

# THE CORPORATION OF THE MUNICIPALITY OF HURON EAST

## BY-LAW NO. 44-2015

**Being a by-law to regulate animal care and control within the Municipality of Huron East.**

**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** Section 11(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a lower-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4) of the Act;

**AND WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a lower-tier municipality to pass by-laws respecting animals;

**AND WHEREAS** Section 103(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animals being at large or trespassing contrary to the by-law;

**AND WHEREAS** Section 105 of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that a municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement to muzzle a dog;

**AND WHEREAS** Section 151 of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a municipality to provide for a system of licences with respect to a business;

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or behalf of it;

**AND WHEREAS** Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, c. d.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

**AND WHEREAS** The Corporation of the Municipality of Huron East deems it desirable to pass a by-law with respect to the control of animals and prohibited animals;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Huron East enacts as follows:

### 1. SHORT TITLE

1.1 This By-law may be cited as the "Animal Control By-law".

### 2. DEFINITIONS In this by-law:

2.1 "Act" means the *Municipal Act, 2001*, R.S.O. 2001, Chapter 25, as amended from time to time.

2.2 "Animal Control Officer" means an Animal Control Officer appointed by by-law of the Municipality, whose duty is to enforce ordinances regulating the ownership of animals and to respond to incidents in which animals are involved.

2.3 "Attack" means an assault resulting in bleeding, bone breakage, sprains, or bruising.

2.4 "Bite" means a wound to the skin causing it to puncture or break.

2.5 "Clerk" means the Clerk appointed by the Council of the Corporation of the Municipality of Huron East pursuant to the Act.

2.6 "Council" means the Council of the Corporation of the Municipality of Huron East.

2.7 "Dog" means a male or female dog over the age of twelve (12) weeks and may be neutered or spayed.

2.8 "Dog Tag" means an identification tag bearing a serial number and the current year in which it was issued by the Clerk, his/her designate, or the Animal Control Officer.

- 2.9 "Dwelling unit" means a room or suite of two or more rooms, designed or intended for use by any person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or installation of cooking equipment and the land on which it is located.
- 2.10 "Guide dog" means a dog which serves as a guide or leader for a physically, visually or hearing impaired person or performs search and/or rescue functions and which has been specially trained for that purpose.
- 2.11 "Harbour" means any person who possesses or has custody of an animal but does not include the providing shelter to a dog for a period of time of less than seven (7) days, provided that the dog is owned by someone other than the household group normally a resident in the dwelling unit and can provide proof of a permanent address.
- 2.12 "Herding Dog" means a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm.
- 2.13 "Household group" means two or more persons who live in the same dwelling unit whether or not they are related to one another.
- 2.14 "Kennel" shall mean a licensed establishment where more than three (3) dogs are kept for the purpose of show, training, keeping, breeding, and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery to veterinary treatment.
- 2.15 "License" means the receipt issued by the Municipality upon payment of the required fee or charge;
- 2.16 "Livestock" means 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, ostrich but not limited to the aforementioned or the young thereof.
- 2.17 "Livestock Guardian Dog" means a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them by repelling predators and is used exclusively for that purpose.
- 2.18 "Municipality" means the Corporation of the Municipality of Huron East.
- 2.19 "Municipal Law Enforcement Officer" shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Municipality of Huron East.
- 2.20 "Microchip" means 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.
- 2.21 "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the word "muzzled" and or "muzzling" have a similar meaning.
- 2.22 "Owner of a dog" means any person who owns, possesses, harbour or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. This shall also include a person who is temporarily the keeper of the animal.
- 2.23 "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals.
- 2.24 "Peace Officer" means the Animal Control Officer and/or a Provincial Offences Officer with the meaning of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.
- 2.25 "Pound" means the place which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law and so designated by the Council.
- 2.26 "Pound Keeper" means the person or agency designated for the Municipality to oversee and operate the pound.
- 2.27 "Prohibited Animal" means an animal of which the keeping of is prohibited within the Municipality of Huron East as described in Schedule "A" of this by-law.

