

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 40-2019

BEING A BY-LAW TO AMEND THE MUNICIPAL CODE
(Animal Control)

WHEREAS it is deemed advisable to amend the Municipal Code;

NOW THEREFORE the Corporation of the Municipality of Arran-Elderslie hereby enacts as follows:

That "Schedule "B" Protection to Persons and Property, Control Dogs and Govern the Care of Animals be deleted and replaced with the following:

BEING A BY-LAW TO CONTROL DOGS AND GOVERN THE CARE OF ANIMALS WITHIN
THE MUNICIPALITY OF ARRAN-ELDERSLIE

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

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

WHEREAS Section 103 of the Municipal Act, 2001 S.O. 2001 c. 25, as amended, authorizes a municipality to seize and impound an animal at large or trespassing, the sale of an impounded animal, and the establishment of a voluntary payment of penalties out of court where it is alleged that the By-law respecting animals being at large or trespassing has been contravened; and

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

WHEREAS the Council of the Corporation of the Municipality of Arran-Elderslie deems it necessary and expedient to pass such a By-law to regulate animals; seize, impound and dispense animals; to establish the payment of voluntary payments for animals being at large and to address the standard of care for animals.

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

SECTION 1 DEFINITIONS

1. "Animal" means any member of the animal kingdom, other than a human or cat (*Felis Catus*).
2. "Animal Control Officer" means an official(s) so appointed by the Municipality to perform the enforcement provisions of this By-law and includes any police officer appointed pursuant to the Police Services Act.
3. "At Large" or "Trespass" means being at any place other than the premises of the owner or custodian of the animal and not under the control of the owner including not being put on a leash, except where the owner or custodian of the property permits the animal to be on his or her property. Run at large or running at large shall have the same meaning under this By-law.

4. "Bite" means the puncture of skin with teeth or means the breaking, puncturing or bruising of skin of a person or domestic animal caused by the tooth or teeth of a dog, and "bitten" has a corresponding meaning.
5. "Confined Space" means a fully or partially enclosed space.
6. "Control" includes care and custody.
7. "Council" means the Council of the Municipality of Arran-Elderslie.
8. "Dangerous Dog" means a dog that
 - a) Has, in the absence of any mitigating factor, (exceptions may be made by animal control officer if the dog was teased, abused, assaulted or if the dog was reacting to a person trespassing on the property owned by the dog's owner) attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
 - b) Has significantly injured a domestic or farm animal; or
 - c) Has shown the disposition or tendency to be threatening or aggressive to persons or animals; or
 - d) Has been previously designated as a potentially dangerous dog, is kept or permitted to be kept in violation of the requirements for such dog.
9. "Distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect.
10. "Dog" means a domesticated canine animal, male or female, over the age of three (3) months or any member of the species *Canis familiaris*.
11. "Dog tag" means a metal piece furnished by the Municipality that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification. Such tag is received upon registration of a dog and payment of the appropriate fee.
12. "Kennel" shall mean any part of a lot, building, structure or establishment where more than three (3) dogs are kept:
 - a) Boarding Kennel shall mean for the purpose of this By-law be deemed a facility which provides shelter and care of dogs under contract.
 - b) Breeding Kennel shall mean for the purpose of this By-law be deemed a facility in which dogs are kept for breeding purposes and are registered with an association incorporated under the Animal Pedigree Act (Canada).
 - c) Personal Use Kennel shall mean for the purpose of this By-law be deemed any property in which more than three (3) dogs are kept for show purposes only, or for the personal enjoyment, or predator control.
13. "Keep" means to have temporary or permanent control or possession of an animal;
14. "Leash" means a rope, chain or other restraining device for a dog.
15. "Licence" means to register an owner's and animal's information with the Municipality and includes receipt of a numbered identification tag issued by the Municipality.
16. "Licence Fee" means the fee required to register each dog, per year, as provided in Section 3, which, if not paid in full by March 31st in any calendar year, shall be added to the taxes for the premises on which the animal is kept whether or not the owner of the premises is the owner of the animal;
17. "Livestock" means bovines, swine, fowl, equines, goats, sheep, ratites, fur-bearing animals, deer & elk, game animals, or animals of class or type designated in the applicable legislation and regulations as "livestock" and/or used or kept for agricultural purposes.

