

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

ANIMAL CARE AND CONTROL BY-LAW 60-09

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**CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC
ANIMAL CARE AND CONTROL BY-LAW 60-09**

WHEREAS sections 9 to 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter referred to as "*Municipal Act*"), confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

AND WHEREAS section 9(3)(b) of the *Municipal Act* confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS section 103 of the *Municipal Act* confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS section 105 of the *Municipal Act* requires Council or a Committee of Council of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS section 391 of the *Municipal Act* enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 396 of the *Municipal Act* provides that a by-law passed under section 391 may provide for fees and charges that vary on any basis the municipality considers appropriate and specifies in the by-law, and for different classes of persons and deal with each class in a different way;

AND WHEREAS the Council of the Corporation of the Municipality of Strathroy-Caradoc at its Meeting October 19, 2009 decided to eliminate dog license fees and incorporate the cost of animal care and control in the general tax rate;

AND WHEREAS the *Dog Owner's Liability Act, 1990*, as amended, including amendments made by the *Public Safety Related to Dogs Statute Law Amendment Act, 2005*, provides for the control of dogs.

AND WHEREAS Council deems it expedient to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC ENACTS AS FOLLOWS:

PART I: DEFINITIONS

1) In this By-law,

“animal” means any member of the animal kingdom, other than human, as defined in the *Municipal Act*;

"animal enclosure" means an enclosed place for the keeping of animals, but the yard of a property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the yard itself, shall not be deemed to be an animal enclosure;

"Animal Control Officer" means the person or company, or their employees, under contract with the Municipality to enforce the requirements of this bylaw, or an employee of the Municipality of Strathroy-Caradoc employed to administer and enforce the requirements of this bylaw;

"Animal Control Tribunal" means a Committee of Council appointed to hear muzzle order appeals in connection with this by-law;

"at large" or "trespass" means an animal being at any place other than the premises of the owner of the animal and not under the control of the owner or a person acting on behalf of the owner, and in the case of dogs including not being put on a leash, except where the owner of the property, other than the animal owner's property, permits the animal to be on his or her property;

"cat" means a domesticated feline animal, male or female, spayed or neutered or natural, and harboured or kept by any person;

“commercial dog kennel” means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs not belonging to the owner of the property, in return for payment of a fee, are kept for breeding or boarding;

"Corporation" means The Corporation of the Municipality of Strathroy-Caradoc;

"Council" means the Council of the Corporation of the Municipality of Strathroy-Caradoc;

“dangerous dog” means a dog that in the absence of any mitigating factor has bitten or attacked a person or domestic animal, or has behaved in a manner that poses a menace to the safety of persons or other domestic animals. Dangerous dog also means a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog;

“domestic animal” means an animal kept by or living with human beings;

"dog" means a domesticated canine animal, male or female, spayed or neutered or natural, harboured or kept by any person;

“dog kennel” means any building, pen or structure, but not a building used for human habitation, in which purebred dogs are kept as pets for show and/or breeding;

"dwelling unit" means one (1) or more habitable rooms occupied or capable of being occupied by a

person or a family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or family, with a private entrance from outside the building or from a common hallway or stairway inside the building in which the dwelling unit is located;

“identification microchip” means a transponder implanted into an animal by a veterinarian and registered with a pet identification entity;

“impounded” shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law;

"keep" means to have temporary or permanent control or possession of an animal;

"leash" means a rope, chain or other restraining device for a dog which may not exceed 3.5 meters (11.5 feet) in length, except for pit bull dogs the leash for which shall not exceed 1.8 meters (5.9 feet) in length;

“mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:

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

"Municipality" means the Municipality of Strathroy-Caradoc;

"muzzle" means a humane fastening or covering device over the mouth of a dog that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or without interfering with the dog's ability to drink;

"muzzle order" means an Order issued by the Animal Control Officer or an Officer for a muzzle to be placed on a dog;

“officer” is the Animal Control Officer designated by the Council, a Municipal By-law Enforcement Officer designated by the Council and a Police Officer of the Municipality;

"owner" means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, "owner" means the person responsible for the custody of the minor. If there is more than one owner of an animal, they are jointly and severally the owner;

"person" means an individual, partnership, association, firm or corporation;

"pigeon" means a member of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae (pigeons and doves), and includes a racing pigeon which, through breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is also known as a homer pigeon, homing pigeon, or carrier pigeon;

“pit bull” means the breed of dog which includes:

- (a) a pit bull terrier,
- (b) a Staffordshire bull terrier,
- (c) an American Staffordshire terrier,
- (d) an American pit bull terrier, or
- (e) a member of a class of dogs that have the appearance and physical characteristics that are substantially similar to dogs referred to in (a) through (d) above. In determining whether a dog is a pit bull regard may be had to the breed standards established, for dogs referred to in (a) through (d) above, by the Canadian Kennel Club, the United Kennel Club, the American Kennel Club or the American Dog Breeders Association.

