

Subject: Animal Control By-law

Department: Corporate Services

Division: Clerks

Report #: CPS-2023-055

Meeting Date: 2024-01-22

Recommendations

That report CPS-2023-055, Animal Control By-law, be received;

And that a public meeting be held in Q1 or Q2 of 2024, to receive feedback and comments on the proposed Animal Control By-law;

And that staff report back to Council after the public meeting on the comments and feedback received.

Background and Analysis

The Regulatory By-law Work Plan adopted by Council at its meeting held on January 23, 2023, includes a review of the Town's Animal Control By-law.

The current Animal Control By-law was adopted in 2000 and establishes rules and regulations for responsible pet ownership, dog licensing, and prohibited animals. The By-law has since been amended to capture additional prohibited animals, include a licensing fee schedule and permit the keeping of hens.

During the development of the proposed Animal Control By-law (Attachment #1), staff have taken into consideration and incorporated:

- an administrative framework that creates regulations to ensure the safety of animals and the public;
- a consistent approach with the regulations and general licensing provisions set out in the Town's regulatory and general licensing by-laws;
- a comprehensive review of best practices of surrounding municipality's animal control by-laws;

- relevant legislation such as the *Municipal Act*, *Dog Owner's Liability Act* and *Provincial Animal Welfare Services Act*.

Update - Hen Permit Trial Program

On November 9, 2020, Council adopted Hen Permit By-law 2020-061 to provide residents with the ability to keep a maximum of three (3) hens on a residential lot containing a single detached dwelling or a semi-detached dwelling. The three (3) year trial program began January 1, 2021, and permits have been issued to residents that met the criteria requirements set out in the By-law, registered with the Town and paid the yearly permit fee of \$110.00.

The number of permits issued during the three (3) year trial program period were:

Hen Permit Registration	2021	2022	2023
Permits Issued	3	5	2

The number of complaints received during this period in relation to hen coops were:

Hen Permit Registration	2021	2022	2023
Complaints (non-registered hen coop)	0	1	0
Complaints (registered hen coop)	1	0	0

Although residents showed initial interest in the implementation of a hen permit trial program, there was limited uptake during the three (3) year period. Due to the low volume of applicants and the costs associated with the administration of the program, staff are of the opinion that it is not practical to continue with the licensing framework.

As part of the Animal Control By-law review process, staff are recommending that the proposed By-law include the regulations set out in the Hen Permit By-law, with the exception of the permit process requirements, and repeal By-law 2020-061. This would enable residents to continue to keep hens in accordance with the regulations, however the registration process and fee component would be removed.

Standards of Care – Animals

The *Provincial Animal Welfare Services Act* (PAWS) came into effect on January 1, 2020. Protection under this legislation includes requirements for basic standards of care for animals, including:

- adequate food, water, medical attention, and resting and sleeping areas;
- the care necessary for the animal's general welfare;
- adequate space to enable the animal to move naturally, exercise, sanitary conditions, ventilation, light and protection from the elements.

PAWS also includes requirements for standards of care for dogs kept outdoors, which encompasses general care, shelters, tethers, and housing pens.

Standards of care for animals are clearly set out in PAWS and concerns regarding animals (a pet, farm animal, or wild animal in captivity) that are in distress or are being neglected can be reported by the public to the animal protection call centre, which is open 24 hours a day, seven days a week.

Provincial animal welfare inspectors provide enforcement across Ontario by carrying out inspections, conducting investigations, responding to animal welfare concerns, as well as providing outreach and education on animal care best practices. To ensure animals remain protected, the inspectors also work, where appropriate, with police, veterinarians and other agencies.

At this time, standards of care for animals have not been included in the proposed By-law as these matters are regulated, investigated, and enforced by the Province through the *Provincial Animal Welfare Services Act*.

Dangerous Dogs

The *Dog Owner's Liability Act* (DOLA) contains rules for dog owners in Ontario. DOLA states that the owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal.

A proceeding may be commenced in the Ontario Court of Justice against a dog owner if it is alleged that the dog has:

- bitten or attacked a person or domestic animal;
- behaved in a manner that poses a menace to the safety of persons or domestic animals; or
- the owner did not exercise reasonable precautions to prevent the dog from biting, attacking or behaving in a manner that poses a menace to the safety of persons or domestic animals.

DOLA also sets out provisions to make an interim order requiring the owner to take measures for more effective control of the dog after an attack, which mirrors the vicious dog provisions set out in our current By-law.

At this time, regulations for vicious dogs and muzzle orders have not been included in the proposed By-law, as staff can utilize DOLA for these types of matters, eliminating any hearings through the Dog Designation Appeal Committee of Council, as all matters would be heard in the Ontario Court of Justice.

