

Corporation of The Nation Municipality

By-law # 31-2021

Being a by-law of The Nation Municipality respecting animal care and control.

WHEREAS the Municipal Act 2001, S.O. 2001, c25, section 11(3)9, assigns the sphere of jurisdiction of Animals to lower-tier municipalities; and

WHEREAS the Municipal Act 2001, S.O. 2001, c25, Section 8(3), provides that a by-law under section 11 respecting a matter may:

- a) Regulate or prohibit respecting the matter;
- b) Require persons to do things respecting the matter; and,
- c) Provide for system of licenses respecting the matter; and,

WHEREAS the Animals for Research Act, R.S.O., 1990, section 20, provides for rules and regulations that must be followed for the keeping of dogs in a municipal pound; and

WHEREAS the Pounds Act, R.S.O., 1990, c. P. 17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals; and

WHEREAS the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, Section 19, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense; and

WHEREAS the Dog Owners Liability Act R.S.O., 1990, Chap. D 16, provides for rules and regulations that must be followed for the keeping of dogs; and

WHEREAS it is considered desirable to pass a by-law relating to animal control within The Nation Municipality; now therefore be it

RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE NATION MUNICIPALITY ENACTS AS FOLLOWS:

Definitions

1. In this by-law:

“animal” means any member of the animal kingdom, other than a human; without limitations. Animal shall include mammals, birds and reptiles.

“Animal Control Tribunal” means the person appointed by Council holding the position of chair for the purpose of animal control tribunal hearings;

“at large” means found in a place other than a property owned or occupied by its owner and not under control of any competent person and not leashed in accordance with the provisions of this by-law;

“attack” means,

- a) a menacing behavior or apparent attitude of attack including but not limited to growling or snarling toward a person or a domestic animal;
- b) an assault resulting in bleeding, bone breakage, sprains, scratches or bruising, or
- c) aggressive behavior resulting in physical contact and damage to clothing worn by the person or domestic animal; or,
- d) behavior that poses a menace to the safety of persons or domestic animals; and,

“attacked” or “attacking” have a corresponding meaning.

“bite” means wound to the skin causing it to bruise, puncture or break;

“cat” means a female or a male domesticated cat, whether spayed or neutered;

“Corporation” means the Corporation of the The Nation Municipality;

“Council” means the Council of the The Nation Municipality;

“Manager” means the person occupying the position of Manager of the Bylaw Department of the The Nation Municipality or authorized assistants;

“dog” means a canine of any breed of domesticated dog, or cross breed domesticated dog ; female or male whether spayed or neutered;

“domestic animal” includes a dog, cat or similar animal kept as a pet which is generally understood to be domesticated and is typically kept indoors at a dwelling unit;

“dwelling unit” shall mean a residential unit located in a building or structure, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“fenced yard” means a yard which is completely enclosed by a fence provided the walls of a continuously occupied building are considered as portions of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when the vicious dog is inside the fenced yard;

“finish grade” shall mean:

- a) When used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- b) When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- c) When used with reference to a street, road or highway, the elevation of the street, road or highway established by the Corporation or other designated authority.

“keep” means to have temporary or permanent control or possession of an animal, and the words “kept” or “keeping” have a similar meaning;

“license” shall mean a license issued under this by-law;

“livestock” includes any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowls, etc.), fur-bearing animals, horses, donkeys, mules, bulls, oxen, cows or other cattle, goats, swine, sheep, llamas, minks, foxes, emus or ostriches, or the young, or any other exotic birds;

“Medical Officer of Health” means the Medical Officer of Health for Eastern Ontario or authorized assistants or persons acting under his or her authority;

“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;

“Municipality” means The Nation Municipality;

“Municipal Law Enforcement Officer” means a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

“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 words “muzzled” and “muzzling” have corresponding meanings;

“operator of the livestock pound” means any one of the livestock handlers appointed by by-law,

“owner” means any person who possesses or harbors an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word “owns” has a similar meaning;

“park and recreation area” means any parcel of land owned, rented or maintained by The Nation Municipality, the South Nation River Conservation Authority and any land designated and used as a playground, sports center, foot path, pathway, splash pad or for any type of active or passive public recreation;

“pet store” means a place of business where live animals are sold or kept for sale as pets;

“petting zoo” means a collection of animals that children may pet and feed and that are not prohibited animals;

“play structure” means a swing, slide, spring-mounted riding toy, climbing equipment, play house, sand box or teeter-totter, and the sand-filled area maintained under the play structure, if any.

