



## **The Corporation of the Municipality of South Huron**

### **By-Law # 21-2018 Animal Control**

**Being a by-law to put in place regulations associated with the control, licencing and registration of animals within the Municipality of South Huron.**

**Whereas** the Municipal Act, S.O. 2001, C.25 Sections 11, 103, 105 and 391(1), as may be amended from time to time, provides that a municipality may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system; and

**Whereas** the Animals for Research Act, R.S.O. 1990, C. A22, Section 20 provides for the impounding and sale or destruction of a dog or cat; and

**Whereas** the Dog Owners Liability Act, R.S.O. 1990, C.D16, as amended, provides for the protection of persons and property; and

**Whereas** the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O., 1990, Chap. O.36, provides special powers to help animals in distress; and

**Whereas** the Ontario Police Services Act, R.S.O. 1990, C. P15, as amended, provides that Council may appoint Municipal By-Law Enforcement Officers to enforce all municipal by-laws; and

**Whereas** the Council of the Corporation of the Municipality of South Huron deems it necessary and expedient to pass such a by-law;

**Now Therefore** the Council of the Corporation of the Municipality of South Huron enacts as follows:

#### **1. Definitions**

“Animal Control Tribunal” shall mean the Committee of Council called the Animal Control Tribunal;

“By-law Enforcement Officer/ Animal Control Officer” shall mean a person appointed as such by a by-law of the Municipality of South Huron to enforce this by-law;

“Cat” means any registered purebred or common domestic cat, male or female, over the age of twelve (12) weeks unless otherwise specified by this by-law and shall include a domestic breed of cat that is or appears to be feral;

“distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering;

“domestic ” means an animal that is not wild, untamed, uncultivated, feral or brutal in nature of disposition;

“feed” or “feeding” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;

“food” means any substance or food which could reasonably be expected to be consumed by a wild animal, but does not include:

- a) compost kept in accordance with all applicable by-laws, statutes or regulations;
- b) landscaping materials used for landscaping purposes; or
- c) food being grown for human consumption

“Dog” shall mean a male or female *Canis familiaris*;

“Feral Cat” shall mean any homeless, wild or untrained stray cat.

“Guide dog” shall mean a dog trained and certified for a guide for the blind, hearing impaired or other disability and used as such;

“Kennel” shall mean:

- a) A place where more than two dogs are kept for the purpose of show, training, breeding, selling; or
- b) A place where more than two dogs are kept and cared for on behalf of the owners of the dogs, boarding, grooming or temporary housing;

“Licence Inspector or dog counter” shall mean any person appointed by Council as a municipal by-law enforcement officer;

“Mitigating factor” shall mean a circumstance which excuses aggressive behaviour of a dog and may include circumstances where:

- a) The dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- b) The dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
- c) The dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

“Municipality” shall mean the Municipality of South Huron;

“Muzzle” shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting, yet still allows a dog to pant or drink;

“Owner” of an animal includes a person who possesses or harbours a dog or cat, and, where the owner is a minor, the person responsible for the custody of the minor;

“Police Work Dog” shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“Potentially vicious dog” shall mean any individual dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal in a menacing fashion or apparent attitude of attack, including but not limited to behaviour such as growling or snarling;

“Pound” shall mean such premises as approved from time to time by Council;

“Poundkeeper” shall mean the person appointed as such by Council;

“Pure bred” shall mean registered or eligible for registration in the register of the Canadian or American Kennel Clubs, or of a class designated as pure-bred in any regulations passed pursuant to provincial legislation;

“Running at large” shall mean to be found in any place other than the premises of the owner of the animal and not under the control of any person;

“Tag” shall mean a metal tag issued by the Municipality and indicating the number under which the dog is registered;

“Vicious dog” means any individual dog that:

- a) Has, in the absence of any mitigating factor, attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- b) Has significantly injured or killed a domestic or farm animal; or
- c) Having been previously designated as a potentially vicious dog is kept or permitted to be kept in violation of the requirements for such dog.

“wildlife” shall mean an animal, other than birds, which has not been made tame nor has been taught to live with and under the control of humans.

## **2. Licencing of Dogs**

- 2.1 Every calendar year the owner of a dog shall ensure that any dog owned by him or her is licensed by the Municipality with exception to an owner being the operator of a licensed kennel.

- 2.2 The license shall be obtained before the 31st day of May each calendar year, unless the dog came into the owner's possession or care after that date.
- 2.3 Every owner of a dog that comes into his or her possession after May 31 shall obtain a license for the dog within ten days of taking possession of the dog.
- 2.4 The owners of a guide dog or a police work dog shall ensure that these dogs are licensed, but no fee is imposable for such dogs.
- 2.5 In order to license a dog and obtain a tag the owner of the dog may be asked to produce proof that the dog is currently inoculated against rabies.
- 2.6 On payment of the initial license fee, as set out in the Fees and Charges By-Law; as set by Council from time to time, the owner shall be furnished with a permanent dog tag and shall keep the tag securely fixed on the dog at all times with the exception that the tag may be removed while the dog is being lawfully used for hunting. Replacement tags may be purchased at the municipal office.
- 2.7 The licensing fee shall be paid each calendar year, as per the current Fees & Charges By-Law.
- 2.8 No owner shall permit a dog to wear a tag other than the one issued for the dog, tags are not transferable.
- 2.9 The owner of any kennel shall pay the kennel license fee, as set out in the current Fees & Charges By-Law, as amended from time to time by Council, by the 31<sup>st</sup> day of May of each year.
- 2.10 The owner of any kennel shall, upon payment of the kennel licensing fee, receive two tags for use by the dogs housed in the kennel. These tags must be attached to the dogs whenever they are removed from the kennel to allow licensed kennel owners to transport dogs to shows, veterinary clinics etcetera.