18. "Menacing Dog" means a dog behaving in a manner that poses a menace to the safety of persons or domestic animals.
19. "Muzzle" means the humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
20. "Municipality" means The Corporation of the Municipality of Arran-Elderslie;
21. "Operator of the Livestock Pound" means any livestock handler appointed as the Poundkeeper under the authority of the Pounds Act R.S. O. 1990, c. P.17, as amended or such other facility designated by the Municipality of Arran-Elderslie.
22. "Order" means an order or notice issued under the authority of this By-law.
23. "Owner" means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, includes the person responsible for the custody of the minor;
24. "Person" means an individual, partnership, association, firm or corporation;
25. "Police work dog" means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;
26. "Pound" means an approved animal shelter, including but not limited to any veterinarian's facility or other kennel for which the Municipality has made arrangements to impound small or large animals;
27. "Premises" includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;
28. "Prohibited Animals" means the animals identified in Section 12.
29. "Property" includes privately owned lands and any Municipal property;
30. "Protective Care" means the temporary, time-limited keeping of a domestic animal by the Municipality as a result of an eviction, incarceration, fire or medical emergency.
31. "Provincial Offences Officer" means a person so designated or appointed under the *Provincial Offences Act* to enforce this By-law and may include his/her designate;
32. "Purebred" shall mean:
 - a) registered or eligible for registration in the register of the the Canadian Kennel Club, Incorporated, or;
 - b) of a class designated as pure-bred in any regulations passed pursuant to provincial legislation,
33. "Service Animal" means an animal that is identifiable, including by a harness and that:
 - a) has successfully completed training by a recognized school for service as a guide animal for the visually or hearing impaired or a special skills animal for other disabled persons; and is performing the service for which it was trained; or
 - b) is actively training to be a guide animal for the visually or hearing impaired or a special skills animal for other disabled person, with a recognized school.
34. "Set Fine" means the amount of fine set by the Chief Justice of the Ontario Court of Justice for an offence for the purpose of proceedings commenced under Part 1 of the *Provincial Offences Act*;

SECTION 2 ANIMAL CONTROL OFFICER

- 2.1 Council shall, by By-law, appoint an Animal Control Officer whose duties it shall be to:
- a) Assist in the prosecution of any contravention of this By-law.
 - b) Inspect kennels registered in the Municipality, if and when required to ensure compliance with this By-law.
 - c) Administer and implement the provisions of this By-law.
 - d) Any duties contained in this Section of this By-law may also be performed by the Clerk of the Municipality or any staff member acting under the Clerk's direction.
- 2.2 Council may, by By-law, appoint a person as a Relief Animal Control Officer whose duty shall be to perform the duties of the Animal Control Officer during the absence of the Animal Control Officer. The Relief Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.

SECTION 3 OWNERSHIP AND/OR LICENSING OF DOGS & KENNELS

- 3.1 No person shall own, possess or harbour an unlicensed dog within the Municipality, and every calendar year, an owner of a dog shall register the dog with the Municipality on or before March 31st, unless the dog came into the owner's possession or care after that date as soon as the dog has reached the age of three (3) months.
- 3.2 Every owner of a dog that comes into his or her possession after March 31st shall immediately obtain a licence and tag for the dog for the remainder of the year. The license tag is valid for one (1) calendar year.
- 3.3 Every owner of a dog shall cause a dog tag to be securely affixed on the dog at all times (until the tag needs replaced). The tag shall be supplied by the Municipality upon the payment of the fee as set out in the Fees and Charges By-law.
- 3.4 Obtain a replacement tag in the event that such tag is lost or destroyed.
- 3.5 If a tag is lost, a replacement tag shall be obtained by the owner upon payment of the replacement tag fee as set out in the Fees and Charges By-law and the Municipality is satisfied that a proper tag for that dog was previously issued in the current calendar year.
- 3.6 No owner shall permit a dog to wear a tag other than the one issued for that dog.
- 3.7 That the owner of a Guide Dog, Service Dog, Working Dog, or Police Work Dog shall ensure that the dog is licenced, but no fee is required for such dog.
- 3.8 No owner shall keep more than three (3) dogs in any dwelling unit or any structure used for commercial, industrial or institutional purposes within the Municipality.
- 3.9 Section 3.8 does not apply to the owner of:
- a) A licenced kennel.
 - b) An animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association.
 - c) A shelter permitted in accordance to the provisions of the Zoning By-law.
 - d) Dogs under the age of three (3) months.

