

**THE CORPORATION OF THE TOWN OF ENGLEHART
BY-LAW # 2022-03**

BEING A BY-LAW TO AMEND ANIMAL CONTROL BY-LAW # 2014-19

Whereas the Corporation of the Town of Englehart deems it expedient to amend the animal control by-law #2014-19.

Now therefore, the Council of the Corporation of the Town of Englehart enacts as follows:

1. That the Corporation of the Town of Englehart amends the animal control by-law to amend/ replace or remove the following sections:
2. Section 4, to amend this section to establish the lifetime tags and eliminate the renewal process including renewal of fees.
3. Section 5.1 f) to establish one time fee of \$30.00 for lifetime tag.
4. Section 5.2 to amend this section to remove specific dates and deadlines for registration.
5. Section 9 that the fee for a replacement tag, lost or damaged be increased to \$10.00.
6. Part 1X – Animal Keeping – formally sections 24 & 25 regarding the keeping of pigeons, tippler-homing-and racing pigeons to remove those clauses permanently.
7. Part 1X – Animal Keeping – To remove section formerly known as #29 pertaining to the keeping of horses, domestic fowl, cattle, goats, sine, mink, sheep & mules.
8. Schedule “A” – Fees – to update the following fees: impoundment, daily boarding fee, quarantine daily fee and the fee for euthanasia supplies.
9. That this by-law comes in force and effect upon passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED AND PASSED
IN OPEN COUNCIL THIS 26TH DAY OF JANUARY 2022.**

Mayor

Clerk

BY-LAW 2022-03
BEING A BY-LAW OF THE TOWN OF ENGLEHART
TO REGULATE THE KEEPING OF ANIMALS AND THE
REGISTRATION OF DOGS AND CATS

WHEREAS in accordance with Section 130 of the Municipal Act, S.O. 2001, Chapter M. 45, Part VII as amended, council may pass such by-laws of the municipality in matters not specifically provided for by the Act as may be deemed expedient and not contrary to law.

AND WHEREAS in accordance with Section 103 of the Municipal Act, S.O. 2001, Chapter M. 45 as amended, council may pass such by-laws of the municipality with respect to the being at large or trespassing of animals.

AND WHEREAS the Council of the Corporation of the Town of Englehart deems it expedient to regulate the keeping and control of animals in the Municipality of the Town of Englehart.

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

PART I - GENERAL

1. DEFINITIONS

- 1.1 **AID DOG** shall mean a dog that is trained to aid the handicapped and is actively in use for such purpose.
- 1.2 **ANIMAL** includes any mammal, bird or reptile, other than a dog or cat.
- 1.3 **ANIMAL CONTROL OFFICER** means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law and includes a police officer.
- 1.4 **ANIMAL SHELTER** shall mean the premises designated by the Corporation of the Town of Englehart that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to this By-law. The operation and maintenance of the designated Animal Shelter shall be the responsibility of the Municipality and advised by the Animal Control Officer. Animal Shelter and Impound Centre shall have like meaning.
- 1.5 **AT LARGE** means to be found in any place other than the premises of the owner of the dog or cat and not under the control of a person in such a manner as to prevent escape.
- 1.6 **CAT** means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat.
- 1.7 **CAT TAG** means a cat tag issued pursuant to this By-law
- 1.8 **CONTROL** includes care and custody.
- 1.9 **COUNCIL** means the Council of the Town of Englehart.
- 1.10 **DOG** means a male or female of the domesticated canine species.
- 1.11 **DOG TAG** means a dog tag issued pursuant to this By-law.
- 1.12 **DWELLING UNIT** means one or more rooms connected as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities.
- 1.13 **KEEPS** means to own, keep, harbour, maintain or feed a cat, dog, or animal.
- 1.14 **FOSTER** means to keep a dog or cat in a residential home for 30 days or less.
- 1.15 **LIFETIME TAG** shall mean for the life of the registered cat or dog.
- 1.16 **LEASHED** shall mean a restraining device securely attached to the dog and person or object.
- 1.17 **MEDICAL OFFICER OF HEALTH** shall mean the Medical Officer of Health for the Timiskaming District.
- 1.18 **MICROCHIP** means an approved "Canadian Standard" encoded identification device implanted into a dog or cat 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.
- 1.19 **MUNICIPALITY** means the Town of Englehart.
- MUZZLE** means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting.
- 1.20 **KENNEL** shall mean a place or confine where dogs are bred and raised and/or boarded
- 1.21 **OWNER** includes any person who keeps, possesses, harbours a dog, cat or animal and, where the owner is a minor, the person responsible for the custody of the minor and "owns" has a corresponding meaning.

