

THE CORPORATION OF HALDIMAND COUNTY

By-law No.1396/13

Being a by-law relating to the regulating, licensing, restraining, governing and care of dogs, cats and other categories of animals.

WHEREAS Sections 8, 9 and 10 of the *Municipal Act*, S.O. 2001 c.25, as amended, authorize Haldimand County to pass by-laws necessary or desirable for municipal purposes, and in particular Paragraphs 5, 8 and 9 of Subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of *persons* and property; and *animals*;

WHEREAS Subsection 8(3) of the *Municipal Act*, 2001 provides that a by-law under Section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a *person* to do things respecting the matter, or may provide for a system of *licenses* respecting the matter;

WHEREAS Subsection 103(1) of the *Municipal Act*, 2001 provides that if a by-law is passed regulating or prohibiting with respect to the being at large of *animals*, the by-law may provide for the seizure and *impounding* of *animals* being at large and the sale of *impounded animals*;

WHEREAS Section 425 of the *Municipal Act*, 2001 authorizes Haldimand County to pass by-laws providing that a person who contravenes a by-law of Haldimand County passed under that Act is guilty of an offence;

AND WHEREAS the *Municipal Act*, 2001 further authorizes Haldimand County, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work.

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

Part I – Definitions

1. In this By-law:

- a) “Animal(s)” means any living organism, other than human, having sensation and the power of voluntary movement and requiring oxygen and organic food for its existence.
- b) “Animal Control Officer” shall mean a *person* or a corporation, including said Corporation’s employees, agents, and representatives, that has entered into a contract with the *County* or who are employed by the *County* for the control and regulation of *animals* within Haldimand County and includes a *Municipal Law Enforcement Officer*, an officer of the Ontario Provincial Police, and any other party contracted by the *County* to provide such services.
- c) “Appeal committee” means *Council* for the Corporation of Haldimand County or any person or committee delegated the responsibility by *Council*;

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- d) "Attack trained" means a *dog* that has been trained to inflict injury, maim, immobilize or display a threatening or aggressive disposition or kept for the purposes of security or protection, whether *residential*, commercial or industrial, of *person's* property.
- e) "Cat(s)" shall mean a male or female feline over the age of six weeks of any breed of domesticated *cat* or crossbreed domesticated *cat*.
- f) "Commercial Kennel" means a premise of an establishment where more than two (2) dogs are boarded, bred, kept or trained for remuneration
- g) "Control" shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of an *animal*.
- h) "Council" means the *Council* for the Corporation of Haldimand County.
- i) "County" means the Corporation of Haldimand County.
- j) "Dangerous dog" means any individual *dog* which:
- i. has on one or more occasions bitten or attacked a *person* or domestic *animal*;
 - ii. has on one or more occasions behaved in a manner that poses a menace to the safety of *persons* or domestic *animals*;
 - iii. when an *owner* of the *dog* has on one or more occasions failed to exercise reasonable precautions to prevent the *dog* from,
 1. biting or attacking a *person* or domestic *animal*, and/or
 2. behaving in a manner that poses a menace to the safety of *persons* or domestic *animals*;
 - iv. is a restricted pit bull and an *owner* of the *dog* has on one or more occasions failed to comply with one or more of the requirements of this Act or the regulations respecting restricted pit bulls;
 - v. is a pit bull other than a restricted pit bull; or other dog prohibited by Provincial legislation;
 - vi. there is reason to believe that the *dog* may cause harm to a *person* or domestic *animal*;
 - vii. where in the opinion of an *Animal Control Officer*, *Municipal Law Enforcement Officer* or *Police Officer* the *dog* shows the disposition or tendency to be threatening or aggressive and there is a concern for the well-being or safety to another *animal* or to a human;
- A dog shall not be considered dangerous if a person is on premises with the intention of committing, or is in the commission of, a criminal act on the premises and incurs injury caused by being bitten or attacked by a dog unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of person or property.
- k) "Dog(s)" means any male or female domesticated *dog*, or any member of the species *Canis familiaris*.
- l) "Domestic farm animal" shall mean an *animal* kept by a *person* for *animal* husbandry, or for its pelt, wool or fur or for food or research purposes, and includes, but is not limited to, domesticated ungulates of the families *Artiodactylus*, *Perissodactylus*, *Anseriformes*, *Galliformes*, *Gallus* and *Ratite Birds*.

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- m) "Dwelling unit" means a suite of two or more rooms used by one or more *persons* living together, including up to two boarders, in which cooking, eating, living, sleeping and sanitary facilities are provided, and with a private entrance accessed from outside the building, from a common hallway or from a common stairway.
- n) "Hunting" means lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed and does not include trapping.
- o) "Identification tag" or "tag" shall mean a disc or other shape of metal or plastic furnished by the *County* or *Poundkeeper* in connection with the licensing and registering of a *dog*, which tag shall demonstrate that the *dog* has been *licensed* and registered with the *County*.
- p) "Impound(ed)" shall mean to confiscate, confine, hold or take possession.
- q) "Keeps" shall mean to have temporary or permanent control or possession of an *animal*, and the words "harbour", "*kept*" or "*keeping*" have a similar meaning.
- r) "Kennel" includes a *Purebred Kennel* and *Commercial Kennel* and shall mean the *premises* of such an establishment in which more than two (2) *dogs* over sixteen (16) weeks of age, are boarded, bred, kept or trained, but does not include:
- i. a veterinary clinic or veterinary hospital;
 - ii. a public *pound* or *animal* shelter used by the County for impounding *animals*;
 - iii. any *premises licensed* under any statute of the Province of Ontario or the Government of Canada, which permits the *keeping* of *dogs* and other *animals* under certain conditions;
 - iv. a *pet shop*.
- s) "Leash" shall mean a *tether*, rope, chain, line or similar device for leading or *restraining* an *animal* and shall be of sufficient strength and design to *restrain* the *animal* and to allow a *person* to *restrain* and *control* the *animal*.
- t) "Licence" means an *identification tag* or *kennel license* issued by the *Poundkeeper* in relation to the application for such *license*.
- u) "Licence fee" means a fee imposed upon the *owner* of a *dog* or *kennel*.
- v) "Microchip" means an approved Canadian standard encoded identification device implanted into an *animal*, which contains a unique code that permits or facilitates local authority or an *Animal Control Officer* access to *owner* information, including the name and address of the *owner* of the *animal*.
- w) "Mitigating factor" means a circumstance which excuses aggressive behaviour of a *dog* and without limiting the generality of the foregoing, may include circumstances where:
- i. the *dog* was, at the time of the aggressive behaviour, acting in defence to an attack by a *person* or domestic *animal*;
 - ii. the *dog* was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a *person* or a domestic *animal* trespassing on the property of its *owner*; or
 - iii. the *dog* was, at the time of the aggressive behaviour, being teased, provoked, or tormented.