- e) Guide Dogs, Service Dogs, Police Work Dogs, or Working Dogs.
- 3.10 That every calendar year, an owner of a kennel of purebred dogs shall obtain a kennel licence on or before March 31st or prior to establishing a kennel.
- 3.11 Where an owner of a personal and/or commercial breeding kennel has complied with the requirements of Section 4, the kennel owner is required to individually licence each dog kept at that kennel.
- 3.12 Kennels shall only be licenced if they are located where kennels are permitted under the Comprehensive Zoning By-law.
- 3.13 The Kennel License shall be placed in a conspicuous place on the premises.
- 3.14 The dog license fees pursuant to this By-law shall be those set out the in the Municipality's Fees and Charges By-law.
- 3.15 Dog tags are not transferable and shall expire and become void upon the sale, death or other disposal of the dog. The owner shall notify the Municipality upon the sale or death of the dog so that the dog may be deleted from the registry.
- 3.16 Every owner of a dog four (4) months of age or older shall ensure that the dog is duly immunized against rabies and that the immunization is current.
- 3.17 Dog owners listed on the registry will be invoiced in January annually as per the fees described in the Fees and Charges By-law.

SECTION 4 KENNELS

4.1. Kennels – General Provisions

- 4.1.1 Commercial Breeding/Boarding Kennel licences shall only be issued where the property to be used for the kennel operations is not located within the urban residential zones or rural residential clusters as defined and in compliance with the Municipality's Comprehensive Zoning By-Law and no persons shall erect a Kennel, run, pen or exercise yard for dogs contrary to the provisions of said By-law.
- 4.1.2 Every person who owns or operates a Kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, Second Edition, May 2007".
- 4.1.3 After giving notice in writing, the Municipality may at any time suspend or revoke a Kennel licence for a failure by the holder thereof to comply with this By-law. Such grounds for cancellation shall include but not limited to unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the Kennel licence, as determined by the Municipality in its sole discretion.
- 4.1.4 The written notice described in 4.1.4 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.
- 4.1.5 No person shall operate or continue to operate a Personal Kennel without a valid licence.
- 4.1.6 All Kennel licences shall be valid for one (1) calendar year or applicable portion thereof.
- 4.1.7 Kennel licences shall only be issued by the Clerk of the Municipality or any staff member acting under the Clerk's direction.

- 4.1.8 The owner, operator or manager of a Kennel shall reside on the property on which the Kennel is located.

4.2 Commercial Breeding Kennel

- 4.2.1 Notwithstanding the provisions of Section(s) 3.2, 3.3 and 3.4 of this By-law an individual who qualifies to operate a Commercial Breeding Kennel may keep under their care or allow to be boarded more than three (3) but not more than fifteen (15) or purebred dogs duly registered in the Register of the Canadian Kennel Club Inc., American Kennel Club or other Accredited affiliation and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, Second Edition, May 2007.
- 4.2.2 The operator of a Commercial Breeding Kennel shall make an application and pay an annual licence fee to the Municipality as outlined in the Municipality's Consolidated Fees By-law. Upon application for a Commercial Breeding/Boarding Kennel licence the applicant must provide to the municipality written confirmation that all dogs kept within the kennel are purebred dogs and are registered with the Canadian Kennel Club Inc., American Kennel Club or other Accredited affiliation and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, Second Edition, May 2007".
- 4.2.3 Prior to any licence being issued by the Municipality for a Commercial Breeding Kennel the applicant must supply verification, satisfactory to the Municipality, that the property where such kennel is to operate is designated under the Municipality's comprehensive zoning By-laws(s) to allow the operation of a commercial kennel and that the kennel complies with any requirements of the comprehensive zoning By-laws(s) for the operation of a commercial kennel.
- 4.2.4 If an operator applies for a Commercial Breeding Kennel licence for more than fifteen (15) dogs, that operator shall require Council approval prior to the issuance of a kennel licence.

4.3 Commercial Boarding Kennel

- 4.3.1 A Boarding Kennel, for the purpose of this By-law, shall be deemed a facility which provides shelter and care of dogs under contract for remuneration (purebred or non-purebred).
- 4.3.2 Every person making application for a licence to have a boarding kennel of dogs shall complete an application as set out on the prescribed form.
- 4.3.3 The applicant shall provide such information as may be required by Council to properly consider the application.
- 4.3.4 The applicant shall pay the current licence fee in accordance to the Municipality's Fees and Charges By-law.

