

TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2019-024

ANIMAL CONTROL BY-LAW

BEING A BY-LAW with respect to the regulation and control, protection and identification of dogs and for prohibiting the keeping of animals of any class thereof.

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001 c. 25 as amended (The Act), authorizes a lower tier municipality to pass by-law respecting animals;

AND WHEREAS pursuant to Sections 103, and 105 of The Act, municipalities may pass by-law with respect to animals being at large or trespassing and requiring the muzzling of dogs;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley as follows:

1. DEFINITIONS

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 dogs 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 - means a dog found in any place other than the premises of the owner of the dog and not under the control of any person.

BITE – means a wound to the skin causing it to puncture or break.

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 TAG - shall mean a personal tag provided by the owner with identifying information i.e., name, telephone number.

“EXOTIC ANIMALS” means any animal under Schedule “A” attached hereto and forming part of this by-law.

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.

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

OWNER – means and includes any person who owns, possesses, harbours or has the care and control of a dog and includes a person who is the temporary keeper or who has temporary control of an animal. "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.

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

TOWNSHIP - shall mean the geographical Township of Drummond/North Elmsley;

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 of the dog (excrement or feces).

WILD - shall mean an animal of a wild nature or disposition which has not been made tame nor has been trained to live with and under the control of humans.

2. KENNELS

- 2.1. No person shall operate a kennel in the Township unless he or she 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.
- 2.2. In no case shall the kennel be located closer than 152 metres from the nearest residence.
- 2.3. 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.

- 2.4. The Animal Control Officer shall not issue the licence for a kennel until the licence fee specified in the Township's most current Tariff of Fees By-Law has been paid and he/she is satisfied that the applicant has complied with the provisions of this By-Law.
- 2.5. 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.
- 2.6. All fencing and runs for kennels shall be built and maintained in accordance with Schedule A.
- 2.7. 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.
- 2.8. 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.
- 2.9. 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.
- 2.10. 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.
- 2.11. 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.
- 2.12. 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.

3. NOISE AND NUISANCE

- 3.1. No person shall permit his/her dog to make or cause persistent or excessive noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort of the neighbourhood or of person who inhabits any dwelling in the vicinity.
- 3.2. Any person who owns, harbours or possesses a dog shall clean up and dispose of any excrement left by the dog on any property whether private or public.

4. DOGS RUNNING AT LARGE

- 4.1. 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 immediate control of any person.
- 4.2. 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.
- 4.3. Every person shall ensure that a dog is leashed while off the property of the owner. The leash shall be securely attached to the person in control of the dog.
- 4.4. The Animal Control Officer may seize any dog running at large in the Township and cause such dog to be delivered to a pound.
- 4.5. Dogs running at large may be picked up by the Animal Control Officer and impounded in an animal shelter and there confined in a humane manner for a period of not less than five days (Sundays and Statutory Holidays excluded) and may thereafter be disposed of in a humane manner if not claimed by its owner.
- 4.6. Dogs not claimed by the owner at the expiration of five 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.
- 4.7. 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.
- 4.8. Owners of dogs remain responsible for all costs even if the owner doesn't claim his/her dog.

5. DOG BITES

- 5.1. 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 and 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.
- 5.2. 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/her 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.

6. AGGRESSIVE DOG

- 6.1. The owner of a dog shall exercise reasonable precautions to prevent the dog from biting or attacking a person or domestic animal or behaving in a manner that poses a menace to the safety of persons or domestic animals.
- 6.2. Where the Animal Control Officer confirms that a dog is aggressive, the Animal Control Officer may deem the dog aggressive and shall serve notice upon the owner of the aggressive dog requiring the owner to comply with any or all of the requirements as stipulated in this by-law.
- 6.3. Every owner of an aggressive dog shall at all times when the dog is not on the owner's property, ensure that; the dog is muzzled so as to prevent it from biting a person or domestic animal, and the dog is contained within an fenced area, such fence being of an appropriate height for the breed and size of the dog and any gate in such fenced area shall be locked at all times when a vicious dog is in the fenced area.
- 6.4. Every owner of an aggressive dog shall at all times when the dog is not within the boundaries of the owner's premises:
 - a) keep the dog under the effective control of a person sixteen (16) years of age or older and leashed, such leash not to exceed two (2) metres in length, and
 - b) keep the dog muzzled.
- 6.5. Where the owner of an aggressive dog is informed that he or she must comply with paragraph 6.3 and 6.4 the owner is entitled to a hearing by the Corporation's Council.
- 6.6. It is the owner's responsibility to ensure that any person who is left with the charge of an aggressive dog is fully capable of controlling the dog with strength and knowledge.

