

CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW #2015-01

**BEING A BY-LAW TO REGULATE THE CARE AND CONTROL
OF ANIMALS IN THE TOWN OF SMOOTH ROCK FALLS**

WHEREAS The Council of The Corporation of the Town of Smooth Rock Falls wishes to ensure that animals are kept and treated in a humane and responsible manner so that humans and animals can coexist peacefully within the municipality;

AND WHEREAS the Municipal Act 2001 S O 2001 c 25 as amended authorizes a municipality to pass by laws necessary or desirable for municipal purposes including respecting the protection of persons and property and animals, to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions and to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS the Dog Owners' Liability Act, R.S.O., 1990, provides for rules and regulations that must be followed for the keeping of dogs.

THEREFORE the Council of The Corporation of the Town of Smooth Rock Falls enacts as follows:

1. DEFINITIONS

Animal – any member of the animal kingdom, other than a human

Animal Control Officer – a person, appointed by the Town, whose duties include the administration and enforcement of this by-law

Animal quarter – a place where animals are kept and include a doghouse, hutch, pen, run, coop, enclosure or structure

Attack – physical contact, other than accidental contact, by an Animal that results in bleeding, bone breakage, bruising, scratched or a sprain to a Person or an Animal or damage to clothing worn by a Person; "Attacked" or "Attacking" have a similar meaning

At large – an animal being in a place other than a property owned or occupied by its owner and not under the control of its owner or another person acting on behalf of the owner

Bite – wound to the skin caused by the teeth of an animal, causing the skin to puncture or break

Dwelling Unit – one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself

Euthanized – to cause death in a relatively painless fashion

Keep – to have temporary or permanent control or possession of an animal; "kept" or "keeping" have a similar meaning

Kennel – a licensed enterprise dealing with the boarding of dogs and cats

Leash – a rope chain or other restraining device for a dog which may not exceed 2 metres (2m) long

Livestock – any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, etc.), horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, emu or ostrich, or the young thereof

Microchip – an approved 'Canadian Standard' encoded identification device implanted into an animal, which contains a unique code that

permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central data base

Owner – includes any person who keeps, possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor

Pet shop – an establishment engaged in the retail sales of animals

Premises – includes the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated.

Running at Large – an animal being found in any place other than the Animal's Owner's Premises and not under the physical control of any Person; "trespass/trespassing" has a corresponding meaning

Sanitary Condition – a condition that does not result in an accumulation of faecal matter, odour, insect infestation, or rodent attractants which endanger the health of any person or animal or that would disturb or would likely disturb the enjoyment, comfort or convenience of any person

Small Mammals – includes but not limited to Hamsters, Gerbils, Guinea pigs, Rabbits, Mice, Ferrets

Service animal – a "service dog" or "service cat" with proper identification that has been trained by a qualified facility, agency or person to provide special services to a person with a disability

Tether – a cord, chain, leash or flexible attachment that is anchored and used to restrain an animal.

Town – shall mean The Corporation of the Town of Smooth Rock Falls

Vicious – an animal that has bitten or attacked without provocation a person or a domestic animal

2. APPLICATION

The regulations established by this by-law apply to all animals within the boundaries of the Town and to the owners of such animals.

3. RESPONSIBILITY TO CARE FOR ANIMALS

- 3.1 Every person who keeps an animal within the Town shall ensure that such animal is provided with:
- a) a clean and sanitary environment free from an accumulation of fecal matter;
 - b) adequate and appropriate care, food, water, opportunity for physical activity, attention and veterinary care as may be required from time to time to keep the animal in good health.
- 3.2 In addition to section 3.1, if an animal is customarily kept out-of-doors, the person having the custody or control of the animal shall at all times provide the animal with complete and unrestricted access to the following:
- a) a shelter that protects the animal's entire body from the elements, having regard to the animal's weight and type of coat, that includes a raised floor above the surface of the ground;
 - b) food and water for the animal's extended stay out of doors;
 - c) an area separate and apart from the shelter for the animal to use for defecation and urination;
 - d) an area separate from the shelter that provides the animal with shade and protection from direct sunlight at any time of the day;
 - e) an area that is dry and free from standing water.
- 3.3 No Person shall Keep an Animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes or may cause the Animal

illness, pain, injury or suffering or to become subject to undue or unnecessary distress, hardship, privation or neglect.