The following table outlines the proposed key regulatory changes to the Animal Control By-law:

Summary of proposed Key Changes to the Animal Control By-law	
Definitions	
Definitions have been added and/or modified to provide clarity and consistency with other Town by-laws.	
General	
Added: Prohibit the disposal or burying of an animal on Town property or Town land. Unless otherwise permitted by Town policy, and other by-laws or legislation, no person keeping an animal, other than a service animal, shall allow the animal to be in Town facilities.	
Dogs - Barking	
Deleted: To be included in proposed Noise By-law 2024-XX The prohibition for an owner to allow his dog to howl or bark excessively has been removed from the Animal Control By-law and has been included in Schedule A of the proposed Noise By-law 2024-XX. Schedule A of the Noise By-law lists prohibitions, which include activities that emit, make or create noise, which includes: • persistent barking, calling, or whining of other similar persistent noise made by any domestic dog or any other animal kept or used for any purpose.	
Dog Licence Expiry	
The expiry of a dog license has been changed from December 31 in each year to April 30 in each year.	
Prohibited Grandparented Animals	
Added: No person shall keep a prohibited grandparented animal unless it is registered. A person registering an animal: • shall provide an application to the Clerk;	

- shall provide proof that the prohibited animal was lawfully owned prior to the prohibition within 90 days of the passing of this By-law;
- shall provide the Clerk with notification within forty-eight hours (48) hours of the new location should the prohibited grandparented animal move;
- may keep the prohibited grandparented animal until it dies or has otherwise been disposed of and notifies the Clerk within forty-eight hours (48) hours of the death.

The Clerk may impose terms or conditions on the keeping of any prohibited grandparented animal and the grandparented status of an animal may be revoked by the Clerk or their designate at any time if the provisions of the By-law are not met.

Standards of Care for Animals

Deleted:

As standards of care for animals, including tethering and shelter for dogs are captured within the PAWS Act, and enforcement is conducted by PAWS inspectors, these requirements have not been included in the proposed By-law.

Leash Free Parks

Added:

Regulations have been established within the By-law for use of the leash free park, which includes:

- permitting dogs only;
- maximum number of three (3) dogs per visit with an owner;
- prohibiting dogs from using the park if they are not vaccinated, not older than four (4) months, are a female dog in heat, or pose a danger to other persons or dogs;
- requiring an owner to immediately remove a dog if it shows aggressive behaviour, or if an Officer, Town designate, Town staff or authorized agent requests the removal of the dog for any reason;
- ensuring the dog is on a leash when entering and exiting the leash free park, and is under control at all times;
- ensuring children within the leash free park are accompanied by their parent or legal guardian and supervised at all times;
- owners assume all risks by entering the leash free park.

Protective Care and Impoundment

Added:

Officer may take possession of an animal to provide protective care and are authorized to:

- receive animals due to an eviction, incarceration, fire or medical emergency or any other situation the Officer deems appropriate;
- keep animals temporarily for a maximum of five (5) days;
- charge the owner the current per diem for sheltering fee and all costs for medical care when the animal is redeemed;
- at the end of the five (5) day period, unless other arrangements are agreed upon between the owner and the Town, day-one of the impound process begins.

Owners of animals seized or impounded, whether the animal is claimed from the pound or not, are liable for the payment of all fees applicable for services and shall pay all fees on demand by the pound keeper.

The pound keeper may refuse the surrender or adoption of an animal for any reason.

Cats

Added:

Limit the number of cats being kept on a property or per dwelling unit to a maximum of four (4).

Owners shall ensure that a cat has a microchip, identification tag or similar means of identification always affixed to it with the current contact information of the owner.

Hen and Hen Coop General Provisions

Added:

The regulations set out in Hen Registration By-law 2020-061, as amended, have been incorporated into the proposed By-law.

Deleted:

Hen registration process and applicable fee.

Prohibited Animals

Schedule A of the proposed By-law is a comprehensive list of prohibited animals. A review of municipal comparators resulted in additional animals being added to Schedule A, which are set out below. Schedule A also includes a permitted exceptions column to provide clarity as to which animals are permitted within each Class.

Added:

Class	Type	Common Names	Permitted Exceptions
Aves	Accipitriformes	Hawks and eagles	
	Apterygiformes	Kiwis	
	Casuariformes	Emus and cassowaries	
	Columbiformes	Pigeons and doves	
	Gruiformes	Cranes	
	Phoenicopteriformes	Flamingoes	
	Rheiformes	Rheas	
	Sphenisciformes	Penguins	
Mammalia	Eulipotyphla	Shrews	African pygmy hedgehogs
	Lagomorpha	Hares and pikas	Domesticated rabbits
	Rodentia	Porcupines, prairie dogs and nutria	Rodents such as hamsters, gerbils, chinchillas and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population
	Scadentia	Treeshrews	
Reptilia	Squamata	Iguanas, savannah monitors, pythons and boas (including anacondas)	Non-venomous or non-poisonous lizards which have a maximum length of less than 70 cm and are not commonly expected to

			exceed that length Non-venomous or non-poisonous snakes which have a maximum length of less than 3 metres and are not commonly expected to exceed that length
	Testudines	Terrapins, tortoises and turtles	Turtles derived from a self-sustaining captive population
Other	All venomous or poisonous animals		
	Exotic animals – not indigenous to Canada		

Dangerous Dogs

Deleted:

As the *Dog Owner's Liability Act* contains provisions to commence proceedings in the Ontario Court of Justice against an owner of a dangerous dog and make an interim order requiring the owner to take specified measures for more effective control of a dog, regulations for vicious dogs and muzzle orders have not been included in the proposed By-law, as staff can utilize the regulations set out in DOLA for enforcement.

Wildlife

Added:

No person shall feed wildlife on their property, except:

- a person feeding songbirds as follows:
 - the food is placed in a bird feeding device sufficiently above grade;
 - the bird feeding device is on private property;
 - any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife;

- the bird feeding device is kept in a sanitary condition and in good working order.

No person shall permit a feeding device or any attractants to be left outside on any property, including but not limited to Town property or lands.

A person may feed songbirds on their property provided it does not create a nuisance by reason of odour, sight or otherwise.