“pound” means the premises of The Nation Municipality, which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law or provincial Act;

“pound operator” means any of the Municipal Law Enforcement officers of The Nation Municipality.

“premises” means a building or part of a building or a place;

“premises of the owner” includes premises where a dog is habitually harbored or fed;

“prohibited animals” means the animals identified in Schedule A;

“property” means a parcel of land and any buildings or structures on the land;

“protective care” means the temporary, time-limited keeping of an animal by The Nation Municipality as a result of an eviction, incarceration or fire or medical emergency;

“redemption period” means the period of time within which the owner of a dog which has been impounded pursuant to this by-law has the right to redeem it.

“running at large” shall mean found in any place other than the property of the owner of the dog or on the property of a person who has consented to it being on his land and not under the control of any competent person and not leashed in accordance with the provisions of this by-law;

“rural area” shall mean an area of land outside the village boundaries as identified in the official plan of The Nation Municipality as amended, or undeveloped areas within village boundaries;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-

impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

“splash pad” means a splash pad, used for children play, whether or not there is water and includes the concrete or asphalt decking;

“sterilized” in respect to a dog or cat means being either spayed or neutered;

“tether” means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a similar meaning;

“trespass” means, in the case of an animal, to enter or remain on a privately- owned property other than a property owned or occupied by its owner without the express permission of the owner or occupant of that property, and “trespassing” has a corresponding meaning;

“under control of its owner” means, in the case of an animal, being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another competent person acting on the owner’s behalf;

“urban area” means and includes the villages of Limoges, St-Albert, and St-Isidore, delimited as per The Nation Municipality official plan as amended;

“vicious dog” means:

- a) any dog with a known propensity, tendency or disposition to attack without provocation a person or a domestic animal; or
- b) any dog which has bitten another domestic animal or person without provocation

“wading pool” means a wading pool, used for children play, whether or not there is water and includes the concrete or asphalt decking;

“working dog” means a dog that is trained specifically to assist police and other law enforcement personnel in their work.

“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.

Interpretation

2.

- a) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- b) Where a situation arises, that is not covered by a specific regulation or where two or more regulations are equally applicable, all provisions shall be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions shall prevail.

Care of Animals

Responsibility to Care For Animals

3. Every person who keeps an animal within The Nation Municipality shall ensure that such animal is provided with:

- a. a clean and sanitary environment free from an accumulation of fecal matter,
- b. adequate and appropriate care, food, water, shelter, veterinary care and opportunity for physical activity, as may be required to meet the needs of the species.
- c. a shelter that is adequate and appropriate for its size and breed, is waterproof and protects it from exposure to the elements.

Tether

4.

- a. No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
 - i. the tether is of appropriate length for the species tethered,
 - ii. the animal has unrestricted movement within the range of such tether,
 - iii. the animal has access to water, food and shelter while tethered,
 - iv. the animal cannot injure itself as a result of the tethering
- b. Despite clause (i) of subsection (a), in the case of dogs, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person’s property.
- c. Despite subsection (a), no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

Keeping Animals Under Sanitary Conditions

5.
 - (a) Every person who keeps an animal within The Nation Municipality shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odor, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
 - (b) Subsection (a) does not apply to livestock kept in accordance with the provisions of section 63 of this by-law.

Protective Care

6. The Manager is authorized to:
 - a) receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the manager deems appropriate,
 - b) temporarily keep such animals for a maximum of five (5) days,
 - c) charge the owner the current release fees and all costs for required veterinary medical care, when the animals are redeemed, and
 - d) at the end of the five (5) day protective care period, unless other arrangements are agreed to between the owner and The Nation Municipality, treat such animals as day-one impounded animals.