"police work dog" means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;

“potentially dangerous dog” means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but not limited to, behaviour such as growling or snarling or shows the disposition or tendency to be threatening or aggressive.

“pound” means those premises designated by the Corporation for the detention, maintenance or disposal of animals that have been impounded by an officer and shall include any building or buildings and enclosures maintained on behalf of the Corporation by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this bylaw and such building or buildings and enclosure shall conform to the Animals for Research Act, 1990, as may be amended;

“poundkeeper” shall mean the person or organization responsible for maintaining the pound on behalf of the Corporation for the purpose of enforcing and carrying out the provisions of this bylaw;

"premises" includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;

“prohibited dog” means:

- (a) a pit bull dog that is not restricted,

- (b) a pit bull dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog, or
- (c) a dog, previously designated as a potentially dangerous dog or a dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

"protective care" means the temporary keeping of an animal as a result of an eviction, incarceration, medical or fire emergency, or any other situation that an Officer deems appropriate for the health and safety of the animal;

"restricted dog" means a dog that is a pit bull that is owned by a resident on August 29, 2005, or it is born before the end of the 90-day period beginning on August 29, 2005, and that has been registered by the owner with the Corporation and maintains a valid municipal dog license;

"sanitary condition" means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which endanger the health, comfort or convenience of any person or animal;

"sanitize" means to clean for the purpose of controlling disease-producing organisms and "sanitized" has a corresponding meaning; and

"service animal" means a guide dog and other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment;

"veterinarian" means a member of the College of Veterinarians of Ontario.

PART II: ADMINISTRATION AND ENFORCEMENT

- 2) The Animal Control Officer shall be responsible for the administration of this by-law, and the Animal Control Officer, a By-law Enforcement Officer and any Police Officer of the Corporation shall be responsible for the enforcement of this by-law.

PART III: LICENSING OF DOGS

Requirements of a License

- 3) (a) Every owner of a dog within the municipality shall obtain a lifetime license and tag for each dog owned by him/her. For the initial setup of the lifetime dog licensing program, which is January 1, 2010, the license and tag must be acquired by March 15th.
- (b) A person who acquires a dog during the year shall obtain from the Corporation a license and tag within fourteen (14) days after acquiring the dog;

- (c) The owner of any dog(s) who does not have a current license for his/her dog(s) will be required to pay the penalty as set forth in Schedule "A" to this by-law and may be subject to a fine as noted in Schedule "B" of this Bylaw;
- (d) A dog tag and license shall be for the lifetime of the dog only;
- (e) The Animal Control Officer shall maintain a registry with the serial number of the dog tag along with the name, address and telephone number of the owner, the name, breed, colour/markings, gender of the dog, if the dog is spayed or neutered or natural, and the date that the dog tag is furnished to the owner. Any changes to the status of the dog(s) must be reported promptly to the Animal Control Officer;
- (f) No license or tag issued for a dog pursuant to the provisions of this by-law is transferable between dogs or between owners;
- (g) No person shall own, possess or harbour a dog within the municipality or allow a dog to be owned, possessed or harbored on the premises of that person unless a lifetime license and tag has been obtained, as required by this by-law, and every owner of a dog shall keep the dog tag securely fixed on the dog at all times when the dog is not on the premises of the owner;
- (h) Where a dog tag issued pursuant to the provisions of this by-law has been lost or destroyed, the owner on application to the Animal Control Officer may be issued a new dog tag upon payment of the replacement fee as set out in Schedule "A" to this by-law;
- (i) Every dog owner who takes up residence within the municipality and where a current tag has been issued by another municipality, shall be required to obtain a new dog tag of the Corporation and provide proof of licensing by the other municipality;
- (j) The Animal Control Officer will issue licenses and tags to each dog owner door-to-door or by mail. Licenses and tags will also be issued by the Corporate Services Department at the Municipal Office. The Animal Control Officer will also make application forms available at locations, where possible and practical, to be arranged by him/her (eg. pet shops, veterinarian offices). The Animal Control Officer will collect and process completed applications from these locations on a regular basis;
- (k) Every officer appointed under this by-law or any other bylaw has the authority to issue a Notice of Offense to the owner of any dog that has not been registered and licensed in accordance with the provisions of this by-law. The owner of the dog will be subject to the penalty in Schedule "A" of this by-law, and may be subject to a fine in accordance with the amount as set out in Schedule "B" of this by-law;
- (l) The requirement for a dog license does not apply to a pet shop whose business includes the sale of dogs;
- (m) The requirement for a dog license shall not apply to a police work dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;
- (n) The requirement for a dog license does not apply to a person who has a commercial

kennel license or a dog kennel license by March 15th in each calendar year, and the kennel license fee in Schedule "A" shall be paid. The kennel license entitles the owner to a dog tag for each purebred dog kept as a pet. It shall be the responsibility of those individuals who purchase dogs from a kennel to obtain the license and tag per Sections 3 (a) and 3 (b) of this by-law;