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- x) "Municipal Law Enforcement Officer" means a *person* or *persons* duly appointed by the *Council* of the Corporation to enforce the provisions of this by-law, and includes any police officer appointed pursuant to the Police Services Act.
- y) "Muzzle" means a humane fastening or covering device of adequate strength and design and suitable to the breed of the *dog*, that fits over the mouth of the *dog* and cannot be removed by the *dog*, so as to prevent the *dog* from biting.
- z) "Neutered" means a male *dog* which has had its generative organs removed for which the *owner* produces satisfactory evidence.
- aa) "Owner" shall mean a *person* or an *owner* of land or *premises* where an *animal* is *kept* and shall include a tenant or occupant of such land or *premises* or any *person* who has *control* of an *animal* or a *person* who owns, *keeps*, possesses or harbours an *animal* or a *person* who operates or manages a *kennel* and where the *owner* is a minor, also includes the *person* responsible for the custody of the minor and "owns" and "owned" have corresponding meanings.
- bb) "Parkland" means land owned or leased by the *County* and set aside for park purposes.
- cc) "Person" includes an *owner*, individual, partnership, association, firm or Corporation, business entity or club, or any other incorporated or unincorporated group or organization to whom the context can apply in accordance with the Interpretation Act, R.S.O. 1990.
- dd) "Pet shop" means an establishment engaged in the retail sale of *animals* excluding a kennel.
- ee) "Point of reception" means any point on a *premise* where the barking, calling, whining or other similar persistent sound originating from other than that *premises* is received.
- ff) "Pound" means such *premises* and facilities of a *person* designated by the *County* and have entered into a contract with the *County* to maintain a facility used for the detention, maintenance or disposal of animals on behalf of the *County*.
- gg) "Poundkeeper" means the *County* and any employee thereof and/or a person, service or agency designated or appointed to maintain, enforce and administer this by-law which includes the premises and facilities operated as a pound.
- hh) "Premise(s)" means a building or a part of a building including a *dwelling unit* and any land appurtenant to the building or part of the building and includes a vacant lot.
- ii) "Protective care" means the temporary, time-limited *keeping* of an *animal* by the *County* as a result of an *owner* eviction, incarceration or as a result of a fire the *owner* cannot provide *animal* care or *animal* medical attention.
- jj) "Purebred Kennel" means a premise where more than two (2) purebred dogs which are officially recognized breeds by the Canadian Kennel Club or other official registering body are boarded, bred, kept or trained and registered in a kennel club.

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- kk) "Residential" means any property zoned as such within the current applicable Zoning By-law and shall include all lands within an Urban Boundary, Hamlet Boundary and Lakeshore Node Boundary as identified and designated in the Haldimand County Official Plan.
- ll) "Restrained" in relation to a *dangerous dog* means being *kept* inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and secure so as to prevent a *dog* from coming in contact with or making a real and substantial threat of attack on a *person* other than the *owner* of the *dog*, or invitee of the *owner*, and includes keeping such *dog* securely on a *leash* of not more than two (2) meters in length when outside of such building, house or enclosed pen.
- mm) "Running-at-large" shall mean any *animal* found at any place other than the *premises* of the *owner* and not under control of any *person* and in the case of a *dog* or *cat* not on a *leash*.
- nn) "Service animal" shall mean an *animal* for a *person* with a disability if it is readily apparent that the *animal* is used by the *owner* for reasons relating to his or her disability, or if the *owner* provides a letter from a physician or nurse confirming that the *owner* requires the *animal* for reasons relating to the disability.
- oo) "Spayed" means a female *dog* where the ovaries and/or uterus have been removed for which the *owner* produces satisfactory evidence.
- pp) "Tether" shall mean a rope, chain or similar device, attached to a fixed point, used for *restraining* an *animal*.

PART II – Interpretation

2. The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the *County* or applicable provincial or federal statutes or regulations.
3. If there is a conflict between a provision of this by-law and any other by-law of the *County* or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of *animals* prevails.

PART III – Scope

4. The provisions of this by-law apply to the entire geographic area of the *County*.
5. The provisions of this by-law do not apply to:
 - a) bees;
 - b) any display held by an agricultural or horticultural organization incorporated under the Agricultural and Horticultural Organizations Act; and
 - c) the Killman Zoo located at 237 Unity Side Road East, Caledonia.

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PART IV – Animals General

Prohibited Animals(s)

6. No person shall own, harbour, possess, *keep*, sell or offer for sale any prohibited *animal* listed below as a pet or for any other purpose or for any period of time:
- a) All Marsupialia (e.g. koalas, kangaroos, opossums and wallabies), except sugar gliders derived from self-sustaining captive populations;
 - b) All Non-human Primates (e.g. chimpanzees, gorillas, monkeys and lemurs)
 - c) All Felids, except the Felids Domesticus (domestic *Cat*);
 - d) All Canids, except the Canis Domesticus (domestic *Dog*);
 - e) All Carnivora (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and raccoons), except dogs, cats and ferrets;
 - f) All Anseriformes (e.g. ducks, geese, swans and screamers), except if located on rural or agricultural premises zoned under a County zoning by-law permitting such a use;
 - g) All Galliformes (e.g. pheasants, grouse, guinea fowls, turkeys, chickens and peafowls), except if located on rural or agricultural premises zoned under a County zoning by-law permitting such a use;
 - h) All Artiodactyla (e.g. cattle, goats, sheep, pigs, deer, elk, alpacas and llamas), except if located on rural or agricultural premises zoned under a County zoning by-law permitting such a use;
 - i) All Procyonids (such as Raccoons, Coatis and Cacomistles);
 - j) All Hyaenas;
 - k) All Perissodactyla (e.g. horses, donkeys, jackasses, mules, zebras and ponies), except if located on rural or agricultural premises zoned under a County zoning by-law permitting such a use;
 - l) All Proboscida (such as Elephant, Rhinoceros and Hippopotamus);
 - m) All Pinnipeds (such as Seals, Fur Seals and Walruses);
 - n) All Squamata (e.g. lizards and snakes) except:
 - a) non-venomous snakes where neither the female nor the male of species exceeds or will exceed 3 metres in length from nose to tip of tail before or at maturity; and
 - b) non-venomous lizards (not including Iguana) where neither the female nor the male of the species exceeds or will exceed 2 metres in length from nose to tip of tail before or at maturity;
 - o) All Families of Venomous Snakes, even if de venomized;
 - p) All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls) unless authorized by the Ministry of Natural Resources;
 - q) All Birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M.-7 and regulations thereto; and all animals the keeping of which is prohibited in the Fish & Wildlife Conservation Act, 1997 and regulations thereto;
 - r) All Edentates (such as Anteaters, Sloths and Armadillos);
 - s) All Chiroptera (such as Bats, Myotis and Flying Foxes);
 - t) All Crocodylians (such as Alligators, Gavials, Caymans and Crocodiles);
 - u) All Families of Venomous Spiders, except Tarantulas;
 - v) All Sciuridae (such as Flying Squirrels and Red Squirrels);

