



## The Corporation of the Town of Pelham

By-law No. 69-2024

**Being a By-law to regulate animal care and control in the Town of Pelham and repeal By-law Nos. 462(1978), 1450(1992), 97-2010, 2174(2000), 2254(2001) and 3448(2013).**

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** section 8 of the *Municipal Act, 2001* further provides that a by-law under section 11 of the statute may provide for a system of licences;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

**AND WHEREAS** section 11 of the *Municipal Act, 2001* provides that a lower-tier municipality has the authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and property, and by-laws respecting animals;

**AND WHEREAS** section 103 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing for the seizure, impoundment and sale of animals found trespassing or at large;

**AND WHEREAS** section 105 of the *Municipal Act, 2001* provides that where a municipality requires the muzzling of a dog, it shall hold a hearing in relation to the muzzle requirement at the request of the dog owner;

**AND WHEREAS** section 128 of the *Municipal Act, 2001* provides that a lower-tier municipality may prohibit and regulate with respect to public nuisances;

**AND WHEREAS** section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

**AND WHEREAS** sections 425 and 429 of the *Municipal Act, 2001* authorize a municipality to create offences for the contravention of its by-laws and to establish a system of fines for offences under its by-laws;

**AND WHEREAS** section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

**AND WHEREAS** section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction or order of the municipality;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* provides that where a municipality is satisfied that a by-law contravention has occurred, it may make an order requiring the person who caused or permitted the by-law contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** the Council of the Corporation of the Town of Pelham deems it necessary and desirable to regulate the care and control of animals in the Town of Pelham and to enact this By-law for that purpose;

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

**1. Purpose**

- 1.1. The purpose of this By-law is to regulate the care and control of animals in the Town of Pelham to protect and promote the health, safety and well-being of the municipality and its residents.

**2. Definitions**

- 2.1. In this By-law:

**"Administrative Penalty"** means an Administrative Penalty issued pursuant to Town of Pelham Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, as amended from time to time.

**"Agricultural Operation"** means an agricultural operation as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. C.1.

**"Animal"** means any member of the animal kingdom other than a human and includes Cats, Dogs and Livestock as defined in this By-law.

**"Animal Owner"** means the Person that owns an Animal.

**"Applicable Law"** means all applicable by-laws of the Town and Niagara Region and all applicable provincial and federal statutes and regulations.

**"At Large"** means an Animal being at any place other than Property of which the Animal Owner or other Person that is Keeping the Animal is an Owner or Occupant and not under Control by the Animal Owner or other Person that is Keeping the Animal.

**"Attack"** means physical contact, other than accidental contact, by a Dog that results in physical injury or death to a Person or Domesticated Animal or damage to clothing worn by a Person and **"Attacks"** and **"Attacked"** have corresponding meanings.

**"Bite"** means a wound to the skin of a Person or Domesticated Animal that is caused by the teeth of a Dog and that results in a puncture or skin breakage and **"Bites"** and **"Bitten"** have corresponding meanings.

**"By-law Enforcement Officer"** means a by-law enforcement officer of the Town and includes the Director.

**"Cat"** means a Domesticated Animal in the Felidae (feline) family.

**"Clerk"** means the Clerk of the Town or designate.



**“Control”** means the physical restraint or confinement of an Animal by a Person by way of a secure enclosure on Private Property, a fixed tether on Private Property between two (2) and eight (8) metres in length that confines the Animal to the Private Property, or a leash not exceeding two (2) metres in length, and does not include sound or voice commands.

**“Council”** means the Council of the Town.

**“Dangerous Dog”** means a Dog with any of the behaviours or attributes set out in subsection 9.1 of this By-law.

**“Director”** means the Director of Fire and By-law Services of the Town or designate.

**“Dog”** means a Domesticated Animal in the Canidae (canine) family.

**“Dog Licence”** means a licence issued under this By-law to the Animal Owner of a Dog.

**“Domesticated Animal”** means an Animal of a species that has been adapted over time from a wild or natural state to a tame condition such that it lives in close association with and/or to the benefit of humans.