- 1.22 **POLICE WORK DOG** means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties.
- 1.23 **PREMISES** means the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situate.
- 1.24 **PUBLIC PROPERTY** includes all lands owned by the Municipality, any local boards; any Corporations owned or controlled by the Municipality or Conservation Authority and includes all Crown lands.
- 1.25 **REGISTRAR** means the person authorized by this By-law to administer and enforce this By-law, and where applicable, shall be deemed to include an agent appointed by the Registrar to perform that task or exercise that power under this By-law.
- 1.26 **SPORTING DOG** shall mean dogs of various breeds raised, kept and trained to participate in sporting activities and competitions including, but not limited to “dog shows”, “trials for retrievers”, “tracking dogs”, “sled dog races” and the “hunting of game”.
- 1.27 **TAG** in reference to a dog means a dog tag, and in reference to a cat means a cat tag.
- 1.28 **VETERINARIAN** means a person registered or licensed under the Veterinarian Act.
- 1.29 **VICIOUS DOG** means a dog that has attacked without provocation or bitten a person or domestic animal as determined by the Animal Control Officer in accordance to Section 21 herein.

2. REGISTRAR

- 2.1 The Animal Control Officer for the Municipality shall be the Registrar pursuant to this By-law.
- 2.2 The Registrar is responsible for the issuance of tags and may, from time to time appoint in writing agents for the issuance of tags as he or she may consider necessary. The Registrar may revoke any such appointment in writing for such reason as the Registrar in his or her sole discretion may determine.

3. APPLICATION

Except as otherwise provided, this By-law shall apply to every person in the Municipality.

PART II - DOGS AND CATS

4. REQUIREMENT TO REGISTER

- 4.1 Except as provided to the contrary in this By-law, every owner of a dog or cat shall register the dog or cat with the Registrar within 7 days of becoming the owner of the dog or cat or within 7 days of establishing their new residency within the boundaries of the municipality of the Town of Englehart.
- 4.2 Despite Subsection 4(1), no person need register a dog or cat before the dog or cat reaches the age of 8 weeks. The onus of proof of the age of the dog or cat shall rest with the owner.
- 4.3 The registration of a dog or cat shall expire upon the earliest of:
- a) the transfer of ownership of the dog or cat for which it was issued.
 - b) death of the dog or cat for which it was issued.
- 4.4 Foster of dogs and cats will be allowed in Englehart:
- a) in a residential home only.
 - b) only one fostered animal at a time will be allowed.
 - c) including the fostered animal, the total number of animals cannot exceed the allowable number in a home.
 - d) a fostered animal cannot remain for more than 30 days.
 - e) a tag can be purchased at the town hall that will be recorded as a fostered animal- when the animal leaves the home, the tag can be transferred to another fostered animal.
 - f) the Town of Englehart must be informed when one leaves and what type of animal the tag is being transferred to.

5. REGISTRATION PROCESS

- 5.1 Every person who applies to the Registrar to register a dog or cat, shall:

- a) provide the name, address, telephone number of the owner of the dog or cat,
 - b) provide a description of the dog or cat.
 - c) provide the name of any animal clinic with which the dog or cat is registered.
 - d) disclose whether the dog or cat has a microchip implanted.
 - e) provide such other information or documentation as may be required by the Registrar.
 - f) unless subject to an exception under Subsections 5(2) or 5(3) shall pay a lifetime registration fee of \$30.00 to register the dog or cat if the animal.
- 5.2 The registration fee otherwise payable by an owner to register a dog or cat will be reduced by \$10.00 provided the applicant provides at the time of registration, evidence satisfactory to the Registrar that:
- a) the owner of the dog or cat is 65 years of age or older; or
 - b) the dog or cat has been spayed or neutered. A certificate signed by a veterinarian shall be satisfactory evidence, but the Registrar may accept such other evidence as the Registrar in his or her sole discretion may determine.
- 5.3 The registration fee otherwise payable to register a dog shall be reduced to nil provided the owner of the dog produces to the Registrar, at the time of registration, evidence satisfactory to the Registrar that the dog is:
- a) a seeing eye dog and is used in that capacity by the owner of the dog or by a minor child forming part of the family of the owner of the dog.
 - b) a hearing ear dog and used in that capacity by the owner of the dog or by a minor child forming part of the family of the owner of the dog; or
 - c) a police work dog.
- 5.4 No registration fee or any part thereof shall be refunded for any reason.

6. ISSUANCE OF DOG TAG / CAT TAG

- 6.1 Upon the applicant providing all information and documentation required by the Registrar, and paying the appropriate registration fee, the Registrar shall register the dog or cat and shall issue to the applicant a dog tag or a cat tag, which bears a unique serial number, shows the year of issue and such other information as may be determined by the Registrar.
- 6.2 Every owner of a registered dog or cat shall advise the Registrar in writing within 7 days thereafter, of:
- a) a change of address or phone number of the owner of the dog or cat or of the animal clinic which cares for the dog or cat; and
 - b) the death or sale or other transfer of ownership of the dog or cat.
- 6.3 The Registrar shall have the right to cancel the registration of a dog or cat if the registration fee is not paid in full, through error, because of a cheque being returned marked Not Sufficient Funds, a credit card charge being refused or for any other reason.

7. KENNELS

- 7.1 The owner of a kennel of dogs shall pay annually to the Municipality, or its authorized agent, on or before the 1st day of February in each year, a licence fee for his or her kennel and shall receive a kennel licence for the current year.
- 7.2 Where the owner of a kennel has complied with subsection 3.1, he or she is not required to cause each dog kept at his or her kennel to be registered with and licensed by the Municipality.
- 7.3 No licence shall be issued to any kennel pursuant to the provisions of this by-law unless the kennel is in a location or an area in which kennels are permitted by the applicable Zoning By-Law and unless the kennel complies with all of the requirements of that Zoning By-Law.
- 7.4 It shall constitute an offence for any person or persons to keep more than three (3) dogs over three (3) months of age at any one location unless a kennel licence has been obtained for that location.
- 7.5 Every person who applies for a kennel licence or operates facilities for dogs shall comply with the following requirements:
- (a) The kennel shall be in a separate building and shall not be attached to a building which is or can be used for human habitation.

- (b) The kennel building must conform to the Ontario Building Code and must be maintained in such a manner as to be free of damage.
 - (c) The kennel building shall have a floor of concrete or other impermeable material and such floor shall be thoroughly cleaned daily or more often if necessary.
 - (d) Alternatively, dogs may be kept in cages of size adequate to allow the animal to extend its legs to their full extent, to stand or sit, to turn around or lie down in a fully extended position, and the cages shall 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.
 - (e) The kennel building shall have
 - (i) windows which may be opened for proper ventilation,
 - (ii) a heating system sufficient for the health, care, and comfort of the dogs, and
 - (f) Where dogs are permitted to use an outside area, there shall be constructed around such area a fence having a height of at least 1.52 metre (5 feet); the wall of an adjacent building may be included as part of such fenced-in area. Such a fenced-in area shall not be required where the outside area is more than 61 metres (200 feet) from the nearest limit of the property.
 - (g) Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- 7.6 Every kennel shall be subject to an annual inspection by the Animal Control Officer, or by such other person or agency as may be designated by Council, to ensure that the foregoing provisions of Section 3 are being adhered to in the operation of the kennel, and a report in writing of each inspection shall be filed in the Office of the Municipality. A fee for each inspection shall be paid by the kennel owner to the Municipality, or its authorized agent, at the time of each inspection, in accordance with Schedule "A" to this bylaw.
- 7.7 Where such inspection reveals that the foregoing provisions of Section 7 are not being adhered to by the kennel owner the Animal Control officer, or such other person or agency as may be designated by Council, may suspend the owner's kennel licence until the deficiencies found have been remedied. An inspection fee shall be payable to the Municipality, or its authorized agent, on each occasion that a further inspection of the kennel is necessary to determine that the kennel satisfies the requirements of Section 7.
- 7.8 An inspection of a kennel may be carried out more frequently than once each year where a valid complaint or complaints with respect to the operation of the kennel have been received by the Municipality.
- 7.9 It shall constitute an offence for any person to operate a kennel without a valid kennel licence not under suspension.
- 8. DOG / CAT TO WEAR TAG**
- 8.1 Every owner of a dog, whether that dog has a microchip implanted and every owner of a cat which does not have a microchip implanted shall, subject to subsection 8(2) keep the tag securely fixed on the dog or cat for which it was issued.
- 8.2 Despite Subsection 8.1, an owner need not keep the tag on his or her dog or cat:
- a) where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog or cat.
 - b) In the case of a dog, while the dog is being lawfully used for hunting in the bush, and the license is produced upon request of an Animal Control Officer.
 - c) While the dog or cat is within the dwelling unit or on the premises of its owner.
- 8.3 No person shall remove a tag from a dog or cat without the consent of the owner thereof.