- 6.7. Every owner of an aggressive dog shall inform the Animal Control Officer that the dog is aggressive.
- 6.8. Immediately upon the transfer of an aggressive dog from one owner to another, the owners shall notify the Animal Control Officer.
- 6.9. Every owner of an aggressive dog shall post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.
- 6.10. 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.

7. WASTE

- 7.1. No owner of a dog shall permit dog waste to be placed on public or private property without permission.
- 7.2. 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.
- 7.3. 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.

8. ANIMAL PROVISIONS

8.1. Keeping of Animals – General

Every animal shall be:

- a) treated in a humane manner, and
- b) kept so that the transfer of pathogenic agents is minimized; and there are no offensive odours, or odours which may attract animals

8.2. Animal Enclosures

- a) Every cage, pen or other such enclosures used for the housing of an animal when kept as a pet or for hobby purposes shall be so constructed and maintained that:
 - i. Every animal in a cage or pen may comfortably
 - ii. Extend its legs to their full natural extent;
 - iii. Stand
 - iv. Sit
 - v. Lie down in a fully extended position; and be provided with adequate space for exercise purposes

- b) The length of chain for tethering purposes shall be a minimum of three (3) meters.

8.3. Limitation on Number of Dogs

No person or household in the Township shall keep on any dwelling unit more than a total of (5) five dogs. This section does not apply to the operation of kennel for the purposes of breeding or boarding of animals.

9. PROHIBITION – EXOTIC AND WILD ANIMALS

- 9.1. 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.

10. CONTROL AND SALE OF YOUNG OR DISEASED ANIMALS

- 10.1. 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 of time in accordance with the Public Health Act.
- 10.2. 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.
- 10.3. 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.
- 10.4. 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.

11. INTERFERENCE

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

12. ADMINISTRATION

12.1. This By-law shall be administered by the Animal Control Officer or the Municipal By-law Enforcement Officer.

13. VIOLATIONS AND PENALATIES

13.1. 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.S.O. 1990, Chapter P. 33.

13.2. 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.

14. VALIDITY

14.1. 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.

15. REPEAL

15.1. That By-law 2017-051 shall be and is hereby repealed.

16. SHORT TITLE

16.1. The by-law shall henceforth be referred to as the Animal Control By-law.

17. EFFECTIVE DATE

17.1. This By-law shall come into force and take effect May 1, 2019.

By-law read a first, second and third time and finally passed this 23rd day of April, 2019.

Steve Fournier, Reeve

Cindy Halcrow, Clerk Administrator

**SCHEDULE A
BY-LAW 2019-024**

**WILD OR EXOTIC ANIMALS
BEING A LIST OF ANIMALS
THE KEEPING OF WHICH IS PROHIBITED
WITHIN THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY**

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-Human Primates (such as Gorillas and Monkeys)
3. All Felids, except the domestic cat
4. All Canids, except the domestic dog
5. All Viverrids (such as Mongooses, Civits and Genets)
6. All Ursides (Bears)
7. All Hyaenas
8. All Perissodactylus Ungulates such as antelopes, wild boars, gazelle, zebras
except domestic horse and ass.
9. All Elephants
10. All Pinnipeds (such as Seals, Fur Seals and Walruses)
11. All Snakes of the Family Pythonidae and Biodae
12. All Venomous Reptiles (Vipers, Rattles, Cotton mouth, Copper head, Cobras)
13. All Venomous Spiders (Black Widow, etc.)
14. All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls)
15. All Edentates (such as Anteaters, Sloths and Armadillos)
16. All Crocodilians (such as Alligators and Crocodiles)
17. Skunks
18. Raccoons

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.

**SCHEDULE B
BY-LAW 2019-024**

KENNEL CONSTRUCTION & MAINTENANCE

1. A fence or its equivalent which is to form a kennel enclosure or part thereof shall be of chain link construction, or vertical board construction
2. A fence of chain link construction, six feet (6') (1.8m) high, shall:
 - a. 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;
 - b. 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;
 - c. 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;
 - d. Notwithstanding the above, 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:
 - a. 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;
 - b. 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;
 - c. have that portion of the post below the ground level treated with an approved wood preservative;
 - d. 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 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 and supported on substantial hinges that are self-closing, self-latching with the latching device at the top of and on the inside of the gate.
6. Every Kennel owner shall maintain the kennel as follows:
 - a. 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:
 - b. All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards;
 - c. Dog cages and/or doghouses shall be constructed so as to be easily cleaned;
 - d. All surfaces of yards and runways shall be covered in concrete, asphalt, fine gravel or other material, which can be easily cleaned or raked;
 - e. All doorways and windows and outside openings shall be screened and provide an effective barrier against the escape of any dog;
 - f. All kennels must at all times be maintained in a clean, sanitary condition;
 - g. 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.