



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2016-85

A BY-LAW TO REGULATE AND GOVERN ANIMALS  
WITHIN THE TOWNSHIP

**WHEREAS** Section 10(2) 9 of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, permits Council of a local municipality to enact by-laws with respect to animals;

**WHEREAS** Section 10(2) 11 of the *Municipal Act, 2001 S.O.2001, c.25*, as amended, permits Council of a local municipality to enact by-laws with respect to business licensing;

**WHEREAS** Section 11(2) 8 of the *Municipal Act, 2001 S.O. 2001,c.25*, as amended, authorizes Council of a local municipality to enact by-laws respecting the protection of persons and property, including consumer protection;

**WHEREAS** Section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provides that a municipality has the capacity Township, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**WHEREAS** Section 8(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that the powers of a municipality as granted by the Act or any other Act shall be interpreted broadly so as to (a) enable the municipality to govern its affairs as it considers appropriate and, (b) enhance the municipalities ability to respond to municipal issues;

**WHEREAS** Sections 425(1) of the *Municipal Act, 2001, S.O.2001, c.25*, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law passed under this act is guilty of an offence;

**WHEREAS** Subsection 446(3) of the *Municipal Act, 2001* permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**WHEREAS** the *Pounds Act, R.S.O, 1990, c.P.17*, as amended, authorizes a municipality to pass by-laws providing for the impoundment, sale, recovery of cost of animals at large;

**WHEREAS** The *Municipal Act, Section s, 210, The Dog Owner's Liability Act, The Pounds Act, The Animals for Research Act, The Environmental Protection Act, and The Livestock, Poultry and Honey Bee Protection Act* contain provisions enabling municipalities to regulate and identify animals *Municipal Act Section 210 s10* muzzling leashing of dogs after biting delegating a committee the authority of dealing with appeals;

**WHEREAS** Sections 436(1) of the *Municipal Act, 2001, S.O.2001, c.25*, as amended, authorizes a municipality to pass by-laws to authorize the right to enter land under certain circumstances; and

**NOW THEREFORE** the Council of the Corporation of the Township of King enacts as follows:

**PART I- ADMINISTRATION AND INTERPRETATION**

**Short Title**

1 This *By-law* may be referred to as "The Animal Control By-law".

**Administration**

1.1 This by-law applies to all animals in the Township.

1.2 The *Clerk* will be responsible for the administration of this *by-law* including  
a) issuing licenses, collecting fees and maintaining records, establishing forms for the purpose of this *by-law*, maintaining a complete registry of all *dogs/cats* in respect of which *tags* are issued, assigning of numbered *tag* and/or renewal for each *dog/cat* in respect of which the *tag* is issued.

1.3 The *Clerk* may delegate any of his/her powers and authorities under this *by-law* to any *Township* employee as he/she deems appropriate.

**Enforcement**

1.4 This *by-law* may be enforced by *Officers*, and without limiting/restricting any other power, duty or function granted by this *by-law*, *Officer(s)* may: carry out and/or direct whatever inspections are reasonably required to determine compliance with this *by-law*, or direction or *order* made under this *by-law*.

**Interpretation**

- 1.5 This *by-law* shall be interpreted broadly so as to ensure the objective of the *by-law*.
- 1.6 For the purposes of this *by-law*:
- a) the Schedules annexed hereto and the Schedules are hereby declared to form part of this *by-law*.

**Word Usage**

- 1.7 Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.

**Reference to Legislation**

- 1.8 Reference to any Act, Regulation or *By-law* is reference to that Act, Regulation or *By-law* as it is amended, or re-enacted from time to time.

**Conflict**

- 1.9 Where there is a conflict between a provision of this *by-law* and a provision of any other *Township by-law*, and/or legislation and/or regulation thereof, the provision that establishes the highest standards to protect the health, and safety of the public shall apply. In the case of a conflict with the zoning *by-law*, this *by-law* shall prevail, and
- 1.10 Where the provisions of this *by-law* conflicts with any Act, the provisions of the provincial standards shall prevail.

**Grandfathering**

- 1.11 Notwithstanding the provisions contained herein, any *owner* of *dogs* exceeding the maximum in lawful existence prior to the effective date of *by-law* 2012-175, as amended shall be deemed to comply with the maximum number of *dogs* and may be permitted to maintain the number, up and until these *dogs* are deceased and or relocated.
- 1.12 *Notwithstanding the provisions contained herein, any owner of cats exceeding the maximum in lawful existence prior to the effective date of this by-law shall be deemed to comply with this by-law and may be permitted to maintain the number up and until these cats are deceased and or relocated provided;*
- a) Notwithstanding section 1.12 every *owner* who has registered his or her *cat* as of April 15<sup>th</sup>, 2017, shall be grandfathered with respect to the maximum numbers of this *by-law*.