**“Enforcement Authority”** means the Director, a By-law Enforcement Officer, and any Person appointed or otherwise delegated the authority to administer and enforce this By-law.

**“Fees and Charges By-law”** means Town of Pelham By-law No. 4411 (2022), as updated or amended from time to time.

**“Keep”** means the ownership, possession or harbouring of an Animal by any Person and **“Keeping”** and **“Kept”** have corresponding meanings.

**“Kennel”** means a Kennel as defined in the Zoning By-law.

**“Kennel Licence”** means a licence issued under this By-law to a Person that operates a Kennel.

**“Livestock”** means Livestock as defined in the Zoning By-law.

**“Muzzle”** means a humane fastening or covering device placed over the mouth of a Dog that does not interfere with the Dog’s ability to breathe, drink or see when fitted and fastened over the mouth of the Dog, and that is of sufficient strength to prevent Bites.

**“Muzzle Order”** means a Notice to Muzzle or Order to Muzzle issued to the Animal Owner of a Dangerous Dog.

**“Niagara Region”** means the Regional Municipality of Niagara.

**“Occupant”** means a Person that lawfully occupies Property and includes Owners and lessees.

**“Order”** means an Order issued to a Person under this By-law and includes a Muzzle Order.

**“Owner”** means the registered owner of Property.

**“Person”** means an individual, corporation, partnership or association.

**"Pound"** means premises that are used for the detention, maintenance or disposal of Animals that are seized pursuant to this By-law and that are operated in accordance with the *Animals for Research Act*, 1990, c. A.22 and operated in accordance with its regulations.

**"Poundkeeper"** means the Person that acts as poundkeeper for the Town pursuant to the *Pounds Act*, R.S.O. 1990, c. P. 17.

**"Private Property"** means Property Owned by a Person other than the Town, Niagara Region, the Province of Ontario or Canada.

**"Prohibited Animal"** means an Animal listed in Schedule "A", which is appended hereto and forms part of this By-law.

**"Property"** means any land or premises within the Town.

**"Provocation"** when used in reference to an Attack or Bite means any abuse, assault, tormenting, unwanted physical contact or similar conduct by the Person or Domestic Animal that sustained the Attack or Bite.

**"Public Property"** means Property under the ownership or jurisdiction of the Town, Niagara Region, the Province of Ontario or Canada.

**"Town"** means the Corporation of the Town of Pelham or the geographic area of the municipality, as the context requires.

**"Wild Animal"** means an Animal that is not a Domesticated Animal and for which the natural habitat includes the Town.

**"Zoning By-law"** means Town of Pelham Comprehensive Zoning By-law No. 4481(2022), as enacted and amended from time to time.

### **3. General Prohibition**

3.1. No Person shall Keep any Animal or cause or permit any Animal to be Kept except in accordance with this By-law and Applicable Law.

### **4. Animal Keeping Prohibitions**

4.1. No Person shall Keep a Prohibited Animal or cause or permit a Prohibited Animal to be Kept.

4.2. Notwithstanding subsection 4.1 of this By-law, any Person who, on the date this By-law comes into effect, was lawfully Keeping a Prohibited Animal, is permitted to Keep the Prohibited Animal for the remainder of the natural life of the Prohibited Animal, subject to the following conditions:

- (a) the Animal Owner registers the Prohibited Animal with the Town by submitting written confirmation of the species of the Prohibited Animal, its approximate age and anticipated lifespan, the Property where the Prohibited Animal is Kept, and contact particulars for the Animal Owner;
- (b) the Prohibited Animal is confined to the Property where it is located except for necessary veterinary visits;
- (c) the Prohibited Animal is not displayed to the public;
- (d) the Prohibited Animal is not permitted to breed or reproduce;
- (e) the Prohibited Animal is Kept in an environment appropriate for the species as determined by an Enforcement Authority;
- (f) the Prohibited Animal is Kept in an enclosure appropriate for the species;