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- w) All Struthioniformes (e.g. ostriches, rheas, cassowaries, emus and kiwis), except ostriches, emus or kiwis if located on rural or agricultural premises zoned under a County zoning by-law permitting such a use.
 - x) All Artiodactyla (such as Antelopes, Giraffes and Hippopotamuses), but not including domestic Sheep, Cattle, Pigs, Pot-bellied Pigs or Goats;
 - y) All Hyracoidea (such as all Hyrax);
 - z) All Pholidota (such as all Pangolin);
 - aa) All Dermoptera (all Lemurs);
 - bb) All Lagomorpha (such as Hares and Pikas), except domestic Rabbits;
 - cc) All Rodentia (e.g. porcupines, prairie dogs, nutria and chinchillas) except Rodentia:
 - a) where neither the female nor the male of the species exceeds or will exceed 1,500 grams in weight before or at maturity; and
 - b) that are derived from a self sustaining captive population;
 - dd) All other Venomous or Poisonous Animals except *Grammostola rosea* (Chilean Rose), *Brachypelma smithi* (Mexican Red-Knee) and *Avicularia avicularia* (Pink-Toe) Tarantulas.
7. Examples of *animals* of a particular prohibited group in Section 6 above which are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.
8. Notwithstanding section 6 above, no person shall keep a prohibited animal within the municipal boundaries of Haldimand County except in the following places or circumstances:
- a) in a veterinary hospital under the care of a licensed veterinarian,
 - b) in a public *pound*; or
 - c) by an Animal Control service of or contracted by Haldimand County, or
 - d) in an escape-proof enclosure, the case of any non-venomous snakes, non-venomous lizards, insect, spider or squamata permitted under this by-law; or
 - e) *when kept* on any one (1) *premise* owned or occupied by them not more than five (5) non-venomous snakes, non-venomous lizards or spiders in a *residential area*.
 - f) in a suitable enclosure, the case of any lagomorph, marsupial or rodent permitted under this by-law; or
 - g) a provincially authorized wildlife custodian may keep an animal prohibited under this by-law in accordance with the authorization.
 - h) nothing in this section shall restrict an *owner* from keeping more than the maximum number of *snakes, lizards or spiders* until the *snakes, lizards or spiders* have died or are otherwise disposed of and the numbers of *snakes, lizards or spiders* have reduced to the point where the *owner* comes into compliance with this section, provided that the *owner*:
 - i) has kept the *snakes, lizards or spiders* on the *premise* in a *residential area* owned or occupied by them on or before August 9, 2010.
9. Any *person* who, on the date of the passage of this by-law was lawfully keeping a prohibited animal at their place of residence or as part of their business allowing that animal to be shown or displayed, may keep that animal until the animal has died or has otherwise been disposed of, but only if:
- a) the animal has been registered with the poundkeeper by December 31, 2013;
 - b) the animal remains securely at the owners place of residence, except for necessary visits to the veterinarian's office;
 - c) the animal is not shown to, or displayed to the public at their place of residence;

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- d) the animal is prohibited from breeding with other animals;
 - e) the animal is kept in accordance with the animal care provisions of this by-law;
10. Where a prohibited *animal* is seized or *impounded* under authorization of Haldimand County, the *owner* shall pay to the *County* any and all fees, costs and charges involving the capture, care, transportation, disposal of, veterinarian services of the *animal* seized or *impounded*, in addition to all other fees and charges payable under this by-law.

PART V – Protective Care

11. The Poundkeeper is authorized, after making all reasonable attempts to contact the owner of an animal or any known representative of the owner of an animal, to, and may temporarily, receive and *impound* for the purposes of *protective care, animals* pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the *poundkeeper* deems appropriate and shall:
- a) receive and *impound* an *animal* that is being surrendered by the *owner* as a result of the *owner* not being able to supply the animal with food, care or treatment to relieve the *animal's* distress or the *keeping* of an *animal* that is contrary to this By-law;
 - b) temporarily keep such *animals* for a maximum of five (5) days;
 - c) charge the *owner* the current fees set out in the User Fees and Service Charges By-law and all costs for required veterinary medical care, when the *animals* are *impounded*; and
 - d) at the end of the five (5) day *protective care* period, unless other arrangements are agreed to between the *owner* and the *County*, treat such *animals* pursuant to the User Fees and Service Charges By-law as day-one (1) *impounded animals*.
12. Where an *animal* is surrendered by its *owner* in accordance with Section 11(a) the *animal* may be sold forthwith or disposed of or destroyed in a humane manner.

PART VI – Animal Care

13. Every *owner* who *keeps* an *animal* in the *County* shall provide the *animal* or cause it to be provided with such food, water, exercise, appropriate shelter and veterinary care as may be required from time to time to keep the *animal* in good health.
14. Every *owner* who keeps an *animal* in the *County* shall ensure that the *animal* is provided with a clean and sanitary environment conducive to good health. Conditions may be considered unsanitary, but not limited to, where the *keeping* of an *animal* results in an accumulation of fecal matter, an excessive odour, insect infestation or rodent attractants which may endanger the health of the *animal* or any *person*, or which may disturb or is likely to disturb the enjoyment, comfort or convenience of any *person* in or about any dwelling, office, hospital or commercial establishment.
15. Every *owner* who keeps an *animal* shall ensure that waste material and excrement is handled and disposed of in a sanitary manner.

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16. Every *owner* who keeps an *animal* shall remove waste material and excrement as follows:
 - a) not less often than weekly during the period from November 1st of one (1) year and March 31st of the following year and not less often than every three (3) days during the remainder of the year;
17. Sections 15 and 16 do not apply to an *owner* storing, removing or disposing of excrement in accordance with Regulation 267/03 of the Nutrient Management Act, 2002.
18. No *owner* shall keep an *animal tethered* on a chain, rope or similar device of less than three (3) metres or ten (9'10") feet in length.
19. Section 20 of this by-law does not apply to the *tethering* of birds.
20. Every *owner* who has *tethered* an *animal* shall ensure, at all times, that the *animal* has unrestricted movement within the range of the *tether*, and that the *animal* cannot suffer injury resulting from the *tethering*.
21. No *owner* shall cause an *animal* to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the *animal's* neck.
22. No *owner* shall cause an *animal* to be hitched, tied or fastened to a fixed object as the primary means of confinement under circumstances that can be reasonably deemed to be inhumane.
23. No *owner* shall cause an *animal* to be confined in an enclosed space, including a car, without adequate ventilation.
24. No *owner* shall transport an *animal* outside the passenger compartment of a vehicle unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.
25. Every *owner* of a *dog* or *cat* sixteen (16) weeks of age or over shall ensure that the *dog* or *cat* is duly immunized against rabies and that the immunization is current as determined by a qualified veterinarian.
26. No *person* shall use, set or maintain a leg hold trap, a killing trap or a snare unless licensed to do so by the Ministry of Natural Resources.

PART VII – Kennel Care

27. In addition to the requirements of Part VI – Animal Care, the owner of every *kennel* for *dogs* shall ensure that:
 - b) all *dogs* are adequately fenced or caged to prevent their *running-at-large*;
 - c) no *dog* is kept in a cage of inadequate size;
 - d) all *dogs* are fed and watered regularly and kept in a clean, healthy condition free from vermin and disease;
 - e) all droppings, soiled beddings and the like from which odour might arise are removed not less often than weekly during the period from November 1st of one (1) year and March 31st of the following year and daily during the remainder of the year;

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- f) the *kennel* does not, considering the proximity to a residentially used property, become a nuisance by reason of odour, noise from barking or otherwise, and
 - g) the perimeter of the dog run shall be enclosed by a fence, having a minimum height of 2 meters, and shall be of closed board construction so as to act as a visual barrier or other natural visual barrier or construction approved by the poundkeeper around the dog run or of closed construction if the dog run has or may become a nuisance by reason of noise from barking or otherwise. The fence of a dog run of a *licensed kennel owner* existing before this by-law came into effect complies with his section, provided that the dog run does not become a nuisance as indicated within this subsection.
28. Every *owner* who holds a *kennel licence* or the operator of a *kennel* shall not admit a *dog* into the *kennel* unless it is immunized as recommended by the College of Veterinarians of Ontario or the Ontario Veterinary College. If a veterinarian confirms that a *kennel* has an outbreak of distemper, hepatitis, rabies, parvo virus, or any infectious or contagious disease, the *kennel* may be closed forthwith and the *licence* suspended by a *Municipal Law Enforcement Officer*, the *poundkeeper*, Public Health Inspector or such other *person* as may be appointed by *Council* and/or a Police Officer. The *kennel* may reopen and have its *licence* reinstated by *Council* upon a written report from the veterinarian that danger of disease is past.