**PART II - DEFINITIONS****Definition**

- 2 In this *by-law*, unless the context otherwise requires:
- 2.1 “*Animal*” means a member of the animal kingdom, other than human.
- 2.2 “*Appeal Committee*” means as appointed by Council of the *Township* and shall consist of two (2) members of Council and the Manager of Animal Control.
- 2.3 “*Attack*” means an assault resulting in bleeding, bone breakage, sprains, serious bruising, multiple injuries, or death.
- 2.4 “*At large*” means to be found in any place other than the owner’s property and not under the control of any person and/or a physical device, including a tether, or under the control of a person who is unable to control the animal, and in the case of livestock at large means livestock that is not under the direct or continuous control of a person and
- a) not securely confined within a structure or a vehicle,
  - b) not on the *enclosed land* of the *owner*, or
  - c) not on *enclosed land* with the permission of the landowner.
- 2.5 “*Attractants*” means any substance which could be reasonably expected to attract a *wild animal* or *animals* or does attract *wild animals*, strays, feral or abandoned *animals*.
- 2.6 “*Bite*” means the puncture of skin with teeth or means the breaking, puncturing or bruising of skin of a *person* or domestic *animal* caused by the tooth or teeth of a *dog*, and “*bitten*” has a corresponding meaning.

- 2.7 “*Cat*” means any male or female cat.
- 2.8 “*Clerk*” mean the *Clerk* and his/or her designate of the *Township*.
- 2.9 “*Dog*” means male or female dog.
- 2.10 “*Dwelling unit*” means any building, room or rooms occupied or intended for use as a housekeeping unit in which any sanitary, cooking, living and sleeping facilities exist.
- 2.11 “*Enclosed land*” means land that is surrounded by a barrier that is sufficient to exclude or contain *livestock*.
- 2.1 “*Livestock*” means cattle, horses, sheep, swine except the wild boar, goats, emus, or *animals* of a class or type designated in the applicable legislation and regulations as ‘livestock’ and/or used or kept for agricultural purposes.
- 2.2 “*Keep*” means to have temporary or permanent control or possession of an *animal*, and the words “kept” or “keeping” have a similar meaning.
- 2.3 “*Menacing Dog*” means a *dog* that, without *provocation*, has approached or chased any *person* or domestic *animal* in a menacing, dangerous and threatening, fashion with an apparent attitude of attack, including but not limited to aggressive behaviours such as growling or snarling, or a *dog* that has otherwise demonstrated a propensity or disposition to attack without *provocation*, *persons* or domestic *animals*.
- 2.4 “*Microchip implant*” means an approved Canadian standard encoded identification device implanted into an *animal*, which contains a unique code that permits or facilitates access to *owner* information, including the name and address of the *owner* of the *animal*.
- 2.5 “Multiple Offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
- a) A “Subsequent Offence” means a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence
- 2.6 “*Muzzle*” means a basket-style covering device of adequate strength over the mouth of a *dog* to prevent the *dog* from biting and the words “muzzled” and “muzzling” have a similar meaning.
- 2.7 “*Officer*” includes:
- a) “*By-law Enforcement Officer*” means *person* appointed and/or responsible for the enforcement of provisions of this *by-law* and may include his/her designate and includes:
- b) *Animal Control Officers*, including as per the agreement between the *animal* control provider as such from time to time by the *Township* to enforce *Township by-laws* respecting *animals*,
- c) *Ontario SPCA Officers*,
- d) Officers of the York Regional Police Services,
- e) Medical Officer of Health.
- 2.8 “*Order*” means an order, or notice issued under the authority of this *by-law*.
- 2.9 “*Owner*” means any *person* who possesses or harbours an *animal*, and where the owner is a minor, the *person* responsible for the custody of the minor, and includes a *person* who is temporarily the keeper or in control of the *animal* and the word “owns” and “owned” has a similar meaning.
- 2.10 “*Person*” means an individual, firm, corporation, association or partnership.
- 2.11 “*Pet Shop*” means a place where *animals* for use as pets are offered for sale or *kept* for sale.
- 2.12 “*Pound*” means *premises*, shelter that are used for the detention, maintenance or disposal of *dogs* or *cats* that have been impounded pursuant to a *by-law* of a municipality or the Dog Owners’ Liability Act, but does not include any *premises*, or part thereof, that are not used by any *person* or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals (Ontario SPCA) or any society affiliated therewith, for the detention, maintenance or disposal of *dogs* or *cats* so impounded.
- 2.13 “*Premises*” means a building or part of a building or a place and, of the *owner* includes *premises* where a *dog* is habitually harboured or fed.
- 2.14 “*Prohibited animals*” means the *animals* identified in Schedule ‘A’.