- (g) where the Prohibited Animal is a constrictor or a venomous reptile, it is Kept in an enclosure made of wood, fiberglass, plastic or metal that is situated inside a building and in an area of the building that is locked and secure;
  - (h) where the Prohibited Animal is a venomous reptile, the Animal Owner supplies antitoxins, if any, to the nearest hospital or urgent care clinic; and
  - (i) where the Prohibited Animal is a large undomesticated cat, it is Kept in an enclosure made of heavy gauge chain link fence three (3) to four (4) metres high and a fully enclosed top, which shall be surrounded by a second chain link fence two (2) metres outside the enclosure and not less than two (2) metres high, and equipped with warning signage on the outer fence that is visible to any Person approaching the enclosure.
- 4.3. The Person seeking to rely on the exemption set out in subsection 4.2 of this By-law bears the onus of establishing the exemption to the satisfaction of the Town.
- 4.4. No Person shall Keep any Wild Animal or cause or permit a Wild Animal to be Kept on Private Property.
- 4.5. No Person shall remove any Wild Animal or cause or permit the removal of any Wild Animal from Public Property unless the said removal is authorized by the Town and conducted in a humane and appropriate manner.
- 4.6. Notwithstanding subsections 4.4 and 4.5 of this By-law, where a Person finds a Wild Animal that is ill, injured or unable to fend for itself, the Person shall notify the Town as soon as possible and may Keep the Wild Animal until such time as it is surrendered to the Town or such other agency or facility as the Town may direct.
- 4.7. No Person shall Keep any Livestock on Private Property unless the Private Property is zoned to permit the Keeping of Livestock under the Zoning By-law or is permitted under Town of Pelham Backyard Hens By-law No. 44-2023.
- 4.8. Subsections 4.1, 4.4 and 4.7 of this By-law do not apply to Animals that are Kept:
- (a) by the Town;
  - (b) at a facility registered under the *Animals for Research Act*, R.S.O. 1990, c. A.22;
  - (c) at a veterinary facility accredited under the *Veterinarians Act*, R.S.O. 1990, c. V.3;
  - (d) by a Person licensed by the Province of Ontario or Canada to Keep any Prohibited Animal or Wild Animal;
  - (e) by a not-for-profit corporation or registered organization formed for and engaged in Animal rescue operations;
  - (f) at a Pound authorized by the Town;
  - (g) as part of an exhibition or event approved by the Town; or
  - (h) as part of an Agricultural Operation.

## **5. Animals At Large**

- 5.1. No Animal Owner or Person who Keeps an Animal shall cause or permit the Animal to be At Large.
- 5.2. Any Animal found At Large may be seized by the Poundkeeper or an Enforcement Authority and delivered to a Pound authorized by the Town.
- 5.3. The Animal Owner of an Animal seized and delivered to a Pound pursuant to subsection 5.2 of this By-law is entitled to claim the return of the Animal upon payment of the applicable fee that is established by the Poundkeeper from time to time, and any other fees that may be levied against the Animal Owner pursuant to the *Pounds Act*, R.S.O. 1990, c. P. 17 ("*Pounds Act*").
- 5.4. If the Animal Owner of an Animal seized and delivered to a Pound pursuant to subsection 5.2 of this By-law fails to claim the return of the Animal within three (3) business days, the Poundkeeper may sell the Animal in accordance with the *Pounds Act*.
- 5.5. If the Animal Owner of a Dog or Cat seized and delivered to a Pound pursuant to subsection 5.2 of this By-law fails to claim the return of the Animal within ten (10) business days, the Animal may be destroyed in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22.