Dogs

Registration

7. Every owner of a dog shall:
 - i. register the dog with The Nation Municipality in accordance with Section 8 of this bylaw and pay an annual tag and registration fee. In the event the dog tag or any outstanding fees imposed by the municipality remains unpaid after the due date in any given year, the outstanding amount shall be added to the tax roll and shall be collected in the same manner as taxes and subject to all of the penalties and interests provided in the Tax Rates by-law authorizing the collection of unpaid taxes as prescribed by the Act.
 - ii. obtain a dog tag within 7 days of becoming an owner and renew such registration annually no later than March 31st of each year, after which date , the owner shall pay a late renewal fee.
 - iii. keep the dog identification tag, issued by The Nation Municipality as part of the registration, securely affixed on the collar or harness on the dog at all times. The tag may be removed while a dog is being lawfully used for hunting, herding or other similar activity, and
 - iv. obtain a replacement tag, and pay the fee in the event that such tag is lost.
 - v. from the year 2018 and onward be automatically invoiced through Account Receivable based on information obtained from the previous year or upon becoming the owner of a dog, register each dog with the municipality and obtain an annual tag for each dog owned. Such registration includes obtaining a dog tag and paying the applicable fees as set out in Schedule "B" attached hereto and forming part of this Bylaw. Every dog tag issued in the year 2018 and onward expires in the year 2028.
8.
 - a) Every applicant for dog registration shall provide to the Manager the following information:
 - (i) name, address, telephone number of the dog owner,
 - (ii) name, age, gender, breed, and color of the dog,
 - (iii) declaration of sterilized or unsterilized status, and

- (iv) declaration that the animal has current immunization against rabies.
 - (v) declare if the animal has previously been declared vicious.
- b) Despite subsection (a) where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilization procedure, the manager may issue a tag and register the dog at the same fee as that for a sterilized dog.
 - c) The owner of a dog shall notify the manager of any change in information provided in subsection (a) or of the sale or death of the dog, as applicable.
 - d) The Manager shall:
 - (i) keep a complete registry of all dogs in respect of which tags are issued, and
 - (ii) provide each registrant with a numbered tag for each dog in respect of which the tag is issued.
 - e) The identification tag issued by The Nation Municipality in respect of a dog is not transferable.

Animals in Vehicles

- 9. No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- 10. Notwithstanding section 9, a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck if the animal is:
 - a) in a fully enclosed trailer, provided with ventilation;
 - b) in a topper enclosing the bed area of a truck provided with ventilation;
 - c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.
- 10.1 a) No person shall leave an animal inside a vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.
- b) A Municipal law enforcement officer who has reasonable grounds to believe that an animal left in a vehicle is in imminent danger may take steps to remove the animal from the vehicle.

Running At Large

- 11. For the purposes of this by-law, a dog shall be deemed to be running at large if it is found not under control of the owner unless the dog is on lands of its owner or a person who has consented to it being on his land.
- 12. No owner of a dog shall permit the dog to run at large in The Nation Municipality.
- 13. Every owner of a dog shall ensure that the dog is kept on a leash having a length of not more than 2.4 meters and under the direct physical control of a person when the dog is on any land in The Nation Municipality unless:
 - a. the land is the premises of the owner of the dog,
 - b. the land is owned by a person who has given prior consent to the dog being off the leash, or
 - c. the land is parkland that is:

- i. owned by The Nation Municipality, and designated as an off-leash dog park;
- ii. not designated by sign as an area where dogs are prohibited.

14. No owner of a dog shall control a dog by means of a leash that:

- a. is not held by the person in his or her hand, or
- b. is not securely affixed to some immovable structure from which the dog cannot escape.

15. Sections 7, 8, 11, 12, 13 and 14 inclusive shall not apply to police working dogs, during the course of fulfilling their duties.

Impoundment

16. A Municipal Law Enforcement Officer may seize any dog that is found running at large in The Nation Municipality and may cause such dog to be delivered to the pound.

17. A Municipal Law Enforcement Officer, or any person or agency acting under his authority, may use necessary force to stop a dog that is running at large if:

- a. he reasonably believes the dog is likely to cause imminent harm to any person or animal; or
- b. the dog is injured or should be destroyed without delay for humane reasons, and no damages or compensation shall be recovered on account of such disposition.

18. Any person may seize any dog that is found trespassing or running at large in The Nation Municipality and shall surrender such dog to the Bylaw enforcement department.

19. A dog seized pursuant to Section 16 or 18 shall be considered impounded at the time and place when it comes under the control of the Municipal Enforcement Officer or person.

20. The operator of the pound to which any dog seized or found pursuant to this by-law has been delivered shall:

- a. impound such dog, and
- b. make reasonable efforts to determine the identity of the owner of such dog and to inform such person that the dog has been impounded.

