

**THE CORPORATION OF THE TOWNSHIP OF EAR FALLS**

**BY-LAW NO. 1121-04**

**A By-Law to Amend By-Law No. 1097-04, a By-Law  
to Regulate and Control Animals.**

**WHEREAS** the Council of the Corporation of the Township of Ear Falls has passed By-Law No. 1097-04, a By-Law to Regulate and Control Animals, and

**WHEREAS** certain minor changes to the said By-Law are required,

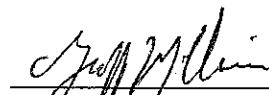
**NOW THEREFORE** Council of the Corporation of the Township of Ear Falls **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** By-Law No. 1097-04 is hereby amended as attached hereto as Appendix I.
2. **THAT** this By-Law shall come into full force and take effect upon the final passing thereof.

**READ a First and Second time**

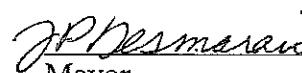
this 18<sup>th</sup> day of August, 2004.

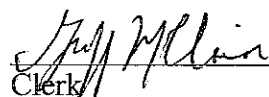
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

**READ a Third time and Finally**

**Passed** this 18<sup>th</sup> day of August, 2004.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

By-Law No. 1121-04  
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**THE CORPORATION OF THE TOWNSHIP OF EAR FALLS**

**BY-LAW NO. \_\_\_\_\_**

**A By-Law to Regulate and Control Animals**

**A By-Law to repeal By-Law No. 654-95, being a By-Law to Regulate and Control Animals and By-Law No. 804-98, being a By-Law to Regulate Animals in Municipal Parks**

**WHEREAS** Paragraph 9 of Section 11 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended provides that a single-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction of animals; and

**WHEREAS** Section 103 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large of trespassing of animals, it may provide for: the seizure and impounding of animals being at large of trespassing contrary to the by-law; the sale of impounded animals if they are not claimed within a reasonable time, if the expenses of the municipality respecting the impounding of the animals are not paid, or at such time and in such manner as provided in the by-law; and the establishment of procedures for the voluntary payment for penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened; and that if payment is not made in accordance with the procedures established under Section 103(1)(c) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the fine is recoverable under the *Provincial Offences Act*; and

**WHEREAS** Section 105 of the *Municipal Act*, 2001 S.O. 2001, c. 25, as amended provides that if a municipality requires the muzzling of a dog under any circumstances, the Council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement; and that an exemption may be granted subject to such conditions as Council considers appropriate; and that a municipality may, upon such conditions as Council considers appropriate, delegate the powers of Council under Section 105 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, to a committee of Council or an animal control officer of the municipality; and that a request of the owner of a dog for a hearing under Section 105 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, does not act as a stay of the muzzling requirements;

**NOW THEREFORE**, the Council of the Corporation of the Township of Ear Falls **HEREBY ENACTS AS FOLLOWS:**

**ANIMAL CONTROL BY-LAW**

**Part 1  
DEFINITIONS**

**1.1 Definitions**  
In this by-law:

**Animal – defined**

“Animal” includes mammals, birds, amphibians, reptiles, and arachnids, but does not include fish or insects.

**Animal Control Officer – defined**

“Animal Control Officer” shall mean a person appointed by the Township Pound Keeper or by the Township By-Law Officer or by the Township Council whose duties include the administration and enforcement of this

by-law, and specifically shall include the Township By-Law Enforcement Officer.

**Bite – defined**

“Bite” shall mean the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of an animal.

**Dog – defined**

“Dog” shall mean a quadruped of the species canis familiaris and includes both male and female of the species.

**Dwelling unit – defined**

“Dwelling unit” shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

**Guard dog – defined**

“Guard dog” shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.

**Keeps – defined**

“Keeps” shall mean owns, possesses or harbours.

**Kennel – defined**

“Kennel” shall mean a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred.

**Licence issuer – defined**

“Licence issuer” shall mean the Township Clerk of the Corporation of the Township of Ear Falls.

**Mitigating factor – defined**

“Mitigating factor” means a circumstance which excuses aggressive behaviour of an animal and, without limiting the generality of the foregoing, may include circumstances where:

- (a) the animal was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- (b) the animal was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
- (c) the animal was, at the time of the aggressive behaviour, being teased, provoked, or tormented.