## **6. Licensing of Dogs**

- 6.1. Every Animal Owner of a Dog residing in the Town shall obtain a Dog Licence for the Dog from the Town or its licensing agent, shall maintain the Dog Licence in good standing, and shall renew the Dog Licence annually.
- 6.2. Every application for a Dog Licence or a renewal of a Dog Licence shall be accompanied by the applicable fee established by the Town or its licensing agent from time to time.
- 6.3. Upon submission of the Dog Licence application and payment of the applicable fee, the Animal Owner shall be provided with a Dog Licence tag and shall keep it securely fixed to the Dog when the Dog is on Public Property.
- 6.4. Every Dog Licence issued pursuant to this By-law shall be serially numbered and a record of issuance shall be kept by the Town or its licensing agent. This record shall include, at a minimum, the name, address and email address of the Animal Owner, the name, breed, colour and sex of the Dog, and such other information as the Town or its licensing agent determines is required.
- 6.5. No Person shall provide false information when applying for or renewing a Dog Licence.
- 6.6. Every Dog Licence is specific to the Dog for which it is issued and is not transferable to any other Animal.

## **7. Kennels**

- 7.1. No Person shall establish or operate a Kennel in the Town except as permitted under the Zoning By-law and in accordance with the requirements of this By-law and all Applicable Law.



- 7.2. Every Person who establishes or operates a Kennel in the Town shall obtain a Kennel Licence to operate from the Town or its licensing agent, shall maintain the Kennel Licence in good standing, and shall renew the Kennel Licence annually.
- 7.3. Every application for a Kennel Licence or a renewal of a Kennel Licence shall be accompanied by the applicable fee established by the Fees and Charges By-law, which shall not be refunded irrespective of the outcome of the application.
- 7.4. The application for a Kennel Licence or a renewal of a Kennel Licence shall contain the following:
  - (a) the name and contact particulars of the Kennel operator including address, telephone number and email address;
  - (b) the address of the Kennel;
  - (c) if the Kennel operator is not the Owner of the Property at which the Kennel is located:
    - i. the name and contact particulars of the registered Owner(s) the Property; and
    - ii. written approval of the Kennel Licence application by the registered Owner(s) of the Property;
  - (d) if the application is for a new Kennel, a site plan showing the location of the Kennel in relation to the boundaries of the Property at which the Kennel will be located and any other building or structure on the Property; and
  - (e) a copy of the current and valid registration of the Kennel operator with the Canadian Kennel Club Inc. or other kennel club recognized by the Town or its licensing agent;
  - (f) the maximum number of Dogs at the Kennel; and
  - (g) certification that the Kennel meets all Applicable Law and all applicable standards and requirements of the Town and of Niagara Region Public Health.
- 7.5. No Person shall provide false information when applying for or renewing a Kennel Licence.
- 7.6. Upon receipt of an application for a Kennel Licence or a renewal of a Kennel Licence, the Town or its licensing agent shall review it for completeness and may require the applicant to provide such additional information or documents as the Town or its licensing agent determines are reasonably necessary to complete the application.
- 7.7. Upon receipt of completed application, the Town or its licensing agent shall issue a Kennel Licence where satisfied that the Kennel meets the requirements of this By-law.
- 7.8. Notwithstanding subsection 7.7, the Town or its licensing agent may impose such terms and conditions on a Kennel Licence as they consider to be appropriate in the circumstances.
- 7.9. The Town or its licensing agent may refuse to issue or renew a Kennel Licence or may revoke a Kennel Licence where the Kennel fails to comply with this By-law, other Applicable Law and/or the terms and conditions of the Kennel Licence.

- 7.10. Every Licence issued pursuant to this By-law shall be serially numbered and a record of issuance shall be kept by the Town or its licensing agent. This record shall include, at a minimum, the name, address and email address of the Kennel Licence holder, the location of the Kennel, and such other information as the Town or its licensing agent determines is required.
- 7.11. Kennel Licences are specific to the Kennel and Kennel operator for which they are issued and are not transferable to any other Kennel or Kennel operator.

## **8. Animal Keeping Requirements**

- 8.1. No Person shall cause or permit any Animal to bark, howl, whine, squawk or make other like sounds in a manner that contravenes Town of Pelham Noise By-law No. 4454(2022).
- 8.2. Any Person who Keeps a Dog shall immediately remove any waste left by the Dog on Public Property or Private Property, other than Private Property of which that Person is the Owner or Occupant, and shall deposit it in an appropriate waste receptacle.
- 8.3. Subsection 8.2 of this By-law does not apply where:
- (a) the Dog is a service animal as defined in the *Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13* and the Person who Keeps the Dog is unable to remove the waste due to a visual or physical impairment; or
  - (b) the waste is left by a police Dog while it is working.