PART VIII – Kennel Prerequisites

29. A *kennel licence* as required in Section 35 shall not be issued to an *owner* unless the location of the *kennel* is in accordance with and conforms to the provisions of the applicable *County Zoning By-laws*.
30. No *person* being the *owner* of a *kennel* shall construct, erect or maintain a *kennel*, except in accordance with all other applicable by-laws of the County,
31. Every *owner* of a *kennel* shall maintain a log of all *dogs* contained on the *premises* or when a dog is boarded or kept on the *premises*, the *owners* name and address. Such log shall be available for review during an inspection.
32. Every *owner* of a *kennel* shall permit a *Municipal Law Enforcement Officer*, any other party contracted by the *County* to provide *animal* control services, the Chief Building Official, or his/her designate under the Building Code Act, or such other *person* as may be appointed by *Council* and/or Police Officer to enter and inspect the *Kennel* at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this by-law. Where a *kennel* deviates from the minimum standards established within this by-law or established within the *County's* Property Standards By-law or other applicable law, the Manager, Building Controls & By-law Enforcement shall be at liberty to revoke the *kennel licence* herein granted until such time as the Manager, Building Controls & By-law Enforcement is satisfied that the *kennel* has come into compliance with the provisions of this section. The *owner* of the *kennel* shall have a right to appeal to *Council* the revocation in this regard.

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PART IX – Licensing

Licensing of Dogs and Kennels

33. Every *owner* of a *dog* (16) weeks of age and older or dangerous dog shall obtain a current, valid *licence* for the *dog* within ten (10) days following the date a *dog* comes into his or her possession by making an application in the form provided by the *poundkeeper*.
34. Every owner of a *kennel* shall obtain and maintain a current, valid *licence* in order to operate a *kennel* in the *County* by making an application in the form provided by the *poundkeeper*.
35. The *owner* of a *dog* or an owner of a *kennel* applying for a *licence* shall submit to the *poundkeeper* a properly completed application together with the applicable *licence fee*. The application shall include the following, as applicable:
- a) the name, address and telephone number of the *owner*;
 - b) the name, breed, colour and sex of the *dog*;
 - c) the address of the *premises* where the *dog* is to be kept in the *County*;
 - d) the date of the *dogs* most recent rabies vaccination indicating that the immunization is current as determined by a qualified veterinarian;
 - e) proof that the *dog* has been *neutered* or *spayed*;
 - f) if applicable, the details of the *dog's microchip* identification;
 - g) if the *dog* is a pit bull, proof satisfactory to the *poundkeeper* that it is a restricted pit bull;
 - h) whether the *dog* is *attack trained* or for a security service;
 - i) the names, addresses and telephone numbers of no more than three (3) alternate persons who may be contacted in the case of the dog being impounded;
 - j) whether the *dog* is dangerous;
 - k) whether the *dog* is within a *kennel*;
 - l) if the application is for a *kennel*, the maximum number of dogs at the kennel, excluding those *dogs* sixteen (16) weeks of age or under;
 - m) if the application is for a new *kennel*, a detailed drawing of the *premises* showing the location of the *kennel* in relation to the *dwelling unit*, neighbouring dwelling, dog runs, fencing, and other buildings on the *premises*;
 - n) written permission from the registered *owner* of the lands where the *kennel* is located, if the applicant is not the *owner* of the lands, confirming that such registered *owner* permits the *kennel* use;
 - o) such additional information as may be required by the *Poundkeeper*; and
 - p) the applicable fee as set out in the User Fees and Service Charges By-law.
36. Every *owner* of a *dog* sixteen (16) weeks of age or over shall ensure that the *dog* is duly immunized against rabies and that the immunization is current as determined by the *owner's* veterinarian who is a registered member of the Ontario Veterinary Association.
37. The *poundkeeper* shall not issue a *license* to an *owner* unless a valid and current rabies certificate from a veterinary surgeon registered as a member of the Ontario Veterinary Association under the Veterinarians Act is produced when a *license* is purchased. Prescribed times, as set out by such authority shall be considered from the date a certificate is issued by the veterinary surgeon or unless proof of a valid and current rabies immunization is provided in the form of a sworn declaration by the owner.

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38. Failure to produce or provide a rabies certificate or sworn declaration shall constitute an offence under the provisions of this by-law and in addition to any other penalty or remedial action provided herein, the *poundkeeper* shall report the failure to provide such a certificate forthwith to the Health Authority responsible for that area.
39. Upon payment of the *licence fee* as set out in the User Fees and Service Charges By-law and satisfaction of any other applicable requirements under this by-law, an *identification tag* or *kennel licence* shall be provided, which is valid for the calendar year in which the tag was issued.
40. An application for a *licence* for a prohibited pit bull shall not be processed and shall be returned to the applicant.
41. Despite Section 33 and 34, no *licence* shall be required under this by-law for:
- a) a *dog* which has not been weaned and which is under the age of sixteen (16) weeks; or
 - b) a *dog* which is temporarily kept at a *kennel*, if the *dog*, when not being kept at the *kennel*, is kept at *premises* located outside of the *County*.
42. Every *owner* of a *dog* shall notify the *Poundkeeper* within ten (10) days and every *owner* of a dangerous *dog* shall notify the *Poundkeeper* immediately, of any change in:
- a) the name, address or telephone number of the owner of the *dog*,
 - b) the address of the *premises* where the *dog is being kept by a new owner*, or
 - c) the ownership of the *dog*.
43. The *poundkeeper* may revoke any *licence* issued in error.
44. No *licence* issued to any *owner* under this by-law is transferable.
45. A *licence* issued under this by-law shall expire on December 31st of each year.

Licence Fee

46. The *poundkeeper* shall ensure that annual *licenses* for any year shall be available to the public as of November 1st of the previous year, and, every *owner* shall procure the required *licence* on or before January 1st of the year to which the *licence* relates.
47. No *licence* issued under this by-law shall be valid unless the applicable *licence fee* has been paid in full as follows:
- a) Any *person* who acquires a *dog* after November 1st in any year need only procure a *licence* for each subsequent year, as set out in the User Fees and Service Charges By-law.
 - b) Where an *owner* has acquired a *dog* after January 1st and prior to November 1st, he/she shall pay the applicable fee for *licenses* purchased prior to January 1st, as set out in the User Fees and Service Charges By-law.
48. Every *dog* and *kennel licence* issued by the *poundkeeper* shall expire on December 31st of the year for which it is issued and shall be renewable yearly.
49. Every *owner* of a licensed *dog* or *kennel* shall ensure that they renew the *licence* before it expires, on December 31st of each year.

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50. In the event the *owner* of a licensed *dog* fails to renew the *licence* before it expires, the *owner* shall pay, in addition to the applicable *licence fee*, the applicable late payment fee as set out in the User Fees and Service Charges By-law.
51. Every *owner* of a *licensed dog* by way of payment of the *licence fee* to renew the *licence*, acknowledges that the information provided on the original application has not changed.
52. Despite any other provision under this by-law, no *owner*, upon providing proof satisfactory to the *poundkeeper*, shall pay a fee for a *licence* issued for a *dog* that is:
 - a) a police animal, or
 - b) a *service animal*.