- (o) The requirement for a dog license does not apply to any person or organization authorized by the Municipality to be a poundkeeper for the Municipality and shall be exempt from paying the annual kennel license fee;
- (p) The requirement for a dog license and kennel license does not apply to any organization mentioned in Section 11 of this by-law.
- (q) Proof of rabies inoculation and proof of spaying or neutering may be required.

Application for a License:

- 4) The Animal Control Officer and the Corporate Services Department of the Municipality shall:
 - 1) Review and process all applications for licenses and tags;
 - and
 - 2) Issue all licenses and tags when an application is made in accordance with the provisions of this by-law.
- 5)
 - 1) An application for a license shall be completed on the forms provided by the Animal Control Officer.
 - 2) Each completed application can be left at the various locations as determined by the Animal Control Officer for collection and processing by him/her.

PART IV: REGISTRATION OF CATS - VOLUNTARY

- 6) The Animal Control Officer and the Corporate Services Department will issue identification tags for cats to their owners. Cat owners are not required to obtain identification tags for their cats; it is voluntary. The Animal Control Officer will maintain a database containing the same information that is maintained for dog owners. In an effort to maintain an accurate database, identification tags for cats are: (1) for the lifetime of the cat only; (2) not transferrable between cats or between owners. Any changes to the status of the cat(s) should be reported promptly to the Animal Control Officer.

PART V: KEEPING OF ANIMALS

GENERAL PROVISIONS

- 7) Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:
 - 1) a shelter for the animal that is waterproof and that protects the animal from exposure to the elements;
 - 2) a shelter for the animal that is adequate for its size and breed;
 - 3) adequate amounts of potable water for the animal; and
 - 4) food of a type and in amounts nutritionally adequate for the animal.

- 8) No person shall keep an animal in an unsanitary condition.

- 9) Whether temporarily, permanently, or otherwise, no more than 3 domestic dogs of an age in excess of 3 months shall be kept, harboured, maintained or possessed at any location within the Municipality.

- 10) Whether temporarily, permanently or otherwise, no more than five (5) domestic rabbits shall be kept, harboured, maintained or possessed at any location within the Municipality.

- 11) Sections 9 and 10 do not apply to:
 - 1)
 - a) pet shops in the Municipality;
 - b) a police work dog in a Police Canine Unit;
 - c) dog kennels and commercial dog kennels located in compliance with the Municipality's zoning by-law and *the Ontario Building Code Act, 1992*, as amended, and licensed by the Corporation;
 - d) security firms licensed and authorized by the Province of Ontario to provide guard dog services;
 - e) the keeping of animals on lands zoned for agricultural purposes;
 - f) the keeping of pigeons.
 - 2) Notwithstanding subsection 11 (1) (f), no person shall keep, or cause to be kept, more than ten (10) pigeons on any premises.

- 12) Sections 9, 10, and 14 do not apply to:
- a) an animal hospital or clinic that is lawfully operated and supervised by a veterinarian licensed by the Ontario Veterinary Association;
 - b) a pound or shelter lawfully operated by the Corporation, or the Ontario Society For The Prevention of Cruelty to Animals (OSPCA);
 - c) any organization permitted by law to provide protection and humane treatment of animals;
 - d) any person while rendering emergency treatment to an injured or abandoned animal;
 - e) the Corporation or other governmental authority while lawfully operating a public park, exhibition, or zoological garden, and maintaining animals therein;
 - f) any person in charge of a traveling circus, exhibition, or road show, or any employee thereof, lawfully displaying animals;
 - g) persons operating premises registered as research facilities under the *Animals for Research Act*, R.S.O.1990, c. A-22, as amended, or the persons in charge, or the employees thereof, during the course of their duties;
 - h) a person who operates an elementary or secondary school that contains a research facility exempted from registration under *the Animals for Research Act*, R.S.O.1990, c. A-22, as amended.
- 13) No person shall keep, or cause to be kept, a reptile, insect or amphibian permitted under this by-law outside a building or structure unless it is in an appropriate animal enclosure.