- 2.28 "Urban" means those land uses designated for residential, recreational, commercial, industrial, institutional or developmental within a recognized Town, Village, Hamlet, or other recognized urban area.
- 2.29 "Vicious dog" means a dog which has, without provocation, attacked or bitten a person or another animal or communicated by its actions or intention, habit, tendency or has demonstrated a propensity to do so.
- 2.30 "Without provocation" means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

### **3. RESPONSIBILITY TO CARE FOR ANIMALS**

- 3.1 Every person who keeps an animal within the Municipality shall ensure that such animal is provided with,
- (a) a clean and sanitary environment free from an accumulation of fecal matter, odor, insect infestations or rodent attractants that disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal, and
  - (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity.

### **4. LIMIT OF ANIMALS**

- 4.1 The total number of cats and dogs shall not exceed five (5) within urban areas within the Municipality, with a maximum number of two (2) dogs harboured at any one time in a dwelling unit. No more than three (3) dogs shall be harboured, at any time, in a dwelling unit located within rural areas of the Municipality.
- 4.2 The total number of rabbits, rats or mice shall be limited to a total of 5 (five) per dwelling unit for the purpose of a pet, and shall not be bred for commercial purpose.
- 4.3 Any dogs over the maximum allowed in Section 4.1 not licensed at the time of passing of this By-law shall be licensed within forty five (45) days or shall be deemed in violation of this By-law.
- 4.4 In a Rural area, a person may harbour more than three (3) dogs at a premise without a kennel license, provided all the following conditions are met:
- (a) the person is keeping livestock upon the same premises, and
  - (b) the premises is on land that is zoned agricultural, and
  - (c) the dogs are licensed annually in accordance with this by-law, and
  - (d) the dogs are livestock guardian dogs and or herding dogs.

### **5. LICENCING OF DOGS**

- 5.1 Every dog owner shall, on or before the 28<sup>th</sup> day of February in each and every year, register such dog or dogs with the Clerk or his/her designate or with the Animal Control Officer and pay the prescribed fees as set out in Schedule "B" of this by-law. If a person becomes the owner of a dog after the 28<sup>th</sup> day of February in any year, the person shall register the dog and pay the prescribed fee within fifteen (15) days of taking possession of the dog. In the case of every dog tag purchased after February 28<sup>th</sup> in a given year, or in the case of a dog purchased after February 28<sup>th</sup> where a dog tag has not been purchased within fifteen (15) days of the date of possession of the dog, the owner shall pay a late fee as set out in Schedule "B" to this by-law.
- 5.2 Notwithstanding Section 5.1 hereof, the fees to licence and register a guide dog shall be waived with appropriate documentation.

- 5.3 Upon application for a licence, the owner shall sign the dog licence application that a certificate has been signed by a practicing veterinarian that the dog has been inoculated with an up to date Anti-Rabies Vaccine prior to the date of application for the licence. If the owner does not have a certificate, the owner shall be advised that one is required.
- 5.4 Upon application for a licence for a spayed female dog or neutered male dog the applicant shall produce if requested to the Municipality or its authorized agent at the time of application, a certificate from a veterinary surgeon that such female dog has been spayed or such male dog has been neutered.
- 5.5 The Municipality may use its discretionary authority in Section 398(2)(2) of the *Municipal Act, S.O. 2001, c. 25* to add dog licence fees and penalties to the property tax roll if the dog owner owns property in the Municipality, but nothing in this section shall preclude the dog owner from paying the dog licence fee directly to the Animal Control Officer or to the Municipal Office.
- 5.6 A record of the dog tags issued shall be kept by the Clerk or other officer designated by the Municipality for that purpose, showing the name, address and contact information of the owner and the serial number of the dog tag.
- 5.7 No tag shall be used for a dog other than the one for which it was issued.
- 5.8 The owner of a dog shall notify the Clerk of the change in ownership of the dog or of the death of the dog.