21. The operator of the pound shall keep any impounded dog for a redemption period of three (3) days, excluding:

- a. the day on which the dog is impounded
- b. statutory holidays, and
- c. days on which the pound is not open

22. During the redemption period, the operator of the pound shall:

- a. provide such veterinary care for an injured or ill impounded dog as may be necessary to sustain its life, and
- b. be entitled to recover from the owner, the cost of veterinary care provided while the dog was impounded, in addition to any other fees due to The Nation Municipality for redemption of the dog,

(b) During the redemption period, a veterinarian may euthanize an impounded seriously injured or ill dog without delay, when in the opinion of the veterinarian, such actions are warranted for humane reasons.

23. During the redemption period, the owner of a dog impounded pursuant to this By- Law may obtain release of such dog provided that the owner:
- a. pays the redemption fee,
 - b. provides evidence that the dog is registered with The Nation Municipality pursuant to Section 7 of this by-law or, if not, obtains such registration and pays the registration fee.
24. After the expiration of the redemption period, the operator of the pound, where a dog has been impounded pursuant to this by-law, may:
- a. release the dog to its owner upon compliance with the requirements for release, prescribed in Section 23, or
 - b. keep, sell or dispose of the dog, subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. A.22, as amended.
25. Whenever a dog impounded pursuant to this by-law is released to its owner pursuant to Section 23 or Section 24, a record of such release shall be kept by the operator of the pound.

Dog Bites

26. No owner of a dog shall permit his dog to bite or attack without provocation, a person, a domestic animal, domestic bird or livestock.
27. Where a Municipal Law Enforcement Officer is informed upon complaint and confirms that a dog is vicious, the Officer shall serve notice upon the owner of the vicious dog, requiring the owner to comply with any or all of the requirements set out in Sections 28 and 29 of the by-law.
28. Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's land, ensure that:
- a. the vicious dog is muzzled so as to prevent it from biting a person or domestic animal, and;
 - b. the vicious dog is securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 meters (8 feet) in length;
 - c. the vicious dog is contained within an enclosed area, including a fence of an appropriate height for the breed of that dog, or in a manner such that the vicious dog is unable to come into contact with persons or other animals. Gates in such an enclosure shall be securely closed at all times when the dog is in the enclosure.
29. Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's lands,
- a. keep the vicious dog under the effective control of a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2m) meters in length, and
 - b. keep the vicious dog muzzled.
30. Every owner of a vicious dog shall notify a Municipal Law Enforcement Officer within two (2) working days of any change in ownership or residence of the vicious dog and provide the Officer with the new address and telephone number of the owner.

Appeals

31. Where the owner of a vicious dog is informed that he or she must comply with sections 28 and 29 of the by-law, the owner is entitled to a hearing by the Animal

Control Tribunal who may exempt the owner from the muzzling or leashing requirement or both such requirements.

32. Where the owner of a vicious dog requests in writing to the Manager a hearing by the Animal Control Tribunal, the request must be provided:

- a. within fourteen (14) days of receiving the notice to comply, or
- b. at any time after the Animal Control Tribunal has confirmed the muzzling or keeping requirement, or both, if the circumstances respecting the vicious dog have changed, the manager shall advise the Chair to the Animal Control Tribunal of the request for a hearing and obtain a hearing date.

33. Upon determination of the hearing date, the manager shall give notice in writing to the owner of the vicious dog, said notice to:

- a. include a statement,
 - i. as to the time, date, place and purpose of the hearing, and
 - ii. that if the owner of a vicious dog does not attend the hearing, the Tribunal may proceed in his or her absence and he or she will not be entitled to any further notice, and
- b. be served personally or by registered mail to the owner of the vicious dog at his or her address last on file with the manager.

34.