GENERAL RESTRICTIONS

- 14) No person shall keep, harbour or possess any animal or animals of any of the following classes in the Municipality of Strathroy-Caradoc:
- a) all marsupials (such as kangaroos and opossum);
 - b) all non-human primates (such as gorillas and monkeys);
 - c) all felids (such as lions and tigers), except for the domestic cat;
 - d) all canids (such as wolves and hybrids), except for the domestic dog;
 - e) all viverrids (such as mongooses, civets and genets);
 - f) all mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret;
 - g) all ursids (bears)
 - h) all artiodactylus ungulates (such as domestic goats, sheep, pigs and cattle);
 - i) all procyonids (such as raccoons, coatis and cacomistles);

- j) all hyaenas;
 - k) all pinnipeds (such as seals, fur seals and walruses);
 - l) all snakes of the families pythonidae and boidae;
 - m) all venomous reptiles
 - n) all ratite birds (such as ostriches, emus, rheas, cassowaries)
 - o) all diurnal and nocturnal raptors (such as eagles, hawks and owls);
 - p) all edentates (such as anteaters, sloths and armadillos);
 - q) all bats;
 - r) all crocodilians (such as alligators and crocodiles)
 - s) all arachnids (such as tarantulas);
 - t) all prohibited dogs;
 - u) all galliformes (such as grouse, pheasants, turkeys);
 - v) all anseriformes (such as ducks, geese, swans);
 - w) all sciuridae (such as prairie dogs, giants squirrels and flying squirrels);
 - x) all perissodactylus ungulates (such as horses and zebra);
 - y) all elephants;
 - z) any other exotic animals not specified above.
- 15) Notwithstanding Section 14, on lands zoned for agricultural purposes, no person shall keep, or cause to be kept, any animals listed in Section 14, except for a horse, zebra, donkey, pony, mule, cow or steer, goat, swine, mink, fox, sheep, chinchilla, chicken, turkey, peafowl, emu, grouse, pheasant, duck, geese, swan, guinea hen and any other domestic animal.
- 16) No person who operates a business within the Municipality that includes the sale of pets or other animals shall sell, offer to sell, or otherwise make available in any way to any person any animal listed in Section 14 except those animals mentioned in Section 15.

ANIMALS KEPT PRIOR TO JULY 4TH, 2006

- 17) Sections 14 and 15 shall not prevent any person from keeping, harbouring or possessing any animal if such animal was lawfully being kept, harboured or possessed by that same person prior to July 4th, 2006 and for so long as the animal continues to be kept, harboured or possessed by the person.

PIT BULLS-SPECIAL REQUIREMENTS

- 18) No person shall:
- a) own a pit bull, except a restricted pit bull;
 - b) breed a pit bull;
 - c) transfer a pit bull by sale;
 - d) transfer a pit bull by gift or bequest; if the person to whom the pit bull is transferred will own more pit bulls after August 29th, 2005 than on that day (maximum number of dogs per premises is three);
 - e) transfer more than one pit bull by gift or bequest to a person who did not own a pit

- bull on August 29th, 2005;
- f) abandon a pit bull other than to a pound operated by or on behalf of the Municipality, the province or a designated body;
- g) allow a pit bull in his or her possession to stray; or
- h) train a pit bull for fighting.

PIT BULLS - OTHER REQUIREMENTS

- 19) All other requirements regarding Pit Bulls specifically shall be in accordance with the *Dog Owner's Liability Act, 1990* (DOLA), as amended, including regulations pertaining to DOLA, and the *Animals for Research Act, 1990*, as amended. Copies of this legislation are attached to this by-law as Schedule "C".

Keeping of Pigeons

- 20) Every owner of a pigeon shall band and keep banded each pigeon with an identifying leg band issued by a registered pigeon association/organization in Canada.
- 21) Every owner of a pigeon shall keep all grains and foodstuffs in air-tight containers.

PART VI: ANIMAL ENCLOSURES

General Provisions

- 22) Every owner of an animal shall ensure that the animal enclosure provided for the animal meets the following requirements, regardless of whether the animal enclosure is located indoors or outdoors:
- 1) The animal enclosure shall be of a size and in a condition such that the animal may:
 - a) extend its legs, wings, and body to their full natural extent;
 - b) stand;
 - c) sit;
 - d) perch;
 - 2) Every reptile, fish, and amphibian shall be provided with an enclosed space adequate for the needs of the species;
 - 3) The enclosure is of such a nature and condition that the animal contained therein would not be harmed and its health would not be negatively

affected for the reason of being placed in such an animal enclosure;

- 4) Every animal contained therein may be readily observed unless the natural habits of the animal require otherwise.
- 5) The animal enclosure is kept in a clean and sanitary condition.
- 6) The animal enclosure is kept free of offensive odour.
- 7) The animal enclosure is escape proof.