4.4 Hobby Kennel

- 4.4.1 Notwithstanding the provisions of Section 3.8 of this By-law an individual who owns more than three (3) dogs, that may or may not be purebred, at their place of residence but does not breed any of these dogs for sale to the public as a commercial undertaking, shall make an application and pay an annual licence fee to obtain a Kennel Licence from the municipality with proof of spay/neuter for each dog. The maximum number of dogs permitted for a Hobby Kennel shall not exceed eight (8) dogs. Such dogs shall be housed within the Dwelling Unit.

4.5 Hunting Kennel

- 4.5.1 Notwithstanding the provisions of Section 3.8 of this By-law an individual who keeps Hunting Dogs for recreation use, shall make an application and pay an annual licence fee to obtain a Kennel Licence from the Municipality. The maximum number of dogs permitted in any one (1) Kennel for which a Hunting Kennel Licence has been issued shall not exceed fifteen (15) dogs.
- 4.5.2 If dogs are being housed in outdoor housing, the following regulations shall apply, in addition to the regulations in Section 4.6.:
- a) The breed of dog must be properly acclimatized to seasonal and regional temperatures.
 - b) Infirmed dogs shall be housed indoors.
 - c) An enclosed area with dry bedding which provides shelter and protection from cold and heat must be provided, including protection from direct sunlight, rain, sleet and snow.

4.6 Kennel Conditions

- 4.6.1 Every person who applies for and receives a kennel license or operates Boarding/Breeding facilities for dogs, shall comply with the following requirements:
- (a) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation.
 - (b) The kennel building and its location shall conform to the zoning By-law and the Ontario Building Code and the building shall be maintained in damage-free condition.
 - (c) The kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.
 - (d) The kennel floor shall be thoroughly cleaned daily or more often if necessary
 - (e) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around, or lie down in a fully extended position.
 - (f) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary.
 - (g) The kennel building shall have:
 - i. natural or artificial lighting for a minimum of eight (8) hours per day;
 - ii. windows which may be opened for proper ventilation;
 - iii. a heating system sufficient to adequately heat the building if required;
 - iv. hot and cold running water; and
 - v. a food preparation area.
 - (h) Where animals are permitted to use an outside exercise area, there shall be constructed around such area, a fence having a height of at least two point six (2.6) metres (eight feet) the wall of an adjacent building may be included as part of such fenced-in area.
 - (i) The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.
- 4.6.3 The Animal Control Officer and any person designated may inspect any place where the dogs are kept, pursuant to this By-law.
- 4.6.4 If the kennel is found not to conform to the requirements set out herein, the Animal Control Officer may direct that the animals be seized and impounded and may revoke the license issued to the kennel as established in Section 4.2.

4.7 Kennel Inspections

- 4.7.1 Every person who holds a Kennel licence and the owner/operator of a Kennel shall at all reasonable hours, ensure the Kennel is open to inspection by the Animal Control Officer and/or the Ontario Society for

the Prevention of Cruelty to Animals, Police Officer, any such other person as may be appointed by Council upon the production of proper identification, or any other person authorized to do so under any Provincial or Federal Legislation.

- 4.7.2 Every person who holds a Kennel licence or the owner/operator of a Kennel shall post the licence in a prominent place in the Kennel and shall, when so requested by the Animal Control Officer or any person authorized by the Municipality, produce such licence for inspection.
- 4.7.3 If, after a written request to be granted access to a Kennel as per Section 4.5.1 of this By-law, an owner has not granted access to the Animal Control Officer, the Kennel licence may be suspended or revoked by the Municipality in its sole discretion.
- 4.7.4 Where the Animal Control Officer finds that the owner or operator of a Kennel does not comply with any regulation in this By-law, the Animal Control Officer may direct that the animals at the Kennel be seized and impounded by the Pound-keeper.
- 4.7.5 Kennels shall be inspected on a yearly basis by the Animal Control Officer, or designate, or as required to ensure compliance.