- 2.15 "*Protective care*" means the temporary, time-limited *keeping* of a domestic animal by the *Township* as a result of an eviction, incarceration, or fire or medical emergency.
- 2.16 "*Property*" means land and includes; a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the Planning Act, or is described in accordance with a registered Plan of Condominium.
- 2.17 "*Provocation*" means any activity which, in the opinion of the *Officer* acting in his or her absolute discretion, may be expected to cause a *dog* to *bite* the *person*, domestic *animal* or *dog* engaging in such activity.
- 2.18 "*Redemption period*" means the period of time within which the *owner* of a *dog/cat* which has been impounded pursuant to this *by-law* has the right to redeem it.
- 2.19 "*Restrained*" means *kept* under the control prevented from freedom and movement of coming into contact with any *person* or *animal* other than the *person*, and/or *animal* owned by that *person* who is *owner* of the *dog* and the particulars further described by any *order* issued pursuant to this *by-law*.
- 2.20 "*Service Animal*" means an animal that is identifiable, including by a harness and that: a) has successfully completed training by a recognized school for service as a guide animal for the visually or hearing impaired or a special skills animal for other disabled persons; and is performing the service for which it was trained; or b) is actively training to be a guide animal for the visually or hearing impaired or a special skills animal for other disabled persons, with a recognized school.
- 2.21 "*Sterilized*" in respect of a *dog* or *cat* means either spayed or neutered.
- 2.22 "*Tag*" means a disc or other shape of metal or plastic furnished by the Township as hereinafter provided and suitable to be securely fixed on a dog or cat and may be referred to as a *tag/licenced* within this *by-law*.
- 2.23 "*Tether*" means a rope, chain, leash or similar *restraining* device that prevents an *animal* from moving away from a localized area and the words "tethered" and "tethering" have a similar meaning.
- 2.24 "*Township*" means the Corporation of the Township of King.
- 2.25 "*Wild Animal*" or "*Wildlife*" means an *animal* of a wild nature or disposition or *animal* that is not normally *kept* as a household pet.
- 2.26 "*Work Dog*" means a dog engaged in law enforcement for the Police or other person duly appointed as a peace officer.

### PART III - LICENSING AND REGISTRATION

#### Licensing of Dogs and Cats

- 3 *Every owner of a dog/cat over the age of 3 months shall:*
- a) register the *dog/cat* with the *Township* and pay an annual *tag* and registration fee, as set out in the Fees and Charges *By-law*,
  - b) renew such *tag* and registration annually no later than April 15<sup>th</sup>, of each year,
  - c) *keep* the *dog/cat* identification *tag*, issued by the *Township* as part of the registration, securely affixed on the collar or harness on the *dog/cat* at all times, and;
  - d) obtain a replacement *tag*, in the event that such *tag* is lost.
- 3.1 *Notwithstanding section 3.a) if a dog or cat is acquired by the owner, the owner shall obtain a licence/tag for each dog or cat within thirty (30) days of acquisition and*
- 3.2 In the case of a new resident they shall have thirty (30) days from taking residency in the Township to licence and obtain a *tag*.
- 3.3 Every applicant for *dog/cat* registration shall provide to the *Township* the following information:
- a) name, address, telephone number of the *dog/cat* owner,
  - b) name, age, gender, breed, and colour of the *dog/cat*,
  - c) proof of *sterilization* from a qualified veterinarian, if requested, and
  - d) proof of a *microchip implant*, if applicable.

#### Requirement - Rabies Immunization

- 3.4 *Every owner of a dog/cat three (3) months of age or older shall ensure that the dog/cat is duly immunized against rabies and that the immunization is current.*

**Proof of Rabies**

- 3.5 Applicants for a *dog/cat tag* shall be required to attest to the fact that their *dog/cat* has been immunized against rabies as required by the *Health Protection & Promotion Act, R.S.O. 1990,c.H.7, as amended and Regulation* thereto.
- 3.6 Applicants shall provide the certificate of immunization against rabies, signed by the veterinarian who performed the immunization to the *Township*, if requested.

**Proof of Microchip**

- 3.7 An applicant **or owner** shall provide to the *Township* the *certificate that proves the animal has a microchip implant* signed by a veterinarian confirming the *microchip implant*, if requested.

**False Information**

- 3.8 No *person* shall give false information when applying for a license under this *by-law* and any *person* knowingly giving false information when applying for a license shall be in breach of this *by-law*.

**Change Information**

- 3.9 The *owner* shall immediately notify the *Township* of any change in information provided in the application form under this *by-law*, including but not limited to the death or change of ownership of the *dog/cat*.

**Impoundment-Registration**

- 3.10 Every *owner* of a *cat/dog* including which has been impounded pursuant to this *by-law* shall ensure the *cat/dog* is identified by *tag/licence*.

**Requirement tag**

- 3.11 The *owner* of a *dog/cat* shall ensure that the *dog/cat* wears the current license *tag* issued for the *dog/cat* at all times while off the *owner's* property.