Identification Tag

53. Where a *dog* or *kennel licence* is issued under this by-law, the *owner* of the *dog* shall be given a *kennel licence* number and an *identification tag* for each *dog*.
54. Upon providing the *poundkeeper* with satisfactory evidence that a *dog* is being used as a police animal or *service animal*, an *identification tag* may be issued to the *owner* at no charge.
55. *Identification tags* shall be sequentially numbered and shall state the year for which they are issued. The *poundkeeper* shall keep a record of each *identification tag* issued, and such record shall contain the name, address and telephone number of the *owner* of the *dog*, other pertinent information regarding the *dog*, and the serial number of the *identification tag* issued.
56. Every *owner* shall ensure that the *identification tag* corresponding to the *licence* issued for their *dog* is attached to the *dog* at all times. The above does not apply to an owner of a dog where such dog is actively participating in a sanctioned dog show, provided that the dog can be identified by another means such as a tattoo or microchip and such identification has been supplied to the *Poundkeeper*.
57. Where a *dog* has been identified, an application is received and a *license* has been issued for a *dangerous dog* or *attack dog*, in addition to the *identification tag* issued in Section 55 the *poundkeeper* shall provide the *owner* with an *identification tag* of a distinct colour differentiating them from other *dogs*.
58. In addition to Section 56, every *owner* shall ensure that the *identification tag* of a distinct colour noted in Section 57 is attached to the *dog* at all times.
59. Despite Section 56 and 58, the *identification tag* may be removed while the *dog* is being lawfully used for *hunting* in the bush. Where a *dog* is being lawfully used for *hunting* in the bush and its *identification tag* has been removed, the individual in *control* of the *dog* must have the *identification tag* on his or her *person* at all times.
60. No *person* shall attach an *identification tag* to a *dog* for which the corresponding *licence* was not issued.
61. Every *owner* of a *dog* shall ensure that a lost, damaged or destroyed *identification tag* is replaced immediately.

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62. The *owner* of a *dog* applying for a replacement *identification tag* shall submit to the *poundkeeper* a properly completed application together with the applicable fee. The application shall include proof satisfactory to the *poundkeeper* that a current, valid *licence* has been issued for the *dog*.
63. Upon the death of a licensed *dog*, the *owner* can transfer the *identification tag* to a new *dog* at no charge, but must make an application for the new *dog* at the office of the *poundkeeper*.
64. *Identification tags* issued by another municipality are not recognized by the *County*, and as such cannot be transferred to the *County*.

PART X – Number of Animals**Dog(s) and Cat(s) – Residential Area**

65. No *owner* shall *keep* or permit to be *kept* on any one (1) *premise* owned or occupied by them more than three (3) *dogs* in a *residential area*.
66. No *owner* shall *keep* or permit to be *kept* on any one (1) *premise* owned or occupied by them more than six (6) *cats* in a *residential area*.
67. For the purposes of Section 65 and 66, an *owner* shall be deemed to be keeping more than three (3) *dogs* or six (6) *cats* in a *residential area* if more than three (3) *dogs* or six (6) *cats*, are kept at any one (1) *premise*, regardless of the ownership of the *dogs* and *cats*.
68. Notwithstanding Section 65 and 66, any *owner* may:
- a) keep a fourth (4th) *dog* where such *dog* is part of a Foster Program or *Service Animal* operated by or registered with the O.S.P.C.A. or Humane Society.
 - b) keep an additional three (3) *cats* provided that:
 - (i) the *owner* is a member of a recognized cat rescue organization, and
 - (ii) all *cats* are kept inside a separate detached dwelling unit at all times, and
 - (iii) the *owner* permits the inspection of the inside of the separate detached dwelling unit by the *Poundkeeper*, an *Animal Control Officer*, or *Municipal Law Enforcement Officer* for the purposes of ensuring the good health and care of the *cats*.

Dog(s) and Cat(s) – All Other Areas

69. On all *premises*, other than those *premises* provided for in Section 65 or those *premises* of a licensed kennel, no *owner* shall *keep* or permit to be *kept* on any one (1) *premise* owned or occupied by them more than five (5) *dogs*.
70. For the purposes of Section 69, an *owner* shall be deemed to be keeping more than five (5) *dogs* at any one *premise*, regardless of the ownership of the *dog(s)*.

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71. Nothing in this section shall restrict an *owner* from keeping more than the maximum number of *dog(s)* or *cat(s)* until the *dog(s)* or *cat(s)* have died or are otherwise disposed of and the numbers of *dog(s)* or *cat(s)* have reduced to the point where the *owner* comes into compliance with this section, provided that the *owner*:
- a) has kept the *dog(s)* on the *premise* in a *residential* area owned or occupied by them on or before January 1, 2002; or
 - b) who is effected by section 69, has kept the *dog(s)* on the *premise* owned or occupied by them on the day prior to this by-law coming into effect; or
 - c) has kept the *cat(s)* on the *premise* owned or occupied by them on the day prior to this by-law coming into effect, and
 - d) can provide proof of ownership in the form of a *licence* or proof to the satisfaction of the *poundkeeper*, and
 - e) does not replace a *dog* or *cat* after it has died or otherwise been disposed of.
72. Section 65 and Section 69 of this by-law do not apply to businesses that are lawfully operating within the County under federal and/or provincial authority, and/or are operating in accordance with all other applicable laws and regulations, or businesses carrying on as *kennel*, pet grooming and/or *pet shop*, subject to all requirements of law and subject to the requirements of the Zoning By-law.
73. Notwithstanding Section 69, any *owner* keeping five (5) *dogs* may keep a sixth (6th) *dog* where such *dog* is part of a Foster Program or *Service Animal* operated by or registered with the Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.) or Humane Society.

PART XI – Cats

74. Every *owner* of a *cat* in a *residential* area shall ensure his/her *cat* is identified by either:
- a) a collar on which the *owner's* name and address is permanently inscribed;
 - b) a *microchip*;
 - c) a tattoo.
75. Every *owner* of a *cat* sixteen (16) weeks of age or over shall ensure that the *cat* is duly immunized against rabies and that the immunization is current.
76. No *person* shall feed, house, provide shelter or care for a feral *cat* on *premises* owned, rented or under the control of the *County*, including any *County* road allowance.

PART XII – Animal Noise

77. No *owner* shall permit or allow the persistent barking, calling, whining or other similar persistent sound made by any domestic pet or any other *animal* kept or used for any purpose other than agriculture which sound(s) is clearly audible at a *point of reception*.

PART XIII – Farm Animals

78. Nothing in this by-law shall prohibit a *person* from keeping *domestic farm animals* providing that it is done so in compliance with the applicable Haldimand County Zoning By-laws.

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PART XIV – Dog & Cat Feces

79. Every *owner* of a *dog* or *cat* shall immediately remove and dispose of any feces left by the *dog* or *cat* on any *premises* except *premises* owned or occupied by the *owner*.
80. Every *owner* of an *dog* or *cat* shall, remove and dispose of any feces left by the *dog* or *cat* on *premises* owned or occupied by the *owner*:
- a) not less often than every 3 days, or
 - b) for the period from November 1st of one year and March 31st of the following year, weekly or as weather permits.
81. Section 80 does not apply to a Pound, Ontario Society for the Prevention of Cruelty to Animals or a Humane Society or their affiliated agencies.

