

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW 01-09-45

BEING A BY-LAW TO REPEAL BY-LAW NUMBER 01-04-27 OF THE TOWNSHIP OF WHITEWATER AND TO REGULATE THE KEEPING AND CONTROL OF ANIMALS, OR ANY CLASS THEREOF, THE ANIMAL IDENTIFICATION SYSTEM LICENSING AND RESTRAINT OF DOGS AND CERTAIN OTHER ASPECTS OF ANIMAL CONTROL WITHIN THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION.

WHEREAS Section 210 of the Municipal Act, R.S.O. 1990, Chapter M 45, provides that Council may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licencing and animal identification system pursuant to the Provisions thereof,

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

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

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

AND WHEREAS the Ontario Game and Fish Act, R.S.O. 1990, Chapter G 1, Section 82, provides for the prohibition of keeping or harbouring of wild animals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WHITEWATER ENACTS AS FOLLOWS:-

1.1 TITLE

- (a) This By-Law shall be known and may be cited as “THE ANIMAL CONTROL BY-LAW.”

2.1 DEFINITIONS

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

- (a) “ANIMAL CONTROL OFFICER” means a person appointed or employed by the Corporation of the Township of Whitewater for the purposes of supervising all animal husbandry matters within the limits of the Township of Whitewater and shall also be appointed a Municipal Law Enforcement Officer responsible for the enforcement and provision of this By-Law and related Provincial Offences by authority of the Ontario Police Services Act.
- (b) “ANIMAL CONTROL OFFICER - MUNICIPAL LAW ENFORCEMENT OFFICER” means a person appointed by the Corporation of the Municipality of the Township of Whitewater for the purposes of enforcing the provisions of this By-Law and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P 15, Section 15.
- (c) “ANIMAL SHELTER” means any premises designated by the Township of Whitewater for the purpose of impounding and caring for animals taken by the agents of the Corporation in violation of this By-Law.

- (d) “AT LARGE” means any animal will be deemed to be at large when it is off the property of it’s owner and not under control of a person responsible.
- (e) “CORPORATION” shall mean the Corporation of the Township of Whitewater
- (f) “DANGEROUS DOG” shall mean any individual dog that:
 - (i) that has killed a domestic animal without provocation while off the owner’s property;
 - (ii) that has bitten or injured a human being or domestic animal without provocation, on public or private property;
 - (iii) that is attack trained;
 - (iv) that is trained and kept for the purpose of security or protection, whether residential, commercial, or industrial, or persons or property; and/or
 - (v) that has shown the disposition or tendency to be threatening or aggressive.
- (g) “DOG” shall mean any domesticated dog, male or female.
- (h) “FARM” shall mean land used for the tillage of soil, the raising and harvesting of field, bush, vine, forest or tree crops, the growing of vegetables, fruits, grains and other staple crops. This definition may also apply to land used for livestock raising, horses, dairying, woodlots, grazing, trapping, horticultural crops, fish farming and beekeeping and includes a farm dwelling and accessory farm buildings and uses. Farm also means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising of swine or goats, the raising of cattle on feed lots or the growing of mushrooms.
- (i) “IMMUNIZATION” shall mean to protect against disease by annual inoculation of immunizing serums and vaccines.
- (j) “INSPECTOR” shall mean any municipal employee of the Township of Whitewater delegated with enforcing or maintaining the provision of this by-law.
- (k) “KENNEL” shall mean an establishment in which greater than four dogs or domesticated animals are housed, groomed, boarded, bred or trained for gain or profit.
- (l) “LEASH” includes any form of material lead or restraint which does not exceed two (2) metres in length and has the capability to control an animal from annoying, bothering or irritating persons or other animals.
- (m) “NUISANCE ANIMAL” shall mean any animal that unreasonably annoys humans, endanger the life or health of domestic animals or persons, or substantially interferes with the rights of citizens, other than its owner, to enjoyment of life or property. The term shall include, but is not limited to, any animal that:
 - (i) is repeatedly at large;
 - (ii) damages the property of anyone other than it’s owner;
 - (iii) molests or intimidates pedestrians or passerby;
 - (iv) chases vehicles;
 - (v) excessively makes disturbing noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyances, disturbance, or discomfort to neighbors, or others in close proximity to the premises where the animal is kept or harbored;
 - (vi) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored due to the neglect of the animal’s owner;

(vii) is offensive or dangerous to the public health, safety, or welfare; or
(viii) attacks other domestic animals.