**Removal of Tag**

- 3.12 No *person* shall remove a *tag* from a *dog/cat* without consent of the *owner* thereof.

**Replacement Tag**

- 3.13 No *person* shall fail to apply for a replacement *dog/cat tag* unless the *dog/cat* is deceased.

**Licence- Issuance/Renewal/Denial**

- 3.14 A licence may be denied or not issued pursuant to this part if the criteria below, is not satisfied:
- a) The applicant/licensee is eighteen (18) years of age or older;
  - b) All applicable fees have been paid; and
  - c) All required information has been provided.

**Maximum Number**

- 3.15 A maximum of four (4) licenses/*dog tags* may be issued for any legal *dwelling*.
- 3.16 No *person* shall *keep* more than four (4) *dogs* except where they are *kept* in a kennel and/or doggie day care licensed by the *Township*.
- 3.17 No *person* shall *keep* more than four *cats* (4) in the *Township*.

**Biting or Menacing Dog**

- 3.18 The *owner* of every *dog* that has bitten a person or domestic animal ('a biting dog'), or is a *menacing dog*, as set out in the definitions of this *by-law* shall:
- a) Register the *dog*,
  - b) Identify the *dog* by *microchip implantation*,
  - c) Maintain and provide proof of current rabies vaccinations, and;
  - d) Comply with any *Order* issued pursuant to this *by-law* and/or under any predecessor *by-law* and any, or all provisions contained therein.

**Term**

- 3.19 Unless otherwise specified in this *by-law*, the term of a license pursuant to this part expires yearly on the 15<sup>th</sup> day of April, and
- a) In the case of a death or other means of disposal of a *dog* the license *tag* shall expire and become void.
- 3.20 No *person* shall transfer the license issued to any other *person* or *dog*.
- 3.21 Notwithstanding section 3.22 an approved and licensed kennel may transfer a *tag* as approved by the *Clerk*.

**PART IV - CARE OF ANIMALS AND REGULATIONS****Responsibility to Care for Animals**

- 4 Every *person* who keeps an *animal* within the *Township* shall ensure that such *animal* is provided with:
- a) a clean and sanitary environment free from an accumulation of fecal matter odour, insect infestations or rodent *attractants*, adequate and appropriate care, food, potable water, shelter, and opportunity for physical activity, attention, grooming, sunlight and veterinary care as may be required to *keep* the *animal* in good health.
- 4.2 Every cage or pen used for the housing/*keeping* of *animals* shall be constructed and maintained to ensure that:
- a) Every *animal* in the cage or pen may comfortably stand normally to its full height, to extend its legs and body to their full natural extent, to turn around, and lie down in a fully extended position; and,
  - b) If an *animal* is *kept* out doors, the *person* harbouring or having custody and control of the *animal* shall:
    - i. provide an enclosure including but not limited to a dog house which is structurally sound, weather-proof, off ground flooring, *kept* in a sanitary condition, and insulated.
    - ii. ensure the enclosure and all parts are set back more than 1.4 m from the *property* line.
- 4.3 Every *person* who has custody or control of an unsterilized female *dog/cat* shall, during each period that the *dog/cat* is in heat, *keep* it confined so that it will not attract other *animals*.

**Tether**

- 4.4 No *person* shall *keep* an *animal tethered* on a rope, chain or similar *restraining* device unless:
- a) the *tether* is of appropriate length for the species *tethered*,
  - b) the *animal* has unrestricted movement within the range of such *tether*, and
  - c) the *animal* cannot injure itself as a result of the *tethering*,
  - d) Notwithstanding subsection 4.4, in the case of *dogs*, the *tether* shall be a minimum of three (3) meters in length provided that the *tether* does not permit the *animal* to go beyond the limits of the *person's property*.
  - e) Notwithstanding subsection 4.4, no *person* shall *keep* an *animal tethered* where a choke collar, a choke chain or a pronged collar forms part of the *tether*.

**Unattended Animals**

- 4.5 The *owner* of an *animal* shall ensure that such *animal* is not left unattended while *tethered* or tied on *premises* where the public has access, whether the access is expressed or implied.
- 4.6 The *owner* of an *animal* left unattended in a motor vehicle shall ensure that:
- a) The *animal* is *restrained* in a manner that prevents contact between the *animal* and any member of the public;
  - b) The *animal* has suitable ventilation; and
  - c) The *animal* is not exposed to extreme temperatures which can cause distress and/or death.