## **6. VICIOUS DOGS**

- 6.1 A vicious dog shall have a special licence fee as set out in Schedule "B" of this by-law.
- 6.2 An owner of a vicious dog shall obtain and maintain a policy of public liability insurance by an insurer licenced by the Province of Ontario providing third party liability coverage in the amount of Five Hundred Thousand (500,000) dollars for any damage or injury caused by said dog. Proof of insurance shall be provided to the Municipality.
- 6.3 An owner of a vicious dog shall implant an electronic identification microchip in the dog, obtained by a veterinary clinic or OSPCA.
- 6.4 An owner of a vicious dog shall provide the information contained on the microchip to the Clerk.
- 6.5 An owner of a vicious dog shall post "Beware of Dog Signs" on the perimeter of the property upon which the dog is housed.
- 6.6 An owner of a vicious dog shall keep such dog confined within the premises, or keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the dog from escape and preventing entry from unsupervised children.
- 6.7 An owner of a vicious dog shall ensure that the enclosure or other structure is locked at all times.
- 6.8 An owner of a vicious dog shall notify the Animal Control Officer if the animal is running at large.
- 6.9 No owner of a vicious dog shall permit it to be walked by a person under eighteen (18) years of age and shall ensure that the vicious dog is muzzled and leashed.
- 6.10 All requirements for a vicious dog shall be required until the dog is destroyed or Council exempts the owner from the vicious dog requirements.
- 6.11 The Council of the Municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the vicious dog requirements.

## **7. PIT BULLS AND PIT BULL CROSSES**

7.1 In this by-law, "pit bull" includes,

- (a) a pit bull terrier,
- (b) a Staffordshire bull terrier,
- (c) an American Staffordshire terrier,
- (d) an American pit bull terrier, and
- (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d); ("pit-bull").

7.2 Pit bulls and Pit bull crosses shall have a special licence fee as set out in Schedule "B" of this by-law.

7.3 No person shall walk a Pit bull and or Pit bull crosses, unless they are muzzled and leashed and shall ensure that they comply with all other aspects and conditions as stated in this by-law and also Ontario Regulation 157/05 Pit Bull Controls.

## **8. KENNEL LICENCING**

8.1 No person shall operate a kennel without, before the 28<sup>th</sup> day of February in each and every year, or upon the commencement of the operation of a kennel after the 28<sup>th</sup> of February in a given year, first applying for and obtaining from the Clerk a kennel licence and paying the prescribed fee as set out in Schedule "B" to this by-law.

8.2 No person or persons shall keep more than three (3) dogs over the age of twelve (12) weeks at one location unless a kennel licence is obtained or is exempted by the provisions of Section 4.4.

8.3 Every person who holds a kennel licence shall comply with the following requirements:

- (a) The kennel shall be in separate building from a dwelling unit.
- (b) The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code as amended from time to time.
- (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 and such floor shall be thoroughly cleaned daily, or more often if necessary.
- (d) The kennel building shall have adequate lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, running water and a food preparation area, pursuant to the Code of Practice for Canadian Kennel Operations, Second edition, May, 2007.
- (e) Inside dog runs minimum standards:
  - (i) at least 2.5 feet (0.75 metres) wide, 6 feet (1.8 metres) high and 15 square feet (1.35 metres) in area per dog.
  - (ii) has a floor of solid, readily sanitized and fluid-impervious material.
  - (iii) is enclosed by walls of solid, readily sanitized and fluid impervious material or surrounded by partitions which are solid, readily sanitized and fluid - impervious materials extending from the floor for at least 4 feet (1.2 metres) above the solid material, or other material that will prevent an animal confined in the run from escaping which extends to 6 feet (1.8 metres) above the floor. If the weight of the dog does not exceed 26 pounds, the wall/partition height may be reduced to 4 feet (1.2 metres).

- (iv) is constructed so that liquid cannot escape or pass to another run except through a drain, or drainage channel leading directly to a drain, which is inaccessible to an animal in the run.
- (v) has a door which does not open into another run.
- (vi) is well constructed and secure.
- (vii) is well ventilated.
- (viii) is properly drained.