**Muzzle – defined**

“Muzzle” shall mean a humane fastening or covering device of adequate strength which when placed over the mouth of an animal will then prevent that animal from biting.

**Notice of Caution – defined**

“Notice of Caution” means a notice in writing given by the Animal Control Officer or Pound Keeper or By-Law Enforcement Officer to the owner which cautions the owner that a bite did occur and recommends the owner take cautionary steps whenever persons or domestic animals

are in the vicinity of the dog. The Notice of Caution shall indicate that should a subsequent bite occur, an order to muzzle the dog will be issued.

**Owner – defined**

“Owner” of an animal includes any person who keeps, possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor.

**Pet Shop – defined**

“Pet Shop” shall mean an establishment engaged in the retail sales of animals.

**Pet shop keeper – defined**

“Pet shop keeper” shall mean a person who has the charge, care or ownership of a pet shop.

**Pound keeper – defined**

“Pound keeper” for the Corporation of the Township of Ear Falls shall mean any person duly employed by or authorized by the Corporation of the Township of Ear Falls to operate as an animal care and control centre or pound.

**Premises – defined**

“Premises” include the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated.

**Running at large – defined**

“Running at large” shall mean to be found in any place other than the premises of the owner of the animal and not under the physical control of any person by means of a leash held by the said person.

**Township – defined**

“Township” shall mean the Corporation of the Township of Ear Falls.

**Vehicle – defined**

“Vehicle” shall mean any motor vehicle, trailer, traction engine, farm tractor, road-building machine, all-terrain vehicle, motorized snow vehicle, bicycle, tricycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

**Part 2  
CLASSES OF ANIMALS**

**2.1 Animals – ranked by class**

Animals shall be ranked according to the classes set out in this part of this By-Law.

**2.2 Class 1 animal**

“Class 1 animal” shall mean cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep.

**2.3 Class 2 animal**

“Class 2 animal” shall mean chicken, goose, turkey, duck and any domestic fowl

**2.4 Class 3 animal**

“Class 3 animal” shall mean homing, pouter, racing or tumbler pigeons.

**2.5 Class 4 animal**

“Class 4 animal” shall mean domestic cats, groundhogs, guinea pigs, gerbils, hamsters, mice, rats, rabbits, chinchillas, ferrets, and turtles.

**2.6 Class 5 animal**

"Class 5 animal" shall mean non-venomous snakes, non-venomous lizards and non-venomous spiders.

**2.7 Class 6 animal**

"Class 6 animal" shall mean domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks.

**2.8 Class 7 animal**

"Class 7 animal" shall mean any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, raccoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the *Migratory Birds Convention Act*, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the *Fish and Wildlife Conservation Act*, 1997 and regulations thereto.

**2.9 Class 8 animal**

"Class 8 animal" shall mean domestic dogs.

**Part 3**

**APPLICATION OF BY-LAW – EXEMPTIONS**

**3.1 Animal Care and Control Centre (Ear Falls)**

This by-law shall not apply to premises maintained as an animal care and control centre or animal shelter or pound by the Township or by an agency, organization, corporation, partnership or proprietorship which has been authorized by a resolution of the Council of the Township.

**3.2 Public pound**

The by-law shall not apply to a public pound.

**3.3 Agricultural – land – premises**

This by-law shall not apply to class 1 and class 2 animals on premises and land zoned for agricultural uses.

**Part 4**

**PROHIBITED MATTERS**

**4.1 Animals – keeping – more than 2 per dwelling**

No person shall keep more than two animals in a dwelling unit or on any premises except as set out in the Official Plan, or the Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.

**4.2 Class 1 – keeping – within Township**

No person shall keep a class 1 animal within the municipal boundaries of the Township of Ear Falls except as set out in the Township's Official Plan, or the Township's Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.

**4.3 Class 2 – keeping – within Township**

No person shall keep a class 2 animal within the municipal boundaries of the Township of Ear Falls except as set out in the Township's Official Plan, or the Township's Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.