PART XV – Animals Running-at-Large

82. No *owner* shall allow, permit or cause any *animal* to *run-at-large* in the *County*.
83. Any *animal* that is found *running-at-large* may be captured and *impounded* by a *Municipal Law Enforcement Officer*, *Animal Control Officer*, or any *person* acting under his/her authority.
84. Any *animal* captured *running-at-large* shall be delivered to the *Poundkeeper*, an *Animal Control Officer*, or *Municipal Law Enforcement Officer* for *impounding*.
85. Where an *animal* is injured or diseased before or after being taken into custody such that in the opinion of the *poundkeeper*, the *Animal Control Officer* or *Municipal Law Enforcement Officer* it should be destroyed without delay for humane reasons or for reasons of safety to *persons* or *animals*, the *poundkeeper*, the *Animal Control Officer* or *Municipal Law Enforcement Officer* may destroy the *animal* in a humane manner without giving notice to the *owner* or permitting any *person* to reclaim the *animal* or offering it for sale.
86. Where an *animal* is captured or *impounded* by a *Municipal Law Enforcement Officer* or the *Animal Control Officer*, the *poundkeeper*, the *Animal Control Officer* or *Municipal Law Enforcement Officer* may seek the services of a veterinarian as may be required.

PART XVI – Dogs on County Parkland

87. No *owner* of a *dog* shall have a *dog* on *parkland*, or any part thereof, that is designated by sign as an area where *dogs* are prohibited.

PART XVII – Impounded Animals

88. Where an *Animal Control Officer*, *Municipal Law Enforcement Officer*, *Police Officer* or any *person* acting under his/her authority captures or *impounds* an *animal running-at-large* the *Animal Control Officer* may in his/her discretion:
- a) deliver the *animal* to the *poundkeeper*;
 - b) release the *animal* to its *owner*; or
 - c) if the *animal* is diseased or injured, destroy the *animal*.

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89. The *poundkeeper* shall keep a record of every *animal impounded*, including:
- a) the date it was *impounded*,
 - b) a description of the *animal*,
 - c) if applicable, the particulars of the *identification tag* for the *animal*,
 - d) the date of disposition, and
 - e) the disposition made with respect to the *animal*.
90. Where an *animal* is *impounded* for *running-at-large*, the *owner* of the *animal* shall pay to the *poundkeeper* reimbursement of its expenses with respect to the *animal* including:
- a) the redemption fees for the *animal* being at large and *impounded*, fixed at the amount listed in the User Fees and Service Charges By-law.
 - b) any additional costs incurred by the *County* as a result of *impounding* an *animal* that required the *County* to contract the services of a specialized *animal* handler,
 - c) any veterinarian fees or charges incurred with respect to the *animal*, and
 - d) costs incurred under Section 96 for having the *animal* *spayed*, *neutered* or implanted with a *microchip*.
91. No *owner* shall retrieve an *impounded animal* from the *poundkeeper* without payment of the expenses in full referred to in Section 90.
92. Every *owner* shall retrieve the *impounded animal* from the *poundkeeper* within ninety-six (96) hours or four (4) days of the day on which the *animal* was *impounded*, excluding the day of *impounding* and any statutory holidays.
93. Where a dog is claimed from the *poundkeeper*, an *owner* shall:
- a) provide proof of current *licence*, or
 - b) obtain a current *licence* before the *dog* is released, and
 - c) pay the applicable *impound* fees prescribed for in the User Fees and Service Charges By-law and any other damages, fines and expenses according to law.
94. Where an *animal* is not claimed by its *owner* in accordance with Section 92 the *animal* may be sold forthwith or disposed of or destroyed in a humane manner.
95. Notwithstanding Sections 92 and 94, where an *animal* bears identification, *microchip* or *identification tag* in accordance with this by-law, the *poundkeeper* shall make at least one attempt to contact the *owner* in accordance with the information provided prior to selling or otherwise disposing of the *animal*.
96. Upon becoming entitled to sell or dispose of an *animal*, the *poundkeeper* may, in its discretion, arrange to have the *animal* *spayed* or *neutered* and/or identified by means of a *microchip* and the cost of these services shall be added to the costs recoverable from the *owner* pursuant to Section 90(d).
97. The *owner* of a *dog* that has been *impounded* may, upon application to the *poundkeeper*, claim the *dog* before the *poundkeeper* is entitled to dispose of the *dog*, according to the provisions of this by-law.
98. 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 *poundkeeper* will 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

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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*.

99. An *impounded animal* not wearing an *identification tag* for the current year may be given an inoculation, as recommended by a Veterinarian, to provide temporary immunization against common diseases.
100. Where the *poundkeeper* is entitled to sell or dispose of an *animal* and receives proceeds for the disposition, the proceeds of disposition shall be applied as follows:
- a) to the costs of *impounding*, fixed at the amount listed in the User Fees and Service Charges By-law;
 - b) veterinarian fees incurred with respect to the *animal*;
 - c) costs incurred under Section 97 for having the *animal* *spayed*, *neutered* or implanted with a *microchip*;
 - d) the costs of any damage caused by the *animal* in trespassing or being at large on the property of someone other than the *owner*; and
 - e) the residue, if any, to the *owner* if known, otherwise to the Treasurer of the *County* to be added to the general revenue of the *County*.
101. Where any *animal* has or it is alleged that the *animal* has bitten, the *animal* may be *impounded* by a *Municipal Law Enforcement Officer*, *Animal Control Officer*, or any person acting under his/her authority for the purpose of quarantine.
102. The *owner* of any *animal* that is *impounded* by the *Poundkeeper*, *Animal Control Officer* or *Municipal Law Enforcement Officer* for the purpose of quarantine as a result of an *animal* bite shall pay the fees of the amount set forth in the User Fees and Service Charges By-law.
103. Where an *animal* has or it is alleged that the *animal* has bitten, the *poundkeeper* may release the *animal* to the *owner* should the *poundkeeper* be satisfied that the *owner* is capable of and will:
- a) take steps to quarantine the *animal*, and/or
 - b) ensure that the *animal* will be properly contained so as not to be found *running-at-large*, and/or
 - c) *muzzle* the *animal*,
 - d) take any additional steps as required by this by-law or the *poundkeeper*.

PART XVIII – Biting Dog

104. No *owner* shall permit or allow his or her *dog* to bite or attack a *person* or *domestic animal*.
105. Every *owner* shall comply with an order issued under Section 106.
106. Where the *poundkeeper*, *Animal Control Officer* or *Municipal Law Enforcement Officer* has reason to believe that a *dog* has bitten or attacked a *person* or *domestic animal*, the *poundkeeper*, *Animal Control Officer* or *Municipal Law Enforcement Officer* may issue and serve an Order upon the *owner*, requiring the *owner* to:
- a) *Leash* and *muzzle* the *dog* at all times when off the *owner's premises*. The *leash* shall not exceed one (1) meter in length and the *muzzle* will not cause injury to the *dog* or interfere with its vision or respiration; and/or

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- b) At all times while the *dog* is on the *owner's premises* owned or controlled by such *person*, keep the *dog* securely confined either indoors or in an enclosed pen or other structure of minimum size of two (2) metres by four (4) metres capable of preventing the entry of children and other *animals* and adequately constructed to prevent the *dog* from escaping; and/or
- c) Allow a *poundkeeper, Animal Control Officer, Municipal Law Enforcement Officer* or *Police Officer* to inspect the pen required in Subsection 106(b) or other structure or to make whatever inquiry is deemed necessary to ensure compliance with this notice.
- d) Conspicuously display a sign on the property where the *dog* is kept that states there is a *dangerous dog* on the property; and/or
- e) Confine the *dog* so to allow lawful entry onto the *premises* of the *dog owner* without the fear of attack by the *dog*; and/or
- f) Further restrain the *dog* by whatever means is deemed appropriate and reasonable by the *Animal Control Officer*.

107. Upon service of the *Muzzle Order* referred to in Section 106 to this by-law, the *owner* shall immediately *muzzle* the *dog* in accordance with the *Muzzle Order*.