Enforcement and Powers to Enter

Added:

Wording that provides an Officer with the ability to enter on land at any reasonable time to carry out an inspection to determine whether:

- the By-law is complied with;
- the licence, or term or condition of a licence has been complied with;
- a direction or order has been complied with.

An Officer may enter on any public or private property for the purpose of catching, confining, transporting an animal at large.

Orders

Added:

Wording that provides an Officer with the ability to issue an order to a person who has contravened the By-law, requiring them to:

- discontinue the contravention; and/or
- do work or take action to correct the contravention.

Penalty Provisions

Updated enforcement and penalty provisions to be consistent with current legislation.

Administration

Clerk is authorized to delegate powers and responsibilities for the administration and enforcement of this By-law to any Town staff or external third parties deemed to be qualified and appropriate by the Clerk for such purposes.

Fees

Fees have been updated in Schedule B to include:

Current	Proposed
Dog Licence: Spayed/Neutered: 1 st & 2 nd Dog \$20.00 3 rd Dog \$50.00 Unspayed/Unneutered: 1 st & 2 nd Dog \$25.00 3 rd Dog \$50.00	Dog Licence \$35.00
N/A	Replacement Licence \$10.00
N/A	Impound Fees: 1 st Impound \$30.00 2 nd Impound \$60.00 3 rd Impound \$100.00 4 th Impound \$150.00
N/A	Quarantine/Court Ordered: Dogs per day \$100.00 Cats per day \$100.00

Where the Clerk has delegated the powers and responsibilities for the administration and enforcement of this By-law to an external third party, the third party may charge fees in excess of the fees prescribed in Schedule B.

The proposed Animal Control By-law incorporates updated best practices to proactively meet the changing needs of the community and better protect both animals and the public.

Next Steps

A public meeting will be held in Q1 or Q2 of 2024, to obtain feedback regarding the proposed By-law, and staff will report back to Council after the public meeting with recommendations regarding adoption of the By-law.

Strategic Alignment

Strategic Plan

Strategic Goal: Future-Readiness

Objective: Due Diligence

Sustainable Neighbourhood Action Plan

Theme: Not applicable

Strategy: Not applicable

Notice Provisions

The Town's Notice Policy requires that notice be placed on the Town's website and published in a newspaper once per week for two consecutive weeks prior to the meeting at which the matter is to be considered, or prior to the holding of a public meeting.

Financial Impact

There is no immediate financial impact, as the Orangeville and District Branch of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) is the Town's contracted service provider to enforce and administer the Animal Control By-law and collection of dog licensing fees.

Respectfully submitted

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Attachment(s): 1. Draft Animal Control By-law



The Corporation of the Town of Orangeville

By-law Number

A by-law to regulate the keeping, licensing, registration, and control of certain classes of animals

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended hereinafter referred to as the “*Municipal Act*” provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 8(3) of the *Municipal Act* authorizes a municipality to provide for a system of licences;

AND WHEREAS Sections 8, 11, 11(2) and 11(3) of the *Municipal Act* authorizes a municipality to pass a by-law to regulate, prohibit and require persons to do things respecting animals and in relation to health, safety and well-being of persons, the social well-being of the municipality and the protection of persons;

AND WHEREAS Sections 9, 11 and 391 of the *Municipal Act* authorizes a municipality to impose fees and charges on persons;

AND WHEREAS Section 23.1, 23.2 and 23.3 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under the Act to a person;

AND WHEREAS Section 103 of the *Municipal Act* authorizes a municipality to pass by-laws to seize, impound, and sell animals that are trespassing or at large;

AND WHEREAS Section 425(1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under the *Municipal Act* is guilty of an offence;

AND WHEREAS Section 431 of the *Municipal Act* authorizes that where any by-law of a municipality under the *Municipal Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in

which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention;

AND WHEREAS Section 436 of the *Municipal Act* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections;

AND WHEREAS Section 62 of the *Provincial Animal Welfare Services Act, 2019* provides municipalities the authority to deal with impounded animals as owners of animals;

AND WHEREAS the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16 authorizes a Municipal Law Enforcement Officer to seize and impound a dog under certain circumstances;

AND WHEREAS the Council for the Town of Orangeville deems it necessary and desirable to regulate the keeping of dogs and other animals in the Town of Orangeville;

NOW THEREFORE the Council of the Corporation of the Town of Orangeville enacts as follows:

1. Definitions

1.1 In this By-law:

“Animal” means any member of the animal kingdom, other than a human;

“Animal Control Officer” means a person appointed as such by a by-law of the **Town**, or any other person directed by the **Clerk** to enforce this By-law, and includes the **pound keeper**;

“Cat” means a regular domestic cat;

“Clerk” means the Clerk for the **Town** or any person designated by the Clerk;

“Council” means the Council of the Corporation of the Town of Orangeville;

“Dog” means a domestic dog;

“Dwelling Unit” means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

"Harbour or Harboured" shall include **keeping** or possessing for any period of time, whether temporary or not;

"Hen" means a female chicken;

"Hen Coop" means a structure used to house a **hen** and includes the covered outdoor enclosure area;

"Keep" or **"Kept"** shall include **harbouring** or possessing for any period of time, whether temporary or not;

"Leash" means a rope, chain or other material or restraining device used to restrain a **dog**;

"Leash Free Park" means a park owned by the **Town** where a **dog** is permitted to be off a **leash**;

"Licence" means a licence issued pursuant to this By-law;