- 4.4 Class 7 – keeping – within Township**  
No person shall keep a class 7 animal within the municipality boundaries of the Township of Ear Falls.
- 4.5 Animal – running at large**  
No person shall permit an animal to run at large.
- 4.6 Trespassing – by animal**  
No person shall permit an animal to trespass on any property.
- 4.7 Food – storage – failure to use rodent-proof container**  
No person shall fail to keep feed or animal food in a rodent-proof container.
- 4.8 Keeping – animal – not permitted by statute**  
Notwithstanding any of the provisions of this by-law, no person shall keep an animal, the keeping of which is not permitted under any statute of Ontario or Canada.

**Part 5  
CLASS 1 ANIMALS**

- 5.1 Keeping – within Township – prohibited**  
The keeping of Class 1 animals within the municipal boundaries of the Township of Ear Falls is prohibited except as set out in the Township's Official Plan, or the Township's Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.
- 5.2 Keeping – prior to enactment – continuation – permitted**  
Section 5.1 of this by-law does not apply to those persons legally keeping Class 1 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 5.3 to 5.12 inclusive of this by-law.
- 5.3 Keeping – in building – stable – required**  
All Class 1 animals shall be kept in a building or stable.
- 5.4 Building – stable – minimum distance – other premises**  
Such building or stable as required under section 5.3 of this by-law shall be no less than 90 metres from any school, church, public hall, store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animal or members of his/her immediate family.
- 5.5 Floor – impervious – gutters – drainage**  
The floor of such building or stable as required under section 5.3 of this by-law shall be of durable material, impervious to moisture, so laid and provided with gutters that drainage is effected into a sewer provided that a wooden platform above such flooring is permitted if an air space of at least 5 centimetres is provided above the floor.
- 5.6 Drainage – sanitary wastes – requirements**  
Where a sanitary sewer is not available, provision for drainage of sanitary wastes shall be made in accordance with the requirements of any applicable laws of the Province of Ontario and the regulations made thereunder.
- 5.7 Doors – windows – openings – screened**  
All doors, windows and openings of such building or stable as required under section 5.3 of this by-law shall, at all times between the first day of

April and the thirtieth day of November following in each year, be kept protected by screens effective against flies and small insects.

**5.8 Manure – collected – deposited – receptacle – promptly**

All manure shall be promptly collected and deposited in a manure receptacle of adequate size which shall be provided and constructed as set out in sections 5.9 and 5.10 of this by-law.

**5.9 Manure receptacle – construction – requirements**

The floor and all portions of the walls of the manure receptacle shall be of concrete and watertight: the manure receptacle shall be provided with an opening with self-closing, fly-proof door, and the receptacle shall be constructed such that objectionable odours are not allowed to escape.

**5.10 Manure receptacle – design – permit – approval**

Manure receptacles shall be constructed, erected or located within the Corporation of the Township of Ear Falls only after the design has been approved by the Chief Building Official and a permit issued therefor.

**5.11 Yards – kept cleaned – deodorized – at all times**

Such building or stable as required under section 5.3 of this by-law, together with any yard less than 200 square metres in which the animals are allowed to run, shall be kept at all times free from manure and other refuse and shall be properly cleaned or dug up and deodorized by means of chloride of lime or other suitable deodorant permitted by the laws of the Province of Ontario and the regulations made thereunder.

**5.12 Food – feed – storage – rodent-proof containers**

All feed or other animal food shall be kept in rodent-proof containers.

**Part 6  
CLASS 2 ANIMALS**

**6.1 Keeping – within Township – prohibited**

The keeping of Class 2 animals within the municipal boundaries of the Corporation of the Township of Ear Falls is prohibited except as set out in the Township's Official Plan, or the Township's Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.

**6.2 Keeping – prior to enactment – continuation – permitted**

Section 6.1 of this by-law does not apply to those persons legally keeping Class 2 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 6.3 to 6.8 inclusive of this by-law.

**6.3 Keeping – in building – structure – yard – coop – other**

All Class 2 animals shall be kept in a building, structure, yard, coop, pen or run.

**6.4 Structure – distance – from other premises**

Every such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pen or run in which any such animal, bird, or fowl is confined, kept or allowed to run, shall be no less than 15 metres from any school, church, public hall, or store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animals, birds or fowl or members of his/her immediate family.

**6.5 Walls – lime-washed – painted – annually**

The inside walls of such building as required under section 6.3 of this by-law (other than a dwelling), structure, coop, pens or run shall be lime-

washed or painted at least once a year.