- a. The Animal Control Tribunal shall hold the hearing pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, as amended at the time, date and place set out in the notice to comply.
- b. The Nation Municipality shall be represented at the hearing by either the Manager or Solicitor, or the assistant who is entitled to adduce evidence and submit arguments.
- c. The owner of the vicious dog may, at the hearing,
 - i. be represented by counsel or an agent,
 - ii. call and examine witnesses and present his or her arguments and submissions, and
 - iii. conduct cross-examination of witnesses reasonably required for a full and fair disclosure.
- d. The Animal Control Tribunal may:
 - i. exempt the owner of the vicious dog from the muzzling or keeping requirements, or both, or
 - ii. confirm the muzzling or keeping requirement, or both, or
 - iii. vary the muzzling and /or keeping requirements
- e. The Animal Control Tribunal shall give its decision in writing to the manager within seven (7) days of the date of the completion of the hearing.
- f. The manager, in receipt of the decision referred to in subsection (e), shall forthwith notify the owner of the vicious dog of the decision by serving a copy personally or by registered mail to:
 - i. the owner of the vicious dog at the address last known by the manager, or
 - ii. the counsel or agent of the owner of the vicious dog, if any, at his or her address as stated to the Animal Control Tribunal .
- g. All Hearings shall be public hearings unless the owner of a vicious dog requests that the hearing be held in camera.
- h. The Animal Control Tribunal's decision shall be final and binding.
- i. A request from the owner of a dog for a hearing under this section does not act as a stay of the muzzling requirements.

35. Sections 26 to 30 inclusive shall not apply to police working dogs during the course of fulfilling their duties.

Stoop and Scoop

36. Every owner of a dog shall immediately remove any feces left by the dog in The Nation Municipality:
- a. on a highway or roadway;
 - b. in a public park, recreation area, or conservation area
 - c. on any public property, or
 - d. on any private property other than the property of,
 - i. the owner of the dog, or
 - ii. the person having care, custody or control of the dog.
37. Every owner of a dog shall dispose of any feces removed pursuant to Section 36 on his or her premises.
38. Every owner of a dog shall remove from his or her property, in a timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.
39. Section 36 does not apply to a handler of a working dog, while engaged in a work activity or to a service animal where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.
40. Section 36 does not apply to a blind or visually impaired handler of a service animal/working dog if the feces were left while the dog was off the premises of the handler and during the course of fulfilling its duties.

Dogs in Parks

41. No owner of a dog shall have a dog on park or recreation area, or any part thereof that is designated by sign as an area where dogs are prohibited.
42. No owner of a dog shall have a dog on park or recreation area, or any part thereof, where the dog is within five (5 m) meters of:
- (a) a play structure,
 - (b) a wading pool, or
 - (c) a splash pad.
43. Despite Section 42, an owner of a dog may have a dog that is kept on a leash on an asphalt path on part of a park or recreation area that is within five (5) meters of a play structure, a wading pool, or a splash pad provided that the park or recreation area is not designated by sign as an area where dogs are prohibited and the owner moves along the asphalt path without stopping.
44. The owner of a dog shall keep a dog on a leash while on park or recreation area, or any part thereof, unless such park or recreation area is designated such that dogs may be kept off-leash, providing that the person in control of such dog shall keep such dog in sight and under voice control at all times, and shall promptly leash such dog when confrontations with humans or other animals may potentially develop.
45. Sections 41 to 44 inclusive shall not apply to a service animal/working dog when accompanied by its handler.

Number of Dogs Restricted

46. No person shall keep, in or about a dwelling unit within The Nation Municipality more than three (3) dogs over twenty (20) weeks of age unless such premises are:
- a. licensed by The Nation Municipality as a boarding kennel, in home breeding kennel, recreational kennel or pet shop ;
 - b. registered with The Nation Municipality as premises where dogs are receiving temporary foster care, or
 - c. an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

Dogs Barking

47. No person shall permit a dog to bark in a persistent manner so as to disturb the peace or quiet of any residence or any person in the vicinity.

Kennels

48. This By-law applies to all persons and to the licensing of dog kennels referred to in this By-law within The Nation Municipality.

49. No person shall keep or harbor more than 3 dogs except where they are kept in a kennel located in accordance with the provisions of the By-law, regulations within the applicable zoning By-law and all applicable law.

50. No person shall keep a kennel for breeding or boarding of dogs without first having received a kennel license from the municipality.

51. Every kennel license shall expire on the 31st day of March following the date it is issued unless it is renewed for one or more further one year terms. No such license may be renewed except in accordance with the provisions of this and all relevant By-laws and Regulations. License fees shall be in accordance with Schedule "B" attached to and forming part of this By-law.

52. In the event of the death of a person to whom a kennel license has been issued under the By-law, that license shall be deemed to have been granted to his personal representative and shall be subject to the provisions of this By-law with respect to revocation thereof or otherwise.

53. Where an owner or operator of a kennel fails to comply with the Animal Care and Control By-law of The Nation Municipality, the license may be suspended or revoked.