- 3.4 No Person shall annoy, assault, batter, tease or torment an Animal or wilfully and recklessly kill or cause injury, pain or suffering to an Animal.

4. TETHERS

- 4.1 No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
- a) the Tether is a minimum of three (3) metres in length;
 - b) the animal has unrestricted movement within the range of such tether;
 - c) the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar / chain or pronged collar;
 - d) the animal cannot injure itself as a result of the tethering.
- 4.2 No person shall tether an animal in such a way as to permit the animal to go beyond the limits of the person's premises, or the premises of another person from whom the owner of the animal has received prior written consent from the owner of that Premises.
- 4.3 No owner of an animal shall, at any time, permit that animal to be on any other land in the Town other than that of the owner's land without keeping that animal leashed and/or in an enclosure and under the control of some person unless prior consent is given by the person owning the land on which the dog is found.

5. ANIMALS IN PARKS

- 5.1 Animal owners shall be respectful of other park dwellers and shall
- a) keep their animal on a leash at all times;
 - b) remove their animal from the park should the animal cause a disturbance to the park dwellers;
 - c) Immediately remove any feces left by the animal

6. RUNNING AT LARGE

- 6.1 No owner shall cause or permit his or her animal to be at large or to trespass onto property unless it has the express permission of the owner or occupant of that property.
- 6.2 For the purposes of this by-law, an animal shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
- 6.3 Every animal shall be under the control of its owner at all times when on any property that is not owned or occupied by its owner.
- 6.4 Any animal that is at large or trespassing in contravention of this by-law may be impounded by an animal control officer and taken to the shelter.
- 6.5 An animal shall not be considered to be running at large if it is a service animal or a police work dog, or if it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting and not trespassing.

7. KEEPING ANIMALS UNDER SANITARY CONDITIONS

- 7.1 Every person who keeps an Animal within the Town shall keep the Animal, or cause the Animal to be Kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.
- 7.2 Section 7.1 does not apply to livestock kept in accordance with the provisions of this or other municipal by-laws

8. STOOP AND SCOOP

- 8.1 Every owner of an animal shall immediately remove any feces left by the animal:
- a) on a highway or roadway,
 - b) in a public park,
 - c) on any public property
 - d) on any private property other than the property of,
 - i. the owner of the dog, or
 - ii. the person having care, custody or control of the dog.
- 8.2 Every owner of an animal shall remove from his or her premises, in a timely manner, feces left by such animal, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.
- 8.3 Section 8.2 shall be in effect at all times of the year including winter to prevent an accumulation of feces which become apparent and may cause unsanitary conditions during spring thaw.

9. PROTECTIVE CARE

- 9.1 The Town is authorized to:
- a) receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Town deems appropriate.
 - b) temporarily keep such animals for a maximum of five (5) days, charge the owner the current per diem sheltering fee and all costs for required veterinary medical care, when the animals are redeemed.
 - c) use any means as are necessary to remove an animal in need of assistance from a vehicle or any enclosed space and the Town shall be entitled to recover its costs for such removal from the registered owner of the vehicle or enclosed space.

10. IMPOUNDMENT

- 10.1 Any animal running at large contrary to the provisions of this by-law may be captured by the Animal Control Officer and impounded.
- 10.2 Where an animal captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other duly appointed officer shall kill the dog in a humane manner as soon after capture as he or she thinks fit without permitting any person to reclaim the dog and in that event no damages or compensation shall be recovered by any Owner on account of its killing.
- 10.3 The town will keep a record of every animal that has been impounded, including its date of impoundment, description, licence number or other means of identification, if any, date of disposition, and method of disposition.
- a) The owner of an impounded animal or a person acting on the owner's behalf may, within the redemption period of five working days, recover the animal and, in order to do so, shall be required to pay the full amount of the administrative fee, the fee established by the Town for the period that the animal has been in the Pound, and Shelter, if applicable, and the full amount of any emergency veterinary medical care that was required by the animal.
- 10.4 After the expiration of the redemption period, the operator of the pound where a dog has been impounded pursuant to this by-law may:
- a) release the dog to its owner upon compliance with this By-Law
 - b) keep, sell or dispose of the dog, subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. A.22, as amended