**6.6 Runs – outside – dug promptly – prevention of odours**

All runs and outside areas of confinement shall be dug promptly as required to effectively prevent odours arising therefrom.

**6.7 Refuse – removal – prevention of odours**

All refuse resulting from the keeping of class 2 animals shall be kept in substantial air-tight containers until it is removed from the premises or dug into the earth in such a manner as to prevent odours arising therefrom.

**6.8 Food – feed – storage – rodent-proof containers**

All feed or other animal food shall be kept in rodent-proof containers.

**Part 7  
CLASS 4 ANIMALS**

**7.1 Maximum – two (2) animals – in one dwelling unit**

No person shall keep more than two (2) Class 4 animals in any one dwelling unit or on any premises.

**7.2 Newborns – keeping – maximum – two months**

The young of any Class 4 animal may be kept for a period not exceeding two months after birth.

**Part 8  
DOMESTIC CATS**

**8.1 Complaint – to Pound Keeper – confinement – by owner**

Where a property owner or occupant makes a complaint to the Corporation of the Township of Ear Falls Pound Keeper or an Animal Control Officer that a domestic cat has caused damage on his property and/or has created a disturbance thereon, an officer may, after the property owner or occupant has confined the cat, and upon obtaining consent of the complainant, enter onto the complainant's property to secure, shelter and impound the cat.

**8.2 Annual cat tag – contents**

Upon payment of the applicable annual fee to the Corporation of the Township of Ear Falls, owners of domestic cats shall be furnished with a cat tag licence issued by the Corporation of the Township of Ear Falls bearing a serial number, the year for which it was issued and the words "Township of Ear Falls". The name and address of the owner, the serial number of the tag, and the name and description of the cat shall be entered into an identification register.

**8.3 Annual identification system**

All owners of domestic cats shall annually identify their cats by affixing a tag issued pursuant to section 8.2 securely on the cat for which it was issued at all times until such time as the tag is renewed or replaced.

**8.4 Identification Fee – Tag Issuer**

The annual cat tag licence fee for each calendar year payable by January 1<sup>st</sup> for each domestic cat as set out in Schedule "A" to this by-law, and applications for reduced cat tag licence fees must be accompanied by proof of sterilization.

**8.5 Failure to apply for tag – prohibited**

No person who is the owner of a cat shall in any year within the Corporation of the Township of Ear Falls fail to apply for a cat tag



licence or fail to affix a tag issued for a cat securely on the cat for which the tag was issued.

**Part 9**  
**CLASS 6 ANIMALS**

- 9.1 Maximum – two (2) animals – in one dwelling**  
No person shall keep more than two (2) Class 6 animals in any dwelling unit or on any premises within the Corporation of the Township of Ear Falls.

**Part 10**  
**CLASS 7 ANIMALS**

- 10.1 Keeping – within Township – prohibited**  
The keeping of Class 7 animals within the municipal boundaries of the Corporation of the Township of Ear Falls is prohibited.

**Part 11**  
**CLASS 8 ANIMALS**

- 11.1 Keeping – more than three (3) – per dwelling unit – prohibited**  
No person shall keep or permit to be kept more than three dogs within or about any dwelling unit in the Corporation of the Township of Ear Falls, regardless of whether that person is the owner of the dogs.
- 11.2 Puppies – number – not limited – 60 days following birth**  
Notwithstanding section 15.1 of this by-law, young puppies may be kept with the mother for a period not exceeding 60 days following birth.
- 11.3 Kennels – registered – number dogs – not limited**  
Section 15.1 of this by-law shall not apply to any person keeping a kennel of dogs registered with an association incorporated under the *Animal Pedigree Act* (Canada).
- 11.4 Guard dogs – industrial – commercial premises**  
Notwithstanding section 15.1 of this by-law, more than three (3) guard dogs may be licenced for lawfully used industrial or commercial premises and such additional dogs shall be treated as a third dog for licence fee purposes.
- 11.5 Unregistered – unlicenced – prohibited**  
No person shall, within the Corporation of the Township of Ear Falls, fail to register a dog for a dog tag licence.
- 11.6 Licence – failure to renew – annually – prohibited**  
No person shall, within the Corporation of the Township of Ear Falls, fail to renew a dog tag licence for the current year.
- 11.7 Tag – removal – unlawful – prohibited**  
No person shall, within the Corporation of the Township of Ear Falls, unlawfully remove a dog licence tag from a licenced dog.
- 11.8 Tag – lost – failure to replace – prohibited**  
No person shall, within the Corporation of the Township of Ear Falls, fail to apply for a replacement dog licence tag.
- 11.9 Tag – not securely affixed to dog – prohibited**  
No person shall, within the Corporation of the Township of Ear Falls, fail to fix the dog licence tag issued for a dog securely on the dog.