54. No kennel shall be erected or maintained unless approval has been obtained from the manager.

55. Every person who owns and/or operates a kennel shall comply with the requirements set out in the "Code of Practice for Canadian Kennel Operations".

56. No kennel structure, or part thereof, shall be used for human habitation.

57. Every person who owns and/or operates a kennel shall permit a Municipal Law Enforcement Officer, The OSPCA, Animal Welfare Investigators, the Chief Building Official or his/her designate under the Building Code Act, or such other persons as may be appointed by council to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purposes of determining compliance with this By-law.

58. Notwithstanding the above, the granting of a kennel license shall not be refused under this By-law for reasons only of the location of such building where such building was being used as a kennel for the breeding or boarding of dogs prior to the coming into force of this By-law.

Rabies

Rabies Immunization

59. Every owner of a dog three (3) months of age or over shall ensure that the dog is duly immunized against rabies and that the immunization is current.

60. Section 59 shall be enforced by the Medical Officer of Health pursuant to the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

Rabies Suspects

61. Every owner of a dog in the The Nation Municipality which is suspected of having been exposed to rabies, or which has bitten, scratched or had other contact which may result in rabies in a person shall, at the discretion of the Medical Officer of Health, an animal may be held in quarantine on the premises of the owner, or at the owner's expense in a veterinary hospital or licensed kennel of the owner's choice.
62. Section 61 shall be enforced by the Medical Officer of Health pursuant to the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

Livestock

63. (a) No person shall keep livestock in any area of The Nation Municipality unless the area is zoned for that purpose or on land which is lawfully used for that purpose.
1. Subsection (a) shall not apply to the areas known as:
- i. the property of The Nation Municipality where the pound is located;
 - ii. the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act R.S.O. 1990, Chapter V.3, as amended;
 - iii. any area lawfully used for a travelling show, petting zoo, or other like shows;
 - iv. any area lawfully used as a zoo; and
 - v. any premises lawfully used as a slaughterhouse or abattoir.
64. (a) For the purposes of this by-law, livestock shall be deemed to be running at large if found in any place other than the premises of owner of the livestock and not under the control of any person.
- (b) No owner of livestock shall permit any livestock to run at large in The Nation Municipality.
65. The operator of the livestock pound shall, at the municipality's request, seize and confine any livestock running at large in the The Nation Municipality.
66. Any livestock in the care of the operator of the livestock pound shall be retained, released and, where appropriate, sold in accordance with the Pounds Act, R.S.O. 1990, Chapter P.17, as amended.
67. The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses, if any incurred by the operator of the livestock pound.

Pigeons

68. No person shall keep pigeons or doves or both (hereinafter referred to in this Section as "birds" within the boundaries of the Villages of Limoges, St-Albert, St-Isidore or any lands zoned "Rural Residential (RU)" in The Nation Municipality Zoning by-law.
69. (a) Despite Section 68, a person who is keeping pigeons or doves (birds) on the date this by-law comes into force, shall be permitted to keep such bird provided that:
- i. the bird is kept in an environment which is appropriate for the species, and
 - ii. the owner shall provide his or her name, address and phone number within ninety (90) days of the date that the by-law comes into force.

- iii. the information provided will be maintained on file at The Nation Municipality.

(b) The burden of proving the exemption from Section 68 is upon the person making the assertion, of which written notice to the manager as provided in subsection (a) shall be sufficient proof.

70. Pigeons or doves or both shall be kept only in Agricultural zones except properties used primarily for residential purposes unless

- a. the owner of the birds is a member of a recognized racing or homing pigeon club, which is affiliated with a national pigeon association,
- b. the birds are not kept in, upon, or under any building used for human habitation,
- c. the birds are kept in a loft of sufficient size to house all birds, which shall provide a minimum space of 1.0 square meters of loft space for every ten(10) birds, and be so constructed as to prevent escape by the birds,
- d. the birds' loft is located at a distance of not less than seven (7) meters from any adjoining lot line,
- e. the maximum number of birds kept by any person on any lot is thirty (30) adult birds,
- f. each bird wears a metal or plastic leg band that shall identify the owner of the bird,
- g. none of the birds are permitted to stray, perch, roost, nest or rest upon any premises other than on the premises of the owner,
- h. any bird afflicted with an infectious or contagious disease is not kept, except in a licensed animal hospital or under conditions of isolation and quarantine approved by the Medical Officer of Health, as applicable, and
- i. all lands and premises where the birds are kept, are kept and maintained in a sanitary condition at all times, and all waste materials from said lands and premises are disposed of in a manner that will not create a public nuisance or health hazard.