SECTION 5 POUNDS

- 5.1 Council shall from time to time designate a place or places for the establishment, maintenance and operation of facilities for the impounding of domestic animals within the Municipality of Arran-Elderslie which shall be identified as the Pound or Pounds. The Paisley Veterinary Clinic and Keady Livestock Market have been established as the primary pounds within the Municipality of Arran-Elderslie.
- 5.2 Council shall from time to time appoint by resolution or By-law, a Pound keeper to maintain and operate the Pound or Pounds established pursuant to this Bylaw.
- 5.3 Any Pound keeper in charge of the Municipal Pound will impound and detain all animals delivered to him/her by the Animal Control Officer and shall furnish them with sufficient food, water, shelter.

SECTION 6 IMPOUNDING

- 6.1. The Animal Control Officer or Police Officer may seize and impound any animal which is found by him/her or identified to him/her to be at large within the Municipality.
- 6.2 The Animal Control Officer may, upon seizure and impoundment of the animal, inform the animal's owner, if known, that their animal has been seized and impounded.
- 6.3 If an impounded animal is not claimed within the three (3) days of the day on which the animal was impounded, excluding the day it was impounded, Saturday, Sunday and Statutory holidays, the Poundkeeper may, on the expiration of this period, destroy or place such animal up for adoption or sale.
- 6.4 Where an animal is seized or impounded it will not be released until pound and maintenance charges have been paid, plus any penalties that may be outstanding. The Owner, with satisfactory identification, shall pay all expenses, veterinary care, costs of any vaccination or immunization, impoundment and maintenance fees plus any damages, accrued for the time of the impoundment as well as the fine for allowing the animal to run at large before redeeming the animal. Fees shall be paid in the form of a certified cheque, cash or debit.

- 6.5 The Poundkeeper, upon receiving a certificate or other written verification from a qualified veterinarian that an impounded animal is suffering from infectious or contagious disease, or is seriously injured causing undue pain and suffering, may immediately, destroy that impounded animal.
- 6.6 The Poundkeeper or Animal Control Officer may, upon receipt of an animal delivered to him/her by a Peace Officer deal with that animal in the same manner as other animals seized and retained by him/her pursuant to this Bylaw.
- 6.7 The Poundkeeper shall maintain a log book, in which he/she shall record the description of every animal impounded, the name of the person who impounded the animal, the time and location of the impoundment, the fees owing and the manner in which the impounded animal has been disposed of.
- 6.9 That any direction or notice pursuant to the provisions of this By-law, shall be personally served on the owner of the animal or shall be given by registered mail addressed to the last known address of the owner and shall be deemed received on the fifth working day after the date of mailing.

SECTION 7 ANIMALS RUNNING AT LARGE OR NUISANCE

- 7.1 No owner of an animal shall allow or permit such animal to Run at Large in the Municipality. For the purpose of this By-law, an animal shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.
- 7.2 The Animal Control Officer may capture any animal Running at Large and cause it to be impounded or return same to its registered owner, in the sole discretion of the Animal Control Officer. Should the animal be returned to the Owner, a ticket may be issued to said Owner.
- 7.3 The Owner of every animal impounded, if known, and whether or not the animal is claimed by the Owner from the Pound, shall be liable for the payment of the Pound's fees as determined by the Poundkeeper and shall pay all fees on demand to the Municipality.
- 7.4 A dog shall not be considered to be running at large if it is a Guide Dog, a Police Work Dog or a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in or hunting or training for hunting, on unposted land, or on posted land with the permission of the owner thereof.
- 7.5 Any animal known or suspected to be rabid shall be immediately destroyed or quarantined at the direction of Public Health or by its Owner or by someone appointed by the Animal Control Officer to do so, in such a manner that the animal's brain is not damaged. Thereafter, the head of the animal shall be submitted by its Owner or by the Animal Control Officer to a laboratory for diagnosis.
- 7.6 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, in his or her sole discretion may destroy the animal in a humane manner as soon after capture as he or she thinks fit without permitting any persons to reclaim the dog or without offering it for sale, and in such an event no damages or compensation shall be recovered on account thereof.
- 7.7 Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control Officer until proceedings under the Dog Owners' Liability Act have been followed provided that no dog so impounded shall be held for a period in excess of twenty-one (21) days unless otherwise ordered by the Provincial Judge.