"Licence Issuer" means a **Town** employee responsible for issuing a **licence** or any person designated by the **Clerk**,

"Microchip" means a device, designed to an approved Canadian standard, implanted in an **animal**, containing a unique code that permits or facilitates access to information such as the name and contact information of the **animal's owner**;

"Officer" means an **Animal Control Officer**, a **pound keeper** and their designates, an Ontario SPCA Officer, Police Officer, Municipal Law Enforcement Officer, the Medical Officer of Health, or other person appointed by by-law to enforce the provisions of this By-law;

"Owner" includes:

- (a) any person who owns, **keeps**, or has custody of an **animal** and where the **owner** is a minor, the person responsible for the custody of the minor;
- (b) a person who is temporarily the **keeper** of the **animal**;

"Police Working Dog" means a **dog** trained and actually engaged in law enforcement by any federal, provincial, or municipal government agency;

"Pound" means any premise or facility or part thereof used by the **Town** for the temporary housing or boarding of **animals** that have been impounded pursuant to this By-law;

“Pound Keeper” means any premise or facility or part thereof used by the **Town** for the temporary housing or boarding of **animals** that have been impounded pursuant to this By-law;

“Protective Care” means the temporary **keeping** of an **animal** as a result of an eviction, incarceration, medical or fire emergency, or any other situation that the **pound keeper** or **Officer** deems appropriate for the health and safety of the **animal**;

“Rear Yard” means a yard extending the full width of the property between the rear lot line and the main building on a property;

“Rooster” means a male chicken;

“Service Animal” means an **animal** described in subsection 80.45(4) of O. Reg. 191/11, under the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11;

“Songbird” means a bird of the order Passeriformes which includes, but is not limited to birds commonly known as robins, blue jays, and cardinals;

“Tag” means a tag issued by the **Town**;

“Town” means the Corporation of the Town of Orangeville;

“Veterinary Clinic” means a building, land or vehicle or any combination of them used or intended to be used as a place in or from which to engage in the practice of veterinary care;

“Wildlife” means an **animal** that belongs to a species that is wild by nature, but does not include:

- (a) domestic **animals**; or
- (b) a feral or stray **cat**.

2. Application and General

2.1 This By-law shall apply throughout the whole of the **Town**.

2.2 No person shall **keep** or **harbour** or permit to be **kept** or **harboured** at any one time, more than three (3) **dogs** on a property or per **dwelling unit**.

2.3 No person shall **keep** or **harbour** or permit to be **kept** or **harboured** at any one time, more than four (4) **cats** on a property or per **dwelling unit**.

2.4 Sections 2.2, 2.3 and 2.8 do not apply to the:

(a) **pound**; or

(b) **owner** of a:

- i. **veterinary clinic**;
- ii. pet store;
- iii. **pound** or an **animal** shelter operated by or on behalf of the **Town** for impounding **animals**;
- iv. facility in which **animals** are placed for care pursuant to the *Pounds Act*, R.S.O. 1990, c. P.17, as amended;
- v. facility registered as a research facility in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended.

2.5 No person shall own or **keep** a **dog** over the age of twelve (12) weeks without a current valid **dog licence**.

2.6 An **owner** of a **dog** shall **keep** the **tag** issued by the **Town** securely fixed on the **dog** it was issued at all times.

2.7 No person shall:

(a) affix a **tag** to any **dog** other than the **dog** for which it was issued; or

(b) remove a **tag** except to replace it with a current or valid **tag**.

2.8 No person shall **keep** or cause to be **kept** an **animal** identified as prohibited in Schedule A to this By-law.

2.9 No person shall own, **keep** or **harbour** a prohibited grandparented **animal** unless it is registered in accordance with Section 14.

2.10 No person shall own, **keep** or **harbour** a prohibited grandparented **animal** other than in accordance with the terms and conditions imposed by the **Clerk** and this By-law.

2.11 No person shall alter or modify or permit the alteration or modification of a **licence**.

2.12 No person shall use or attempt to use a **licence** issued to another person.

2.13 Every person who knowingly makes a false statement in an application, declaration, or paper writing required by this By-law or the **Town** is guilty of an offence.

- 2.14 No person shall dispose of or bury an **animal** on **Town** property or **Town** land.
- 2.15 Unless otherwise permitted by **Town** policy, other by-laws, or any legislation, no person **keeping** an **animal** shall allow such **animal**, other than a **service animal**, to be in **Town** facilities.

3. Licences and Registration

- 3.1 The **Clerk** is hereby delegated authority to issue **licences** and register **animals** in accordance with the provisions of this By-law.
- 3.2 The **Clerk** is hereby delegated authority to impose additional terms and conditions to an **owner** of a prohibited grandparented **animal** that in the opinion of the **Clerk** are reasonable and taking into consideration:
- (a) health, safety and welfare of the **animal**;
 - (b) health, safety and well-being of persons;
 - (c) health, safety and welfare of other **animals**; and
 - (d) the impact on a neighbouring property or neighbouring property owner.
- 3.3 A **licence** or registration automatically expires and becomes null and void upon the sale, death or other disposal of an **animal** to which such **licence** and registration applies.
- 3.4 A **licence** issued by the **Town** is non-refundable.
- 3.5 A **licence** issued pursuant to this By-law is valid for the current calendar year in which it is issued.
- 3.6 Any record required by this By-law shall be produced by the Licensee upon request of an **Officer**.