**11.10 Private property – entry – without consent – prohibited**

No person shall, within the Corporation of the Township of Ear Falls, permit a dog to enter onto private property without the consent of the tenant of the property, or should the property have no tenant, then the owner of the property.

**11.11 Health and safety**

No person in the control, possession or ownership of a dog shall, within the Corporation of the Township of Ear Falls:

- (a) Fail to forthwith remove and dispose of such dog's excrement from any public or private property within the Corporation of the Township of Ear Falls;
- (b) Permit such dog to be within the Waterfront Park;
- (c) Permit such dog to be within the area which extends 20 metres into the water adjacent to the Waterfront Park area.

**11.12 Sounds – persistent – prohibited**

No person in the control, possession or ownership of a dog within the Corporation of the Township of Ear Falls shall permit it to make persistent sounds, including howling, calling, whining or other similar sounds.

**11.13 Scaring – prohibited**

No person in the control, possession or ownership of a dog within the Corporation of the Township of Ear Falls shall permit it to scare a person.

**11.14 Chasing – prohibited**

No person in the control, possession or ownership of a dog within the Corporation of the Township of Ear Falls shall permit it to chase a person, or a vehicle, or another animal.

**11.15 Running at large – prohibited**

No person in the control, possession or ownership of a dog within the Corporation of the Township of Ear Falls shall permit it to run at large.

**11.16 Leash – required – land other than dog owner's**

Every owner of a dog shall keep the dog leashed and under the control of some person when the dog is on land in the Corporation of the Township of Ear Falls other than that of the owner of the dog, unless prior consent is given by the tenant of such land on which the dog is found, or should such land not have a tenant, then unless prior consent is given by the owner of such land on which the dog is found.

**11.17 Ownership/Address – change in – failure to notify – prohibited**

No person shall, within the Corporation of the Township of Ear Falls:

- (a) Fail to forthwith notify the Corporation of the Township of Ear Falls upon the change of ownership of a licenced dog;
- (b) Fail to forthwith notify the Corporation of the Township of Ear Falls upon the change in residence of a licenced dog.

**11.18 Retrieval of dog – failure to pay – prohibited**

No person shall retrieve a dog from the Pound Keeper or the premises of the Pound Keeper without payment in full of all fees and charges required to be paid under this by-law.

**11.19 Forcible retrieval of dog – prohibited**

No person shall, within the Corporation of the Township of Ear Falls, forcibly retrieve a dog from an Animal Control Officer or By-Law Enforcement Officer or Pound Keeper or a vehicle, building, premises, structure, trap or any other place under such a person's control.

**11.20 Muzzling**

- (a) For the purposes of this section of this by-law, "premises" shall mean the private indoor dwelling space of the dog owner and those outdoor areas of the property that are enclosed so as to prevent the dog from escaping.
- (b) (i) Where an Animal Control Officer or By-Law Enforcement Officer or Pound Keeper is satisfied on the balance of probabilities, and in the absence of any mitigating factor, that a dog has bitten a person or domestic animal, the Animal Control Officer or By-law Enforcement Officer or Pound Keeper shall notify the dog's owner in writing that the dog shall thereafter be required to be muzzled at all times when it is any place other than the premises of the owner. No owner of a dog to which this subsection applies shall fail to muzzle the dog.
- (ii) Where an Animal Control Officer or By-Law Enforcement Officer or Pound Keeper is satisfied, on the balance of probabilities, and in the presence of a mitigating factor, that a dog has bitten a person or domestic animal, the Animal Control Officer or By-Law Enforcement Officer or Pound Keeper shall issue a Notice of Caution to the owner unless the dog has previously bitten or the owner has previously received a Notice of Caution, or where the Animal Control Officer or By-Law Enforcement Officer or Pound Keeper considers the bite to be severe.
- (c) Notwithstanding any provision of this by-law, the owner of the dog to which section 11.20(b) applies shall keep the dog under the physical control of some person by means of a leash held by the said person at all times when the dog is any place other than the premises of the owner. Without restricting the generality of the foregoing, the requirement to keep the dog leashed and under the physical control of some person, shall apply to areas in the Corporation of the Township of Ear Falls that may, from time to time, be designated as off-leash parks so as to permit dogs to run at large. No owner of a dog to which this subsection applies shall fail to leash the dog.