## **9. Dangerous Dogs**

- 9.1. For the purposes of this By-law, a Dangerous Dog is a Dog that:
- (a) has a known tendency or disposition to Attack or Bite;
  - (b) is known to Attack or Bite without Provocation;
  - (c) has Attacked or Bitten a Person or Domesticated Animal without Provocation;
  - (d) approaches, follows or chases a Person or Domesticated Animal on Public Property in an aggressive or threatening manner with Provocation;
  - (e) has a known tendency or disposition to be aggressive or threatening;
  - (f) is trained as an attack or fighting Dog; and/or
  - (g) is Kept primarily for purposes of security or protection of any Person or Property.
- 9.2. Where an Enforcement Authority is satisfied that a Dog has Attacked or Bitten without Provocation, the Enforcement Authority shall issue a Muzzle Order to the Animal Owner that identifies the Dog as a Dangerous Dog and provides that:
- (a) the Dog is prohibited from being on Public Property or on Private Property of which the Animal Owner is not an Owner or Occupant unless the Dog is affixed by collar or harness to a chain or leash not more than two (2) metres in length and wears a Muzzle;



- (b) when the Dog is on Private Property of which the Animal Owner is an Owner or Occupant, the Dog shall be securely confined inside a building or within fully enclosed pen or other structure:
  - i. situated wholly on that Private Property;
  - ii. with dimensions of not less than two (2) metres by four (4) metres;
  - iii. constructed of materials and in a manner that prevents the Dangerous Dog from escaping and is capable of preventing entry by any other Person or Animal; and
  - iv. constructed of materials and in a manner that allows Persons to have lawful entry onto the Private Property without fear of Attack or Bite by the Dog;
- (c) the Animal Owner shall conspicuously display signage on Private Property of which the Animal Owner is an Owner or Occupant warning that there is a Dangerous Dog on the Property; and
- (d) the Animal Owner shall immediately notify the Poundkeeper if the Dog:
  - i. is unconfined or At Large;
  - ii. is involved in an Attack or Bite;
  - iii. has been sold or given away, in which case the Animal Owner shall provide contact information for the Person to whom the Dog was sold or given; or
  - iv. has died.

9.3. Subject to section 10 of this By-law, a Muzzle Order shall remain in effect for the remainder of the natural life of the Dangerous Dog.

## **10. Muzzle Order Hearings**

- 10.1. An Animal Owner to whom a Muzzle Order is issued may, within fourteen (14) calendar days of the date of the Muzzle Order, request a hearing in accordance with this By-law.
- 10.2. The right of an Animal Owner to request a hearing is exercised by giving written notice to the Town in the form determined by the Clerk from time to time, which shall be accompanied by payment of the applicable fee as established under the Fees and Charges By-law of the Town, being By-law No. 3728(2016), as updated or amended from time to time.
- 10.3. Upon receipt of a hearing request and the applicable fee, the Clerk shall convene a special meeting of Council as soon as practicable to conduct the hearing. All hearings shall be held in person.
- 10.4. Not less than fourteen (14) calendar days prior the hearing date, the Clerk shall provide written notice of the hearing date to the following Persons:
  - (a) the Animal Owner to whom the Muzzle Order was issued;
  - (b) the Enforcement Authority that issued the Muzzle Order;
  - (c) in the case of an Attack or Bite involving a Domesticated Animal, the Animal Owner of the Domesticated Animal;

