

THE CORPORATION OF THE TOWN ARNPRIOR

BY-LAW NO. 5470 - 06

Being a By-law to regulate the keeping and control of animals, or any class thereof, the animal identification system, licensing and restraint of dogs and certain other aspects of animal control within the Corporation of the Town of Arnprior.

WHEREAS the Municipal Act, S.O. 2001, C. 25 Sec. 9, 11, 103, 105 and 391 (1), as may be amended from time to time, provides that a Municipality may pass By-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system pursuant to the provisions thereof;

AND WHEREAS Section 20 of the Animals for Research Act, R.S.O. 1990, Chapter A. 22, provides for the impounding and sale or destruction of a dog pursuant to the provisions thereof;

AND WHEREAS the Dog Owners Liability Act, R.S.O. 1990 Chapter D. 16, provides for the protection of persons and property; (See Schedule "D")

AND WHEREAS the Ontario Police Services Act, R.S.O. 1990 Chapter P. 15 as amended, provides that Council may appoint Municipal Law Enforcement Officers to enforce all municipal By-Laws;

NOW THEREFORE the Council of the Corporation of the Town of Arnprior enacts as follows:

1. **TITLE**

This By-Law shall be known and may be cited as "**THE ANIMAL CONTROL BY LAW.**"

2. **DEFINITIONS**

As used in this By-Law, the following terms shall have the meaning hereinafter ascribed to them:

- a) **"Animal"** means any member of the animal kingdom, other than a bird, fish, insect or human being.
- b) **"Animal Control Officer"** means a person appointed by the Corporation of the Town of Arnprior for the purposes of enforcing the provisions of this and other municipal By-Law's and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P. 15, Section 15.
- c) **"Animal Shelter"** means any premises designated by the Town of Arnprior for the purpose of impounding and caring for animals taken by the agents of the Corporation in violation of this By-Law.
- d) **"At Large"** means a dog or cat found off the property of its owner, without permission of the property owner and not under the control of a competent person by means of a leash or some other restraint.

- e) **“Cat”** shall mean a domesticated *felis catus*, male or female.
- f) **“Clerk”** shall mean the CAO/Clerk of the Corporation of the Town of Arnprior or that person appointed to act in his capacity.
- g) **“Corporation”** shall mean the Corporation of the Town of Arnprior.
- h) **“Dangerous Dog”** shall mean any individual dog that:
 - (i) has killed a domestic animal without provocation while off the owner’s property;
 - (ii) has bitten or injured a human being or domestic animal without provocation on public or private property;
 - (iii) is attack trained;
 - (iv) is trained and kept for the purpose of security or protection, whether residential, commercial, or industrial, or persons or property; and/or
- i) **“Dog”** shall mean any domesticated *canis*, male or female.
- j) **“Gate”** means a swinging or sliding barrier used to fill or close an access and includes a door.
- k) **“His”** or other words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa.
- l) **“Inspector”** means any municipal employee of the Town of Arnprior delegated with enforcing or maintaining the provision of this by-law.
- m) **“Kennel”** means any premises where domestic animals are kept, boarded or bred solely for profit or gain.
- n) **“Leash”** means any form of material lead or restraint which does not exceed two (2) metres in length and has the capability to control an animal from annoying, bothering or irritating persons or other animals.
- o) **“Licence”** means a licence issued under this By-Law.
- p) **“Muzzled”** means to have securely affixed around the snout or the mouth and nose of a dog a device commonly known as a muzzle manufactured such that the dog, when muzzled, will be prevented from biting a person or other animal.
- q) **“Nuisance Animal”** means any animal that unreasonably annoys humans, endangers the life of health of other animals or substantially interferes with the rights of citizens to enjoyment of life or property.

- r) **“Owner of a Dog”** includes any person who owns, possesses, harbours or has the care and control of a dog. Where the owner is a minor, the person responsible for the custody of the minor shall be considered the owner.
- s) **“Park”** shall mean an area of land consisting largely of open space which may include a recreational area, playground, sports field or similar use, whether publicly or privately owned.
- t) **“Person”** means any human being considered as a distinct entity or personality.
- u) **“Private Property”** means land not for public or common use which is owned and controlled by an individual, group, company or organization.
- v) **“Public Property”** means land for public or common use which is owned and controlled by the Town of Arnprior or other government agency.
- w) **“Pure-Bred”** means registered or eligible for registration with an Association incorporated under the Animal Pedigree Act (Canada).
- x) **“Residential Zone”** means those areas designated as residential in the zoning by-laws of the Corporation of the Town of Arnprior.
- y) **“Town”** shall mean all lands contained within the geographical limits of the Town of Arnprior.