**11.21 Muzzling Order – Appeal**

- (a) The owner of a dog to which Section 11.20(b)(i) applies may request and is entitled to a hearing by a committee of the Municipal Council comprised of a committee of at least three members of the Council which may exempt the owner from the muzzling or leashing requirement or both.
- (b) A request by the owner for a hearing under this Section shall be made in writing and delivered to the clerk of the Corporation of the Township of Ear Falls within fifteen (15) days of the owner receiving the muzzling order.
- (c) Upon determination of the hearing date the committee shall give notice in writing to the owner that:

- (i) includes a statement of the time, date, place and purpose of the hearing, and:
  - (ii) includes a statement that if the owner of the dog does not attend the hearing, the committee may proceed in his or her absence and her or she will not be entitled to any further notice.
- (d) The notice of hearing referred to in this section may be served on the owner personally by handing it to the owner, but where the notice can not be given or served by reason of the owners absence from the premises, the notice may be given or served:
- (i) by handing it to an apparent adult person on the owner's premises;
  - (ii) by posting it up in a conspicuous place upon some part of the owner's premises, or;
  - (iii) by sending it by prepaid registered mail to the owner at the owner's last known address on file with the Corporation of the Township of Ear Falls.
- (e) The committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the committee may:
- (i) exempt the owner from the muzzling and/or leashing requirements,
  - (ii) confirm the muzzling and/or leashing requirements,
  - (iii) vary the muzzling and/or leashing requirements, or;
  - (iv) combine any exemption confirmation or variance as it sees fit.
- (f) The decision of the committee shall be final and binding.

## Part 12 DOG LICENCING

### 12.1 Licencing

The Corporation of the Township of Ear Falls shall issue dog tag licences.

### 12.2 Registration – information – requirements

The Corporation of the Township of Ear Falls shall keep a record showing the following dog licence registration information:

- (a) name and address of dog owner;
- (b) serial number of tag;
- (c) date of registration;
- (d) description of dog;
- (e) amount of fee paid upon registration
- (f) dog owner's birth date.

- 12.3 Application – forthwith – upon ownership**  
All dog owners shall make application to the Corporation of the Township of Ear Falls forthwith upon commencing ownership of the dog.
- 12.4 Application – licence – vaccination – description – fee**  
Every application shall be accompanied by the following:
- (a) description of dog including colour, breed and name;
  - (b) certification of the owner that the dog has been vaccinated against rabies;
  - (c) applicable fee.
- 12.5 Expiry – annual – December 31**  
Every licence issued by the Corporation of the Township of Ear Falls shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.
- 12.6 Tag – serial number – issued – upon payment of fee**  
Upon payment of the applicable fee, the owner shall be furnished with a dog tag licence bearing the serial number, the year for which it was issued, and the words “Township of Ear Falls”.
- 12.7 Tag – affixed – securely – to dog – at all times**  
The dog tag licence shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.
- 12.8 Tag – removal – while hunting – lawful**  
The dog tag licence may be removed while the dog is being lawfully used for hunting in the bush.
- 12.9 Tag – replacement – where lost**  
Where a dog tag licence has been lost, an application shall be made to the Corporation of the Township of Ear Falls for a replacement tag.
- 12.10 Tag – replacement – proof of payment – plus fee**  
The application shall be accompanied by proof that the current year’s licence fee has been paid and the applicable replacement dog tag licence fee.