Additional Provisions for Outdoor Animal Enclosures

- 23) Except for the keeping of animals on lands zoned for agricultural purposes:
 - (1) no person shall keep, or cause to be kept, an animal enclosure for an animal outside a building or structure unless:
 - (a) the animal enclosure is in the rear yard; and
 - (b) the animal enclosure, other than a pigeon enclosure, is located at least 3.1 meters (10 feet) from the property line and a least 6.1 meters (20 feet) from any school, church, or residential building not located on the same lot; and
 - (c) No person within the municipality shall keep a dog tethered on a chain, rope or other similar restraining device of less than 3.5 meters (11.5 feet) in length and the dog shall be in the rear yard of the owner's property, and the dog shall not be able to approach or chase any person or domestic animal other than those belonging on the dog owner's property. When a dog is off the owner's property, the "leash" requirements apply.
 - (2) no person shall keep or cause to be kept a pigeon enclosure outside a building or structure unless the enclosure is located at least 6.1 meters (20 feet) from the property line, or within 30.5 meters (100 feet) of any school, church or residential building not located on the same lot.
- 24) In addition to the requirements in this part of the by-law, an animal enclosure kept outside shall be:
 - 1) soundly constructed of hard, durable material;
 - 2) impervious to water for the housing unit within the enclosure and the housing unit must comply with all animal enclosure requirements;

- 3) constructed of a material that may be readily sanitized;
 - 4) maintained in a good state of repair from cracks, holes, rust and other damage;
 - 5) kept in a way that minimizes as nearly as practicable the transfer of disease-causing agents; and
 - 6) adequately ventilated and maintained at a suitable temperature and lighting for the health, welfare and comfort of the animal enclosed therein.
- 25) 1) Compliance with the requirements under this Part does not exempt any person from compliance with other applicable laws and by-laws, including the *Building Code Act 1992*, as amended, and the municipal zoning by-law.
- 2) In the event of any conflict between the provisions of this Part and the provisions of any other by-laws, the provisions of this Part shall prevail.
- 26) Every owner shall allow any officer to carry out an inspection of premises where animal(s) of the owner are kept or to make inquiries deemed necessary for the purposes of insuring compliance with this bylaw.

KENNELS

- 27) Any person or persons who keep more than three (3) dogs, which are over three (3) months of age, at one (1) location, shall obtain a dog kennel license or commercial dog kennel license and section 11.1(c) and Part 6 of this by-law shall be complied with regarding the location and operation of a kennel.

PART VII: EXCREMENT

- 28) 1) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.
- 2) Subsection (1) does not apply to:
- a) persons reliant upon a service animal while that animal is being used to aid a person with a visual, hearing or other impediment;
 - b) owners of racing pigeons when the pigeons are at large during permitted flight times.
 - c) permitted farm animals as noted in Section 15 when animals are on lands zoned for agricultural purposes, as long as the animals are on the lands of

their owner.

PART VIII: ANIMALS AT LARGE

- 29) 1) No owner shall cause or permit an animal to be at large, subject to the provisions of this part of the by-law.
- 2) A dog is not considered to be at large if the dog is:
- a) a service animal or a police work dog; or
 - b) on the premises of a person who has consented to the dog on the person's premises.
- 3) A cat is permitted to be at large but an Officer may take possession of and impound any cat found at large if:
- a) in the opinion of the Officer, the cat is in distress, injured, or otherwise in need of immediate veterinary treatment; or
 - b) the owner of the property on which the cat is found to be at large takes control of the cat and asks the Animal Control Officer to take possession of the cat.
- 4) A pigeon is not considered to be at large if:
- a) it is flying:
 - i) before 9:00 a.m. or after 5:00 p.m. during the months of April to September, inclusive; and
 - ii) before 10:00 a.m. or after 3:00 p.m. during the months of October to March, inclusive;
 - and
 - b) the flights of the pigeons are conducted under the owner's personal supervision, or under the supervision of another competent person who is acting on the owner's behalf to control the pigeons.
- 5) In addition to subsection (4), a pigeon is not considered to be at large if a member of a pigeon organization or association in Canada supervises a flight of the racing pigeon while carrying on the duties of such organization or association.