3. LICENCING AND DOG/CAT IDENTIFICATION SYSTEM

- 3.1 Every owner of a dog shall annually, and not later than March 31 in each year, and within seven (7) days of becoming an owner of a dog, cause the dog to be licenced with the municipality.
- 3.2 Every owner of a cat shall, within 7 days of becoming an owner of a cat, cause the cat to be licenced with the municipality. Such license shall be for the lifetime of the cat.
- 3.3 On application for a licence, the owner of a dog or cat may be required to provide a certificate signed by a practicing veterinarian, showing that the dog or cat has been inoculated with an anti-rabies vaccine within the period to thirty-six (36) months immediately prior to the date of application for licence.
- 3.4 All licences and tags issued pursuant to this By-law shall be serially numbered and a record of their issue shall be kept by the Corporation. Such record shall set out the name and address of the owner, the name of the dog or cat and may include information as to the date of the dog or cat’s last anti-rabies inoculation.
- 3.5 At the time of registration, the owner/applicant shall be required to pay to the municipality the required licence fee pursuant to Schedule “A” of this By-law.

- 3.6 On payment of the licence fee for a dog or cat, the owner shall be furnished with a tag which shall bear the serial number relating to the application, and/or a sticker indicating the year in which the tag is valid.
- 3.7 The owner of a dog or cat shall keep the tag securely affixed on the animal for which it was issued at all times.
- 3.8 The fee charged for the replacement of lost dog or cat tags shall be that set out in Schedule "A" to this By-law.
- 3.9 No owner shall assign or transfer the licence which has been issued for a dog or cat to any other owner or dog or cat.

4. DUTY OF OWNER

- 4.1 No person shall keep, harbour or possess a dog or cat in the Town of Arnprior without first obtaining a dog or cat licence and registering the dog or cat under the provisions of this by-law.
- 4.2 No person shall allow a dog or cat to run at large within the Town of Arnprior.
- 4.3 No person shall permit or allow a dog or cat to trespass on any private or public property.
- 4.4 The owner of any dog or cat, or person having care and custody of any dog or cat, shall remove forthwith and properly dispose of any excrement left by his dog or cat on any public or private property, including the owner's property in the municipality.
- 4.5 No person shall permit a dog or cat to become a nuisance by barking or causing excessive noise at anytime so as to disturb the peace or quiet of any residence or any persons in the vicinity.
- 4.6 No person shall permit a dog or cat to attack, bite or chase any person or other animal or cause a nuisance.

5. IMPOUNDMENT

- 5.1 An Animal Control Officer or designate may seize any dog or cat found running at large within the Town of Arnprior or found to be in contravention of the provisions of this By-law and cause such dog or cat to be delivered to an animal shelter or pound.
- 5.2 If a dog or cat is found trespassing upon another person's property, or public property, an Animal Control Officer, or designate, may seize and impound such animal.
- 5.3 The owner of any dog or cat may obtain the release of such animal that has been delivered to the animal shelter or pound, by:
 - a) payment of the fee required by the animal shelter or pound operator; and

b) purchase of a valid dog or cat licence or identification accepted as valid or issued by the Corporation for such animal.

- 5.4 If an owner fails to claim the dog or cat during the time period prescribed in the regulations of the animal shelter or pound, the animal may be sold or disposed of.
- 5.5 Where a dog or cat is seized and/or impounded, and the services of a veterinarian are necessary, the owner shall pay to the Town, all fees and charges of the veterinarian in addition to all other fees and charges payable under this By-law.

6. DESTRUCTION/DISPOSAL

- 6.1 Any animal found running at large, if apparently diseased, injured or potentially dangerous, may be destroyed by the Animal Control Officer, or Police Officer at his/her discretion.
- 6.2 Where an animal which has been seized, is injured, or should be destroyed without delay for humane reasons, the Animal Control Officer or Police Officer may dispose of the animal in a humane manner as soon after seizure as he/she thinks appropriate without permitting any person to reclaim the animal, or without offering it for adoption, and no damages or compensation shall be received on account of such disposition.