**Securing animals in vehicles**

- 4.7 No *person* shall allow an *animal* to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- a) Notwithstanding Section 4.7, a *person* may allow an *animal* to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or flatbed truck if the *animal* is:
    - i. In a fully enclosed trailer;
    - ii. In a topper enclosing the bed area of a truck (*topper means an enclosed compartment when*

- iii. *coupled with a cargo bed of a vehicle*);  
Contained in a ventilated kennel or similar device securely fastened to the bed of the truck;  
or
- iv. Securely *tethered* in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

#### **Pet shops**

- 4.8 Every *person* who owns or operates a *Pet Shop* must obtain *dogs* and *cats* from only the following sources:
- a) Municipal *animal* shelters;
  - b) Registered humane societies; or
  - c) Registered shelters or rescue groups.

#### **At Large/Trespass**

- 4.9 No *person* or owner shall allow or permit an *animal* to be *at large* or trespass.

#### **Dogs in Parks**

- 4.10 No *person* or owner shall have a *dog* on a Township park including park lands where areas are off limits to dogs and designated signs are posted to prohibit dogs in said areas.

#### **Noise Excessive Barking**

- 4.11 No *person* shall allow *dogs* in the *Township* to bark, whine, cry or cause noise which is constant, persistent, or excessive.

#### **Stoop and Scoop**

- 4.12 Every *owner* of a *dog* shall forthwith remove any feces left by the *dog* in the *Township*.

#### **Wildlife**

- 4.13 No *person* shall feed a *wild animal* or leave food or *attractants* of any type or in any form outdoors in such a manner as to attract, or be accessible by a *wild animal*, feral or stray domestic *animal* on private or public *property*.
- 4.14 Section 4.13 does not apply to the feeding of song birds on a *property*, provided the following feeding requirements are met by the *owner* or occupier:
- a) seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by *wild animals*; and
  - b) bird feeding practices do not attract large flocks of homing birds such as wild, feral or domestic pigeons; and
  - c) spillage of seed upon the ground is removed by the *property owner* or occupier forthwith and disposed of in such a manner that it does not attract *wild animals*, feral or stray domestic *animals*.
- 4.15 Section 4.13 does not apply in the following situations:
- a) the leaving of food as bait in a trap by a *property owner* to capture a nuisance *animal* inhabiting or
  - b) habituating their *property* pursuant to the Fish and Wildlife Conservation Act, 1997, S.O.1997, c.41
  - c) the leaving of food as bait by a licensed trapper, and employee of a licensed *wildlife* or pest control agency, *Animal Control Officer* an Ontario Society for the Prevention of Cruelty to Animals Inspector or a Police Agency, in the performance of their work or;
  - d) The leaving of food for a colony of stray or feral *cats* for the purposes of trap, neuter or spay and release program approved by the *Township*.

### **PART V – BITING/MENACING DOG**

- 5 No *owner* shall permit his *dog* to *bite* or attack without *provocation* a *person* or domestic *animal*.

- 5.1 Section 5 of this *by-law* shall not apply to a *work dog* actually engaged in law enforcement duties.

#### **Order**

- 5.2 Where the *Officer* is informed upon complaint, or receives a declaration from another municipality regarding a biting *dog*, and confirms that a *dog* is a *menacing dog*, or has *bitten* a *person* or

domestic *animal* the *Officer* may serve an *Order* upon the *dog owner* requiring the *owner* to comply with any or all of the following provisions:

- a) *Keep a muzzle* and a tether on the *dog* at all times, including when it is on the *premises* of the *owner*, with the exception of when it is *kept* in an enclosed pen or within the *owner's dwelling unit*;
- b) *Keep the dog restrained* when it is on the *premises* of the *owner* so as to prevent the *dog* to go beyond the boundaries of the *premises* or certain portions of the *premises*;
- c) *Keep the dog* on only certain portions of the *premises* of the *owner*;
- d) Only permit certain *persons* to have care and control of the *dog* when outside the *premises* of the *owner*;
- e) Have a *microchip implanted* in the *dog* and proof of the implantation provided to the *Officer*
- f) Have the *dog sterilized* and proof of the sterilization provided to the *Officer*;
- g) Provide an immunization record of the *dog* to the *Officer*;
- h) Post a "Beware of Dog" sign at the entrance of the *premises* of the *owner* in a conspicuous place;
- i) Prohibit the breeding or permitting the breeding of the *dog*;
- j) Notify the *Officer/Clerk* within 48 hours of any changes to the residency or ownership of the *dog*;
- k) Notify the *Officer/Clerk* within 48 hours of the death of the *dog*; and
- l) Be under the control of a *person* eighteen (18) years of age or older at all times; and
- m) Any other requirement prescribed by the *Officer* to protect the public interest.

5.3 The *Order* shall include a statement that the *owner* of the *dog* may appeal the *Order*, to the *Township*.

#### Service

- 5.4 The *Order* served by the *officer* may be served on the *owner* personally, but where the *Order* cannot be served personally, the *Order* may be served:
- a) by serving it to an apparently adult *person* on the *owner's property*;
  - b) by posting it in a conspicuous place upon some part of the *owner's property* and by sending a copy by ordinary mail, which shall be deemed to have been served on the seventh (7<sup>th</sup>) day after mailing; or
  - c) by sending it by prepaid registered mail to the *owner* at the address where he or she resides, where it shall be deemed to have been served on the fifth (5<sup>th</sup>) day after mailing.