### **3. Dog Kennels**

- 3.1 Any person or persons who keep more than two dogs, which are aged over three months, at one location may apply for a kennel license.
- 3.2 A kennel license may be issued to the owner of confined dogs kept exclusively for hunting, working or dog-sled purposes.
- 3.3 The Council of the Municipality of South Huron reserves the right to refuse a kennel license.

- 3.4 Every person who holds a kennel license shall comply with the following requirements:
- a) The license shall be exposed at all times in a conspicuous place in the interior of the premises;
  - b) The premises shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
  - c) The animals shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times;
  - d) The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease;
  - e) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation;
  - f) The kennel building and its location shall conform to the applicable zoning by-law and the Ontario Building code and the building shall be maintained in damage-free condition;
  - g) The kennel floor shall be thoroughly cleaned daily, or more often if necessary;
  - h) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around or lie down in a fully extended position. There must also be sufficient space to enable species appropriate contact, provide bitches with nursing puppies an additional 10% space per nursing puppy, and provide for the social and behavioural needs of the dog;
  - i) Cages are to be constructed of metal, wire, or partly of wire and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often if necessary;
  - j) Whelping facilities shall be separate from the individual and/or group kennel enclosures housing other kennel dogs;
  - k) The whelping area shall consist of a whelping box which is 2 1/2 times the size of the bitch, constructed with four sides and a floor, and shall be regularly cleaned and sanitized.
- 3.5 The License Inspector, Animal Control Officer or By-Law Enforcement Officer may inspect any place where the animals are kept, pursuant to this by-law.
- 3.6 If the kennel is found not to conform to the requirements set out herein, the License Inspector, Animal Control Officer or By-Law Enforcement Officer may direct that the animals be seized and impounded and may revoke the license issued to the kennel.
- 3.7 Every owner or operator of a kennel shall allow access to the facility for the purpose of inspection at all reasonable hours to any person appointed by the Municipality of South Huron to enforce this by-law.

#### **4. Number of Animals**

- 4.1 The total number of cats and dogs shall not exceed four (4) within the Municipality of South Huron, with a maximum number of two (2) dogs harboured at any one time in a dwelling unit, with the following exceptions;
- a) A licensed kennel;
  - b) An animal hospital;
  - c) A pound or an authorized facility;
  - d) A pet store;
  - e) A registered research facility or supply facility under the Animals for Research Act

#### **5. Cat Control**

- 5.1 No owner of a cat shall allow such cat to cause damage or otherwise create a disturbance to another person or person's property.
- 5.2 Where a person makes a complaint to the Animal Control Officer that a cat is causing or has caused damage to the said person or person's property or is creating or has created a disturbance, the Animal Control Officer may seize or impound such cat.
- 5.3 In accordance with the Animals for Research Act, R.S.O. 1990, C.A. 22, the minimum redemption period for a cat shall be (3) three days, excluding the day on which the cat was impounded, and if not claimed may be sold, destroyed or otherwise disposed of at the discretion of the pound-keeper, except where a cat is ill or injured and a veterinarian is of the opinion that the cat should be destroyed forthwith, a person authorized to enforce this By-law may direct the veterinarian to destroy the cat immediately. Where a cat is seized or impounded it will not be released until all seizure, pound and maintenance charges have been paid.
- 5.4 All fees for reclaiming, impounding, vet's service, and any other cost relevant to said cat shall be paid for before the cat is reclaimed.

#### **6. Running At Large**

- 6.1 Every owner shall ensure that his or her dog or cat does not run at large within the Municipality of South Huron.
- 6.2 A dog or cat running at large may be seized and impounded and may be sold or destroyed by the poundkeeper following a three day redemption period excluding Saturday, Sunday and Statutory Holidays.
- 6.3 A dog or cat that is seized and impounded, will not be released until pound, maintenance, veterinary, or other fees have been paid.

- 6.4 For the purpose of this by-law a dog or cat shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.
- 6.5 Section 6.1 does not apply to police work dogs when these dogs are in the course of performing their duties.
- 6.6 The poundkeeper may sell, destroy or cause or permit to be destroyed any dog or cat that has been impounded where:
- a) The person that owned the dog or cat before it came into the possession of the poundkeeper has requested in writing that the dog be destroyed;
  - b) An inspector under the Animals for Research Act or a veterinarian has ordered that the dog or cat be destroyed under that Act;
  - c) During the redemption period of three days the dog or cat is in the pound and is ill or injured, and in the poundkeeper's opinion is incapable of being cured or healed as to live thereafter without suffering.