- (n) “OWNER” shall mean an person, partnership, association or corporation that owns, keeps, possesses or has control, care or custody over an animal, and where the owner is a minor, the person responsible for the custody of the minor.
- (o) “PET” shall include dog and any other common animal, fish or bird that may be kept as a pet that is not prohibited in this By-Law.
- (p) “PET SHOP” shall mean any person, group of persons, partnership or corporation operating an establishment where live animals, birds and fish, other than those domestic animals, farm animals, wild animals, exotic animals, amphibians, reptiles, arachnids, birds and fish that are prohibited within the Township, are kept and offered for sale.
- (q) “PROHIBITED ANIMAL” shall mean any vicious animal as defined herein this By-Law, any animal or category of animal that is forbidden to be kept or raised in the Township of Whitewater as listed in Schedule “A” to this By-Law.
- (r) “REGISTRATION PERIOD” shall mean the period from January 1 to December 31 of which year with an extended period to March 31 of the next year which shall be an extension of the prior year registration period to allow owners of animals that were registered in the prior year to purchase new pet tags.
- (s) “STERILIZED ANIMAL” shall mean any spayed/neutered dog that is in support of such certificate from a licensed veterinarian.
- (t) “VETERINARY HOSPITAL” shall mean any establishment maintained and operated with a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals and birds.
- (u) “VICIOUS ANIMAL” shall mean any animal that displays vicious tendencies such as growling, baring of teeth, charging or lunging, attacking or biting a person or other domestic animal.

3.1 KEEPING OF ANIMALS

1. It is prohibited to own, harbor, feed or raise any animal identified under Appendix “A” to this By-Law on any lot or in any building or structure on such lot within the limits of the Township of Whitewater. (see section 14 for farm exemptions)
2. It is prohibited to own, keep, harbour or possess any animal that is found to be a vicious animal or nuisance animal on any lot or in any building or structure on such lot within the limits of the Township of Whitewater.

4.1 LICENSING AND ANIMAL IDENTIFICATION SYSTEM

- (a) The owner of every dog shall cause it to be licensed with a valid pet tag, numbered and described with the name of the Township, which provision shall be called the Animal Identification System.
- (b) The Dog Tag, Registration and Identification Fees are per Appendix “B”
- (c) The owner of every dog shall not claim such dog to be sterilized when such dog is not sterilized and wrongful claiming shall subject the owner or harbourer to the

penalty provided for in this By-Law.

- (d) Upon payment of the required fee, the owner shall be furnished with a tag for each dog owned by him with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the dog for which it was issued at all times during the year and until he procures a tag for the following year. A record shall be kept by the licensing officer showing the name and address of the owner and the serial number on the tag. In the event that a tag is lost, the person to whom it was issued shall immediately claim another from the License Issuer and shall pay therefore the fees set forth in Appendix "B" of this By-law for each tag.
- (e) Every owner or harbourer of a dog shall obtain a tag and keep it securely fixed on his dog and shall not affix the tag upon a dog other than the dog for which the said tag was issued. Affixing a tag upon a dog other than the dog for which the said tag was issued shall subject the owner or the harbourer to the penalty provided for in this By-Law.

5.1 KENNELS

- (a) Every person who owns, operates or conducts a kennel for pure breed dogs which is registered with the Canadian Kennel Club pursuant to the Statutes of Ontario enacted in that behalf, shall pay to the Township of Whitewater immediately following the first day of January in any year, a license fee set forth in Appendix "B" of this By-law. Each dog shall be licensed by the Township with the exception of unweaned pups.
- (b) If there is a change of ownership of a kennel during the license year the new owner must purchase a new license.
- (c) The Licensing Officer of the Township of Whitewater, upon application may issue the required license, but if he/she does not issue such license shall refer the application to the Council of the Township of Whitewater at it's next regular sitting and the Council may, at it's discretion grant or refuse the issuing of a permit hereunder.