- 8.4 No person shall attach a tag to a dog or cat other than the dog or cat for which it was issued.
- 8.5 Every tag issued by the Registrar is a lifetime tag which expires only when the animal dies and remains the property of the Municipality and in the event the registration of a dog or cat is cancelled by the registrar, the tag shall be surrendered to the Registrar.

9. REPLACEMENT TAGS

The Registrar shall issue a replacement dog tag or cat tag to the owner of a registered dog or cat upon application of the owner, provision of evidence satisfactory to the Registrar that the tag was lost or damaged and payment of the fee of \$10.00 for the replacement tag.

10. REGISTRAR'S RECORDS

- 10.1 The Registrar shall maintain records of all dog tags, cat tags and replacement tags issued by the Registrar in each calendar year and shall update such records as additional information is received pursuant to Subsection 6.2.
- 10.2 The records under Subsection 10.1 shall include: the name, address and phone number of the owner of the dog or cat; a description of the dog or cat; the particulars of any microchip implanted in the dog or cat; the serial number of the dog tag or cat tag issued for that dog or cat; the fee paid; the particulars of any evidence provided in support of a fee reduction; and such other information as the Registrar in his or her sole discretion determines to be necessary.

PART III- NUMBERS OF DOGS AND CATS

11. LIMITATION ON NUMBERS

- 11.1 Except as otherwise provided in this By-law, no person shall keep or permit in or about any dwelling unit or premises more than three dogs or more than three cats, provided however, that the combined maximum of dogs and cats together shall not exceed five.
- 11.2 Notwithstanding subsection 11.1 a person may keep or permit in or about a dwelling unit or premises:
- a) maximum of four dogs temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or
 - b) a maximum of five cats temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or
 - c) not more than 4 dogs or 6 cats on a property which is zoned for "agricultural" use under the Zoning By-law for that area, and which is used for agricultural purposes as defined in the relevant Zoning By-law for the area.
- 11.3 Subsections 11.1 and 11.2 shall not apply to dogs or cats under the age of eight weeks.
- 11.4 Notwithstanding subsection 11.1, a person may keep about a dwelling unit or premises every dog or cat which was duly licenced in accordance with an animal control by-law which was in effect the day before the effective date of this By-law in the area in which the dwelling unit or premises is located, until the earliest of the death of the dog or cat; the owner otherwise disposes of the dog or cat; or the owner fails to register the dog or cat in accordance with this By-law.
- 11.5 It shall be the responsibility of the owner of the dog or cat claiming an exemption from Subsection 11.1 to substantiate the entitlement to the exemption claimed.