4. Dogs – Application for a Licence

- 4.1 Every calendar year, an **owner** of a **dog** that is over the age of twelve (12) weeks shall obtain a **dog licence** from the **Town** prior to the 30th day of April, unless the **dog** came into the **owner's** possession or care after that date.
- 4.2 Every **owner** of a **dog** that has a **dog** over the age of twelve (12) weeks that comes into his or her possession after the 30th day of April shall immediately obtain a **licence** for the **dog**.

- 4.3 An **owner** of a **dog** making an application for a **dog licence** shall submit:
- (a) a complete application in the form provided by the **Town**;
 - (b) when required by the **Town**, a certificate signed by a practicing veterinarian that the **dog** has been inoculated with an anti-rabies vaccine within a period of twelve (12) months preceding the date of application for a **licence**; and
 - (c) the required **licence** fee.

5. Dog – Licence

- 5.1 A **dog licence** in the form of a **dog tag** shall be issued where the **Clerk** is satisfied that the requirements of this By-law have been met.
- 5.2 An **owner** of a **dog** may obtain a replacement **dog tag** upon payment of the prescribed fee.

6. Dogs – Leashes and at Large

- 6.1 No **owner** of a **dog** shall permit a **dog** to be at large in the **Town** except in a **leash free park**.
- 6.2 A **dog** is deemed to be running at large if found in any place other than the property of the **owner** of the **dog** and the **dog** is not on a **leash** and under the control of a person capable of handling the **dog** when it is on property other than that of the **owner**, unless prior consent is given by the person owning the property on which the **dog** is found.
- 6.3 Sections 6.1 and 6.2 of this By-law shall not apply to a:
- (a) **police working dog**;
 - (b) **service animal** while under the control of its handler and actively engaged in its trained duties;

7. Excrement

- 7.1 Every **owner** of a **dog** shall immediately remove excrement left by the **dog** on property anywhere within the **Town** other than the property of the **owner**.

8. Leash Free Parks

- 8.1 No **owner** shall cause or permit their **dog** to enter or use a **leash free park** unless such **dog** is:
- (a) vaccinated; and
 - (b) older than four (4) months.
- 8.2 No **owner** shall cause or permit their **dog** to enter or use a **leash free park** if the:
- (a) **dog** poses any danger to other persons or **dogs**;
 - (b) **dog** displays, or has in the past displayed, aggressive behavior;
 - (c) **dog** is subject to a dangerous **dog** order from any municipality;
 - (d) **dog** is subject to a current interim order issued under the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16;
 - (e) **owner** has been advised by an **Officer, Town** designate, **Town** staff or authorized agent on behalf thereof, that the **dog** is prohibited from using the **leash free park**;
 - (f) **dog** is a Pit Bull as defined by the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16; or
 - (g) the female **dog** is in heat.
- 8.3 Every **owner** who permits their **dog** to enter or use a **leash free park** shall immediately remove the **dog** from the **leash free park** if:
- (a) it shows any aggressive behaviour toward a person or other **dog**; or
 - (b) an **Officer, Town** designate, **Town** staff or authorized agent on behalf thereof, requests the removal of the **dog** for any reason.
- 8.4 Every **owner** shall:
- (a) ensure that their **dog** is controlled by **leash** when entering and leaving a **leash free park**;
 - (b) accompany their **dog** while it is within a **leash free park** to ensure that it remains under control and within their sight at all times;

- (c) be capable of controlling the **dog**;
- (d) immediately remove any excrement left by such **dog**; and
- (e) not bring more than three (3) **dogs** per visit at a **leash free park**.

8.5 No person shall cause or permit any **animal** other than a **dog** to enter or remain within a **leash free park**.

8.6 Every child within a **leash free park** shall be supervised and accompanied by their parent or a legal guardian at all times.

8.7 Every **owner** assumes all risks by entering into the **leash free park**.

9. Protective Care and Impoundment

9.1 An **Officer** may seize and impound an **animal** found running at large and may apprehend an **animal**.

9.2 Any **animal** trespassing or at large may be seized by any person, who shall deliver the **animal** to an **Officer** or the **pound keeper** and the **animal** will then be impounded.

9.3 An **Officer** may take possession of an **animal** for the purpose of providing **protective care** and is authorized to:

- (a) receive **animals** pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the **Officer** deems appropriate;
- (b) temporarily **keep** such **animals** for a maximum of five (5) days;
- (c) charge the **owner** the current per diem sheltering fee and all costs for required veterinary medical care, when the **animals** are redeemed; and
- (d) at the end of the five (5) day **protective care** period, unless other arrangements are agreed to between the **owner** and the **Town**, treat such **animals** as day-one impounded **animals**.

9.4 Where an **animal** is seized and is injured or should be euthanized without delay for humane reasons or for reasons of safety to persons or **animals**, an **Officer** may euthanize the **animal**, or have the **animal** euthanized in a humane manner

as soon after seizure as the **Officer** thinks fit without permitting any person to reclaim the **animal**.