11. NUMBER OF DOGS AND CATS RESTRICTED

- 11.1 No person shall keep, in or about a dwelling unit in an area of the Town where the zoning permits a residential land use, more than three (3) cats over twenty (20) weeks of age.
- 11.2 No person shall keep, in or about a dwelling unit in an area of the Town where the zoning permits a residential land use, more than three (3) dogs over twenty (20) weeks of age.
- 11.3 The total number of both dogs and cats shall not exceed four (4), where both dogs and cats are kept, with a maximum number of three (3) dogs or three (3) cats permitted,
- 11.4 Despite subsections 11.1, 11.2, 11.3, any person who owns more than the permitted number of animals on the date this by-law comes into force shall be permitted to keep those dogs.
- 11.5 The exemption provided for in subsection 11.4 shall be for the life of the animal.
- 11.6 Section 11 shall not apply to:
 - a) licensed kennels or a pet shops,
 - b) places registered with the Town as a premises where dogs or cats are receiving temporary foster care, or
 - c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

12. KENNELS / BREEDER / PET SHOPS / VETERINARY FACILITY

- 12.1 All kennels / breeders / pet shops / veterinary facility shall be licenced by the municipality under the Business Licence By-Law

13. DISTURBANCES

- 13.1 No owner of a dog, where the owner resides in an area of the Town where the zoning permits residential land use, shall cause or permit his or her dog to become a public nuisance by:
 - a) persistently, frequently or continually barking, or howling
 - b) damaging public or private property;
 - c) scattering garbage or interfering with waste management activities;
 - d) persistently barking at or chasing persons, vehicles, domestic animals, or other animals kept on an agricultural property;
 - e) being in a public park or recreational area and not under the control of its owner.
 - f) the owner not cleaning after or improperly disposing of feces, creating unsanitary conditions or offensive odours.
- 13.2 No owner of an animal shall engage in activity or conduct which is intended or is likely to cause the animal to bite or attack a person, domestic animal, or other animal kept on an agricultural property.
- 13.3 No owner of an animal, where the owner resides in an area of the Town where the zoning permits residential land use, shall permit such animal to cause damage or otherwise create a nuisance or disturbance either to another person or another person's property where that person or property is in an area of the Town where the zoning permits residential land use. The owner of an animal causing damage shall be liable for all damages caused by such animal.
- 13.4 No person shall keep, own, or harbour in the Town, any animal which makes or causes noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of any person in any dwelling, apartment, or other type of residence in the neighbourhood,

14. DOG BITES

- 14.1 No owner of a dog shall permit the dog to bite or attack without provocation a person or domestic animal.
- 14.2 An animal control officer may issue an order to an owner, whose dog is alleged to have bitten or attacked a person or animal, requiring the owner to muzzle the dog.
- 14.3 Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but, otherwise within the boundaries of the owner's premises, ensure that:
- a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal,
 - b) the vicious dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands, and
 - c) the vicious dog is contained within an enclosed area, including a fence of an appropriate height for the breed of dog, or in a manner such that the vicious dog is unable to come into contact with persons or other animals.
- 14.4 Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises,
- a) keep the vicious dog under the effective control of a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2m) metres in length, and
 - b) keep the vicious dog muzzled.
- 14.5 Every owner of a vicious dog shall notify the Town within two (2) working days of any change in ownership or residence of the vicious dog and provide the Town with the new address and telephone number of the owner.

