

# THE CORPORATION OF THE TOWN OF MISSISSIPPI MILLS

## BY-LAW NO. 14-21

(amended by 22-049, 22-083, 23-047)

### ANIMAL CONTROL

**BEING** a by-law in respect to the regulation, control, protection and identification of animals and for prohibiting the keeping of animals of any class thereof.

**WHEREAS** the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes the municipality to pass a by-law regarding the prohibition or regulation of animals;

**AND WHEREAS** the Council of the Corporation of the Town of Mississippi Mills deems it desirable to enact a by-law respecting the regulation and control, protection and identification of animals and for prohibiting the keeping of animals of any class thereof;

**NOW THEREFORE** the Council of the Corporation of the Town of Mississippi Mills enacts as follows:

#### SECTION I DEFINITIONS

1. For the purposes of this by-law, the following definitions shall apply:

- (a) "Aggressive Animal" means any animal that repeatedly or without provocation has threatened or attacked or bitten a person or domestic animal.
- (b) "Appeal Committee" shall be comprised of three members of Council, the Clerk or designate, and a Municipal Law Enforcement Officer.
- (c) "Attack" means an assault resulting in bleeding, bone breakage, sprains or serious bruising.
- (d) "Bite" means a wound to the skin causing it to puncture or break.
- (e) "Control" means having at all times, the ability to manage, direct, restrict and restrain the movement of an animal.
- (f) "Town" means the Corporation of the Town of Mississippi Mills.
- (g) "Dog" means any dog, male or female, over the age of twelve (12) weeks.
- (h) "Domestic Animal" shall mean a cat or dog.
- (i) "Fee Schedule" means the listing of all fees and charges approved by Council from time to time.
- (j) "Hunter" means a person who can provide proof of a valid hunting license for the current or previous hunting season as the case may be.

- (k) “Kennel” shall mean any premises where domestic animals are bred as a commercial service.
- (l) “Licence” shall mean permission provided by the Town upon receipt of the appropriate fee for the keeping of individual dogs or the operation of a kennel.
- (m) “Municipal Law Enforcement Officer” means a person appointed by the Town as a Municipal Law Enforcement Officer pursuant to s. 15 of the *Police Services Act*, R.S. O. 1990, c. P. 15, as amended.
- (n) “Muzzled” means a humane fastening or covering device of adequate strength used over the mouth to prevent a dog from biting.
- (o) “Owner” means and includes any person who possesses or harbours an animal and shall include a person who is the temporary keeper or is in control of an animal, and owns and owned shall have a corresponding meaning.
- (p) “Pet” means any domestic animal or other animal that is not included in the list of prohibited animals identified in Section IV.
- (q) “Pet Shop” shall mean a shop or place where animals or birds for use as pets are sold and kept for sale.
- (r) “Service Animal” means: **(amended by 22-049)**
- an animal that can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or
  - an animal for which the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
    - A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
    - A member of the College of Chiropractors of Ontario.
    - A member of the College of Nurses of Ontario.
    - A member of the College of Occupational Therapists of Ontario.
    - A member of the College of Optometrists of Ontario.
    - A member of the College of Physicians and Surgeons of Ontario.
    - A member of the College of Physiotherapists of Ontario.
    - A member of the College of Psychologists of Ontario.
    - A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario
- (s) “Livestock Guardian Dog” means: **(amended by 22-083)**
- A dog that is specifically trained to work and/or live with domestic farm animals (i.e. cattle, sheep, goats etc) without causing them harm while aggressively repelling predators and is used exclusively for that purpose. In order to qualify the dog owner must hold a valid farm registration number registered with the Municipality.

- (t) "Zoning By-law" means any Town by-law passed pursuant to Section 34 of the Planning Act, R.S.O., 1990, c.P. 13, as amended.