8.4 If dogs are being housed outside, an example being a Hunting dog, the breed of dog must be properly acclimatized to seasonal and regional temperatures. Aged, young, or infirmed dogs shall be housed indoors. Shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet, and snow, which includes an enclosed area with dry bedding, properly drained and a cement pad or patio stones in front of the dog house door.

8.5 Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

8.6 The kennel licence shall be continuously displayed in a conspicuous place in the interior of the premises for which the licence has been issued.

8.7 At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odors.

8.8 The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthy temperature at all times.

8.9 The operator shall feed and give water to the dogs periodically each day and keep same in a clean, healthy condition, free from vermin and disease.

8.10 The Animal Control Officer and or Municipal Law Enforcement Officer and any other person authorized by the Municipality may, at any reasonable time, inspect any place where dogs are kept, pursuant to this by-law.

8.11 If the kennel is found not to conform, under the requirements set out herein, the Animal Control Officer and or Municipal Law Enforcement Officer may contact the O.S.P.C.A. or any other agency with the dog's best interests and wellbeing in mind. The Clerk may revoke the licence issued for the kennel if the owner is in contravention of this by-law.

8.12 No kennels will be allowed for Pit Bulls, Pit Bull Crosses and Staffordshire Terriers.

## **9. EXPIRATION OF LICENCE**

9.1 A licence issued pursuant to Section 5.1 or 8.1 of this by-law shall expire on the 31<sup>st</sup> day of December in the year for which it was issued.

## **10. HARBOURING DOG WITHOUT A LICENCE OR TAG**

10.1 Except as provided herein, no person shall harbour a dog or dogs within the boundaries of the Municipality unless such dog has affixed to it a current dog tag issued under this by-law.

## **11. IMPROPER USE OF DOG TAG**

11.1 No person shall use a dog tag other than for the dog the tag was issued, as stated in the dog licence application.

## **12. DOGS RUNNING AT LARGE**

- 12.1 No person shall permit a dog to run at large within the boundaries of the Municipality.
- 12.2 For purposes of this Section, a dog shall be deemed to be running at large if found not to be under the control of a competent and responsible person at any place within the boundaries of the Municipality other than the premises of the owner of the dog.
- 12.3 A dog shall be deemed to be running at large if found on municipal property and not on a leash, unless at a designated leash free park.
- 12.4 A dog shall not be deemed running at large if, while off the premises of its owner, the dog is within an enclosed area from which it does not appear to be able to escape, with the consent of the owner of such enclosed area.
- 12.5 A dog shall be deemed to be under control of a competent and responsible person if it is on a leash attached to a collar or harness, and which leash is a maximum length of 6 feet (1.8 metres), in the hands of an individual who appears to be able to restrain the dog and/or maintain control over the dog. A leash is not required for a guide dog or hunting dog while performing their respective work/services. Without permission of the land owner a hunting dog will be considered running at large.
- 12.6 Female dogs in heat must be confined to a building isolated from other dogs and remain there until such time as the heat has ended.
- 12.7 If a dog is tied or in a pen, it shall be a minimum 3 feet (0.9 metres) of any property line.

## **13. PROHIBITED ANIMALS AT LARGE**

- 13.1 No person shall permit a prohibited animal, as described in Schedule "A", to be at large within the boundaries of the Municipality.

## **14. CAUSING A DISTURBANCE**

- 14.1 No person, being the owner of a dog or the operator of a kennel shall permit a dog or dogs to persistently howl, bark or whine for a period in excess of 15 minutes, if such conduct disturbs or is likely to disturb the inhabitants of the Municipality.

## **15. REMOVAL OF DOG EXCREMENT**

- 15.1 Every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public or private lands within the boundaries of the Municipality.
- 15.2 In any prosecution pursuant to a violation of section 15.1 of this By-law, proof that the defendant is a blind person shall constitute a defense to such prosecution.