15. RABIES IMUNISATION

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

16. OTHER ANIMALS

16.1 SMALL MAMALS

No person shall keep non-prohibited small mammals in an area of the Town where the zoning permits residential land use unless:

- a) they are kept as pets only
- b) if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape,
- c) the premises where animals are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.
- d) such animal are prevented from running at large
- e) the premises where the animal is kept is protected from the elements;

16.2 BIRDS

All domestic birds are to be kept indoors and the premises where such birds are kept are kept in a sanitary condition.

16.3 LIVESTOCK / POULTRY

No person shall keep livestock in any area of the Town unless the area is zoned for that purpose or is lawfully used for that purpose and all of the conditions set out in the Towns zoning by-law met and the following are followed.

- 16.3.1** No owner of livestock shall permit any livestock to run at large in the Town.

16.3.2 For the purposes of this by-law, livestock shall be deemed to be running at large if found in any place other than the premises of owner of the livestock and not under the control of any person.

16.3.3 The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses, if any incurred by the operator of the livestock pound.

17. WILD ANIMALS

- 17.1 No Person shall keep, or cause to be kept, any Wild Animal in the Town unless they are authorized to do so by law.
- 17.2 Despite Section 17.1 of this By-law, a Person who comes into the possession of any Wild Animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than 24 hours after coming into possession of the Wild Animal:
- a) release the Wild Animal back into the wild within 1 kilometre from where it was found;
 - b) surrender the Wild Animal to a Person or facility licenced by the Ministry of Natural Resources to care for Wildlife.

18. PROHIBITED ANIMALS

- 18.1 No Person shall Keep, either temporarily or permanently, any Animal listed in Schedule "B"

19. ADMINISTRATION

- 19.1 Council may, by Resolution or By-Law, appoint an Animal Control Officer, or officers who will be responsible for the enforcement of this By-Law.
- 19.2 The Animal Control Officer shall be paid such remuneration as fixed by Council.

20. OFFENCES AND PENALTIES

- 20.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 20.2 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 20.3 Every person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a fine not exceeding FIVE THOUSAND (\$5,000.00) DOLLARS, exclusive of costs, for each offence, and every such fine is recoverable under the Provincial Offences Act.
- 20.4 Continuing Violation
Each day a violation continues shall be deemed a separate offence.

21. POWERS OF INSPECTION

- 21.1 An officer of the Town may enter onto lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this by-law;
 - b) a direction or order of the Town made under this by-law; or,
 - c) an order made under s. 431 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

- 21.2 For the purposes of conducting an inspection pursuant to s. 30 of this bylaw, the Town may, in accordance with the provisions of s. 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended:
- 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 from any person concerning a matter related to the inspection; and,
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

22. ENFORCEMENT

- 22.1 No person shall obstruct or hinder or attempt to obstruct or hinder an animal control officer or other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this by-law.
- 22.2 This By-law does not apply to animals kept on agricultural properties in agricultural zones.
- 22.3 An animal control officer may use any reasonable means to impound a dog that is at large or trespassing or a cat that is trespassing in contravention of this by-law.
- 22.4 In addition to any other remedy, an Officer may give to an Animal's Owner an Animal Control Order where the Officer has reason to believe that:
- a) the Animal has bitten or will bite a Person or another Animal;
 - b) the Animal poses a threat to the health or safety of a Person or of another Animal; or that
 - c) the Owner has not complied with this By-law.
- 22.5 If a person fails to comply with an order under this by-law, the Town may, follow through with the order at the person's expense. The Town may recover the costs of doing so directly or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes as per section 446 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 22.6 Any costs being part of this by-law shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 22.7 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

23. SEVERABILITY

- 23.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, or to be of no force and effect, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

24. SHORT TITLE

- 25.1 This by-law may be referred to or cited as the "Animal Control By-law".