#### Appeal

- 5.5 The *owner* of a *dog* may request appeal of an *Order issued pursuant to PART V* of this by-law to the *Township* by making a request in writing to the *Clerk* and paying the applicable appeal fee as prescribed by the Fees and Charges *By-law* within fifteen (15) days of being served with the *Order*.
- 5.6 Notwithstanding that an owner has applied for an appeal of an the *Order issued pursuant to this PART- V*, the *Order* takes effect when it is served on the *person* to whom it is directed and remains in effect until the *Appeal Committee* has made its decision on the appeal.
- 5.7 Upon receipt of the hearing request, the *Clerk* shall convene a hearing before the *Appeals Committee* and shall give the *owner* of the *dog* and the *person* who witnessed the *bite* or who provided the complaint at least seven (7) days written notice of the hearing by personal service or registered mail of the time, date and location of the hearing.

#### Appeal-Process

- 5.8 The *Appeals Committee*:
- a) shall conduct the hearing pursuant to the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22*, as amended at the time, date and place set out in the Notice and,
    - i. shall deliberate the merits of the evidence presented;
    - ii. may confirm, vary, or rescind the *Order*; and
    - iii. shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date;
    - iv. shall provide a decision to the *Clerk* and the *owner* of the *dog* and to the *Clerk*.
- 5.9 The Applicant and any other interested *person* may appear at the hearing and present oral or written evidence relating to the *dog*.
- a) When the *owner* of the *dog* does not attend at the proper time and place, the *Appeal Committee* may proceed with the hearing in his/her absence and the Applicant shall not be entitled to any further notice of the proceeding.



### Final Binding

- 5.10 Where the *owner* fails to file for an appeal the decision is final and binding.
- 5.11 The decision of the *Appeal Committee* is final and binding.
- 5.12 No *person* shall fail to comply with an *Order* and be within the timelines as specified within the *Order*.

### PART VI- PROHIBITED ANIMALS

- 6 No *person* shall *keep* either on a temporary or permanent basis, any *prohibited animal*.
- 6.1 Section 6, above shall not apply to:
- a) areas of the *Township* in which professionally produced films are being made by film professionals and film production companies and only temporarily during filming, or to circuses where *animals* are *kept* for performances for a temporary period, provided that:
    - i. The exhibitor or the *owner* of such *animals* is a member of, and accredited by either the Canadian Association of Zoos and Aquaria (CAZA) or the American Zoo and Aquarium Association, or is otherwise licensed by an appropriate authority; or,
    - ii. Such *animals* have been inspected and approved by an authorized Ontario SPCA Agent within 7 days of the exhibit or performance;
    - iii. Such *animals* are used or *kept* in a place that has protective devices which are adequate to prevent such *animals* from escaping or injuring the public; and
    - iv. Such *animals* are provided with species-appropriate living environment while in the *Township* and provided said location is as approved by *Township*;
  - b) the *premises* of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals;
  - c) the *premises* of an accredited veterinarian under care of a licensed veterinarian;
  - d) *premises* registered as research facilities pursuant to the *Animals for Research Act, R.S.O. 1990,c.A.22*
  - e) *premises* of the York Regional Police Department;
  - f) the *premises* of a university or community college, and where such *animals* are being *kept* for research, study or teaching purposes;
  - g) *premises* holding a licence under any Statute of the Province of Ontario, or any Federal or Provincial Ministry which permits the *keeping* of *animals* under stated conditions including;
  - h) *animals* known as *livestock*, birds or bees which are *kept* on *property* in accordance with the permitted uses of the *property* in accordance with the *Township Zoning By-law, as amended*; and
  - i) *Service animals* provided a letter is provided by a qualified practitioner detailing why the animal is required, how the animal shall be kept and cared for, and provided the animal does not pose a risk for health and safety of another person.

### PART VII- RESPONSIBILITY OF THE ANIMAL CONTROL OFFICER/ IMPOUNDMENT

#### Protective Care of Domestic Animals

- 7 The *Township* may receive domestic *animals* into *protective care* as a result of an *animal owner's* eviction, incarceration, or as a result of a fire or medical emergency, or for any other situation that the *Clerk* or *Officer* deems appropriate.
- 7.1 Domestic *animals* which are received into *protective care* by the *Township* shall only be *kept* on a temporary basis for up to a maximum of five (5) days. At the end of the five (5) day *protective care* period, unless other arrangements are agreed to between the *owner* and the *Township*, treat such *animals* as day-one impounded *animals*.
- 7.2 When the *Township* receives a domestic *animal* into *protective care*, the *owner* of the domestic *animal* shall pay all costs incurred on behalf of such, i.e. shelter fees and veterinary medical fees, prior to recovering the domestic *animal*.