## **16. SEIZURE AND IMPOUNDING**

- 16.1 A Peace Officer, Animal Control Officer and/or Pound Keeper appointed by the Municipality may seize and impound any animal found running at large. The animal will be impounded under the direction of the Pound Keeper appointed by the Municipality.
- 16.2 For purposes of this Section, an animal at large shall be deemed to be any prohibited animal, or dog as described in Section 12 of this by-law.
- 16.3 If an animal found running at large has been injured and should, at the discretion of the Peace Officer, Animal Control Officer or Pound Keeper, be destroyed without delay for humanitarian reasons, the Peace Officer, Animal Control Officer or Pound Keeper may destroy the animal in a humane manner after the seizure as he/she thinks fit and no damages or compensation shall be recoverable by the owner of the animal on account of such destruction.

- 16.4 The Peace Officer or Animal Control Officer may destroy any animal found running at large if the animal cannot be seized within a reasonable time and which animal threatens the safety of the Peace Officer or Animal Control Officer or other persons, and no damages or compensation shall be recoverable by the owner of the animal on account of such destruction.
- 16.5 Where an animal has been impounded and has not been destroyed, the Pound Keeper shall release possession of the animal to its owner when;
- (a) the owner attends at the pound and claims possession of the animal within three (3) days, excluding the day which the animal was impounded, statutory holidays, Saturdays and Sundays,
  - (b) the owner provides proof that the animal is permitted by this by-law and any required licence or registration has been obtained from the Municipality,
  - (c) any emergency veterinary fees deemed to be necessary during the time of impound have been paid,
  - (d) the owner pays to the Municipality/Pound Keeper any seizure/pound fee and boarding fee per day for each day the animal has been in the pound, commencing the day the animal is seized and including the day the animal is removed from the pound and a Municipal administration fee as described in Schedule "B" of this by-law by the Owner.

## **17. LIABILITY FOR FEES**

- 17.1 Where an animal is impounded, the owner of the animal shall be liable for all fees prescribed herein, including all expenses and damages incurred, including the fees for destruction of the animal where the animal has been destroyed, whether or not the animal is claimed by the owner. All such fees shall be payable on written demand to the owner from the Clerk.
- 17.2 If the owner has not paid the fees demanded within thirty (30) days of the written demand for payment, such fees may be collected by action or in the same manner as municipal taxes.

## **18. REDEMPTION PERIOD FOR ANIMALS**

- 18.1 Where an animal has been seized while found running at large and impounded and the owner has not claimed the animal within three (3) days, excluding the day on which the animal was seized, statutory holidays, Saturdays and Sundays, or having attended at the pound to claim the animal has not paid the prescribed fees, the Clerk, Animal Control Officer or Pound Keeper may sell the animal for such price as he/she deems fit, destroy the animal in a humane manner, or otherwise dispose of the animal at his/her discretion, and no damages or compensation shall be recoverable by the owner as a result of any such action.

## **19. PROHIBITED ANIMALS**

- 19.1 Except as provided in Section 19.2, no person shall keep in the Municipality either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "A".
- 19.2 Despite Section 19.1, a person shall be permitted to keep such prohibited animals if acquired prior to the passing of this by-law, and such person shall comply with the following conditions:
- (a) the prohibited animal was housed on a property within the limits of the Municipality prior to the adoption of this by-law and such prohibited animal is registered at the Municipal office;
  - (b) the animal is kept in an environment which is appropriate for the species;
  - (c) the owner has filed a letter of request, as shown in Schedule "D" for an exemption from Section 19.1 of this by-law and has received approval in writing from the Clerk;



- (d) an initial on-site inspection is conducted of the prohibited animals by the Animal Control Officer.
- 19.3 The burden of proof for an exemption from Section 19.1 rests with the person making the request for exemption to the Clerk. Written approval from the Clerk shall be deemed as an exemption from Section 19.1 of this By-law.
- 19.4 The Clerk shall maintain a list of all prohibited animals and owners from which an exemption has been granted, in accordance with Section 19.2.
- 19.5 Any prohibited animal(s) allowed in Section 19.2 shall be registered within forty five (45) days or shall be deemed in violation of this By-law.
- 19.6 Section 19 shall not apply to:
- (a) any of the Municipality's animal care and control centre's, as applicable,
  - (b) the premises of the OSPCA,
  - (c) the premises of an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended,
  - (d) the premises of any licensed zoo or exhibit, permanently located in the Municipality,
  - (e) premises or facilities accredited by the Canadian Association of Zoos and Aquaria (CAZA),
  - (f) the areas of the Municipality in which professionally produced films are made using such animals, provided that there is supervision by Inspectors or Agents of the OSPCA or one of its affiliates or branches,
  - (g) the areas of the Municipality in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association and only while the educational programs are actually conducted, provided that such programs are limited to two (2) days at any one location,
  - (h) premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended,
  - (i) premises where wildlife rehabilitation is being undertaken in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, Chapter 41, as amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources.

