

The Corporation of the Township of Springwater

By-Law 2013-041

A By-law for the licensing, registration and control of domestic animals, and to repeal By-law 2001-147.

(Animal Control By-law)

Whereas Section 8(1) the Municipal Act 2001, S.O. 2001, Chapter 25, herein referred to as “the Act”, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues.

Whereas Section 8(3) of the Act provides that a by-law under section 11 respecting a matter may,

- (a) regulate or prohibit respecting a matter; and
- (b) require persons to do things respecting a matter; and
- (c) provide for a system of licences respecting a matter.

Whereas Section 11 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, such as but not limited to:

- (a) Health, safety and well-being of persons; and
- (b) Protection of persons and property, including consumer protection; and
- (c) Animals.

Whereas Section 103 of the Act provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for:

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law.

Whereas Section 391(1) of the Act, provides that a municipality may pass by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it; and

Now Therefore the Council of The Corporation of the Township of Springwater enacts as follows:

1. Definitions

For the purpose of this By-law, the following definitions shall apply:

- 1.1 **Animal Control Officer:** means a person or persons appointed or engaged by the Township for the purpose of this By-law and includes the Corporation's Municipal Law Enforcement Officer(s).
- 1.2 **Corporation:** means The Corporation of the Township of Springwater.
- 1.3 **Disability:** means
 - (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
 - (b) a condition of mental impairment or a developmental disability,
 - (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - (d) a mental disorder, or
 - (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;
- 1.4 **Domestic Animal:** includes a dog, cat or similar pet which is generally understood to be domesticated and is typically kept indoors at a residence; and reference to "animal" in this by-law shall have the same meaning; and excludes cats on an agricultural property used for pest control.
- 1.5 **Tag:** means the tag or token issued under this By-law as proof of registration of the animal in the Township.

- 1.6 **Service/Working Animal:** means a domestic animal which serves as a guide or leader for a person with a disability where such dog has been specially trained for that purpose.
- 1.7 **Multi-Residential:** shall mean a building containing more than four (4) dwelling units, each unit having access only from an internal corridor system, and may include administrative, maintenance, storage, laundry, garage and other similar accessory facilities provided for the convenience of the occupants.
- 1.8 **Municipal Law Enforcement Officer:** means an Officer appointed by the Council of the Township of Springwater for the purposes of carrying out the enforcement of municipal by-laws.
- 1.9 **Muzzle:** means the humane fastening or covering device of adequate strength over the mouth of a dog to prevent same from biting or causing injury by mouth.
1. 10 **Owner:** means a person who owns, possesses or harbours an animal and where the owner is a minor, the person responsible for the custody of the minor.
- 1.11 **Person:** means an individual human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital, any association, firm, partnership or private club.
- 1.12 **Law Enforcement Dog:** means a dog that is trained to aid law enforcement officers and is used for Law Enforcement purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
- 1.13 **Pound:** means the premises designated by the Corporation or Canine Control Officer for use for the detention, maintenance or disposal of animals that have been impounded pursuant to a by-law of a municipality.
- 1.14 **Pound Keeper:** means a person designated by the Corporation or Canine Control Officer to maintain a Pound and any servants or agents of such person.
- 1.15 **Property:** means a property on the last revised Assessment Roll for the Township of Springwater;
- 1.16 **Running At Large:** an animal covered by this by-law shall be deemed to be running at large when found on a highway or other public space or any other property other than the property where it is usually kept, and not under the control of any person; and "UNDER CONTROL" shall mean that when an animal covered by this by-law is not on the property where it is usually kept, the animal must be leashed or chained, or must be held securely by the person accompanying the animal and that person must be physically able to control the animal. For the

purpose of this By-law, "Run at Large" shall have a corresponding meaning to "Running at Large"

- 1.17 **Township:** means The Corporation of the Township of Springwater.
- 1.18 **Vicious Dog:** means a dog which has bitten a person or domestic animal.

2. Licensing and Registration

- 2.1 Every owner of a domestic animal within the Township shall, in each and every year on or before the 1st Monday in February, in any year, register each such domestic animal with the Township, obtain a license and tag and pay the applicable license fees.
- 2.2 Notwithstanding Section 2.1, domestic animals that meet certain criteria are eligible for a lifetime licence, subject to yearly validation of or exemption from rabies vaccinations. Failure to validate vaccinations on a yearly basis suspends the lifetime licence.
- 2.3 An owner who becomes a new resident of the Township after the 1st Monday in February, in any year, shall register each domestic animal within thirty (30) days of taking up residency in the Township, and provided that the owner has a license and current tag from another municipality and shows proof of same, shall pay the prescribed fee for a replacement tag, and is valid for the year of issue.
- 2.4 The owner shall keep the tag securely fixed on the domestic animal at all times until the tag is renewed or replaced.
- 2.5 Law Enforcement animals are exempt from the license and tag fees of this By-law, however written documentation of the domestic animal's service status from a recognized institution may be required.

Service/Working Animals are exempt from the license and tag fees of this By-law, however written documentation of the domestic animal's service/working status from a recognized institution may be required. Upon voluntary registration, the Township will issue a tag at a replacement tag fee.