- 9.5 Where the **owner** of an **animal** is known, the **pound keeper** shall make reasonable efforts to notify the **owner** that the **animal** has been impounded.
- 9.6 Where an **animal** is seized and impounded, the **pound keeper** shall return it to the **owner** provided that:
- (a) the **owner** claims possession of the **animal** within three (3) days (excluding Sundays and holidays) after the date of seizure;
 - (b) the **animal** can be lawfully returned;
 - (c) upon payment of any applicable licensing and registration fees; and
 - (d) upon payment of the impound, boarding fees and veterinary fees necessary for the well-being of the **animal**.
- 9.7 The **owner** of an **animal** seized or impounded, if known, whether or not the **animal** is claimed by the **owner** from the **pound**, shall be liable for the payment of the impound fee, the boarding fee, and any veterinary care, and euthanasia and disposal fees applicable, and shall pay all fees on demand by the **pound keeper**.
- 9.8 Where at the end of three (3) days (excluding Sundays and holidays) an **animal** has not been returned to the **owner**, the **pound keeper** may dispose of the **animal** in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.
- 9.9 The **pound keeper** may destroy, or cause, or permit to be destroyed, any **animal** that has been impounded in the **pound** where the person that owned the **animal** before it came into the possession of the **pound keeper** has requested in writing that the **animal** be destroyed.
- 9.10 The **pound keeper** may refuse:
- (a) the surrender of an **animal** for any reason; and
 - (b) the adoption of an **animal** for any reason.
- 9.11 All monies received for the sale or adoption of unclaimed **animals** shall become the property of the **Town** or the **pound keeper** as agreed to by the **Town**. However, in the event where the **Town** has entered into a contract, the terms of the contract shall prevail.

10. Cats – Identification

10.1 Every **owner** of a **cat** shall ensure that it has a **microchip**, identification **tag** or similar means of identification always affixed to it, which shall include the current contact information for an **owner** of such **cat**.

11. Hens– General Provisions

11.1 No person shall **keep** or permit to be **kept** in the **Town**:

- (a) more than three (3) **hens** on a property;
- (b) more than one (1) **hen coop** on a property; or
- (c) a **rooster**.

11.2 No person shall permit a **hen** to be outside of its **hen coop**.

11.3 Every person who owns, or **keeps** a **hen** on a property shall:

- (a) reside on the property where a **hen** is **kept**;
- (b) **keep** the **hen** in the **hen coop** at all times;
- (c) ensure that between 9:00 p.m. one day and 6:00 a.m. of the following day, the **hen** is **kept** in the structure used to house the **hen** and the roof and door are locked;
- (d) feed a **hen** in a manner that minimizes the attraction of rodents or other **animals**;
- (e) store feed in a rodent-proof secured container and secure it at all times to prevent entry of rodents or other **animals**;
- (f) not sell from the property, eggs, manure, meat or other products associated with the **keeping** of a **hen**;
- (g) not slaughter or butcher a **hen** on the property;
- (h) dispose of a dead **hen** immediately through:
 - i. a livestock disposal facility;
 - ii. veterinarian services; or
 - iii. a facility approved by the applicable provincial Ministry;

- (i) **keep a hen** in accordance with all other applicable laws.

12. Hen Coop – General Provisions

12.1 Every person who has a **hen coop** on a property shall ensure that:

- (a) it is located in the **rear yard**;
- (b) it does not interfere with any lot grading drainage or drainage swales;
- (c) it is located a minimum of 3 metres from the side or rear lot line;
- (d) it is located a minimum of 5 metres from any catch basin;
- (e) it is a maximum size of 9 m²;
- (f) it is a maximum height of 2.1 metres;
- (g) it provides a minimum floor area of 0.37 m² per **hen**;
- (h) it provides a covered outdoor enclosure area of a minimum 0.92 m² per **hen**;
- (i) it provides a perch area sufficient to accommodate all **hens**;
- (j) it be constructed:
 - i. to fully enclose a **hen** to prevent it from escaping;
 - ii. to prevent other **animals** from entering the **hen coop**;
 - iii. with a lockable roof and door; and
 - iv. in the case of a floor, it shall be made of material resistant to moisture and mould, and lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (k) they maintain the **hen coop** in a clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;
- (l) they remove feces daily from the **hen coop** and deposit in a secured waste receptacle or composter;
- (m) they ensure the secured waste receptacle or composter is:
 - i. stored in the **rear yard**;
 - ii. located a minimum of 3 metres from any lot line;
 - iii. maintained to prevent offensive odours; and

iv. emptied on a regular basis.

12.2 A **hen coop** is only permitted on a property that:

- (a) is zoned residential that contains a single detached dwelling or semi-detached dwelling in accordance with the **Town's** Zoning By-law; and
- (b) is not located within a wellhead protection area where the vulnerability score is ten (10), as delineated in vulnerable area mapping in the Source Protection Plan, or where the **keeping** of **hens** would be identified as a significant drinking water threat activity under the *Clean Water Act* S.O. 2006, c.22.

13. Prohibited Animals

13.1 Notwithstanding Section 2.8, an **animal** identified as prohibited in Schedule A to this By-law may be **kept** or **harboured**:

- (a) at a special event approved by the **Town**;
- (b) at a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c.A.22*, as amended;
- (c) by a person licensed, exempt or otherwise expressly permitted by provincial or federal legislation.

13.2 Notwithstanding Section 13.1, no person shall **keep** an **animal** prohibited by or under any federal or provincial legislation.

14. Prohibited Grandparented Animals

14.1 Any person who **harbours** or **keeps** a prohibited **animal** shall remove the prohibited **animal** or make an application and provide to the **Clerk** proof that the prohibited **animal** was lawfully owned prior to the prohibition within 90 days of the passing of this By-law.

14.2 The **Clerk** upon considering those **animals** that were prohibited by By-law 68-2000, as amended, this By-law and being satisfied that the prohibited **animal** was lawfully owned prior to the prohibition, may deem the prohibited **animal** to be grandparented.