PART IV - DOGS AND CATS RUNNING AT LARGE

12 PROHIBITED LOCATIONS AND TIMES

- 12.1 No owner shall permit a dog, other than an aid dog, to be in the following areas used by the public between the 1st of April through the 30th of September, inclusive:
- a) The Englehart Cemetery
 - b) Englehart Lee Pool

13. RUNNING AT LARGE

- 13.1 No owner of a dog or cat shall cause, allow, or permit a dog or cat he or she owns to run at large within the limits of the Municipality.
- 13.2 No owner shall permit a dog or cat to run at large that is not within the dwelling unit or on the premises of its owner or on private property with the consent of the owner of that private property.
- 13.3 No owner shall permit a dog or cat to run at large that is not under the effective control of a responsible person.
- 13.4 No owner shall ensure that a dog or cat is on a leash of not more than 2 metres in length which is held under the effective control of responsible person.

14. OWNER NOT TO PERMIT TRESPASS

No owner shall allow or permit his or her animal to trespass on private property whether under restraint or not.

PART V - SEIZE AND IMPOUND**15. ANIMAL CONTROL OFFICER MAY SEIZE**

- 15.1 Subject to subsection 15.2, an Animal Control Officer may seize and impound any dog or cat found running at large.
- 15.2 A dog shall not be considered to be running at large if it is a police work dog and is being used in the course of police duties, or it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting, on un-posted land or on posted land with the permission of the owner.
- 15.3 An Animal Control Officer may enter on any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this by-law and to enforce its provisions, without a search warrant, provided he or she is in active pursuit of a dog or cat, enter upon the private property of any person for the purpose of continuing his or her pursuit of the dog or cat, **provided that** in no instance shall any such agent of the Corporation enter into any dwelling unit or other building situated on private property without a Search Warrant authorizing such entry.
- 15.4 Where, in the opinion of the Animal Control Officer, a dog or cat seized under subsection 15.1 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 his or her designate or agent, despite subsection 15.5 may kill the dog or cat in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale and no person shall be entitled to recover damages or compensation on account of its killing.
- 15.5 Subject to Subsection 15.4, any dog or cat seized by an Animal Control Officer under this By-law shall be impounded for 3 days from the time of its impoundment, exclusive of the day on which the dog or cat was impounded, and days on which the impound centre is closed, provided however, that if the dog seized is a female dog in heat, the dog shall be impounded until the earlier of the day the dog is no longer in heat and 21 days.
- 15.6 During the impound period referred to in subsection 15.5, the owner of the dog or cat shall be entitled to redeem the dog or cat upon:
- a) payment of the impound fee and board fee in an amount determined in accordance with Schedule "A" to this By-law.
 - b) payment of any veterinarian fees incurred for the well-being of the dog or cat; and
 - c) registering the dog or cat in accordance with this By-law if there is no evidence the dog or cat is already registered. When no proof can be shown that the dog or cat is not registered the appropriate license fees shall be doubled.
- 15.7 If the dog or cat is not redeemed within the time frame specified in subsection 15.5, the Animal Control Officer may dispose of the cat or dog as it sees fit without liability to any person for the disposition of the dog or cat or the manner thereof.

16. PROTECTIVE CARE

- 16.1 The Animal Control Officer is authorized, upon request of a police officer, to impound a dog or cat for protective care purposes, pursuant to an incarceration, fire, medical emergency or for any other situation that the Animal Control Officer deems appropriate and to keep such animals for a maximum of five days.

- 16.2 In the event that the owner of the dog or cat impounded for protective care does not claim the dog or cat and pay the impound fees, board fees and veterinarian fees in accordance with Schedule "A" to this Bylaw, within five days, then on the sixth day, the dog or cat shall be deemed to have been impounded as running at large in accordance with Section 15 and time under subsection 15.5 shall begin to run.

17. IMPOUND FEES

Where a dog or cat is seized and impounded, or impounded for protective care, the owner, if known, shall be liable for the impound fees, board fees and veterinarian fees in an amount determined in accordance with Schedule "A" to this By-law, whether the dog or cat is claimed from the pound or not and shall pay all fees on demand by the Animal Control Officer. In appropriate humanitarian circumstances, as determined by the Animal Control Officer, the Animal Control Officer, may, in his or her discretion, waive all or part of the impound fees, board fees and veterinarian fees, or provide for delayed or installment payments of same.