108. The *Muzzle Order* referred to in Section 106 shall include:

- a) a statement that the *poundkeeper, Animal Control Officer, Municipal Law Enforcement Officer* or *Police Officer* has reason to believe that the *owner's dog* has bitten or attacked a *person* or domestic *animal*;
- b) a requirement that the *owner muzzle* the *dog*;
- c) a statement that the *owner* may request and is entitled to appeal the order of the *Poundkeeper, Animal Control Officer, Municipal Law Enforcement Officer* or *Police Officer* to *muzzle* the *dog* to the *Appeal Committee*;
- d) the deadline for filing any such appeal; and
- e) the fee required to be paid to appeal the order in accordance with the User Fees and Service Charges By-law.

109. An *Owner* may appeal the *Muzzle Order* of the *poundkeeper, Animal Control Officer* or *Municipal Law Enforcement Officer* or as otherwise required by the by-law to the *Appeal Committee*. A request by the *Owner* for an appeal hearing shall be made in writing and delivered to the County Clerk within fifteen (15) days of service of the *Muzzle Order* referred to in Section 107. A *Muzzle Order* that is not appealed within fifteen (15) days shall be deemed to be confirmed.

110. The *Appeal Committee* shall, if requested by the *owner* in accordance with Section 109, Section 129 or Section 146, of this By-law, hold an appeal hearing to determine whether the *owner* should be issued a *licence*, whether the *dog* has bitten or attacked a *person* or a domestic *animal* and whether or not such *dog* shall be exempted from the *Muzzle Order*, the *Muzzle Order* shall be modified in some manner, and/or conditions be imposed in addition to the *Muzzle Order*.

111. At least seven (7) days prior to holding the hearing referred to in Section 110, the *Appeal Committee* shall cause a notice of hearing to be served on the *owner* who has requested the hearing.

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112. The notice of hearing shall include:

- a) a statement of the facts which lead the poundkeeper, Animal Control Officer, *Municipal Law Enforcement Officer* or Police Officer to believe that the *owner's dog* has bitten or attacked a *person* or *animal*, along with a copy of any evidence;
- b) a statement of the facts which lead the *poundkeeper* to refuse to issue, suspend or revoke a *license*;
- c) a statement setting out the time and place at which the *Appeal Committee* will hold the appeal hearing; and
- d) a statement that if the *owner* does not attend the hearing, the *Appeal Committee* will proceed with the hearing in the absence of the *owner* and the *owner* will not be entitled to any further notice of the proceedings.

113. Notwithstanding that an *owner* has appealed the *Muzzle Order*; this does not stay the order requiring the *muzzling* of the *dog*.

114. The *Appeal Committee* shall have regard to the following matters where relevant, as may be raised at a hearing:

- a) This by-law, the Dog Owner's Liability Act and any other applicable law;
- b) the *dog's* past and/or present temperament and behaviour;
- c) the seriousness of the injuries caused by the bite(s) or attack;
- d) unusual contributing circumstances or *mitigating factor(s)* tending to justify the *dog's* action;
- e) the likelihood that a similar attack will be repeated;
- f) the *dog's* physical potential for inflicting harm;
- g) precautions taken by the *owner* to preclude similar attacks in the future;
- h) the seriousness of convictions under this by-law; and
- i) the steps taken by the *owner* to comply with the by-law and avoid further violations.

115. At the time and place set forth in the notice referred to in Section 112, the *owner* and any other interested party, including the *poundkeeper*, *Animal Control Officer*, *Municipal Law Enforcement Officer* or Police Officer, shall present any relevant evidence and the *Appeal Committee* shall consider the matters listed in Section 114, and all of the evidence and shall make a decision:

- a) that the *dog* has bitten or attacked a *person* or *animal* or has not bitten or attacked a *person* or *domestic animal*;
- b) to order the *dog* to be *muzzled*;
- c) to modify a *muzzle* order in some manner;
- d) to quash an order to *muzzle* a *dog*; and/or
- e) to impose conditions in addition to any *license* or *muzzle* order, and/or
- f) to deny or suspend a *license*.

116. Notice of the *Appeal Committee's* decision shall be served on the *Owner*, *poundkeeper*, *Animal Control Officer*, *Municipal Law Enforcement Officer* or *Police Officer*, and the decision shall be final and binding on the *owner* and shall supersede that of the *poundkeeper*, *Animal Control Officer*, *Municipal Law Enforcement Officer* or *Police Officer*.

117. Nothing in this by-law, nor any decision of the *Appeal Committee* shall preclude the court or other tribunal of competent jurisdiction from imposing a *Muzzle Order* or other similar Order under any other applicable Regulation. The *Muzzle Order* shall terminate when the court or other tribunal of competent jurisdiction makes a decision respecting the *Muzzle Order*.

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118. The *owner* shall comply with the decision of the *Appeal Committee* or that of the *poundkeeper, Animal Control Officer, Municipal Law Enforcement Officer* or *Police Officer* if not appealed under this by-law.
119. Where a *dog* has been ordered to be *muzzled* under Section 106 or section 124 of this by-law, a record of the *dog's* identification, including the name of the *owner*, will be recorded in a register maintained by the *poundkeeper*.
120. Every person who keeps a dog that requires muzzling pursuant to this by-law shall immediately notify the poundkeeper, Animal Control Officer or Municipal Law Enforcement Officer after he/she has transferred ownership of the *dog* to any other *person* or jurisdiction, or has begun to keep the *dog* at a new location.

PART XIX – Dangerous Dog

121. The *poundkeeper, Manager, Building Controls & By-law Enforcement* or his/her designate, *Animal Control Officer* or *Municipal Law Enforcement Officer* shall have the authority to designate a *dog* as a *dangerous dog*, make whatever inquiry is deemed necessary to determine if a *dog* is a *dangerous dog* and are to take into consideration any *mitigating factor*.
122. Every *person* who owns or *keeps a dangerous dog* shall, pursuant to section 33, procure a *dangerous dog licence* in accordance with the fees set out in the User Fees and Service Charges By-law.
123. Every *person* who owns or *keeps a dangerous dog* shall keep the *dangerous dog* restrained in accordance with the provisions of this by-law.
124. Every *person* who owns or *keeps a dangerous dog* shall ensure that:
- a) such *dog* is *spayed or neutered*;
 - b) at all times when off the *owner's* property the dog shall be *muzzled*;
 - c) at all times when off the *owner's* property, the *dog* shall be on a *leash* not longer than one (1) metre and under the control of a responsible *person* over the age of eighteen (18);
 - d) when such *dog* 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 the escape of the *dangerous dog* and capable of preventing the entry of any *person* not in *control* of the *dog*. Such pen or structure must have minimum dimensions of two (2) metres by four (4) metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimetres deep, (1 foot). The enclosure must also provide protection from the elements for the *dog*. The pen or structure shall not be within one (1) metre of the property line or within three (3) metres of a neighbouring *dwelling unit*. Such *dog* may not be chained as a means of confinement;
 - e) a sign is displayed at each entrance to the property and building in which the *dog* is kept warning in writing, as well as with a symbol, that there is a *dangerous dog* on the property. This sign shall be visible and legible from the nearest road or thoroughfare;

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- f) a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least one (1) million dollars. This policy shall contain a provision requiring the *County* and the *poundkeeper* to be named as an additional insured for the sole purpose of the *County* and the *poundkeeper* to be notified by the insurance company of any cancellation, termination or expiration of the policy;
- g) for the purpose of identifying such *dog* as dangerous, the *owner*, at his/her expense shall have implanted in such *dog* a *microchip* and provide such *microchip* information to the shelter;
- h) the *dog* is confined so as to allow lawful entry onto the *premises* of the *dog owner* without the fear of attack by said *dog*;
- i) if said *dog* is loose, unconfined, attacked, died, sold or given away, the poundkeeper must to be notified immediately and the *poundkeeper* be provided with name, address and telephone number of the new *owner*; and
- j) the *dog* is further *restrained* by whatever means deemed appropriate and reasonable by the *Animal Control Officer* or *Municipal Law Enforcement Officer*.