## **20. ENFORCEMENT**

- 20.1 This by-law shall be enforced by an Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purpose of enforcing the Municipality's by-law.
- 20.2 The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police to enforce any provision of this by-law.

## **21. PENALTY OF OFFENCE**

- 21.1 Every person who contravenes any of the provision of this by-law is guilty of an offence and, on conviction, is liable to a fine pursuant to the Provincial Offences Act, R.S. O. 1990, CP. 33, as amended.
- 21.2 That the list of offences and applicable fines are attached in Schedule "C".

**22. REPEAL OF BY-LAWS**

22.1 That By-Law 10-2001 and 29-2010 are hereby repealed.

22.2 That all other by-laws and/or resolutions that are inconsistent with the provisions herein are hereby repealed.

22.3 This by-law shall come into force and take effect upon the final passage thereof.

***Read a first and second time this 20<sup>th</sup> day of July, 2015***

***Read the third time and finally passed this 20<sup>th</sup> day of July, 2015***

\_\_\_\_\_  
Mayor, Bernie MacLellan

\_\_\_\_\_  
CAO/Clerk, Brad Knight

**The Corporation of the Municipality of Huron East**  
**SCHEDULE "A" of By-law No. 44-2015: Animal Control**  
**Prohibited Animals**

Being a list of animals the keeping of which is prohibited within the Municipality of Huron East.

- 1) All marsupials (such as kangaroos and opossums)
- 2) All non – human primates (such as gorillas and monkeys)
- 3) All felis, except the domestic cat
- 4) All canis, except the domestic dog
- 5) All viverrids (such as mongooses, civets and genets)
- 6) All mustelids (such as skunks, weasels, otters, badgers), except domestic ferrets and minks
- 7) All ursidae (bears)
- 8) All artiodactylus ungulates, except domestic goats, sheep, pigs and cattle, deer, elk, bison, llama, and alpaca
- 9) All procyonide (such as raccoons, coatis and cacomistiles)
- 10) All hyaenas
- 11) All perissodactylus ungulates, except domestic horses and donkeys
- 12) All elephants
- 13) All pinnipeds (such as seals, fur seals and walruses)
- 14) All snakes of the families Pythonidae and Boidae
- 15) All venomous reptiles
- 16) All ratite birds, except domestic ostriches, emu, and rheas
- 17) All diurnal and nocturnal raptors (such as eagles, hawks and owls)
- 18) All exarthrans (such as armadillos, sloths and anteaters)
- 19) All bats
- 20) All crocodilians (such as alligators and crocodiles)
- 21) All venomous arachnids (such as scorpions and tarantulas)
- 22) All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater, shrew, otter shrew, mole and hedgehog
- 23) All cetaceans (such as whales, dolphins and porpoises)

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

## Exemptions

Being a list of places or circumstances which are exempt from the application of this By-law.

- 1) On the premises of a zoo or animal display operated by or on behalf of the Corporation of the Municipality of Huron East.
- 2) In a veterinary hospital under the care of a licensed veterinarian.
- 3) On the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under the *Animals for Research Act*.
- 4) By anyone holding a licence or permit under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.
- 5) On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.
- 6) During the transportation of such animals between the places or circumstances listed herein.
- 7) Premises which are temporarily used for travelling shows such as circus or other like shows.