- 7.8 No owner shall permit an animal to bark, howl or yowl incessantly or otherwise becomes a nuisance. Excessive barking is barking that is persistent and occurs for an extended period of time or on a repeated basis. When determining if barking is a violation, consideration will be given to the time of day, duration and frequency of barking.
- 7.9 The owner of a dog shall control a dog by means of a leash that is held or affixed to the person.
- 7.10 A dog shall not be deemed to be controlled by a leash if the leash is attached to an immovable object, motor vehicle or a bicycle.
- 7.11 No person shall permit a dog to be left unattended while tethered or tied on premises where the public has access.

SECTION 8 DOG WASTE

- 8.1 Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property in the Municipality, other than the premises of the Owner of the dog.

SECTION 9 DANGEROUS DOGS

- 9.1 The Owner of a dog shall exercise all reasonable precautions to prevent the dog from:
- a) Biting or attacking a person or domestic animal; or
 - b) Behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.
- 9.2 Every Owner of a dog that has bitten a person or a domestic animal shall ensure that said dog is muzzled and leashed while said dog is on any property in the Municipality, including the premises of the Owner of the dog.
- 9.3 Where the Owner of a dog objects to the muzzling and leashing requirement set forth in Section 9.2 above, the Owner may request and is entitled to a Hearing by the Council of the Municipality of Arran-Elderslie. The Council may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, uphold the provisions of Section 9.2 above or exempt the Owner, with or without conditions, from the muzzling or leashing requirements contained in Section 9.2 above.
- 9.4 Every Owner of a Dangerous Dog shall keep it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. Dangerous Dogs shall not be confined only by a chain or tether.
- 9.5 Owners shall post warning signs clearly and visibly on the property where a Dangerous Dog is kept.
- 9.6 The Animal Control Officer may seize a dog in a public place if the officer believes on reasonable grounds that:
- a) the dog has on one (1) or more occasions bitten or attacked a person or domestic animal.
 - b) the dog has on one (1) or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals.
 - c) an owner of the dogs has on one or more occasions failed to exercise reasonable precautions from carrying out Section 9.6 (a) or (b) as described above.

d) there is reason to believe that the dog may cause harm to a person or domestic animal.

9.7 Where a dog has been deemed dangerous under Section 9 of this By-law, or the "Dog Owners Liability Act", the owner shall obtain a "Dangerous Dog" licence from the Municipality.

SECTION 10 SURRENDERING OF ANIMALS

10.1 An owner of an animal may give up ownership of the animal by surrendering the animal to the Animal Control Officer.

10.2 By surrendering the animal to the Animal Control Officer, the owner is deemed to have relinquished all rights of ownership and possession of the animal.

10.3 To surrender the animal to the Animal Control Officer, the owner shall pay all costs which the Animal Control Officer deems to be appropriate, including, but not limited to retrieval costs by the Animal Control Officer (service fee and mileage), pound fees, euthanasia fees (where applicable) and any cost which may be incurred to complete the surrender as per the Fees and Charges By-law.

10.4 All costs associated with surrendering an animal shall be collectible in like manner as licence fees.

10.5 An animal that has been surrendered to an Animal Control Officer become the property of the Municipality and may be kept or disposed of as the Corporation deems appropriate, including:

- a) Placing the animal for adoption; or
- b) Euthanasia, as outlined in Section 6.3, where in the opinion of an Animal Control Officer, the animal is not suitable for adoption or should be euthanized for humane reasons.

SECTION 11 PROHIBITION OF CRUELTY TO ANIMALS

11.1 No person shall keep any domestic animal unless the animal is provided with:

- a) clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight.
- b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta.
- c) the opportunity for periodic exercise sufficient to maintain good health.
- d) necessary veterinary medical care when the animal exhibits signs of pain or suffering.

11.2 No person shall keep any domestic animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter. The shelter must be weatherproof with an exterior windbreak and exterior door flap. The shelter door must face away from the prevailing wind and must be elevated off the ground. The shelter must be insulated:

- a) to ensure protection from heat, cold and wet;
- b) that is appropriate to the animal's weight and type of coat;
- c) that provides sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
- d) that is at least 1 1/2 times the length of the animal and at least the animal's length and width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
- e) that provides sufficient shade to protect the animal from the direct rays of the sun at all times;
- f) that is regularly cleaned and sanitized and all excreta removed at least once a day.