Rabbits

71. No person shall keep rabbits in an area of The Nation Municipality where the zoning permits residential land use unless:

- a. no more than three (3) rabbits over the age of seven (7) weeks are kept on the lot of any dwelling unit,
- b. the rabbits are kept as pets only,
- c. the rabbits, if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape by the rabbit, and,
- d. all lands and premises where rabbits are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.

72. Section 71 shall not apply to a person keeping rabbits where such person resides on lands where the livestock facility complies to the zoning by-law as amended.

Prohibited Animals

73. No person shall keep in The Nation Municipality, either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "A".

74. (a) Despite Section 73, a person who is keeping a prohibited animal on the date this by-law comes into force, shall be permitted to keep such animal provided that:

- i. the animal is kept in an environment which is appropriate for the species, and
- ii. the owner has advised the manager in writing of the number of each species of each animal and his or her name, the approximate age with a clear identification or photograph of each animal.

- iii. the owner shall provide his or her name, address and phone number within ninety (90) days of the date that the by-law comes into force.
 - iv. the information provided will be maintained on file at The Nation Municipality.
 - b. The burden of proving the exemption from Section 73 is upon the person making the assertion, of which written notice to the manager as provided in subsection (a) shall be sufficient proof.
 - c. The exemption provided for in subsection (a) is for the life of the animal.
75. Notwithstanding section 73, no exemption shall apply to the keeping of livestock, and no exemption for livestock shall be available. The provisions of section 63 of this By-law shall apply to all livestock, including livestock, which is being kept on the date this By-law comes into force.
76. Section 73 shall not apply to:
- a. the premises of The Nation Municipal pound;
 - b. the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended;
 - c. the premises of any licensed zoo or exhibit, permanently located in the Township;
 - d. premises or facilities accredited by the Canadian Association of Zoos and Aquaria (CAZA);
 - e. the areas of The Nation 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 three days at any one location;
 - f. premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990.c.A.22;
 - g. 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; or
 - h. premises fostering rescued animals under the auspices of organizations, which are exempted under the by-law, are recognized rescue organizations, and provide an educational function as part of their mandate.

Noise From Animals

- 77.
- a. No person shall keep, own, or harbor in The Nation Municipality any animal which makes or causes persistent noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
 - i. any person in the vicinity, or
 - ii. the neighborhood.
 - b. Subsection (a) shall not apply to livestock kept in accordance with Section 63 of this by-law.

Offences and Penalties

Offences and Penalty

78. Any person who contravenes or causes or permits any contraventions of any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act or any successor.
79. In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction thereafter, may make an order
- a. prohibiting the continuation or repetition of the violation by the person convicted; and,

- b. requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Right of Entry

80. Every person enforcing this By-law shall have the right of entry on any property or into any building not actually being used as a dwelling for the purpose of carrying out an inspection to determine whether this by-law is being complied with and for the enforcement of this by-law pursuant to section 436 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended from time to time.

Obstruction

81. No person shall obstruct, hinder or interfere with the manager or his designate in the lawful performance of his duties

Administration

Enforcement

82. Unless otherwise provided in the by-law, the By-law shall be enforced by the Municipal Law Enforcement Officers of The Nation Municipality.

Validity and Severability

83.

- a. Every provision of this by-law is severable and if any provisions of this by-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that the remaining provisions shall remain in full force and effect.
- b. Where a provision of this by-law conflicts with the provision of another by-law in force within The Nation Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- c. Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of The Nation Municipality.

Short Title

84. This by-law may be referred to as the "Animal Care and Control By-law".

Repeal

85. By-laws No. 139-2015 and 14-2018 of the Corporation of The Nation Municipality will be repealed at the time this by-law comes in effect.

Effective Date

86. This By-law shall come into force on the day after the set fine order is issued by the Regional Senior Judge of the Ontario Court of Justice.

Read a first, a second and a third time and finally passed on 8th day of March 2021.