PART IX: SEIZURE & IMPOUNDMENT

- 30) 1) a) Any animal found at large contrary to this by-law may be seized by an Officer.
- b) An Officer may take possession of an animal for the purpose of providing protective care to it at any time when the Officer deems it necessary to provide protective care to the animal.
- 2) a) A dog seized under this by-law shall be impounded for a period of three (3) days, exclusive of the day on which the dog was impounded and statutory holiday and Sundays, unless:
- i) The dog is redeemed by the Owner during this period of impoundment in accordance with the provisions of this by-law;
- ii) The dog was seized for the purpose of providing protective care to it; or
- iii) In the opinion of the Animal Control Officer, the dog should be euthanized or receive veterinary care immediately.
- iv) A dog is seized for the purpose of providing protective care, in which case it shall be impounded for a period of up to ten (10) days, exclusive of the day on which the dog was impounded and statutory holiday and Sundays, unless the animal is redeemed by the owner during this period of impoundment in accordance with the provisions of this by-law or is euthanized for humane reasons.
- v) where the pound operator has impounded a dog or a cat that has a tag, name plate or other means of identification, the operator shall take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded and can be redeemed on payment in full of all costs, fines and penalties.
- b) Any other animal seized under this by-law shall be impounded for a period of three (3) days, exclusive of the day on which the animal was impounded and statutory holidays and Sundays, unless:
- i) the animal is redeemed by the owner during this period of impoundment in accordance with the provisions of this by-law; or
- ii) in the opinion of the Officer, the animal should be euthanized or should receive veterinary care immediately.

- iii) Any other animal seized for the purpose of providing protective care to it shall be impounded for a period of eight (8) days, exclusive of the day on which the animal was impounded and statutory holiday and Sundays, unless the animal is redeemed by the owner during this period of impoundment in accordance with the provisions of this by-law or is euthanized for humane reasons,
- 3) a) The owner of an animal impounded under this by-law may redeem the animal upon payment of the appropriate impoundment and maintenance fees for the time of the impoundment and any fines under this and any other applicable Municipality of Strathroy-Caradoc by-laws.
 - b)
 - (i) In addition to subsection 3(a), the owner of a dog seized and impounded shall produce a valid license for the dog before the owner may redeem it.
 - (ii) If a valid license cannot be produced under subsection 3(b)(i), the owner of the dog shall obtain a license for the dog and be responsible for the payment of the penalty in Schedule ‘A’ of this bylaw.
- 4) If an animal is not redeemed within the time period specified in this by-law, the animal shall become the property of the Corporation and may be:
 - a) put up for adoption; or
 - b) euthanized by the Animal Control Officer.
- 5) a) An Animal Control Officer may euthanize an animal without delay without permitting any person to redeem it if:
 - i) the animal seized and impounded under this by-law is seriously injured or ill and should be euthanized without delay for humane reasons; or
 - ii) euthanasia of the animal seized and impounded under this by-law is necessary for the safety of persons.
- b) Where, in the opinion of the Animal Control Officer, an animal seized and impounded under this by-law is injured and requires the services of a veterinary surgeon, the Animal Control Officer shall arrange for such services and, in addition to any amount charged under this Part, be entitled to charge the owner of the animal the cost of the veterinary care to the Animal Control Officer.

PART X: QUARANTINE OF ANIMALS

- 31) If, in the opinion of the local Health Unit or an Officer, an animal shall be put in quarantine, the owner of the animal shall:
- 1) comply with the quarantine order of the Health Unit or Officer; and
 - 2) be responsible for the costs associated with the quarantine, including the costs of any veterinary care required for the animal and any other applicable fees.

PART XI: PRECAUTIONS BY DOG OWNERS

- 32) The owner of a dog shall exercise reasonable precautions to prevent it from:
- (a) biting or attacking a person or domestic animal;
 - (b) behaving in a manner that poses a menace to the safety of persons or domestic animals;
 - (c) shall ensure the dog is properly leashed when not on the property of the owner, or not on the property of a person who authorizes the dog to be on his/her property;
 - (d) persistently barking or howling.

PARTXII: MUZZLE ORDER - DOGS

- 33)
- 1) Where an Officer determines that a dog is a potentially dangerous dog or a dangerous dog, the Animal Control Officer may issue a Muzzle Order to the owner of the dog.
 - 2) The Animal Control Officer may impose conditions on the Muzzle Order to ensure the health and safety of the owner, the dog, and other persons and animals, and the order is effective immediately on issuance.
- 34)
- 1) A Muzzle Order may be served by:
 - a) delivering it personally to the owner of the dog; or
 - b) sending it by registered mail to the last known address of the owner of the dog.
- 35) Notwithstanding other sections of the Bylaw, when a Muzzle Order has been served, the

owner of a dog:

- 1) shall not permit the dog to be off the premises of the owner unless it is muzzled, and secured on a leash that shall be no longer than 1.8 meters (5.9 feet);
 - 2) shall ensure that the dog does not bite, chase or attack a person or a domestic animal on any property, including that of the owner;
 - 3) shall either restrict the dog on a chain capable of restraining the dog or confine it within a fenced yard capable of preventing the dog from escaping;
 - 4) shall put the dog under the control of a person at least eighteen (18) years of age when the dog is not on the owner's premises;
 - 5) shall notify the Animal Control Officer within five (5) days of transfer if the dog is transferred to a new location or if the ownership of the dog is transferred to another person in the municipality, and the Muzzle Order shall still apply;
 - 6) shall ensure that the dog is spayed or neutered;
 - 7) shall obtain a warning sign as prescribed by the Animal Control Officer which shall be posted and displayed continuously by the owner in a prominent location in close proximity where the particular dog is kept;
 - 8) the dog shall be implanted with an identification microchip;
 - 9) shall comply with any other conditions imposed in the Muzzle Order.
- 36) A Muzzle Order expires when the dog dies or the Animal Control Officer is satisfied that it no longer resides in the Municipality of Strathroy-Caradoc.

Hearing before the Animal Control Tribunal

- 37)
 - 1) Where a Muzzle Order has been issued, the owner of the dog may apply for a hearing to appeal the Order to the Animal Control Tribunal.
 - 2) An application for a hearing under subsection (1) shall be made in writing and delivered to the Municipal Clerk within fourteen (14) days after the Muzzle Order has been served.
- 38) An application for a hearing submitted under subsection (1) shall be accompanied by the appropriate fee as set out in Schedule "A" of this by-law.
- 39)
 - 1) When a hearing date before the Animal Control Tribunal has been fixed and the

applicant or licensee who has given notice of the hearing does not attend at the appointed time and place, the Animal Control Tribunal may proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice in the proceedings.

- 2) At the conclusion of a hearing, the Animal Control Tribunal shall, as soon as practicable, make a written report to Council, which report shall:
 - a) summarize the evidence and the arguments presented by the parties;
 - b) set out the findings of fact made by the Animal Control Tribunal and the recommendation; and
 - c) set out the reasons for the recommendation on the merits of the application.
 - 3) The Animal Control Tribunal may uphold the Muzzle Order as issued by the Animal Control Officer, exempt the owner in whole or in part from the requirements under the Muzzle Order and subject the owner to any conditions the Animal Control Tribunal deems appropriate.
 - 4) Council may uphold or vary the decision of the Animal Control Tribunal or do any act or make any decision that it might have done had it conducted the hearing itself.
 - 5) A decision by Council under subsection (4) is final and binding. The owner of the dog is not entitled to a further hearing on the matter before Council.
- 40) An application made by the owner for a hearing under this Part does not act as a stay of the Muzzle Order which shall take effect on the day it is served or deemed served, and shall continue to be effective until Council renders a decision indicating otherwise.

PART XIII: PAYMENT OF FEES

General Provisions:

- 41)
 - 1) Every person responsible for the payment of any and all fees, costs and fines under this by-law shall make such payment in full upon demand by the Corporation.
 - 2) The payment of any fees and charges as required under this by-law does not constitute partial or full payment of any fines imposed by a court of competent

jurisdiction for an offence committed under this or any other by-laws.

PART XIV: OFFENCE

- 42) Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to *the Provincial Offences Act, 1990*, c. P-33, as amended, *the Dog Owner's Liability Act, 1990*, as amended, if applicable, and *the Pounds Act, 1990*, as amended, if applicable.
- 43) Any person who receives a Notice of Offense is required to comply within seven (7) days of its delivery.

PART XV: VALIDITY

- 44) If a court of competent jurisdiction declares any section or part of a section of the by-law invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force.

PART XVI: REPEAL AND EFFECTIVE DATE

- 45) All previous by-laws pertaining to Animal Control, Animal Care and Dog Control are hereby repealed.
- 46) This bylaw shall come into full force and effect on the day of its final passing thereof and upon approval from the Ministry of the Attorney General.

PART XVII: SHORT TITLE

- 47) This by-law shall be referred to as the "Animal Care and Control By-law".

READ A FIRST TIME this 16th day of November, 2009.

READ A SECOND TIME this 16th day of November, 2009.

READ A THIRD TIME and FINALLY PASSED in OPEN COUNCIL this 16th day of November, 2009.