6.1 IMMUNIZATION

- (a) No person who resides within the Township of Whitewater shall own or harbour any dog over the age of six (6) months without the dog being inoculated for rabies and such inoculation shall be repeated once annually from the date of first inoculation.

7.1 IMPOUNDMENT

- (a) Dogs found running at large shall be picked up by agents of the Township upon so being notified by the Township Office or Reeve and impounded in the pound maintained by the Animal Control Officer for the Township of Whitewater and there confined in a humane manner during the redemption period. Dogs not claimed by their owners at the expiration of the redemption period shall become the property of the Poundkeeper and may retain the dog for such further time as he may consider proper and during that time the Poundkeeper may:
 - (i) sell the animal for such price, as he may consider proper;
 - (ii) euthanize the animal; or
 - (iii) dispose of the animal as he sees fit.
- (b) Sick or injured animals found at large and taken up by the agents of the Township shall not be placed into the animal shelter to save harm to other animals and possible contamination of the pound facility. A quick attempt shall be made by the

agents to find the owner. If the owner is not ascertainable during the attempt the agent shall seek medical attention for the animal or the veterinarian may have euthanasia performed to save further pain and/or suffering to the animal.

- (c) Animals found at large by an appointed Agent or any Police Officer that pose a threat to the safety of persons or other domestic animals may be destroyed forthwith.
- (d) Where an animal is captured or taken into custody, and the services of a veterinarian are secured by the Township or its appointed agents, the owner shall pay to the Township, all fees and charges of the veterinarian in addition to all other fees and charges payable under this By-law, whether the animal is alive, dies or euthanized.

8.1 REDEMPTION OF IMPOUNDED DOGS

- (a) The owner shall be entitled to regain possession of any impounded animal except as hereinafter provided in the cases of certain animals upon compliance with the license or identification provisions of Section 4 of this by-law and the payment of impoundment fees set forth in Appendix "B" of this By-Law.
- (b) Any animal impounded under the provisions of this by-law and not reclaimed by it's owner at the expiration of the three (3) day redemption period as defined by Animals for Research Act Chapter 22, may be humanely destroyed by the Township or it's agent or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this By-Law and such other regulations as shall be fixed by the Township.

9.1 IMPOUNDMENT FEES

- (b) Any animal impounded hereunder may be reclaimed as herein before provided upon payment by the owner to the Township the fees set forth in Appendix "B" of this By-law which shall cover the impoundment costs for the first day or partial day and the additional fees set forth in Appendix "B" of this By-law for each additional day such animal is kept commencing the second day of confinement.

The impoundment fees as set forth herein shall be collected by the Township and retained by it. Additional impoundment fees set forth herein per day commencing the second day of confinement shall be collected by the Poundkeeper and retained by him to help defray the costs of keeping such animals during and beyond the redemption period set forth herein.

10. RESTRAINT

- (a) For the purpose of this by-law, an animal shall be deemed to be running at large if found in any place other than that of it's owner/keeper and not under the control of any person.
- (b) No person shall allow their animal to become a common nuisance animal as defined.
- (c) Any such person who owns or possesses any animal that is found repeatedly to be a nuisance animal shall be subject to the penalty provided for in this By-Law and shall be ordered to remove such animal from the limits of the Township of Whitewater. If proven that such animal has been enrolled into a recognized animal training facility and has completed a course for the correction of the nuisance behavior, the Animal Control Officer may permit re-entry within the limits of the Township of Whitewater. Any person who possesses such animal not having

permission to re-enter such animal shall be subject to the penalty provided for in this By-Law.