7. DANGEROUS DOGS

- 7.1 No person shall permit a dog to attack or bite any person, or other animal, or fight with another dog, and shall maintain effective control of his dog by means of a muzzle and/or leash at all times.
- 7.2 If a dog attacks or bites any person, or other animal, without provocation, such dog shall be deemed to be a "dangerous dog".
- 7.3 Once a dog is deemed to be "dangerous", the Animal Control Officer, or his designate, shall notify the owner of the "dangerous dog", in writing, that the dog has been deemed to be "dangerous" and the owner shall ensure the following:
- a) the "dangerous dog" does not attack or bite any person or other animal whether on the owner's property or not;
 - b) when the "dangerous dog" is on the property of the owner, it is confined in an enclosed area or in a fenced yard, or on a chain or other suitable restraint device capable of restraining the animal;
 - c) when the "dangerous dog" is off the property of the owner it is securely leashed and muzzled in a manner that prevents it from biting or attacking a person or other animal and it is under the control of a person over the age of eighteen (18) years.
- 7.4 In the event of a dog which has been previously deemed "dangerous", and the owner has been duly notified of such pursuant

to section 7.3 of this By-law, attacks or bites a person or other animal for the second time, the “dangerous dog” shall not be permitted within the limits of the Town of Arnprior.

- 7.5 In the event of a dog which has previously been deemed ‘dangerous’ attacks or bites a person or other animal for the second time, the Animal Control Officer, or his designate, shall provide notice in writing to the owner of the “dangerous dog” of the requirement to remove the “dangerous dog” from within the Town of Arnprior and the owner shall be given 60 days from the date of the written notice to comply with this request.
- 7.6 The owner of the “dangerous dog” after having been notified in writing to comply with the provisions of this by-law, may request, and is entitled to, a hearing before Council which may exempt the owner from complying with some or all of the provisions of this by-law.
- 7.7 In addition to the requirements of this By-law, the owner of a “dangerous dog” may be subject to other legislation.
- 7.8 This section shall not apply to a police working dog while on duty.

8. RABIES CONTROL

- 8.1 Any animal which has bitten a person shall be promptly reported to the Town of Arnprior and/or the Renfrew County Health Department and shall be securely quarantined and shall not be released from such quarantine except by written permission of the Medical Officer of Health, or his designate. Such quarantine may be on the premises of the owner unless otherwise specified by the Medical Officer of Health or his designate. In the case of dogs or cats whose ownership is unknown, such quarantine shall be at an animal shelter of the Town’s choosing.
- 8.2 Every dog or cat over the age of three (3) months shall be vaccinated with an anti-rabies vaccine. The Animal Control Officer may require an owner to produce proof that the dog or cat has been vaccinated within the past thirty-six (36) months.
- 8.3 Every dog or cat owner, upon demand made by the Corporation, shall forthwith surrender any dog or cat which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine. Such expense shall be borne by the owner.
- 8.4 The Renfrew County Health Department shall direct the disposition of any animal found to be infected with rabies.
- 8.5 No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when such demand is made by the Corporation or medical Officer of Health or designate.

9. KENNELS

9.1 No person shall operate a Kennel as defined in this By-law within the Corporate boundaries of the Town of Arnprior.

10. NUMBER OF ANIMALS PERMITTED

10.1 No person shall keep, possess or harbour more than two (2) dogs and two (2) cats within or about any dwelling or on any property within the Town.

10.2 The provisions of Section 10.1 shall not apply to dog or cat litters, when the pups/kittens are under four (4) months of age.

11. PROHIBITED ANIMALS

11.1 No person shall keep, possess or harbour:

- a) any animal, as listed in Schedule "B" to this By-law; and,
- b) any domestic fowl, pigeons, horses, donkeys, mules, cattle, goats, swine or sheep except on land zoned Rural, Agricultural, or Hazard by any By-law of the Corporation.

11.2 Notwithstanding the provisions of this By-law, the temporary keeping of animals, snakes, insects and fowl where required as part of a school project is permitted.

11.3 This By-law shall not apply so as to prevent a person from keeping these prohibited animals, if such animals were lawfully owned prior to the date of passing of this By-law provided that:

- a) prior to six (6) months from the date of passing of this By-law, these prohibited animals are registered with the Corporation; and,
- b) the burden of proving the exemption is upon the person making the assertion, of which written registration with the Corporation shall be sufficient proof thereof.