125. Where a *dangerous dog* or potentially *dangerous dog* is not *restrained* and the *owner* or custodian cannot be readily located, an *Animal Control Officer* or *Municipal Law Enforcement Officer* may, if necessary, remove the *dog* from the property for public safety.

126. If the *owner* of a *dog* that has been designated as dangerous is unwilling or unable to comply with the requirements of section 124, and the owner has surrendered the dog to the *poundkeeper*, the *dog* shall then be humanely euthanized by the *poundkeeper*, or licensed veterinarian, after a ten (10) day holding period.

127. Any *dog* that has been designated as a *dangerous dog* under this by-law may not be offered for adoption.

128. The cost of humanely euthanizing a *dangerous dog* will be at the *owner's* expense.

129. The *owner* of a *dangerous dog* may request a hearing pursuant to Section 110 to the *Appeal Committee* which may exempt the *owner* from *muzzling* as required by this by-law.

130. Any requirement to *muzzle* a *dog* pursuant to this by-law may only be appealed once.

131. No *owner* shall keep a *dangerous dog* in the *County* if the *dangerous dog* has been found *running-at-large* in the *County* or not *restrained* when on the *premises* of the *owner* of the *dangerous dog*, or not *restrained* in accordance with written directives of an *Animal Control Officer*.

PART XX – Enforcement

132. This by-law shall be enforced by the *poundkeeper*, *Animal Control Officers*, *Municipal Law Enforcement Officers* or *Police Officers*.

133. For the purpose of ensuring compliance with this by-law, the *Animal Control Officers*, *Municipal Law Enforcement Officers*, or *Police Officers* may, at all reasonable times, enter upon and inspect any land to determine whether or not the following are being complied with:

- a) this By-law;
- b) a direction or order made under this by-law; or
- c) a prohibition order made under s. 431 of the Municipal Act, 2001.

By-law No. 1396/13

134. *Animal Control Officers, Municipal Law Enforcement Officers or Police Officers* may, for the purposes of the inspection under Section 133:
- 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 in writing or otherwise as required by the officer from any *person* concerning a matter related to the inspection; or
 - 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.
135. Any cost incurred by the *County* in exercising its authority to inspect under Subsection 135(d) including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the owner or occupant of the property where the inspection takes place.
136. An *Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer* may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under Section 438 of the Municipal Act, 2001 where he or she has been prevented or is likely to be prevented from carrying out an inspection under Sections 133 and 134.
137. An *Animal Control Officer, Municipal Law Enforcement Officer, or Police Officer* may make an Order, sent by prepaid regular mail to the last known address, posted on-site or personally delivered to an *owner, person* or occupant requiring the *owner, person* or occupant within the time specified in the Order to:
- a) discontinue the contravening activity, and/or
 - b) do work to correct the contravention.
138. An Order may be served on the *owner* personally by handing it to the *owner*, but where the Order cannot be given or served by reason of the *owner's* absence from the *owner's* property or by reason of evasion of service, the order may be given or served:
- a) by handing 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; or
 - c) by sending it by prepaid registered mail to the *owner* at the address where he/she resides.
139. If an Order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.
140. An Order under Section 137 shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
 - b) the work to be completed; and
 - c) the date(s) by which the work must be complete.

By-law No. 1396/13

141. Where an *owner* contravenes an Order issued under Section 137, the *Animal Control Officers* or *Municipal Law Enforcement Officers* may, without notice to any *owner*, cause the work to correct the contravention to be done at each *owner's* expense. Without limitation, the *Animal Control Officers* or *Municipal Law Enforcement Officers* may retain such *persons* to assist in completing the work as the *poundkeeper*, *Animal Control Officers* or *Municipal Law Enforcement Officers* determine appropriate.
142. Upon completion of the work to correct the contravention by or on behalf of the *County*, the *County* shall have a lien on the land for the amount spent on the work to correct the contravention and the amount shall be deemed to be municipal property taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal property taxes as provided for by statute.
143. Each *owner* is jointly and severally liable to the *County* for all costs incurred in any way related to work done to correct the contravention for the purpose of Section 141 including, without limitation, interest as per *County* policy.

PART XXI – License Appeal

144. The *poundkeeper* may refuse to issue a *licence* to an *owner* under this by-law, or may suspend or revoke a *licence* already issued, if the licensee has:
- a) two (2) or more convictions under this by-law within the preceding twelve (12) months, or
 - b) the licensing issuer has reasonable concerns that the licensing will not comply with the provisions of this by-law, or
 - c) the licensee or applicant refuses to permit an inspection of the *kennel*, or
 - d) had a veterinarian confirm an outbreak of any diseases in the *kennel* that would require a quarantine of the *dogs* from other *dogs* or people.
145. Where the *poundkeeper* refuses to grant a *licence*, suspends or revokes a *licence* under this by-law, the applicant or *owner* may appeal this decision to the *Council* of the Corporation by filing with the County Clerk, an appeal in writing, of the said decision within fifteen (15) days of being notified of the decision of the Issuer of Licenses.
146. A request by the *owner* for an appeal hearing and the hearing shall be in accordance with Section 110.

PART XXII – Obstruction

147. No *person* shall hinder or obstruct, or attempt to hinder or obstruct a *poundkeeper*, *Animal Control Officer*, *Municipal Law Enforcement Officer* or Police Officer in carrying out his or her duties as described under this by-law.

By-law No. 1396/13

PART XXIII – Penalty

148. Each *person* who contravenes any provision of this by-law is guilty of an offence.
149. a) Every person who contravenes any of the provisions of this by-law, and if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
- (i) On a first conviction to a fine of not more than \$25,000; and
 - (ii) On a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- b) Despite subsection 149 a), if the person is a corporation, the maximum penalty that may be imposed is,
- (i) On a first conviction a fine of not more than \$50,000; and
 - (ii) On a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

PART XXIV – Exemptions

150. This by-law shall not apply to an animal hospital, a clinic or a *kennel* which is lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.
151. This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.
152. This by-law shall not apply to a *pound*.
153. The requirement for *dog licensing* within this by-law, shall not apply to *pet shops*.
154. The requirement for *dog licensing*, within this by-law, shall not apply to *dogs* maintained in a zoo, fair, exhibition, *dog show* or circus operated or *licensed* by a municipal or other government authority where such *dogs* are *licensed* elsewhere.
155. The requirement for *dog licensing* fees within this by-law, shall not apply to police service *dogs* or other specially trained *dogs* used for investigative purposes while under the Ownership of any police service or other federal, provincial or municipal agency.
156. The requirement for *dog licensing* within this by-law, shall not apply to *dogs* maintained at a research facility registered under the Animals for Research Act.

PART XXV – Severability

157. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an Order to the contrary.

By-law No. 1396/13

PART XXVI – Repeal of Existing By-laws

158. By-laws 163/01, 261/02 and 691/06 are hereby repealed.

READ a first and second time this 23rd day of September, 2013.

READ a third time and finally passed this 23rd day of September, 2013.

MAYOR

CLERK