14.3 The **Clerk**, upon deeming a prohibited **animal** to be grandparented shall enter information pertaining to the prohibited **animal** and its **owner** into a registry of prohibited grandparented **animals**.

- 14.4 The **Clerk** may impose additional terms or conditions on the **keeping** or **harbouring** of any prohibited grandparented **animal**.
- 14.5 Every **person** who owns a prohibited grandparented **animal** shall comply with all terms and conditions imposed under Section 14.4.
- 14.6 Any person who moves a prohibited grandparented **animal** to a location other than the one on file with the **Town**, shall notify the **Clerk** of the new location within the **Town** within forty- eight (48) hours after the prohibited grandparented **animal** is moved.
- 14.7 A prohibited grandparented **animal** may be **kept** until it dies or has otherwise been disposed of.
- 14.8 A person who has a prohibited grandparented **animal** that dies or is otherwise disposed of shall notify the **Clerk** within forty-eight (48) hours of its death.
- 14.9 The grandparented status of an **animal** may be revoked by the **Clerk** or designate at any time:
- (a) where any grandfathered **animal** is deemed to be dangerous and/or poses a health or safety risk and/or is deemed to be improperly or unsafely housed, enclosed or cared for;
 - (b) where an **owner** hinders or obstructs or attempts to hinder or obstruct any inspection or enforcement provision in this By-law;
 - (c) where the applicant fails to comply with any provisions set out in this By-law;
 - (d) grandparented **animals** that upon inspection by the **Clerk** or designate are deemed to be improperly or unsafely housed, enclosed or cared for, may be seized and impounded.

15. Wildlife- Feeding

- 15.1 No person shall feed or attempt to feed **wildlife**, or permit the feeding of **wildlife** on their property, except:
- (a) a person feeding **songbirds** as follows:
 - i. the food intended for the **songbirds** is placed in a bird feeding device that is sufficiently above grade so as to not attract or be accessible to

wildlife;

- ii. the bird feeding device is located on private property, and the property **owner** or occupant has given permission for the installation and use of the bird feeding device;
- iii. any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other **wildlife**; and
- iv. the bird feeding device is **kept** in a sanitary condition and in good working order.

15.2 No person shall cause or permit a feeding device or any attractants to be left outside on any property, including but not limited to **Town** property or lands.

15.3 Notwithstanding Sections 15.1 and 15.2, a person may feed **songbirds** on their property provided it does not create a nuisance by reason of odour, sight or otherwise.

16. Fees

16.1 The fees for any **licence**, registration, or replacement **tag** issued pursuant to this By-law shall be as prescribed in Schedule B of this By-law and is payable upon submission of an application.

16.2 Where the **Clerk** has delegated the powers and responsibilities for the administration and enforcement of this By-law to an external third party, the third party may charge fees in excess of the fees prescribed by Schedule B.

17. Enforcement and Power to Enter

17.1 The enforcement of this By-law shall be conducted by an **Officer**.

17.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) the By-law is complied with;
- (b) the **licence**, or the term or condition of a **licence**, or this By-law is complied with; or
- (c) a direction or order made under the *Municipal Act*, S.O. 2001, c.25, as amended, or this By-law is complied with.

17.3 For the purposes of an inspection under this By-law, an **Officer** may:

- (a) require the production for inspection of documents or things relevant to the

inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

17.4 An **Officer** may enter on any public property or on any private property, for the purpose of catching, confining and transporting any **animal** at large to a safe location as determined by an **Officer**.

17.5 Nothing in this section confers on any **person** a right to enter any **dwelling unit** unless the prior consent of the **owner** or tenant of the **dwelling unit** is first obtained by the **person** who desires to enter the **dwelling unit**.

18. Orders

18.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law or the terms and conditions of an exemption have not been complied with, the **Officer** may make an Order requiring the person who contravened this By-law or the conditions of an exemption or who caused or permitted the contravention to occur to:

- (a) discontinue the contravening activity; and/or
- (b) do work or take action to correct the contravention.

18.2 An Order under Section 18.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention;
- (b) the location of where the contravention occurred; and
- (c) either:
 - i. in the case of an Order under Section 18.1 (a), the date by which there must be compliance with the Order; or
 - ii. in the case of an Order under Section 18.1 (b), the action to be done and the date by which the action must be done.

18.3 An Order made under this By-law may be served personally, ordinary mail to the last known address or by email transmission to:

- (a) the person the **Officer** believes contravened this By-law or the conditions of an exemption; and
- (b) such other persons affected by the Order as the **Officer** making the Order determines.

18.4 An Order may be posted on site.

18.5 An Order sent by ordinary mail, shall be deemed to have been served on the seventh (7th) day after the date of mailing, or if sent by registered mail, shall be deemed to have been served on the fifth (5th) day after the date of mailing, or on the date of personal service, or on the date of email transmission.

18.6 An **Officer** who is unable to effect service of an Order pursuant to this By-law shall place a placard containing the Order in a conspicuous place at the last known address of the person named in the Order, and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Order shall be deemed to be served on the date of placing the placard.

19. Penalty Provisions

19.1 Every person who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- (a) on a first offence, to a fine not more than \$50,000.00; and
- (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00.

19.2 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

19.3 Every person shall comply with any Order or Notice issued under the authority of this By-law.

19.4 No person shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.

19.5 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request. Failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

19.6 Upon conviction any penalty imposed under this By-law may be collected under the authority of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.