- g) No person shall cause a domestic animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck. The tether shall be securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar. The tether shall be a minimum of three (3) metres in length with unrestricted and unobstructed movement within the range of the tether and the animal has access to potable water, food and shelter
- 11.3 No person shall cause a domestic animal to be confined in an enclosed space, including a car, without adequate ventilation.
- 11.4 No person shall keep, harbor or have in their possession any animal suffering from any infectious or contagious disease, unless such animal is in isolation and under treatment for the cure of such disease.

SECTION 12 PROHIBITED ANIMALS

- 12.1 No person shall own, harbour, possess, keep, sell or offer for sale any animals listed below as a pet or for any other purpose or for any period of time.
- a) All non-human primates (such as gorillas and monkeys);
 - b) All felids, except the domestic cat;
 - c) All canids, except the domestic dog;
 - d) All mustelids (including but not limited to skunks, weasels, otters, badgers, etc.) except the domestic ferret;
 - e) All marsupials (including but not limited to kangaroos, sugar gliders, and opossums);
 - f) All bats, raccoons, squirrels;
 - g) All ursids (bears);
 - h) All hyenas;
 - i) All snapping turtles;
 - j) All elephants;
 - k) All snakes of the families pythonidae and boidae;
 - l) All poisonous and venomous snakes;
 - m) All poisonous or venomous arachnids (including but not limited to spiders);
 - n) All poisonous and venomous lizards;
 - o) All crocodylians (including but not limited to alligators and crocodiles);
 - p) Any endangered species as defined by the Canadian Wildlife Service;
 - q) Any livestock on a property zoned residential; or
 - r) Any other animal that Council deems to be necessary.
- 12.2 Notwithstanding Section 12.1, the prohibition shall not apply to:
- a) Circuses.
 - b) Premises operated by the Ontario Society for the Prevention of Cruelty to Animals, or a municipally owned or operated pound.
 - c) A veterinary hospital under the control of a licensed veterinarian.
 - d) Anyone holding a license under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under the stated conditions.
 - e) Any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which operated in accordance with all By-laws of the Municipality.
 - f) The premises of an Institution of Education where such animals are being kept for research, studying or teaching purposes, or on premises registered as Research Facilities under the *Animals for Research Act*, R.S.O. 1990, c.A.22, as amended.

SECTION 13 LIVESTOCK RUNNING AT LARGE OR TRESPASSING

- 13.1 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 the owner of the livestock and not under control of any person.

- 13.2 The owner is responsible to provide such fencing and other measures to prevent livestock from running at large in any place other than the premises of the owner of the livestock and not under control of any person.
- 13.3 No owner of livestock shall permit any incident where livestock run at large in the Municipality of Arran-Elderslie.
- 13.4 For the purpose of 13.3, an incident involves any livestock running at large in a twenty-four (24) hour period.
- 13.5 The operator of the livestock pound shall, at the Municipality's request, seize and confine any livestock running at large and shall make reasonable efforts to determine the identity of the owner of the livestock and to inform the owner that the livestock has been impounded.
- 13.6 Any livestock in the care of the operator of the livestock pound shall be retained, release and, where appropriate, sold in accordance with the Pounds Act, R.S.O. 1990, c.P.17, as amended.
- 13.7 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.

SECTION 14 RESPONSIBILITY OF THE ANIMAL CONTROL OFFICER/IMPOUNDMENT – PROTECTIVE CARE

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

SECTION 15 PENALTIES

- 15.1 Every person who contravenes any provisions of this By-law is guilty of an offence; and,
- (i) in the case of person who is not a corporation, upon conviction therefore is liable to a fine or penalty of not more than Ten Thousand (\$10,000.00);
 - (ii) in the case of a corporation, upon conviction therefore is liable to a fine or penalty of not more than Sixty Thousand Dollars (\$60,000.00).
- 15.2 The Animal Control Officer may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.
- 15.3 Any person convicted of an offence under this By-law may be liable to a penalty pursuant to s. 61 of the Provincial Offences Act R.S.O., 1990, c. P. 33.

SECTION 16 REPEAL

16.1 By-laws 13-06 and 60-2013 are here by rescinded in their entirety.

READ a FIRST and SECOND time this ____ day of June, 2019.

READ a THIRD time and finally passed this ____ day of _____, 2019.

Steve Hammell, Mayor

Peggy Rouse, Clerk