- (d) in the case of an Attack or Bite involving a Person, that Person; and
  - (e) any other Person known to the Clerk to have an interest in the subject matter of the hearing.
- 10.5. Not less than fourteen (14) calendar days prior the hearing date, the Clerk shall provide to the Animal Owner the full investigative file of the Enforcement Authority that issued the Muzzle Order.
- 10.6. Not less than seven (7) calendar days prior to the hearing date, the Animal Owner shall file with the Clerk any documents or evidence to be relied on at the hearing, including materials from the investigative file of the Enforcement Authority, and shall notify the Clerk of any witnesses to be called by the Animal Owner.
- 10.7. Not less than seven (7) calendar days prior to the hearing date, the Enforcement Authority that issued the Muzzle Order shall file with the Clerk any documents or evidence to be relied on at the hearing and shall notify the Clerk of any witnesses to be called by the Enforcement Authority.
- 10.8. Any other Person to whom notice is given under subsection 10.4 of this By-law shall, not less than seven (7) calendar days prior to the hearing date, advise the Clerk if they wish to testify at the hearing.
- 10.9. Not less than two (2) calendar days prior to the hearing date, the Clerk shall publish the agenda for the special meeting of Council, which shall contain the Muzzle Order, the request for hearing, and all documents or evidence filed under subsections 10.6 and 10.7 of this By-law.
- 10.10. Any Person to whom notice is given under subsection 10.3 of this By-law may attend at the hearing. However, the Dog that is the subject of the Muzzle Order may not be present at the hearing.
- 10.11. Where an Animal Owner fails to request a hearing within fourteen (14) calendar days of the date of the Muzzle Order:
- (a) the right of the Animal Owner to make the request expires;
  - (b) the Animal Owner is deemed to have waived the right to request a hearing;
  - (c) the Muzzle Order is deemed to be final; and
  - (d) the Muzzle Order is not subject to review or appeal, including by any tribunal or court.
- 10.12. Where an Animal Owner fails to appear at the date and time set for the hearing or fails to remain until the end of the hearing:
- (a) the Animal Owner is deemed to have abandoned the hearing request;
  - (b) the Muzzle Order is deemed to be final; and
  - (c) the Order is not subject to review or appeal, including by any tribunal or court.
- 10.13. The Town shall conduct hearings under this By-law in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.



- 10.14. The following procedure applies to all hearings held pursuant to this By-law:
1. The Mayor or designate shall call the meeting to order.
  2. The Clerk shall make introductory remarks about the subject matter of the hearing and procedure to be followed and shall request all Persons present, other than Council, to state their names and their interest in the subject matter of the hearing.
  3. The Clerk shall administer an oath or affirmation to each Person that gives evidence at the hearing, which shall be administered immediately before the Person testifies.
  4. Where the Attack or Bite involves a Domesticated Animal and the Animal Owner of the Domesticated Animal is present and has given notice to the Clerk that they wish to testify at the hearing, the Animal Owner shall be the first Person to testify.
  5. Where the Attack or Bite involves a Person and does not also involve a Domesticated Animal and the Person is present and has given notice to the Clerk that they wish to testify at the hearing, the Person shall be the first Person to testify.
  6. Where the Attack or Bite involves a Domesticated Animal and a Person that is not the Animal Owner of the Domesticated Animal and both the Animal Owner and the Person that is not the Animal Owner are present and have given notice to the Clerk that they wish to testify at the hearing, the Clerk shall determine the order in which they testify.
  7. The Animal Owner or the Person, as the case may be, may testify about the Attack or Bite and any other matter relevant to the subject matter of the hearing.
  8. The Animal Owner to whom the Muzzle Order was issued or, if applicable, their legal representative, shall then be offered the opportunity to question the Animal Owner or the Person involved in the Attack or Bite.
  9. Council shall then have the opportunity to question the Animal Owner or the Person involved in the Attack or Bite.
  10. Where a Person known to the Clerk to have an interest in the subject matter of the hearing is present and has given notice to the Clerk that they wish to testify at the hearing, the interested Person shall be the next Person to testify.
  11. The interested Person may testify about any matter relevant to the subject matter of the hearing.
  12. The Animal Owner to whom the Muzzle Order was issued or, if applicable, their legal representative, shall then be offered the opportunity to question the interested Person.
  13. Council shall then have the opportunity to question the interested Person.
  14. The next Person to testify shall be the Enforcement Authority that issued the Muzzle Order. The Enforcement Authority may testify about any relevant matter and may refer to and/or rely on any documents or other evidence filed with the Clerk.