## **7. Owners To Take Precautions**

- 7.1 The owner of a dog shall exercise reasonable precautions to prevent it 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.

## **8. Designation As Potentially Vicious Or Vicious Dogs**

- 8.1 Upon receipt of a written complaint of a potentially vicious or vicious dog the Dog Control Officer or By-Law Enforcement Officer may investigate, and upon being satisfied that grounds exist, may designate the dog a potentially vicious or vicious dog.
- 8.2 Where a dog has been designated as a potentially vicious or vicious dog the owner may appeal to the Tribunal, by written notice, within fifteen days of the Municipality notifying the owner of the decision to designate the dog.
- 8.3 Where an owner appeals to the Tribunal the Tribunal shall hear the appeal by way of a new hearing under the Statutory Powers Procedure Act to determine whether the dog is vicious or potentially vicious.
- 8.4 No member of the Tribunal or its staff is personally liable for anything done by it or him or her under authority of this by-law.

## **9. Restrictions Relating To Potentially Vicious And Vicious Dogs**

- 9.1 No person under the age of eighteen years shall own a potentially vicious dog.
- 9.2 No person shall transfer ownership of a potentially vicious or vicious dog without having first obtained the consent of the poundkeeper.

- 9.3 Every owner of a potentially vicious or vicious dog shall display, in a conspicuous place at the entrance to the owner's premises, a warning sign indicating the presence of a vicious or potentially vicious dog.
- 9.4 No person shall breed or permit to be bred a potentially vicious or vicious dog.
- 9.5 No person shall allow a potentially vicious or vicious dog in his or her possession to stray.
- 9.6 No person shall train a potentially vicious or vicious dog for fighting.
- 9.7 Every owner of a potentially vicious or vicious dog shall ensure that the dog is:
- a) licensed by the Municipality of South Huron annually;
  - b) equipped with a muzzle at all times when not enclosed within the property of the owner of the dog;
  - c) Fitted with a collar or harness, with a leash of not more than 1.8 metres attached at all times when not enclosed within the property of the owner of the dog;
  - d) Not left unattended, except where the dog is securely contained inside the owner's home or within a yard of the property that is enclosed by a fence that is no less than eight feet in height, is securely locked and is constructed in a fashion so as to prevent the dog from escaping or breaking out from the property.

## **10. Create A Nuisance**

- 10.1 Every owner of a dog shall remove forthwith any excrement left by the dog on any property.
- 10.2 Subsection 9.1 does not apply to persons reliant on a guide dog or persons in control of a police work dog when such dog is in the execution of its duties.
- 10.3 No owner or person harbouring a dog shall allow a dog to bark, whine or yelp excessively.

## **11. Prohibition Of Cruelty To Animals**

- 11.1 No person may keep any domestic animal unless the animal is provided with:
- a) Clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - b) Food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;

- c) The opportunity for periodic exercise sufficient to maintain good health;
  - d) Necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- 11.2 No person may keep any domestic animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter. The shelter must:
- a) Be weatherproof with an exterior windbreak and exterior door flap;
  - b) Have a door facing away from the prevailing wind and must be elevated off the ground;
  - c) Provide sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
  - d) Be at least 1 ½ times the length of the animal and at least 1 ½ times the animal's width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
  - e) Be insulated to ensure protection from heat, cold and wet and be appropriate to the animal's weight and type of coat;
  - f) Provide sufficient shade to protect the animal from the direct rays of the sun at all times;
  - g) Be regularly cleaned and sanitized and excreta removed at least once a day.
- 11.3 No person may cause a dog to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck on to a choke collar.
- 11.4 No person shall cause a dog to be confined in an enclosed space without adequate ventilation.
- 11.5 No person shall allow any domestic animal to suffer from any infectious disease .

## **12. Feeding of Wildlife**

- 12.1 No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by wildlife, feral or stray domestic animal on private or public property.
- 12.2 Section 12.1 does not apply in the following situations:
- a) the leaving of food as bait in a trap by property owner to capture a nuisance animal inhabiting or habituating their property pursuant the Fish and Wildlife Conservation Act, 1997, S.O.1997, c. 41; or

b) the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector, or a Police Officer, in the performance of their duties.

### **13. Severability**

13.1 If a court of competent jurisdiction should declare any part or section of this by-law to be invalid, it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

### **14. Penalties**

14.1 Every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties under the Provincial Offences Act.

14.2 The Dog Control Officer, By-Law Enforcement Officer and any Officer appointed as a peace officer may enter, at all reasonable times, upon any property subject to the regulations of this by-law in order to ascertain whether such regulations or directions are being obeyed.

### **15. Enactment**

15.1 By-Law No. #28-2014 is hereby repealed.

15.2 This by-law shall be known as the Animal Control By-Law and shall come into force and effect upon the third and final reading thereof.

Read a first and second time this 5th day of March 5, 2018.

Read a third time and passed this 5th day of March 5, 2018.

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Maureen Cole, Mayor

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Rebekah Msuya-Collison, Clerk