PART VI - STOOP AND SCOOP

18. REQUIRED TO STOOP AND SCOOP

Subject to Section 19, every person who owns or keeps an animal shall forthwith remove and dispose of excrement left by that animal on any public road or on any property in the Municipality.

19. EXEMPT FROM REQUIREMENT

Section 18 shall not apply to a person who owns or uses a seeing-eye dog registered with the Canadian National Institute for the Blind or a working police dog.

PART VII - NOISE

20. OWNER NOT TO PERMIT NOISE

The owner of a dog or a cat shall not permit or allow the dog or cat to make or continue to make any sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual.

PART VIII -VICIOUS DOG

21. NO OWNER SHALL PERMIT ATTACK

- 21.1 No owner of a dog shall permit his or her dog to attack without provocation or to bite a person or domestic animal. Where the Animal Control Officer is informed upon written complaint (Schedule "AC1"), and is satisfied that a dog has attacked without provocation or bitten a person or domestic animal, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, the Animal Control Officer shall or his designate may issue an Order (Schedule "AC2") to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such order shall set out the conditions of muzzling and the owner shall comply with any or all the requirements set out in Subsections 21.3, 21.4 and 21.5. The Order shall remain into effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Issuer that the dog in question does not present a risk to public safety, or an exemption is granted in accordance with 21.6 of this By-law. on the owner of the dog that the dog is deemed to be a vicious dog and requiring the owner to comply with.

- 21.2 Service of an Order that a dog has been deemed a vicious dog may be affected on the person who shows in the Municipality's records as the owner of the dog, or where the dog does not appear to be registered pursuant to this By-law, on such other person who appears to be the owner of the dog. Service may be affected by personal service, by mail or by posting up in a conspicuous place at the address shown in the records of the Municipality as the address for the owner of the dog, or where the dog is not registered under this By-law, at such address as appears to be the address of the owner of the dog. Service of the Order shall be effective upon the date that personal service is affected, or were served by mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.

- 21.3 Every owner of a vicious dog shall always when the vicious dog is within the boundaries of the owner's premises:
- (a) kept restrained inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from meeting persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a child ten (10) years old or younger; or
 - (b) transported from one location to another by means of a collar-type leash and a muzzle.
- 21.4 Every owner of a vicious dog shall always when the vicious dog is not within the boundaries of the owner's premises:
- a) keep the vicious dog under the effective control of an adult person on a leash held by the person; and
 - b) keep the vicious dog muzzled.
- 21.5 Every owner of a vicious dog shall notify the Registrar within two working days of any change in ownership or residence of the vicious dog and provide the Registrar with the new address and telephone number of the owner.
- 21.6 Where the owner of a vicious dog is informed that his or her dog has been deemed to be a vicious dog, the owner may, within 14 days of such notice, request in writing a hearing by Council or committee established for that purpose and Council may exempt the owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.
- 21.7 The notification that a dog is a vicious dog is effective from the date it is served, even if a hearing before Council is requested by the owner of the dog affected.
- 21.8 Failure to comply with an Order issued under the authority of Section 21.1 of this by-law is subject to the Set Fine as set out in (Schedule "B")

PART IX - ANIMAL KEEPING

22. NO OTHER ANIMALS TO BE KEPT

- 22.1 Except as provided in this Part, no person shall keep any animal other than a dog or cat within the Municipality.
- 22.2 This Part shall not apply to any veterinarian hospital, pet store, educational program, or research divisions.
- 22.3 Nothing herein shall give any person any right to keep animals where such is prohibited by any Zoning By-law in effect from time to time governing the property on which the animals are being kept.
- 22.4 If any set-back requirements set out herein are inconsistent with the requirements set out in the Zoning By-law in effect from time to time governing the property in question, the requirements of the By-law which are more onerous shall prevail.