15. The Animal Owner to whom the Muzzle Order was issued or, if applicable, their legal representative, shall then be offered the opportunity to question the Enforcement Authority.
  16. Council shall then have the opportunity to question the Enforcement Authority.
  17. The next Persons to testify shall be other witnesses called by the Enforcement Authority, if any, each of whom may testify about any relevant matter and who may be questioned by or on behalf of the Animal Owner to whom the Muzzle Order was issued and/or by Council.
  18. The next Person to testify shall be the Animal Owner to whom the Muzzle Order was issued, should they wish to do so. The Animal Owner may testify about any relevant matter and may refer to and/or rely on any documents or other evidence filed with the Clerk.
  19. Council shall have the opportunity to question the Animal Owner to whom the Muzzle Order was issued.
  20. The next Persons to testify shall be other witnesses called by the Animal Owner to whom the Muzzle Order was issued, if any, each of whom may testify about any relevant matter and who may be questioned by Council.
  21. At the conclusion of the evidence, the Enforcement Authority and the Animal Owner to whom the Muzzle Order was issued shall each have the opportunity to make a final summary to Council, should they wish to do so.
  22. Council shall then conduct open deliberations of the evidence and render a decision in accordance with subsection 10.15 of this By-law.
  23. The decision of Council will be delivered orally at the hearing and confirmed in writing by the Clerk within five (5) calendar days after the hearing date.
- 10.15. Council shall determine whether to exempt the Animal Owner to whom the Muzzle Order was issued from the requirements of the Muzzle Order, in whole or in part, and subject to such conditions, if any, that Council considers appropriate.
- 10.16. The decision of the Council is final.

## **11. Enforcement**

- 11.1. This By-law shall be administered and enforced by the Town and Enforcement Authorities.
- 11.2. An Enforcement Authority may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*.
- 11.3. An Enforcement Authority may, at all reasonable times, enter and inspect any Property to determine if this By-law is being complied with and may, for the purposes of such an inspection, require the production of documents and/or require information from a Person concerning a matter related to the inspection.



- 11.4. An Enforcement Authority who is satisfied that a contravention of this By-law has occurred may make an Order requiring the Person who contravened the By-law, the Person who caused or permitted the contravention and/or the Owner of the Property where the contravention occurred to discontinue the contravening activity.
- 11.5. No Person shall obstruct or hinder, or attempt to obstruct or hinder, any Enforcement Authority in the exercise of a power or the performance of a duty under this By-law.

## **12. Penalty**

- 12.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as are provided for in the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P.33*.
- 12.2. Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023 applies to each administrative penalty issued pursuant to this By-law.
- 12.3. Every Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law for Non-Parking By-laws No. 68-2023, be liable to pay to the Town an administrative penalty in accordance with that By-law.

## **13. General**

- 13.1. The short title of this By-law is the "Animal Control By-law".
- 13.2. If any provision of this By-law is found by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, the balance of the By-law shall not be affected and shall remain in full force and effect.
- 13.3. If there is a conflict between a provision of this By-law and a provision of any other By-law of the Town, the provision that establishes the higher standard shall prevail.
- 13.4. This By-law shall be read with all changes in number or gender as are required by context.
- 13.5. Any reference to legislation in this By-law includes the legislation and any amendment, replacement, subsequent enactment or consolidation of such legislation.
- 13.6. The Town Clerk is hereby authorized to effect any minor modifications or corrections solely of an administrative, clerical, numerical, grammatical, semantical or descriptive nature or kind to this By-law as are determined to be necessary.

## **14. Repeal and Enactment**

- 14.1. By-law #462(1978), being a by-law to provide for licensing and regulating the keeping of dogs, together with all amendments thereto, is hereby repealed and replaced.
- 14.2. By-law #1450(1992), being a by-law to regulate dogs which are an annoyance or nuisance, together with all amendments thereto, is hereby repealed and replaced.