- (d) No person who owns, keeps, harbors or possesses a dog shall allow it to run on Township-owned property except when on a leash.
- (e) No person who owns, keeps, harbors or possesses a dog shall allow it to trespass on private property even on a leash.
- (f) Any person:
 - (i) who owns, keeps, harbors or possesses a dog which defecates on public, commonly shared or private property, other than that of the said owner or keeper thereof, shall forthwith clean up after it.
 - (ii) No person who owns, keeps, harbors or possesses a dog shall allow a build up of animal fecal matter on the property where the animal is kept and where it becomes offensive to other members of the community.
- (g) No person who owns, keeps, harbors or possesses a dog shall allow it to run at large.

11. DANGEROUS OR VICIOUS ANIMAL RESTRICTION

- (i) Dangerous or vicious animals shall not be kept within the limits of the Township and any owner, keeper or harbinger of such animal found to be fierce, dangerous or vicious as defined in this By-Law shall be subject to the penalty provided for in this By-Law.

12. REPORT OF BITE CASES

- (a) It shall be expected that every Physician or other practitioner shall report the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control to the Renfrew County and District Health Unit.

13. RESPONSIBILITY OF VETERINARIANS

- (a) It shall be expected of every licensed veterinarian to report to the Renfrew County and District Health Unit his diagnosis of any animal observed by him as a rabies suspect.

14. EXEMPTIONS

- (a) Hospitals, clinics, and other premises in operation with Licensed veterinarians for the care and treatment of animals are exempt from the provisions of this By-Law, except where such duties are expressly stated.
- (b) The licensing and pet identification system of this By-Law shall not apply to an animal belonging to a non-resident of the Township of Whitewater and kept within the Township for not longer than thirty (30) days provided such animals shall, at all times while in the Township, be kept within a building or fenced in area, or under restraint by the owner by means of a leash not measuring more than two (2) meters in length. The animal must be duly immunized for rabies within the last 12 months.
- (c) Any person who owns, keeps, harbors or possesses any non-resident animal within the limits of the Township shall ensure valid pet identification, licensing and immunization papers are kept with the animal at all times while in the Township. Should the requirements of Section 14 (b)(c) be ignored, the owner, keeper, harbinger or possessor shall be subject to the penalty provided for in this By-Law.

- (d) Any Farm as defined herein this By-Law shall conform to all provisions of this By-Law other than as stated in Category Numbers 1.3, 1.5, 1.7, 1.8, 1.9 and 1.12 of Appendix "A" to this By-Law that are not conflictive to the Ontario Game and Fish Act Chapter G.1.S.82.
- (e) Guide dogs within the meaning of the Blind Persons' Rights Act, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dog, are exempt from the payment of all licence fees applicable pursuant to this By-law. Said dog shall be licenced and wear the current years licence tag issued by the licencing agent.
- (f) Working dogs, where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist a disabled person, shall be exempt from all fees applicable pursuant to this By-law. Said dog shall be licenced and wear the current years licence tag as issued by the licencing agent.

15. INVESTIGATION

For the purpose of discharging the duties imposed by this By-Law and to enforce it's provisions, any agent of the Township or any Police Officer may enter onto any public property and into the structures thereon with the consent of the owner or occupant upon any premises upon which a dog or animal is kept or harbored and to demand the exhibition by the Owner of such dog or the license/identification of such dog.

16. ENFORCEMENT

The provisions of this By-Law shall be enforced by the Township, it's servants, workman, employees or any of them.

17. OFFENCES

Any person guilty of an offence under any of the provisions of this By-Law shall, upon conviction, forfeit and pay the fine for such offence as provided for under Section 61 of The Provincial Offences Act.

18. REPEALS

By-Law Number 01-04-27 is hereby repealed effective as of the date the fines under Section 61 of The Province Offences Act for the By-Law are approved.

19. SEVERABILITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

20. EFFECTIVE DATE

This By-Law shall come into effect from the date of it's passing by Council.

PASSED and ENACTED this 25th Day of September, 2001.