#### Impound

- 7.3 Any *animal* may be impounded for running *at large* in the *Township*.
- 7.4 For the purposes of this *by-law* an *animal* seized pursuant to this *by-law* will be deemed to be impounded, when it comes under the control of an *animal control officer*.
- 7.5 Any *person* may seize an *animal* at large and shall deliver the *animal* to the *pound* and/or shelter

and/or safe place as approved by the *Clerk*.

#### **Livestock**

- 7.6 The *Clerk* may at the request of the *Township* impound or seize any *livestock* which is *at large* and/or trespassing and,
- a) will make reasonable efforts to determine the identity of the *owner* of the *livestock*, and
  - b) will inform the *owner*, that the *livestock* has been impounded.
- 7.7 Where *livestock* is found *at large*, the *owner* of the *livestock* is deemed, in the absence of evidence to the contrary, to have permitted the *livestock* to be *at large*.
- 7.8 In the event that the *Clerk* is satisfied that the *livestock* running *at large* cannot be impounded without danger to any *person* or without undue damage to crops or *property* he/she may authorize the tranquilizing or destruction of the *animal*.
- a) For the purpose of sub section 7.8 above the discharge of firearms *by-law* shall not apply.

#### **Retained/Released/Cost**

- 7.9 Where any *animal* is impounded, the *owner* if known shall be liable for all charges and fees incurred.
- 7.10 The *owner* of any *livestock* found running *at large*, or trespassing shall be liable for all damages caused by such *livestock* and for the expenses, if any incurred by the *Township*.
- 7.11 Cost incurred by the *Township* or a *person* appointed or acting on behalf of the *Township* shall be paid by the *owner* of the *animal* on demand and may be recovered by action or in like manner as municipal taxes. The provisions of the *Pounds Act*, *Animals Research Act* as to the impounding and sale of *animals* shall continue to apply unless specifically amended herein.
- 7.12 Where a *dog* has been impounded and it has been alleged that the *dog* has *bitten* or attacked a *person* or domestic *animal* and proceedings have been commenced against the *owner* of the *dog* under the *Dog Owners' Liability Act*, the Animal Control Provider as approved by the *Township* may hold the *dog* until the matter has been finally disposed of and will release the *dog* only in such manner and to such *person* as will ensure that the decision, if any, with respect to such matters will be complied with. Where the final disposition results in a court *order* under the *Dog Owners' Liability Act*, the *owner* of the *dog* shall pay the costs set out in this *by-law* for the time for which the *dog* has been impounded regardless of whether or not the *dog* is released to the *owner*.

### **PART VIII – ENFORCEMENT**

#### **Power of Entry- Inspection**

- 7.13 An *officer*, may enter onto *property* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) any provision of this *by-law*;
  - b) an *order* issued under this *by-law*; or
  - c) an *order* made under Section 431 of the *Municipal Act*.
- 7.14 The power of entry may be exercised by an employee, officer or agent of the *Township* or by a member of the police force with jurisdiction as well as any *person* under his or her direction.
- 7.15 For the purposes of an inspection, an *officer* may,
- a) require the production for inspection of any document 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 examination or take tests, samples or photographs necessary for the purposes of the inspection;
  - e) upon request, a licensee shall provide an *officer* with medical reports for any *animal*; and
  - f) undertake an inspection pursuant to an *order* issued under Section 438 of the *Municipal Act*.

#### **Obstruction**

- 7.16 No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, any *person* who is exercising a power or performing a duty under this *by-law*.
- 7.17 It shall be an offence to obstruct or permit the obstruction of such inspection.

### **Order to Discontinue Activity**

- 7.18 If an officer has reasonable grounds to believe that a contravention of this By-law has occurred, the officer may make an order requiring the owner of the land and person who contravened the By-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravention.

### **Work Order**

- 7.19 If an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the work to be done to correct the contravention.
- 7.20 An order issued under the authority of this By-law, shall set out:
- a) the municipal address of the property on which the contravention occurred;
  - b) the date of the contravention;
  - c) the reasonable particulars of the contravention of the By-law;
  - d) the date by which there must be compliance with the order;
  - e) the date on which the order expires, and
  - f) notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

### **Service of Orders**

- 7.21 The order may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after mailing. Service on a corporation can be made by registered mail to the corporate mailing address.

### **Unable to effect service**

- 7.22 If the Township is unable to effect service on the owner, a placard containing the terms of the order may be placed in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the order on the owner.