**Part 13**  
**DOG LICENCE FEES**

- 13.1 Fees – set out – Schedule “A”**  
Dog licence fees shall be set and approved by the Council of the Corporation of the Township of Ear Falls from time to time and are listed in Schedule “A” of this by-law.
- 13.2 Working dogs assisting disabled persons – exempted**  
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, must be licenced but are exempt from licencing fees.
- 13.3 Pound fees – payment – proof of ownership – required**  
Where a dog is claimed from the Pound Keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog licence, and paying to the Pound Keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

**13.4 Fees – unpaid – recovery – method**

Every pound fee and board fee that is unpaid in whole or in part is a debt due the Pound Keeper and is recoverable in any court of competent jurisdiction in which a debt or money demand may be recovered.

**Part 14  
IMPOUNDING OF ANIMALS**

**14.1 Seizure – animal – running at large**

The Pound Keeper or Animal Control Officer or By-Law Enforcement Officer or a designate of the By-Law Enforcement Officer may seize any animal found running at large as defined in this by-law.

**14.2 Seizure – delivery – to Pound Keeper**

Every animal seized by the By-Law Enforcement Officer or a designate of the By-Law Enforcement Officer shall forthwith be delivered to the Pound Keeper or Animal Control Officer.

**14.3 Seizure – impounding**

The Pound Keeper shall impound any animal seized by himself or herself or delivered to him or her by a Police Officer or Animal Control Officer or By-Law Enforcement Officer.

**14.4 Capture – running at large – return to owner**

The Animal Control Officer may capture all animals running at large contrary to this by-law and may take them to the animal's owner or keeper, if known, or at the Animal Control Officer's discretion, to the pound for impounding by the Pound Keeper.

**14.5 Entry – upon land – Animal Control Officer**

For purposes of Section 14.4 of this by-law, an Animal Control Officer, By-Law Enforcement Officer, Pound Keeper or designate of the By-Law Enforcement Officer may enter onto any public property or may enter onto any private property and into the structures thereon with the consent of the owner or occupant.

**14.6 Female dog – in heat – running at large – impounding – up to 21 days**

The Pound Keeper or the Animal Control Officer or the By-Law Enforcement Officer or a designate of the By-Law Enforcement Officer may capture and deliver to the Pound Keeper for impoundment any female dog found to be running at large and in heat until it is no longer in heat, but not exceeding 21 days.

**14.7 Female – in heat – not released – exception**

No female dog shall be claimed while it is in heat unless the owner makes arrangement subject to the approval of the Pound Keeper for its confinement at any other place during heat.

**14.8 Claim – within 72 hours – release**

The owner or keeper of an animal impounded for being at large shall be entitled to redeem such animal within 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Pound Keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

**14.9 Disposal – animal – not claimed – Pound Keeper – discretion**

Where an animal that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Pound Keeper may retain the animal for such further time as he or she may consider proper and during that time the Pound Keeper may:

- (a) sell the animal for such price as he or she may consider proper;
- (b) euthanize the animal;
- (c) dispose of the animal as her or she sees fit.

**14.10 Euthanasia – for humane – safety reasons**

Where an animal that is captured or taken into custody is injured or in the opinion of the Pound Keeper should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Pound Keeper or Animal Control Officer or other trained person appointed by the Pound Keeper, may euthanize the animal in a humane manner as soon after capture or taking into custody as he or she may determine, and may do so without permitting any person to reclaim the animal or without offering it for sale.

**14.11 Euthanasia – dangerous dog – running at large**

In the opinion of an Animal Control Officer, where an animal cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Pound Keeper, may euthanize the animal and no damages or compensation shall be recovered by the owner of the animal for said destruction.

**14.12 Rabies**

- (a) The owner of any animal exposed to rabies or which has bitten any person shall, on demand of the Pound Keeper or Animal Control Officer or By-Law Enforcement Officer or a designate of the By-Law Enforcement Officer, surrender such animal to be held by the Township in quarantine for a period of 14 days, and such animal shall not be released from such quarantine without the written permission of the Medical Officer of Health.
- (b) Notwithstanding any other provisions of this by-law, in 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 kennel or animal shelter.
- (c) Any animal found to be infected with rabies shall be destroyed by the owner or the municipality at the expense of the owner.

