen or other such enclosure used for the housing of an animal when kept as a pet or for hobby purposes shall be so constructed and maintained that:
  - a) every animal in a cage or pen may comfortably:
    - (i) extend its legs to their full natural extent;
    - (ii) stand;
    - (iii) sit;
    - (iv) lie down in a fully extended position; and
    - (v) be provided with adequate space for exercise purposes. The length of chain for tethering purposes shall be a minimum of three (3) meters.

#### **Section 11. PROHIBITION - EXOTIC AND WILD ANIMALS**

1. No person shall keep any wild or exotic animals within the limits of the Township of Drummond/ North Elmsley, unless such animal has been domesticated and the facilities for keeping of same have been inspected for public safety by the Animal Control Officer. It shall be the responsibility of the owner of a wild or exotic animal which has been domesticated to contact the Animal Control Officer for inspection and written approval.

#### **Section 12. CONTROL AND SALE OF YOUNG OR DISEASED ANIMALS**

1. When a dog is known to have bitten a person the Medical Officer of Health may order the agent for the Corporation of the Township of Drummond/ North Elmsley to confine the dog under supervised quarantine for a period not to exceed the (10) days in accordance with the Public Health Act.
  - a. Any animal suspected of being rabid, shall be placed in quarantine where possible, pending its disposition by the Health of Animals Branch of Agriculture Canada.
  - b. When an animal is seized, impounded or destroyed under the provisions of this section, no damages or compensation shall be recoverable by the owner thereof.
2. No person shall;
  - a) knowingly sell any diseased animal;
  - b) sell or give away any dog or bitch under the age of 6 weeks.
  - c) display any animal unless such animal is adequately protected from drafts, direct rays of the sun, excessive heat or cold and ample space is provided.

- d) sell or give to or for any person under sixteen (16) years of age, any animal unless with the expressed consent of the child's parent(s) or legal guardian(s); or
- e) sell or keep for sale any wild animal or bird.

**Section 13. INTERFERENCE**

- a) No person shall interfere with, hinder or molest any agent of the Corporation in the performance of any duty as such agent.

**Section 14. DOG LICENCE ISSUER/KENNEL LICENCE ISSUER**

- a) At the beginning of every year the Corporation will contract a Dog Licence Issuer and/or Kennel Licence Issuer. He/She, under the direction of the Corporation shall collect the dog licence fee and kennel licence fee in a method approved by Council.
- b) If payment is not received within the specified time, the Treasurer of the Corporation shall prepare and forward an invoice to the household.

**Section 15. ADMINISTRATION**

- 1) This By-law shall be administered by the Municipal By-law Enforcement Officer.

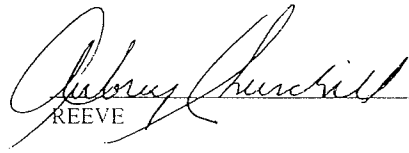
**Section 16 VIOLATIONS AND PENALTIES**

- 1) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, as set out in the Provincial Offences Act, R.D.O. 1990, Chapter P. 331
- 2) Upon registering a conviction for a contravention of any provision of this By-law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-law make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 3) Penalties and fines for the violation of this By-law will be set out in Schedule "A" attached hereto and forming part of this By-law.

**Section 17 VALIDITY**

- 1. If any section, clause or provision of this By-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction, to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.
- 2. This By-law repeals By-law 2000-043 as amended by By-law 2011-024.
- 3. The by-law shall henceforth be referred to as the Animal Control By-law.
- 4. This By-law shall come into force and take effect immediately upon the day of final passing thereof.

By-law read a first, second and third time and finally passed this 26<sup>th</sup> day of April 2011.

  
REEVE

  
DEPUTY CLERK

SCHEDULE AA@

TO BY-LAW 2011-024

FINES

Item	Offence Creating Provision	Short Form Wording	Set Fine (Includes Costs)
1.	Section 2(a)	Being an owner of an Unlicensed dog	\$ 30.00
2.	Section 2(h)	Being the owner of a dog and using a dog tag on a dog other than the one registered to that dog.	\$ 30.00
3.	Section 5	Being an owner of a dog and failing to take reasonable precautions to prevent a dog from barking as to disturb the peace.	\$ 115.00
4.	Section 6(b)	Being the Owner of a dog, allowed to run at large.	\$ 55.00
5.	Section 9(a)	Being the Owner of a dog, allowed to urinate or defecate on public property	\$ 30.00