### **Work Done by the Township**

- 7.23 The work required by an order under the provisions of this By-law, if not done within the specified period, the Township, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon the land, at any reasonable time, for this purpose.
- 7.24 If the costs for work pursuant the provisions of this By-law are not paid to the Township within 30 days of written demand thereof, the Treasurer for the Township may add the costs, including interest, to the tax roll for the lot and collect them in the same manner as municipal taxes.

### **Offence and Penalty**

- 7.25 Every person who contravenes this By-law, including an order issued under this By-law, is guilty of an offence.
- 7.26 Any person who is in contravention of any provision of this By-law, or who fails to comply with an Order issued under this By-law shall be deemed to be committing a continuing offence for each day that the offence remains in contravention, or for each day that they fail to comply with the Order.
- 7.27 On conviction, a person may be liable:
- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
  - b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
  - c) upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may *not* exceed \$100,000.00; and
  - d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.
- 7.28 The Township may recover its costs of remedying a violation of this By-law by invoicing the owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the Municipal Act, 2001 and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

**VI. VALIDITY & SEVERABILITY**

8 Notwithstanding any section, subsections, clause, paragraph or provision of this By-law, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-law or of the By-law as a whole.

**PART X- REPEAL TRANSITIONAL AND EFFECTIVE DATE**

**Repeal**

9 *By-law* Numbers: 73-16, 92-52, 94-136, 2000-04, and 2002-138, 2006-64 are hereby rescinded and repealed in their entirety; and

9.1 That Noise *By-law* #81-142, Section 3, Table, 3-1 Subsection 7, be hereby deleted.

9.2 Notwithstanding the above *By-laws* and/or sections repealed, they shall continue to apply to any acts, omissions or occurrences, and any offences that took place prior to the enactment of this *By-law*.

**Schedule**

9.3 Schedules attached hereto and by this reference shall form part of this *By-law*, including:  
a) Schedule 'A' *Prohibited Animals*

**Effective Date**

9.4 This *By-law* shall come into force upon the date of its final passing.

**READ a FIRST and SECOND** time this 12th day of September, 2016.

**READ a THIRD time AND FINALLY PASSED** this 12th day of September, 2016.

\_\_\_\_\_  
Steve Pellegrini  
Mayor

\_\_\_\_\_  
Kathryn Moyle  
Director of Clerks/By-law Enforcement  
Township Clerk

*(Ref. Clerks Department Report No: CL-2016-11, C.O.W. June 13/16,  
CL-2016-15, C.O.W. September 12/16)*

Schedule 'A' To By-law Number 2016-85  
(Prohibited Animals)

CLASS	ORDER	COMMON NAMES
MAMMALS	Artiodactyla	Such as cattle, goats, sheep, pigs, deer, elk
	Canidae	Such as Wolves, Coyotes, Foxes, Jackals, hybrid dogs, <b>(except the domestic Dog)</b>
	Chiroptera	Such as bats, fruit bats, megabats and microbats myotis, flying foxes
	Edentates Xenarthra	Such as anteaters, sloths, armadillos
	Felidae	Such as Tigers, Lions, Jaguars, Leopards, cougars, lynx, servals, hybrid cats <b>(except the domestic cat)</b>
	Hyaena	Such as hyenas
	Lagomorpha	Such as hares, pikas, <b>(except domestic rabbits)</b>
	Marsupialia	Such as koalas, kangaroos, opossums and wallabies
	Mustelidae	Such as mink, skunks, weasels, otters, badgers, except the domestic ferret
	Non-Human Primates	Such as chimpanzees, gorillas, monkeys, lemurs
	Perissodactyla	Such as horses, donkeys, mules, zebras, ponies
	Pinniped	Such as seals, fur seals, walruses
	Proboscidea	Such as elephants, rhinoceros, hippopotamus
	Procyonidae	Such as coon, raccoons
	Rodentia	Such as porcupines, prairie dogs, nutria <b>(except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)</b>
	Ursidae	Such as bears
	Viverridae	Such as mongooses, civets, genets
REPTILES	Crocodylia	Such as alligators, crocodiles, gavials, caimans
	Squamata	All venomous snakes; pythons, boa constrictors, lizards
	Trachemys scripta elegans	All red-eared slider turtles
	Chelydridae	Snapping and alligator snapping turtles
BIRDS	Anseriform	Such as ducks, geese, swans screamers
	Columbiform	Such as pigeons and doves
	Galliform	Such as chickens, pheasants, grouse, guinea fowl, turkeys, pea fowl
	Struthioniform	Such as ostriches, rheas, cassowaries, emus, kiwis
	Raptor	Such as eagles, hawks, falcons, owls
OTHER	Arachnida	Such as scorpions, tarantulas
		All venomous or poisonous insects and amphibians animals such as rattle snakes and conbras
	Apis genus, melittogoly	Such as honey bees, stingless honey bee

Examples of animals of a particular prohibited group are given in parenthesis. They are *examples only and shall not be construed as limiting the generality of the group*