23. RABBIT KEEPING

Despite Section 22 a person may keep not more than six (6) rabbits over the age of 8 weeks in any dwelling unit or premises in the Municipality provided such person ensures:

- a) that any rabbit routinely kept outside is kept in a rabbit hutch:
 - i. constructed such that the ground floor of the rabbit hutch is not less than 0.5 meters above ground level.
 - ii. constructed in such a way as to prevent escape by the rabbit.
 - iii. located at a distance not less than 12 metres from any dwelling unit, shop or store not occupied by the person keeping the rabbits: and
 - iv. located at not less than 1.2 metres from the property line.
- b) all refuse and waste matter from any rabbit hutch is disposed of daily in a proper and sanitary manner and no such refuse or waste matter is burned or stored; and
- c) all food for the rabbits is maintained in a rodent proof container.

24. MICE, RATS, GUINEA PIGS, HAMSTERS, GERBILS, FERRETS

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality not more than a total of six (6) of any combination of mice, rats, guinea

pigs, hamsters, and gerbils, provided same are housed in and kept in an escape proof enclosure.

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality not more than two ferrets, provided same are housed in and kept in an escape proof enclosure.

25. SNAKES, LIZARDS

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality, not more than two non-venomous snakes and two non-venomous lizards provided same are housed in and kept in an escape proof enclosure.

26. HOUSEHOLD BIRDS

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality, not more than a total of six of any combination of: domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied hornbills or cock-of the-rocks, provided same are housed in and kept in an escape proof enclosure.

PART X – ENFORCEMENT

28. CONTRAVENTION

Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

29. INTERFERENCE

No person shall interfere with, hinder or molest an agent of the Corporation in the performance of any duty of such agent, or seek to release any animal in the custody of the Corporation, or its agents, except as herein provided.

PART XV – SCHEDULE “A”

30. SCHEDULE “A”

Schedule “A”, being a Schedule of Fees, attached hereto is hereby incorporated into and forms a part of the within By-law.

PART XVI - SHORT TITLE AND REPEALS

31. SHORT TITLE

This By-law shall be known as the ***“Animal Control By-law”***.

32. REPEALS

The following By-laws are hereby repealed:

- a) By-laws 2003-07 and 2003-08.

33. Limits of Repeals

Where a By-law of The Corporation of the Town of Englehart is repealed by this By-law, the repeal does not:

- a) revive any By-law not in force or existing at the time of which the repeal takes effect.
- b) affect the previous operation of any By-law so repealed.
- c) affect any right, privilege, obligation, or liability acquired, accrued, accruing, or incurred under the By-law so repealed.
- d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding, or remedy in respect of such privilege, obligation, liability, penalty, forfeiture, or punishment.

SCHEDULE "A" - FEES**TO BY-LAW**

<i>IMPOUNDMENT OR DISTRAINED</i>	Fee
Impoundment Fee	\$ 30.00
Daily Boarding Fee	\$ 20.00
Quarantine Daily Fee	\$ 35.00
Humane Services/Adoption Fee	\$ 60.00
Euthanasia Supplies Fee	\$ 25.00
Disposal of Surrendered /Non-Impounded Animal Fee	\$ 70.00
<i>TAGS AND LICENSES – SECTION 5</i>	Fees
Register Dog or Cat under Sec. 5.1 (f)	\$ 30.00
Register Dog or Cat under Sec. 5.2	\$ 20.00
Register Dog under Sec. 5.3	Nil

Set Fine Schedule

THE CORPORATION OF THE TOWN OF ENGLEHART
PART I, Provincial Offences Act

By-Law # 2022-03, a By-Law to provide for the licensing, regulation and registration of dogs within The Corporation of the Town of Englehart.