- 2.6 Subject to Section 3.13, a maximum of four (4) tags per type of domestic, dog and cat, or similar animal may be issued for any one property.
- 2.7 An owner may, at the request of the Animal Control Officer, be required to provide proof of the domestic animal having been spayed or neutered, and pay the applicable fee.

- 2.8 A tag is transferable where a domestic animal has been sold to another resident of the Township.

A tag is transferable to a newly purchased domestic animal from a currently tagged domestic animal reported deceased, registered at the same address.

- 2.9 Each day that an owner permits a domestic animal to remain without a tag shall constitute a separate offence under this By-law.

3. Animal Control

- 3.1 Where a domestic animal is known to have bitten any person or other animal in the Township, the Animal Control Officer may have the dog impounded and the provisions of the *Dog Owner's Liability Act*, R.S.O. 1990, or this by-law.

- 3.2 Where a domestic animal is known to have bitten any person or other animal, and where any person on reasonable grounds suspects that the domestic animal may have rabies, an Animal Control Officer shall have the domestic animal impounded and the appropriate health officer shall be notified.

- 3.3 All reasonable and necessary costs incurred and related to the testing and otherwise dealing with a domestic animal under section 3 shall be invoiced to the owner as a User Fee and shall be paid upon demand to the Township. If an owner fails to pay the user fee to the Township within a period of ninety (90) days from the date of such notice or invoice, such fee or outstanding portion thereof, may be added to the tax roll for the subject property and be collected in like manner as municipal taxes; or where the owner is a tenant on the subject property, such fee may be recoverable in a court of law pursuant to the *Provincial Offences Act*.

- 3.4 The Township, or its authorized agents and employees, shall be at liberty to seize and impound any domestic animal running at large.

- 3.5 All costs related to the seizing and impounding of a domestic animal, including any necessary veterinarian costs, maybe invoiced to the owner as a User Fee and shall be paid upon demand to the Township. If an owner fails to pay the user fee to the Township within a period of ninety (90) days from the date of such notice or invoice, such fee or outstanding portion thereof, shall be added to the tax roll for the subject property and be collected in like manner as municipal taxes; or where the owner is a tenant on the subject property, such fee may be recoverable in a court of law pursuant to the *Provincial Offences Act*.

- 3.6 An Animal Control Officer may:

- 3.6.1 Seize and impound any domestic animal found running at large within the limits of the Township;

- 3.6.2 Take all reasonable measures to identify the owner of the domestic animal for the purpose of returning it to the owners;
 - 3.6.3 Have the domestic animal delivered to an approved pound for care;
 - 3.6.4 Restore possession of an impounded domestic animal to the owner where the owner claims possession of the domestic animal within three (3) days for cat, and seven (7) days for dogs, excluding statutory holidays and Sundays, after the date of seizure between the hours of 8:30 a.m. to 4:30 p.m., or at such time as arranged with the Animal Control Officer or the Pound keeper.
 - 3.6.5 Where a domestic animal is seized or impounded under Section 3.6.1, may issue Certificate of Offence ordering a fine or applicable fees and charges to be paid by the owner.
- 3.7 Where a domestic animal seized under Section 3.6.1:
- 3.7.1 is critically injured, or
 - 3.7.2 should be destroyed without delay for humane reasons after being examined by a veterinarian, or
 - 3.7.3 should be destroyed for reasons of safety to persons or animals,
- the Animal Control Officer or Pound Keeper may authorize the domestic animal's humane destruction by a person properly trained in the humane euthanasia procedure. When a domestic animal meets the conditions of Section 3.7 is released to an owner, the OSPCA may be notified and provided all relevant personal information for any action deemed appropriate.
- 3.8 Where the owner of a domestic animal that has been seized under Section 3.6.1 has not been claimed within three (3) days for cat, and seven (7) days for dogs, excluding statutory holidays and Sundays, the Pound keeper may put the domestic animal up for adoption, or obtain authorization by the Township to have the domestic animal euthanized.
 - 3.9 If the Animal Control Officer is unable to seize any domestic animal found to be running at large and the owner of such domestic animal is known to the Animal Control Officer, the Animal Control Officer may issue a Certificate of Offence to the Owner.
 - 3.10 Vicious Domestic Animal

3.10.1 Every owner of a vicious domestic animal shall ensure that:

3.10.1.1 such domestic animal shall be muzzled at all times, except when it is on the property of the owner. Where the owner of a vicious domestic animal is a tenant of a property, the exception shall apply only to that portion of the property rented or leased by such owner.