## **SECTION II LICENCING AND REGISTRATION**

1. Every owner of a dog shall obtain a license annually and cause the dog to be registered, numbered, described and licensed with the Town as soon as the dog has attained the age of twelve (12) weeks.
2. Each licence shall be in force for calendar year stated on the tag and shall expire on December 31<sup>st</sup> of the respective year.
3. The licence fee for each dog required to be licenced hereunder shall be the amount set forth in the approved Fee Schedule.
4. All new residents of the Town shall register each dog and obtain a licence within 15 days of taking up residency within the Town.
5. No person shall use a tag upon a dog other than the dog for which it was issued.
6. Upon application for a license, the dog owner will be required to produce a certificate signed by a registered veterinarian that the dog has been inoculated with an anti-rabies vaccine in accordance with the *Health Protection and Promotion Act, R.R.O. 1990, Reg. 567*.
7. Dog tags shall be worn at all times and shall bear the serial number and the year in which it was issued and a record shall be kept by the Town showing the name and address of the owner and the serial number of the tag issued to such owner.
8. No license tag or registration shall be transferable and the license tag shall expire and become void upon the sale, death, or other means of disposal of the dog. No refund of the licensing fee shall be provided to the dog owner in the event of the dog's demise.
9. Dog license fees are non-refundable except where overpayment is the result of an administrative error.

## **SECTION III LIMITATIONS ON THE NUMBER OF PETS**

1.
  - (a) No person or household within the Ward of Almonte and the Hamlets of Blakeney, Appleton, Clayton, and Pakenham and registered plans of subdivision shall keep more than three (3) dogs.
  - (b) No person or household located outside of the Ward of Almonte and the Hamlets of Blakeney, Appleton, Clayton and Pakenham and registered plans of subdivision shall keep more than six (6) dogs, except hunters who shall be permitted to keep no more than twelve (12) dogs.
2. Dogs that are under the temporary care of a person and which exceed

the permitted number of dogs as outlined in Section III 1a) or 1b) shall be permitted provided:

- (a) the person complies with all other provisions of this by-law
  - (b) the keeping of such pets does not exceed a total of four months during any calendar year.
4. No person shall be permitted to raise or breed domestic animals for commercial purposes within the Town of Mississippi Mills except in a kennel.
- (a) A person shall be deemed to be raising or breeding domestic animals for commercial purposes if that person raises more than one litter in a two year period.
  - (b) Kennels are only permitted on properties in the Town of Mississippi Mills in accordance with the Town's Zoning By-law.

#### **SECTION IV PROHIBITED ANIMALS**

1. No person shall keep animals belonging to the following orders:

Anseriformes (e.g. ducks, geese, swans and screamers), except located on rural or agricultural premises zoned under a Town zoning by-law permitting such a use;

Artiodactyla (e.g. cattle, goats, sheep, pigs, deer, elk, alpacas and llamas), except located on rural or agricultural premises zoned under a Town zoning by-law permitting such a use;

Carnivora (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and racoons), except dogs, cats and ferrets;

Chiroptera (e.g. bats, myotis and flying foxes);

Crocodylia (e.g. alligators, crocodiles, gavials and caimans);

Edentates (e.g. anteaters, sloths and armadillos);

Galliformes (e.g. pheasants, grouse, guinea fowls, turkeys, chickens and peafowls), except located on rural or agricultural premises zoned under a Town zoning by-law permitting such a use;

Lagomorpha (e.g. hares and pikas), except domestic rabbits;

Marsupialia (e.g. koalas, kangaroos, opossums and wallabies), except sugar gliders derived from self-sustaining captive populations;

Perissodactyla (e.g. horses, donkeys, jackasses, mules, zebras and ponies), except located on rural or agricultural premises zoned under a Town zoning by-law permitting such a use;

Primates (e.g. chimpanzees, gorillas, monkeys and lemurs);

Proboscidea (e.g. elephants, rhinoceros, hippopotamuses);

Raptors (e.g. eagles, hawks, falcons and owls), except as provincial falconry licence;

Rodentia (e.g. porcupines, prairie dogs, nutria and chinchillas) except Rodentia:

(a) where neither the female nor the male of the species exceeds or will exceed 1,500 grams in weight before or at maturity; and

(b) that are derived from a self sustaining captive population;

Squamata (e.g. lizards and snakes) except:

(a) non-venomous snakes where neither the female nor the male of species exceeds or will exceed 3 metres in length from nose to tip of tail before or at maturity; and

(b) non-venomous lizards (not including Iguana iguana) where neither the female nor the male of the species exceeds or will exceed 2 metres in length from nose to tip of tail before or at maturity; or

Struthioniformes (e.g. ostriches, rheas, cassowaries, emus and kiwis), except ostriches, emus, kiwis or rheas located on rural or agricultural premises zoned under a Town zoning by-law permitting such a use.

2. No person shall keep or permit to be kept an animal that produces any poison, venom or toxin, except *Grammostola rosea* (Chilean Rose), *Brachypelma smithi* (Mexican Red-Knee) and *Avicularia avicularia* (Pink-Toe) Tarantulas.
3. Despite paragraphs 1 and 2, a provincially authorized wildlife custodian may keep an animal prohibited under this By-law in accordance with the authorization.
4. No person shall keep or permit to be kept any insect, spider or squamata permitted under this By-law except in an escape-proof enclosure.
5. No person shall keep or permit to be kept any lagomorph, marsupial or rodent permitted under this By-law except in a suitable enclosure.

## **SECTION V            ANIMALS AT LARGE (amended by 23-049)**

1. No owner of a dog or other animal shall allow the dog or other animal to run at large within the limits of the Town of Mississippi Mills.
2. A dog or other animal shall be deemed to be running at large unless the dog or other animal is on the owner's property or is:
  - (a) constrained by a leash, and
  - (b) under the direct control of the owner or owner's designate, or
  - (c) indoors, or
  - (d) contained within a vehicle or cage, or
  - (e) fenced in on the owner(s)' property, or
  - (f) dogs are permitted to run at large in an area that is securely enclosed and specifically designated as a dog park by the Municipality.

## **SECTION VI            NOISE AND NUISANCE**

1. No person shall permit their dog to make or cause excessive noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
  - (a) of the neighbourhood, or
  - (b) of persons who inhabit any dwelling, apartment or other type of residence in the vicinity.
2. No owner shall permit their dog to bark unnecessarily or make unnecessary noise at any time.
3. Every owner of a dog, or person having care, custody and control of a dog, except the owner of a service animal, shall immediately remove and dispose of any feces left by the dog on any premises except premises owned or occupied by the owner.

## **SECTION VII           DANGEROUS DOGS**

1. The owner of a dog shall exercise reasonable precautions to prevent it from:
  - (a) biting or attacking a person or domestic animal; or
  - (b) behaving in a manner that poses a menace to the safety of persons or domestic animals.
2. Where the Municipal Law Enforcement Officer is informed upon complaint and confirms that a dog is dangerous, the Municipal Law Enforcement Officer shall serve notice upon the owner of the dangerous dog requiring the owner to comply with any or all of the requirements set out in Sections 3 and 4 of this By-law upon receipt of such notice to comply.
3. Every owner of a dangerous dog shall at all times when the dangerous dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's premises, ensure that:

- (a) the dangerous dog is muzzled so as to prevent it from biting a person or domestic animal;
  - (b) the dangerous dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands; and
  - (c) If the dangerous dog is contained within an enclosed area, including a fence of an appropriate height for the breed of dog, or in a manner such that the dangerous dog is unable to come into contact with persons or other animals, subsections a. and b. do not apply.
4. Every owner of a dangerous dog shall at all times when the dangerous dog is not within the boundaries of the owner's premises,
- (a) keep the dangerous dog under the effective control of a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2 m) metres in length; and
  - (b) keep the dangerous dog muzzled.
5. Where the owner of a dangerous dog is informed that he or she must comply with Sections 3 and 4 of the by-law, the owner may apply for a hearing in respect of such notice by submitting an appeal in writing to the Clerk within thirty (30) days after the notice has been served.
- a) Upon receipt of the appeal the Clerk shall convene a meeting of the Appeal Committee and shall give the owner of the dog notice of the date, time and location of the hearing.
  - b) The owner and any other interested person(s) may appear at the hearing and present oral or written evidence relating to the dog.
  - c) If the owner of the dog does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in his or her absence and the owner shall not be entitled to any further notice of the proceedings.
  - d) The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting.
  - e) The decision of the Appeal Committee is final and binding.
  - f) The proceedings of the Appeal Committee not covered in the provisions of this By-Law shall be governed by the *Statutory Powers Procedure Act*.
  - g) Notwithstanding that an owner has applied for a hearing to appeal the notice, the notice takes effect when it is served and remains in effect until the Appeal Committee has made its decision.

## **SECTION VIII**

### **IMPOUNDMENT AND RECOVERY OF ANIMALS**

1. A Municipal Law Enforcement Officer may seize any dog or other animal found running at large within the Town of Mississippi Mills or found to be in contravention of the provisions of this by-law and cause such dog or other animal to be delivered to an Animal Shelter or Pound.
2. When a person makes a complaint to the Town's By-law Department that a dog or other animal is trespassing or causing damage to the said person or person's property or is creating or has created a disturbance, a Municipal Law Enforcement Officer may seize and cause such pet to be delivered to an Animal Shelter or Pound.
3. The owner of any dog or other animal may obtain the release of their dog or other animal that has been delivered to the Animal Shelter or Pound by either a Municipal Law Enforcement Officer, or by any other person, by:
  - (a) payment of the fee required by the Animal Shelter or Pound operator; and
  - (b) presenting proof to the Animal Shelter or Pound of a valid dog licence or identification issued by the Town.
4. If an owner fails to claim the dog or other animal during the time prescribed in the regulations of the Animal Shelter or Pound, the pet shall become the property of the said Animal Shelter or Pound.

## **SECTION IX**

### **PET SHOP LICENCE**

1. All persons shall carry on the trade or business of a Pet Shop within the Town of Mississippi Mills in accordance with the Town's Zoning By-law.

## **SECTION X.**

### **INVESTIGATION**

1. A Municipal Law Enforcement Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - (a) this By-law;
  - (b) a designation, order or other requirement made under this By-law, including a designation of a dog as potentially dangerous or dangerous;
  - (c) a condition of a licence issued under this By-law; or
  - (d) an order made under section 431 of the *Municipal Act, 2001*.

2. A Municipal Law Enforcement Officer, for the purposes of an inspection and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information in writing from any person concerning a matter related to the inspection; or
  - (d) make examinations or take photographs necessary for the purposes of the inspection.
3. A Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be prevented from carrying out an inspection, if, in the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier is given notice concerning the inspection in accordance with subsection 438(5) of the *Municipal Act, 2001*.
4. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

## **SECTION XI OFFENCES AND PENALTIES**

1. Any person who contravenes any of the provisions of this By-law, and the procedure with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the *Provincial Offences Act*, R.S.O., 1990, P.33 and amendments thereto.
2. The Municipal Law Enforcement Officer or duly appointed agents of any of them shall enforce the provisions of this By-law.
3. Where a provision of this By-law conflicts with a provision of another by-law in force in the Town of Mississippi Mills, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
4. It is the declared intention of the Council of the Corporation of the Town of Mississippi Mills that any section or part of a section of this By-law which may subsequently be held to be illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.

## **SECTION XII REPEALS**

1. By-law No. 00-71, 02-63, 08-28, 10-43, 11-19 and any other By-laws inconsistent with this By-law are hereby repealed.

**BY-LAW** read, passed, signed and sealed in Open Council this 6<sup>th</sup> day of May, 2014.

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John Levi, Mayor

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Shawna Stone, Town Clerk