Item	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Offence Creating Provision	<u>Column 3</u> Set Fine (Includes Costs)
1	Operate kennel without licence	Section 3.9	\$ 150.00
2	Failure to register and license dog for current year	Section 4.1	\$55.00
3	Failure to attach tag to dog and keep it attached	Section 4.3	\$30.00
4	Use tag on dog other than the dog for which it was issued	Section 4.8	\$55.00
5	Failure to provide information as to number and description of dogs on premises.	Section 4.9	\$55.00
6	Harbouring more than a total of three dogs	Section 5.1	\$75.00
7	Allow dog or cat to run at large without current tag, first offence	Section 13.1	\$100.00
8	Allow dog or cat to run at large on private property without consent of owner.	Section 13.2	\$100.00
9	Allow dog or cat to run at large with current tag, second or subsequent offence.	Section 13.1	\$150.00
10	Fail to take precautions necessary to prevent dog from biting or attacking	Section 7.1	\$450.00
11	Fail to lock gate in fenced area containing vicious dog	Section 8.2.(a)	\$300.00
12	Fail to conform to requirements for vicious dog pen	Section 8.2(b)	\$300.00
13	Failure to be fully in control of vicious dog	Section 8.3	\$300.00
14	Fail to keep vicious dog muzzled while off owner's property	Section 8.4	\$300.00
15	Operating kennel containing vicious dog	Section 8.5	\$300.00
16	Permit vicious dog to attack or bite.	Section 8.7	\$500.00
17	Fail to inform Animal Control officer that dog is vicious.	Section 8.8	\$300.00
18	Fail to inform Animal Control Officer that vicious dog transferred from one owner to another owner.	Section 8.9	\$300.00
19	Fail to post sign warning of vicious dog	Section 8.10	\$55.00
20	Keep sporting dogs without a sporting dogs licence	Section 9.1	\$150.00
21	Keep more than ten sporting dogs at any one location	Section 9.4	\$75.00
22	Engage sporting dogs in activities other than as listed in their form of registration	Section 9.7	\$150.00
23	Permit activities of sporting dogs on private property without written permission of property owner	Section 9.8	\$150.00
24	Failure to prevent animal from entering prohibited area	Section 12	\$75.00
24	Failure to remove/prevent animal waste being deposited on private/public property	Section 18	\$55.00

NOTE: Penalty provision for the offences indicated above is Section 30 of By-Law No. 2022-03, a certified copy of which has been filed.

Schedule "AC1"

DECLARATION REGARDING A VICIOUS DOG

Owner of Dog:

Name: _____

Address: _____

Name of Dog: _____ Dog Tag Number: _____

Description of Dog:

Breed: _____

Colour: _____

Other: _____

Rabies Tag Number: _____ Other Identification: _____

Location of Incident:

Description of Incident:

Date of Incident: _____ Time of Incident: _____

Signature of Witness who actually saw
the alleged vicious dog bite a person or
domestic animal

Signature of Animal Control Officer

Name of witness: _____

(Please print)

Address of witness: _____

Telephone number of witness: _____

Personal information contained in this form is collected under the authority of the Municipal Act, S.O., 2001, c.25, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk/Privacy Officer of Town of Englehart, 61 Fifth Avenue, PO Box 399, Englehart, ON P0J 1H0 (705) 544-2244

Schedule "AC2"

ORDER TO RESTRAIN

To: _____ Date: _____
Owner of Dog

Address: _____

Description of Dog: _____

Name of Dog: _____

Breed: _____

Colour: _____

Dog Tag: _____

Rabies Tag No. including the year and Veterinary's Office:

The Corporation of the Town of Englehart is in receipt of a Declaration duly executed by the Animal Control Officer pursuant to Section 21.1 of By-law No. 2022-03, and that the dog described above did on the ____ day of _____, __ bite and puncture the skin of a person or a domestic animal. In accordance with Subsection 21.1 of By-law No. 2022-03, you are hereby ordered to restrain your dog as follows:

Schedule “AC2 side B”

METHOD OF RESTRAINING A VICIOUS DOG

- 1) While the dog is on the property of the owner or harbourer as described in the Order, the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.

- 2) While the dog is off the property of the owner, as described in the Order, the owner shall ensure that:
 - i) it is securely on a collar-type leash with a maximum length of 2 metres and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal.

 - ii) a muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal.

 - iii) it is under the control of a person sixteen (16) years of age or older.

 - (iv) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the vicious dog.

 - (v) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the vicious dog is transferred to another person.

 - (vi) the Animal Control Officer is notified should the vicious dog be destroyed.

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This Order is served upon the owner in accordance with Subsection 21.2 of By-law No. 2022-03 on this _____ day of _____, _____.

Animal Control Officer: _____