Francois St-Amour
Mayor

Josee Brizard
CAO-Clerk

SCHEDULE "A" PROHIBITED ANIMALS

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule, and the animal is kept in accordance with this by-law and The Nation Municipality zoning by-law

2. All venomous or poisonous animals.

3. The animals listed within the brackets below are included for the purpose of providing common names of some of the animals within the stated order and do not in any way limit the prohibition of all animals within the stated order.

<u>CLASS</u>	<u>ORDER</u>	<u>COMMON NAMES</u>
Mammals	Artiodactyla	All species purely or partially of the order Artiodactyla (even toed ungulates) (cattles, goat, sheep, pigs, deer, elk hippopotamus, etc.) Except where the animals are kept as agricultural livestock
	Carnivora	All species purely or partially of the order Carnivora (panda, otter, wolves, bears, seals, walruses, coyotes, foxes, hybrid, wolf dogs, tigers, leopards, cougars, lions, lynx, hyaenas, minks, skunks, weasels, otters, badgers, mongoose, civets, genets, coatimundi, cacomistles, raccoons, African wildcats, savannah cat, jungle cat, serval cat, European wildcat, Chinese mountain cat, sand cat, etc.) Except common domestic dogs, common domestic cats and ferrets
	Chiroptera	All species purely or partially of the order chiroptera (bats, myotis, flying fox, etc.)
	Edentates	All species purely or partially of the order Edentates (anteaters, sloths, armadillos, etc.)
	Lagomorpha	All species purely or partially of the order Lagomorpha (hares, pikas, etc.) Except domestic rabbits
	Marsupialia	All species purely or partially of the order of Marsupialia (Koala, kangaroo, possum, wallabies, etc.)
	Perissodactyla	All species purely or partially of the order or Perrisodactyla (odd-toes ungulates) (horses, donkeys, jackasses, mules, zebras, ponies, rhinoceros, etc.) Except where the animals are kept as agricultural livestock
	Primates	All species purely or partially of the order Primates (chimpanzees, gorillas, monkeys, lemurs, etc.)
	Proboscidea	All species purely or partially of the order Proboscidea (elephants, etc.)

	Rodentia	All species purely or partially of the order Rodentia (Porcupines, prairie dogs, etc.) Except rodents which do not exceed 1,550 grams and are derived from self- sustaining captive populations and are kept as household pets
<u>Reptiles</u>	Crocodylia	All species purely or partially of the order Crocodylia (alligators, crocodiles, gavia, caymans, etc.)
	Squamata (scaled reptiles)	All snakes which are venomous; All snakes, which reach an adult length larger than two (2) meters. All venomous lizards or lizards which reach an adult length larger than two (2) meters, measured from snout to tip of tail.
	Testudine	All snapping turtle, alligator snapping turtle but does not include red eared sliders, box turtles, painted turtles reeves turtles, or wood turtles that are kept as house hold pets.
<u>Birds</u>	Anseriformed	All species purely or partially of the order Anseriformes (ducks, geese, swans, screamers, etc.) Except where the animals are kept as agricultural livestock.
	Galliformes	All species purely or partially of the order Galliformed (pheasant, grouse, Guinea fowls, turkeys, chickens, peafowl, etc.) Except where the animals are kept as agricultural livestock
	Struthioniformes	All species purely or partially of the order Struthioniformes (ostriches, rheas, cassowaries, emus, kiwis, etc.) Except where the animals are kept as agricultural livestock
	Falconiformes	All species purely or partially of the order Falconiforms or Raptors (Eagles, hawks, falcons – except those owned by falconers licensed by the Ontario Ministry of Natural Resources, owls, etc.)
<u>Arachnida</u>	Arachnid and Chilopoda	All venomous animals within the class of Arachnids or Chilopoda including but not limited to Tarantula, black widow, solifugid, scorpion and all venomous arthropods including but not limited to the centipede.
<u>Other</u>		All poisonous insects, reptiles and amphibians

SCHEDULE “B”

Fees

The following licensing fees for dogs will take effect on January 1st, 2022.

Licensing fees for dogs

- 1.1 License fee per dog before March 31st of each year: \$30.00
- 1.2 License fee per dog after March 31st of each year: \$50.00
- 1.3 Kennel/Purebred license: \$100.00

Pound Fees

- 2.1 Pick-up and impounding: \$50.00
- 2.2 Daily pound fee: \$30.00

Lost dog tags

- 3.1 Lost dog tag fee: \$5.00