**The Corporation of the Municipality of Huron East  
SCHEDULE "B" of By-law No. 44-2015: Animal Control  
Licensing and Fees**

The Council of the Municipality of Huron East establishes the following fee schedule:

Dog Licence

First dog spayed or neutered	\$20.00
Second dog spayed or neutered	\$30.00
Third dog spayed or neutered	\$40.00
First unaltered dog	\$30.00
Second unaltered dog	\$40.00
Third unaltered dog	\$50.00
Each additional dog (as permitted by Section 4.3)	\$50.00
Each additional dog (as permitted by Section 4.4)	\$50.00
Vicious Dog (as described in Section 6)	\$100.00
Pit Bull (as described in Section 7)	\$100.00
Late Fee (per dog)	\$15.00
Kennel Licence	\$150.00
Municipal Administration Fee (Section 16.5 (d))	\$50.00

**The Corporation of the Municipality of Huron East  
SCHEDULE "C" of By-law No. 44-2015: Animal Control  
Under Part 1 of the Provincial Offences Act**

ITEM	(Column 1) Short Form Wording	(Column 2) Provisions creating or defining offence	(Column 3) Set Fine
1	Fail to keep legal number of animals	4(4.1)	\$125.00
2	Fail to keep legal number of dogs	4(4.1)	\$125.00
3	Fail to keep legal number of rats, mice or rabbits	4(4.2)	\$125.00
4	Fail to license dog for current year	5(5.1)	\$125.00
5	Fail to license vicious dog	5(5.1)	\$125.00
6	Fail to use tag for dog it was issued to	5(5.6)	\$125.00
7	Fail to provide insurance policy for vicious dog	6(6.2)	\$125.00
8	Fail to provide microchip information	6(6.4)	\$125.00
9	Fail to post beware of dog signs	6(6.5)	\$125.00
10	Fail to enclose vicious dog	6(6.6)	\$125.00
11	Fail to lock vicious dog enclosure	6(6.7)	\$125.00
12.	Fail to notify vicious dog at large	6(6.8)	\$125.00
13.	Fail to leash vicious dog	6(6.9)	\$125.00
14.	Fail to muzzle vicious dog	6(6.9)	\$125.00
15.	Fail to walk vicious dog by adult	6(6.9)	\$125.00
16.	Fail to license Pit Bull	5(5.1)	\$200.00
17.	Fail to leash Pit Bull	7(7.3)	\$125.00
18.	Fail to muzzle Pit Bull	7(7.3)	\$125.00
19.	Fail to meet 157-05 of Pit Bull Control	7(7.3)	\$125.00
20.	Fail to license kennel for current year	8(8.1)	\$125.00
21.	Fail to affix dog tag	10(10.1)	\$125.00
22.	Allow dog to run at large	12(12.1)	\$125.00
23.	Prohibited Animals at large	13(13.1)	\$200.00
24.	Allow dog to howl, whine or bark causing noise, which may cause a disturbance	14(14.1)	\$125.00
25.	Fail to remove dog excrement from private or public land	15(15.1)	\$125.00
26.	Keeping a Prohibited Animal	19(19.1)	\$125.00
27.	Keeping a Prohibited Animal - fail to comply with conditions	19 (19.2)	\$125.00

NOTE: The penalty provisions for the offences indicated above is Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33

**The Corporation of the Municipality of Huron East  
SCHEDULE "D" of By-law No. 44-2015: Animal Control  
Letter of Request**

**1. Name:**  
**Address:**  
**Phone / Email:**

**2. Property Description:**

**3. Type of Prohibited Animal:**

**4. Location :** Where the Prohibited animal will be housed

**5. Inspection:** Inspection to determine if the housing facility is adequate:

- a) Aquarium or Pen - that has a locking device (picture to be attached)
- b) Adequate humidity
- c) Adequate temperature

**6. Picture of the Animal:** Please attach a photograph.

**7. Signatures:**

Signature of Animal owner requesting the approval: \_\_\_\_\_

Date of request: \_\_\_\_\_

Signature of the Animal Control Officer: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Signature of the Municipal Clerk: \_\_\_\_\_

Date of Approval: \_\_\_\_\_