- 14.3. By-law No. 97-2010, being a by-law for the licensing and registration of dogs, for regulating the keeping of dogs and the control of vicious or dangerous dogs, together with all amendments thereto, is hereby repealed and replaced.
- 14.4. By-law No. 2174(2000), being a by-law to prohibit animals, other than dogs, being at large or trespassing, together with all amendments thereto, is hereby repealed and replaced.
- 14.5. By-law No. 3448(2013), being a by-law to regulate or prohibit the keeping and running at large of animals and known as the Exotic Pet By-law, together with all amendments thereto, is hereby repealed and replaced.

**15. Effective Date**

- 15.1. This By-law shall come into force on the date that it is enacted.



Marvin Junkin, Mayor



Sarah Leach, Acting Town Clerk



## SCHEDULE "A" – PROHIBITED ANIMALS

1. All Animals, native or non-native, the possession or sale of which is prohibited because the Animal is designated as protected or endangered pursuant to any international, federal or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with the applicable international, federal or provincial law and if the said Animal is not identified as a Prohibited Animal.
2. All Animals within the taxonomic classifications identified below are Prohibited Animals. Examples of Animals are provided for reference only and shall not be construed as limiting the prohibition against all Animals within that taxonomic classification.
3. All Animals in the following taxonomic classes and orders are Prohibited Animals:
  - i. Venomous Arachnida (e.g. spiders, scorpions)
  - ii. Venomous Chilopoda (e.g. centipedes)
  - iii. Crocodylia (e.g. crocodiles, alligators, caimans, gharials)
  - iv. Pinnipedia (e.g. seals, sea lions, walrus)
  - v. Cetacea (e.g. whales, dolphins, porpoises)
  - vi. Sirena (e.g. manatee, dugong)
  - vii. Artiodactylous (even-toed) Ungulates
  - viii. Perissodactyla (odd-toed) Ungulates
  - ix. Edentates (e.g. sloths, armadillos, anteaters)
  - x. Marsupialia (e.g. kangaroos, wombats, opossums)
  - xi. Non-Human Primates
  - xii. Falconiformes (raptors)
  - xiii. Strigiformes (owls)
  - xiv. Pholidota (e.g. pangolins)
  - xv. Tubulidentata (e.g. aardvark)
4. All Animals in the following taxonomic families and groups are Prohibited Animals:
  - i. Canidae (canine) other than Dogs (e.g. wolves, coyotes, jackals, foxes)
  - ii. Felidae (feline) other than Cats (e.g. lions, tigers, cheetahs, lynx)
  - iii. Chelydridae (snapping turtles)
  - iv. Elephantidae (elephants)
  - v. Erinacidae (hedgehogs)
  - vi. Hyaenidae (hyenas)
  - vii. Mustelidae (e.g. weasels, badgers, otters) other than the domestic ferret
  - viii. Procyonidae (e.g. racoons, kinkajous, ring-tailed cats)
  - ix. Procaviidae (hyrax)
  - x. Pteropodidae (e.g. fruit bats)
  - xi. Ratites (e.g. ostrich, emu, rhea)
  - xii. Sciuridae (e.g. squirrels, chipmunks, prairie dogs)
  - xiii. Trionychidae (soft shell turtles)
  - xiv. Ursidae (bears)
  - xv. Viverridae (e.g. civets, genets)
  - xvi. All families of venomous snakes including Viperidae (vipers), Elapidae (snakes with permanently erect front fangs), Atractaspididae, and Hydrophidae (aquatic snakes)
  - xvii. All families of venomous reptiles (e.g. Gila monsters, bearded lizards)

5. All other venomous and/or poisonous Animals.
6. All non-venomous snakes that have the potential to reach a maximum length of more than three (3) metres.
7. All non-venomous lizards that have the potential to reach a maximum length of more than two (2) metres.