3.10.1.2 such domestic animal is licensed with the municipality as a vicious domestic animal in accordance with the prescribed fees;

3.10.1.3 at all times when off the owner's property, the domestic animal shall be on a leash not longer than two metres and under the control of a responsible person over the age of eighteen who can control the domestic animal;

3.10.1.4 when such domestic animal is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent escape of the vicious domestic animal and prevents the entry of any person not in control of the domestic animal. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the bottom must be constructed of material to eliminate escape. The enclosure must also provide protection from the elements for the domestic animal. The pen or structure shall not be within 1.2 metres of the property line or within three metres adjacent to a neighbouring dwelling unit. Such domestic animal shall not be chained outside as a means of confinement;

3.10.1.5 a sign is displayed at the entrance to the property and building in which the domestic animal is kept warning in writing,, that there is a vicious domestic animal on the property. This sign shall be visible and legible from the nearest road or thoroughfare;

3.10.2 Each day that an owner fails to meet the requirements of Sub-Section 3.10.1 domestic animal shall constitute a separate offence under this By-law.

3.11 Unsanitary Conditions Prohibited

- 3.11.1 No person shall keep a domestic animal's habitat in an unsanitary condition within the Township. Conditions shall be considered unsanitary where the keeping of the domestic animal results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which may endanger the health of the domestic animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person.

For the application of this by-law, the Municipal Law Enforcement Officer shall determine whether the conditions disturb or are likely to disturb the enjoyment, comfort or convenience of any person.

- 3.11.2 Every owner of a domestic animal shall immediately remove any excrement left by such animal on private and public lands within the Township and shall dispose of such excrement in a sanitary manner.

- 3.11.3 Each day that an owner permits an unsanitary condition to continue shall constitute a separate offence under this by-law.

3.12 Enclosures, Pens or Runs

Every person who keeps a domestic animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall, if the Animal Control Officer so orders, ensure the domestic animal is provided with and kept in an enclosure which meets the following criteria:

- 3.12.1 a total area that is at least twice the length of the domestic animal in all directions, or based on the needs of the breed;
- 3.12.2 contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the domestic animal's weight and type of coat. Such shelter must provide sufficient space to allow the domestic animal the ability to turn around freely and laydown in a normal position;
- 3.12.3 in an area providing sufficient shade to protect the domestic animal from the direct rays of the sun at all times;
- 3.12.4 pens and runs must be regularly cleaned and sanitized and excreta removed and properly disposed of daily; and
- 3.12.5 pens and runs must meet the required setbacks for accessory structure in the appropriate zone.

3.13 Four-Dog Limit

- 3.13.1 The maximum number of either domestic animal, cat and dog, shall be four (4) per property in the Township, unless the land owner possesses a valid Kennel License.
- 3.13.2 Notwithstanding Sub-section 3.13.1, the maximum number of domestic animals, either cat and dog, in a Multi-Residential Property shall be no more than two (2) domestic animal per unit.

4. Offenses and Penalties

- 4.1 Every person who:
- 4.1.1 own, possess or harbour a domestic animal without a license issued under the provisions of this By-law, or
 - 4.1.2 own, possess or harbour more than four (4) domestic animal on a property, or
 - 4.1.3 own, possess or harbour or permit the ownership, possession or harbouring of more than two (2) domestic animal, either cat and dog, per unit in a multi-residential property, or
 - 4.1.4 allow a domestic animal to run at large within the limits of the Township, or
 - 4.1.5 fail to muzzle a vicious domestic animal when it is off the property of the owner, or
 - 4.1.6 fail to leash a domestic animal on a leash that is not longer than two metres when the domestic animal is off the property of the owner, or
 - 4.1.7 fail to securely confine a vicious domestic animal, as described in s.3.10 of this by-law, or
 - 4.1.8 fail to display appropriate signage at entrance to property and building in which a vicious domestic animal is kept, or
 - 4.1.9 permit unsanitary condition, or
 - 4.1.10 fail to immediately dispose of excrement in a sanitary manner, or
 - 4.1.11 fail to provide adequate enclosure, or

4.1.12 register an unspayed female domestic animal as a spayed female,
or

4.1.13 register an unneutered male as a neutered male, or

4.1.14 use a tag upon a domestic animal other than that domestic animal
for which it was issued, or

4.1.15 hinder, disturb, or obstruct an Animal Control Officer in the
carrying out of his or her duties;

4.1.16 fail to pay animal control costs incurred and invoiced by the
Township.

is guilty of an offence and upon conviction is liable to a fine under the *Provincial Offences Act*, R.S.O. 1990, as amended.

4.2 It shall not be an offence under Section 4.1.1 or Section 4.1.2, where a person holds a valid kennel license issued under the Township of Springwater Business Licensing By-law, or any subsequent by-law which may be passed from time to time with respect to the licensing and regulation of kennels.

4.3 Every person who is found guilty of an offence under any provision of this By-law is liable to a fine pursuant to the *Provincial Offences Act*, R.S.O. 1990 as amended.

4.4 The conviction upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law, and the provisions of the *Municipal Act*, R.S.O. 1990, c.M45, S.327, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

5. General

5.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of the Council or are invalid for any reason such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

6. Repeal

6.1 That By-law 2001-147 be repealed.

6.2 That By-law 2008-118, Schedule 1, Section 9.1 be amended.

7. Enactment

7.1 That this By-law shall take force and effect upon final passage hereof.

Read a First, Second and Third Time and Finally Passed this 16 Day of December, 2013

(Original Signed By)

Linda Collins, Mayor

(Original Signed By)

John Daly, Clerk