Original signed by Mel Veale

Original signed by Angela Toth

MAYOR

CLERK

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC
SCHEDULE "A" TO BY-LAW NO. 60-09

Fees and Penalties:

1. Kennel License	\$100.00
2. Replacement Tag	\$5.00
3. Penalty for failing to license dog(s)	\$10.00 per dog
4. Penalty for failing to obtain kennel license by March 15th	\$50.00
5. Impound Fee	\$50.00
6. Pound/Maintenance/Quarantine Fee	\$15.00 per day
7. Appeal Muzzle Order Fee	\$100.00

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

SCHEDULE “B” TO BYLAW 60-09

Part 1 Provincial Offences Act

SHORT FORM WORDING AND SET FINES

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Fail to obtain dog license	Section 3(a)	\$105.00
2.	Fail to keep dog license fixed on dog	Section 3(g)	105.00
3.	Fail to pay annual kennel fee	Section 3(n)	105.00
4.	Fail to provide animal with basic necessities	Section 7	300.00
5.	Keep animal in unsanitary condition	Section 8	300.00
6.	Keeping more than three (3) dogs	Section 9	105.00
7.	Keeping more than five (5) rabbits	Section 10	105.00
8.	Keeping more than ten (10) pigeons	Section 11(2)	105.00
9.	Keeping prohibited animals	Section 14;	105.00
10.	Keep prohibited animals – agricultural land Offering for sale, selling, making available prohibited animal	Section 15 Section 16	105.00
11.	Fail to store feed in a rodent-proof container	Section 21	105.00
12.	Fail to ensure that the animal enclosure is of a size/in a condition such that the animal may extend its legs, wings, and body to their full extent, stand, sit and perch	Section 22 (1)	300.00
13.	Fail to ensure that the animal enclosure for every reptile/fish/amphibian has an enclosed space adequate for the needs of the species	Section 22 (2)	300.00
14.	Fail to ensure that the nature and condition of the animal enclosure are such that the animal would not be harmed and its health would not be negatively affected	Section 22 (3)	300.00
15.	Fail to ensure the animal enclosure is such that the animal can be readily observed unless the natural habits of the animal require otherwise	Section 22 (4)	300.00
16.	Fail to ensure that the animal enclosure is kept in a clean and sanitary condition	Section 22 (5)	300.00
17.	Fail to ensure that the animal enclosure is kept free of offensive odour	Section 22 (6)	300.00
18.	Fail to ensure that the animal enclosure is escape proof	Section 22 (7)	105.00

19.	Keep/cause to be kept an animal enclosure outside a building or structure not in rear yard	Section 23 (1) (a)	105.00
20.	Keep/cause to be kept an animal enclosure outside a building or structure within 3.1 meters (10 feet) from the property line	Section 23 (1)(b)	300.00
21.	Keep/cause to be kept an animal enclosure outside a building or structure within 6.1 meters (20 feet) from any school, church, or residential building not located on the same lot	Section 23 (1) (b)	105.00
22.	Tether dog on restraining device less than 3.5 meters	Section 23(1)(c)	300.00
23.	Keep/cause to be kept a pigeon enclosure outside a building or structure within 6.1 meters (20 feet) from property line	Section 23(2)	105.00
24.	Keep/cause to be kept a pigeon enclosure outside a building or structure within 30.5 meters (100 feet) of any school, church, or residential building not located on the same lot	Section 23(2)	105.00
25.	Animal enclosure kept outside not soundly constructed of hard, durable material	Section 24(1)	300.00
26.	Housing unit of animal enclosure kept outside not impervious to water	Section 24(2)	300.00
27.	Housing unit of animal enclosure kept outside does not comply with all animal enclosure requirements	Section 24(2)	300.00
28.	Animal enclosure kept outside not constructed of a material that may be readily sanitized	Section 24(3)	300.00
29.	Animal enclosure kept outside not maintained in a good state of repair from cracks, holes, rust and other damage	Section 24(4)	300.00
30.	Animal enclosure kept outside not kept in a way that minimizes as nearly as practicable the transfer of disease-causing agents	Section 24(5)	300.00
31.	Animal enclosure kept outside not adequately ventilated and maintained at a suitable temperature and lighting for the health, welfare and comfort of the animal contained therein	Section 24(6)	300.00
32.	Fail to allow officer to inspect	Section 26	105.00
33.	Fail to remove animal excrement	Section 28(1)	105.00
34.	Fail to prohibit dogs from being at large	Section 29(1)	105.00
35.	Fail to prohibit animals other than dogs and cats from being at large	Section 29(1)	300.00
36.	Fail to keep dog leashed	Section 32 (c)	105.00
37.	Fail to comply with muzzle order requirements	Section 35	300.00

NOTE: THE PENALTY PROVISION FOR THE OFFENCES LISTED ABOVE IS SECTION 42 OF BYLAW 60-09, A CERTIFIED COPY OF WHICH HAS BEEN FILED.