Reeve

CAO

APPENDIX “A”

TO BY-LAW NUMBER 01-09-45, RE SECTION 3(a)

It is prohibited to keep or raise any domestic animal, farm animal, wild animal, exotic animal, amphibian, reptile, arachnid, fish or insect including any tamed or domesticated wild animal or part wild animal on any lot or in any building or structure on such lot within the limits of the Township of Whitewater that is included in this appendix hereunder and therefore it is prohibited to keep or raise:

ANY ANIMAL IN THE CATEGORY:

Category

- | Number | |
|--------|--|
| 1. | Non-humane primates (i.e. Monkeys, Chimpanzee) |
| 1.2 | Wild Canids (i.e. Foxes, Wolves, Coyotes) |
| 1.3 | Wild felids (i.e. Leopard, Cougar, Lynx) |
| 1.4 | Mustelids (i.e. Mink, Skunks, Otters, Weasels, but excluding Ferrets) |
| 1.5 | Reptiles (i.e. Snakes, Alligators) |
| 1.6 | Ungulates (i.e. Horses, Cattle, Swine, Sheep, Goats (any hoofed animal)) |
| 1.7 | Raptors (i.e. Falcons, Hawks, Owls) |
| 1.8 | Galliformes (i.e. Chickens, Quail, Pheasants, Turkeys, Guinea Fowl) |
| 1.9 | Anseriforms (i.e. Ducks, Geese, Swans) |
| 1.10 | Columbiformes (i.e. Pigeons) |
| 1.11 | Arachnids (i.e. Scorpions, Spiders) |
| 1.12 | Dangerous Fish (i.e. Piranha, Electric Eels) |
| 1.12 | Bees |

APPENDIX "B"

TO BY-LAW NUMBER 01-09-45

1. DOG LICENSE - FEES

For all Sterilized Dogs: Before March 31 st in any year	\$15.00
After March 31 st in any year	\$22.00
For All Unsterilized Dogs: Before March 31 st in any year	\$20.00
After March 31 st in any year	\$27.00

Any such license and registration shall expire on December 31st of each year.
2. REPLACEMENT TAGS (lost or stolen) \$2.00
3. IMPOUNDMENT - FEES

(a) First day of impoundment or part thereof or all costs incurred whichever is greater	\$30.00
(b) Each additional day of impoundment or all costs incurred whichever is greater	\$8.00
4. KENNEL LICENSE - FEES \$50.00

**BY-LAW 01-09-45
“THE ANIMAL CONTROL BY-LAW”**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDES COST)
1.	Own/harbour a prohibited animal	Section 3.1.1	\$200.00
2.	Own/harbour a vicious animal	Section 3.1.2	\$200.00
3.	Own/harbour a nuisance animal	Section 3.1.2 & 11 (i)	\$60.00
4.	Dog without a tag	Section 4.1 (a)	\$60.00
5.	Wrongful claiming of dog being sterilized	Section 4.1 (c)	\$100.00
6.	Tag not fixed to dog	Section 4.1 (d)	\$60.00
7.	Tagging dog other than said tag was issued	Section 4.1 (e)	\$60.00
8.	Own, operate or conduct a kennel without a license	Section 5.1 (a)	\$100.00
9.	Fail to immunize dog against rabies	Section 6.1	\$90.00
10.	Fail to re-immunize dog against rabies	Section 6.1	\$90.00
11.	Allow animal nuisance by barking, howling & whining	Section 10 (b)	\$75.00
12.	Allow animal nuisance by molesting or intimidating pedestrians	Section 10 (b)	\$75.00
13.	Allow animal nuisance by chasing motor vehicles	Section 10 (b)	\$75.00
14.	Allow animal nuisance by attacking other domestic animals	Section 10 (b)	\$75.00

15.	Allow animal nuisance by being offensive or dangerous to the public health, safety or welfare	Section 10 (b)	\$75.00
16.	Dogs running at large	Section 10 (g)	\$60.00
17.	Not cleaning up after dog who defecates on public or private property	Section 10 (f)	\$60.00

***Note: The penalty provision for the offences indicated above is Section 17 of By-Law No. 01-04-27. A certified copy of which has been filed.**