25. REPEALES

- 26.1 That By-Law # 96-10 is hereby repealed


26. EFFECTIVE DATE

27.1 This by-law comes into force on the day on which it is passed.

READ THIS FIRST AND SECOND TIME this 19th day of January, 2015

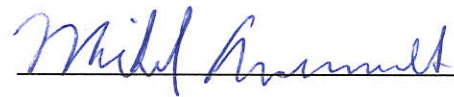


MAYOR



CLERK

READ A THIRD AND FINAL TIME this 19th day of January, 2015



MAYOR



CLERK

SCHEDULE "A"**Fee Schedule**

POUND FEES	Price
For each dog redeemed, per day for each day, or part thereof, to be calculated from the first day of impoundment	\$50.00
Reoccurring fee for each dog redeemed (who has been previously redeemed within the last 12 months), per day for each day, or part thereof, to be calculated from the first day of impoundment	\$75.00
Third time and subsequent redemption fee within 12 month period, per day for each day, or part thereof, to be calculated from the first day of impoundment	\$100.00
for each cat redeemed, per day for each day, or part thereof, to be calculated from the first day of impoundment	\$40.00
Any veterinary fees incurred for the dog	100%

SCHEDULE OF SET FINES	Section	Price
Keep More Than Allowed Amount Of animals	11	\$50.00
Failing to Keep Dog Leashed	5.	\$50.00
Permit Dog to Trespass On Private Property	6.	\$50.00
Permit Dog To Run At Large	6.	\$50.00
Failure To Remove Feces	7.	\$50.00
Fail To Dispose Of Feces In A Sanitary Manner	8. & 13.1	\$100.00
Permit Dog To Disturb	5.1 b). 14.	\$50.00
Permitting a Dog to (bite/attack/chase) a Person	14.2 & 15.	\$200.00
Permitting a Dog to (bite/attack/chase) an Animal	14.2 & 15.	\$200.00
Permitting An Animal To Damage (public/private) Property	14. & 17.3.3	\$200.00
Cost of repairing damages caused by animal	14 & 17.3.3	100.00%
Assaulting / tormenting an animal	3.4	\$100.00
Permitting Livestock to run at large	17.3	\$100.00

SCHEDULE "B"

Prohibited / Restricted animals

These animals shall be prohibited in the areas zoned as residential in the Town of Smooth Rock Falls. Livestock and farm animals may be permitted in properly zoned areas of the municipality.

MAMMALS	Examples (not limited to)
Artiodactyla (even-toed ungulates)	Goats Sheep Pigs
Canidae, excluding domestic dogs	Coyotes Wolves Foxes
Chiroptera	Bats
Edentates	Anteaters Sloths Armadillos
Felidae, excluding domestic cats	Lynx Tigers Cougars
Hyaenidae	Hyenas Aardwolf
Lagomorpha, excluding domestic rabbits	Hares Pikas
Marsupials, excluding domesticated sugar gliders	Kangaroos Koala Possums
Mustelidae, excluding ferrets	Mink Skunks Weasels
Non-human primates	Chimpanzees Monkeys Lemurs
Perissodactyla (odd-toed ungulates)	Horses Donkeys Tapir
Proboscidae	Elephants
Procyonidae	Racoons Coatis Kinkajous
Rodentia, excluding domesticated guinea pigs, hamsters, mice, rats and are derived from self-sustaining captive populations	Porcupines Prairie dogs Squirles

SCHEDULE "B"

MAMMALS Continues	Examples (not limited to)
Ursidae	Bears
Viverridae	Mongoose Civets Genets
BIRDS	
Accipitrids	Hawks Eagles Harriers
Anseriformes	Ducks Geese Swans
Cathartids	Buzzards Condors Vultures
Galliformes	Pheasants Grouse Turkeys
Strigiformes	Owls
Struthioniformes	Ostriches Emus Kiwis
REPTILES	
Crocodylia	Alligators Crocodiles Gavials
All venomous snakes even if de-venomized	
All other snakes which reach an adult length larger than 2 metres	
All lizards which reach an adult length larger than 1 metres	Komodo dragons Nile monitors Water monitors
OTHER	
Arachnida and Chilopoda excluding the following species of tarantula: Chilean Rose (<i>Grammostola rosea</i>), Mexican Red-Knee (<i>Brachypelma smithi</i>), Pink-Toed (<i>Avicularia avicularia</i>)	Tarantulas Scorpions Centipedes
All other venomous and poisonous animals	
All protected or endangered animals whose possession is prohibited by international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.	