20. Reserved

21. Severability

21.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of **Council** that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

22. Administration

22.1 The **Clerk** is authorized to delegate the powers and responsibilities for the administration and enforcement of this By-law to any **Town** staff or external third parties deemed to be qualified and appropriate by the **Clerk** for such purposes.

22.2 The provisions of this By-law shall be without effect in the event of a conflict with the appropriate practices, as deemed by the **Town**, of the following:

- (a) any public authority;
- (b) a branch of the Ontario SPCA;
- (c) an **animal** hospital, clinic or facility that is lawfully operated or supervised under the direction of a veterinarian licensed by the College of Veterinarians of Ontario.

23. Interpretation

23.1 References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

23.2 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

23.3 The Schedules appended to this By-law are incorporated into and form part of this By-law.

24. Transitional Rules

24.1 By-laws 68-2000, 61-2020, 48-2003, 2020-061, and 2021-034, shall continue to apply to any enforcement proceedings commenced prior to the effective date of this By-law.

24.2 Any **dog licence** issued under By-law 68-2000 that expires on December 31, 2024 shall be extended to April 30, 2025.

25. Repeal

25.1 That By-laws 68-2000, 48-2003, 2020-061, 2021-034, and 2023-094 are hereby repealed.

26. Effective Date

26.1 This By-law shall come into effect on _____, 2024.

READ three times and finally passed this _____ day of _____, 2024.

Lisa Post, Mayor

Raylene Martell, Town Clerk

SCHEDULE 'A' to BY-LAW 2024-XX

Prohibited Animals

1. With the exception of those **animals** which meet the requirements of the Permitted Exceptions, names of **animals** listed in the table below are provided as examples only and do not limit the generality of the Type.

Class	Type	Common Names	Permitted Exceptions
Arachnida	Araneae (non-indigenous)	Spiders	
	Pseudoscorpiones	Book scorpion, false scorpion	
	Scorpiones	Scorpions	
	Solifugae	Camel spider, wind scorpion, sun scorpion	
Aves	Accipitriformes	Hawks and eagles	
	Anseriformes	Ducks, geese and swans	
	Apterygiformes	Kiwis	
	Casuariformes	Emus and cassowaries	
	Columbiformes	Pigeons and doves	
	Falconiformes	Falcons	
	Galliformes	Pheasants, grouse, guineafowls, turkeys, and peafowls	Hens
	Gruiformes	Cranes	
	Phoenicopteriformes	Flamingoes	
	Rheiformes	Rheas	
	Sphenisciformes	Penguins	
	Strigiformes	Owls	
	Struthioniformes	Ostriches	
Mammalia	Artiodactyla	Cattle, goats, sheep, swine, deer, elk, camels, llamas, alpacas and reindeer (caribou)	
	Carnivora	Wolves, coyotes, foxes, fox hybrids, wolf hybrids, hyenas, tigers, leopards, jaguars, cougars, lions, lynx, cheetahs, hybrid bengal, savannah and chausie cats and similar hybrids, minks, skunks, weasels, otters, badgers, mongoose, civets, genets, cacomistles, raccoons, kinkajous, bears, seals, and walruses	Domesticated dogs Domesticated cats Domesticated ferrets

Class	Type	Common Names	Permitted Exceptions
	Chiroptera	Bats, myotis and fruit bats	
	Dermoptera	Flying lemurs	
	Eulipotyphla	Shrews	African pygmy hedgehogs
	Hyracoidea	Hyrax	
	Lagomorpha	Hares and pikas	Domesticated rabbits
	Marsupialia	Koalas, kangaroos, possums, opossums, wombats and wallabies	Sugar gliders derived from a self-sustaining captive population
	Monotremata	Platypus	
	Perissodactyla	Horses, donkeys, mules, zebras and ponies	
	Pholidota	Pangolins and scaley anteaters	
	Primates	Gorillas, monkeys, chimpanzees, lemurs, orangutans and bush babies	
	Proboscidea	Elephants	
	Rodentia	Porcupines, prairie dogs and nutria	Rodents such as hamsters, gerbils, chinchillas and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population
	Scadentia	Treeshrews	
	Sirenia	Manatee	
	Tubulidentata	Aardvark	
	Xenarthra	Anteaters, armadillos and sloths	
Reptilia	Crocodylia	Alligators, crocodiles, gharial and caimans	
	Helodermatidae	Will remove is bearded lizard and in order of squamata	
	Squamata	Iguanas, savannah monitors, pythons and boas (including anacondas)	Non-venomous or non-poisonous lizards which have a maximum length of less than 70 cm and are not commonly expected to exceed that length

Class	Type	Common Names	Permitted Exceptions
			Non-venomous or non-poisonous snakes which have a maximum length of less than 3 metres and are not commonly expected to exceed that length
	Testudines	Terrapins, tortoises and turtles	Turtles derived from a self-sustaining captive population
Other	All venomous or poisonous animals		
	Exotic animals – not indigenous to Canada		

SCHEDULE 'B' to BY-LAW 2024-XX
Fees

Goods and/or Services	Fee
Licensing	
Dog License - Annual	\$ 35.00
Replacement License - All types	\$ 10.00
Dog Licence – Service Animal	exempt
Impound	
1st Impound	\$ 30.00
2nd Impound	\$ 60.00
3rd Impound	\$100.00
4th Impound	\$150.00
Quarantine/Court Ordered	
Dogs per Day	\$100.00
Cats per Day	\$100.00