12. NUISANCE ANIMALS

12.1 No person shall permit or allow any animal to:

- (i) be repeatedly at large;
- (ii) damage the property of anyone other than it's owner;
- (iii) chase vehicles;
- (iv) excessively make disturbing noises, including, but not limited to, continued or repeated howling, barking, whining, screeching or other noises that disturbs the peace, comfort, rest and enjoyment of the neighbourhood;
- (v) causes unsanitary conditions;
- (vi) Is offensive or dangerous to the public health, safety, or welfare of the neighbourhood;

(vi) attacks other animals or livestock.

13. POWER OF ENTRY

13.1 For the purposes of discharging the duties imposed by this by-law and to enforce its provisions, any agent of the Corporation shall exercise the powers and procedure in the manner as set out in the *Municipal Act S.O. 2001, c.25, sec. 425 – 431*, as may be amended from time to time.

14. EXEMPTIONS

14.1 Guide dogs within the meaning of the Blind Persons' Rights Act, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dog, are exempt from the payment of all licence fees applicable pursuant to this By-law. Said dog(s) shall be licenced and wear the current years licence tag issued by the licencing agent.

14.2 The provisions of Section 4.5 of this By-law shall not apply to a blind person accompanied by a dog used as a guide or lead dog.

14.3 The provisions of this By-law shall not apply to a police working dog while on duty.

14.4 The provisions of Section 3 and Section 10.1 of this By-law shall not apply in the event that a person is harbouring a dog or cat for the purposes of rehabilitation, fostering, or for the temporary care thereof (babysitting), provided that the dog or cat in question does not remain for more than two (2) months.

15. OFFENCES

15.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act.

15.2 Each day a contravention continues may be deemed to be a separate offence.

16. SEVERABILITY

16.1 It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

This by-law shall come into full force and take effect upon the passing thereof.

BE IT FURTHER ENACTED, that all By-laws, or parts thereof, and all or any Resolutions Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

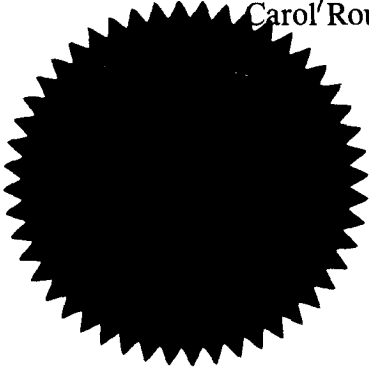
ENACTED and PASSED in Open Council this 2nd day of October, 2006.



Mayor Terry Gibeau



Carol Rousselle, Clerk



SCHEDULE "A"

- a) Licence Fee for each dog:
 - Before March 31st of each year and spayed or neutered: \$15.00
 - Before March 31st of each year and not spayed or neutered: \$20.00

 - After March 31st of each year, spayed or neutered: \$25.00
 - After March 31st of each year, not spayed or neutered: \$30.00

- b) Licence Fee for each cat: (one time fee for lifetime of cat)
 - Spayed or neutered: \$15.00
 - Not spayed or neutered: \$20.00

- c) Release Fee: As determined by Animal Shelter

- d) Replacement tag: \$5.00

SCHEDULE "B"

BEING A LIST OF ANIMALS, THE KEEPING OF WHICH IS PROHIBITED IN THE TOWN OF ARNPRIOR

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-human Primates (such as Gorillas and Monkeys)
3. All Felids, except the domestic cat
4. All Canids, except the domestic dog
5. All Viverrids (such as Mongooses, Civits and Genets)
6. All Hyaenas
7. All Ursdies (Bears)
8. All Perissodactylus Ungulates (such as the Domestic Horse and Ass, Antelopes, Wild Bores, Gazelle and Zebras)
9. All Elephants
10. All Pinipeds (such as Seals, Fur Seals and Walruses)
11. All Snakes of the Family Pythonidae and Biodae
12. All Venomous Animals (Vipers, Rattlers, Cotton Mouth, Copper Head, Cobras, Black Widow spider)
13. All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls)
14. All Edentates (such as Anteaters, Sloths and Armidillos)
15. All Crocodilians (such as Alligators and Crocodiles)
16. Skunks
17. Racoons
18. Groundhogs

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