**14.13 Veterinary services – required – payable by owner**

Where an animal is captured or taken into custody, and the services of a veterinarian are secured by the Pound Keeper, the owner shall pay to the Pound Keeper all fees and charges of the veterinarian in addition to all other applicable maintenance charges prescribed, and any other damages, fines and expenses according to law, whether the animal is alive, dies or is euthanized.

**14.14 Compensation – to animal owner – prohibited**

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded animal in the course of the administration and enforcement of this by-law shall be:

- (a) recovered by any owner or other person; or
- (b) paid by the Pound Keeper or the Corporation of the Township of Ear Falls or the pound.

**Part 15**  
**ENFORCEMENT**

**15.1 Administration – Pound Keeper – Animal Control Officers – By-Law Enforcement Officer**

The Pound Keeper and duly appointed Animal Control Officers and the Corporation of the Township of Ear Falls By-Law Enforcement Officer shall administer and enforce this by-law.

**15.2 Fine – for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

**15.3 Continuation – repetition – prohibited – by order**

The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**15.4 Severability**

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such a section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and it is declared that the remainder of this by-law shall be valid and shall remain in force.

**15.5 Repealed**

(a) By-Law Number 654-95 of the Corporation of the Township of Ear Falls, being a by-law to regulate and control animals, is hereby repealed.

(b) By-Law Number 804-98 of the Corporation of the Township of Ear Falls, being a by-law to regulate animals in municipal parks, is hereby repealed.



**SCHEDULE "A"**  
**LICENCE FEES**

**1. Cat Licence Fees**

- (a) Renewal applications January 1<sup>st</sup> to February 28<sup>th</sup>:
  - (i) Complete cat: \$22.00
  - (ii) Spayed/neutered cat: \$17.00
- (b) Late renewal:
  - (i) Renewal applications March 1<sup>st</sup> to May 31<sup>st</sup>: add \$5.00 penalty to licence fees.
  - (ii) Renewal applications June 1<sup>st</sup> to December 31<sup>st</sup>: \$10.00 penalty to licence fees.
- (c) Miscellaneous:
  - (i) Replacement tag: \$5.00
  - (ii) Transfer: \$5.00

**2. Dog Licence Fees**

- (a) Applications January 1<sup>st</sup> to February 28<sup>th</sup>:
  - (i) 1<sup>st</sup> complete dog in a dwelling unit regardless of ownership: \$35.00.
  - (ii) 1<sup>st</sup> spayed/neutered dog in a dwelling unit regardless of ownership: \$25.00
  - (iii) 2<sup>nd</sup> & 3<sup>rd</sup> complete dog/s in a dwelling unit regardless of ownership: \$50.00
  - (iv) 2<sup>nd</sup> & 3<sup>rd</sup> spayed/neutered dog/s in a dwelling unit regardless of ownership: \$30.00
- (b) Late renewal:
  - (i) Renewal applications March 1<sup>st</sup> to May 31<sup>st</sup>: add \$5.00 penalty to licence fees.
  - (iii) Renewal applications June 1<sup>st</sup> to December 31<sup>st</sup>: add \$10.00 penalty to licence fees.
- (c) Working dogs:
  - (i) Seeing eye dog: no charge
  - (ii) Hearing ear dog: no charge
  - (iii) Other working dog for a disables person: no charge
- (d) Miscellaneous:
  - (i) Replacement tag: \$5.00
  - (ii) Transfer: \$5.00

## THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

## PART 1 Provincial Offences Act

By-Law No.	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine (Includes Costs)
	, Animal Control By-Law		
1	Keeping more than two animals	Section 4.1	\$ 100.00
2	Keeping a Class 1 animal	Section 4.2	\$ 100.00
3	Keeping a Class 2 animal	Section 4.3	\$ 100.00
4	Keeping a Class 7 animal	Section 4.4	\$ 100.00
5	Permitting an animal to run at large	Section 4.5	\$ 155.00
6	Permitting an animal to trespass on property	Section 4.6	\$ 100.00
7	Failing to keep feed or animal food in a rodent-proof container	Section 4.7	\$ 100.00
8	Keeping more than three dogs	Section 11.1	\$ 100.00
9	Permitting more than three dogs to be kept	Section 11.1	\$ 100.00
10	Failing to register a dog for a dog tag licence	Section 11.5	\$ 100.00
11	Failing to renew a dog tag licence	Section 11.6	\$ 100.00
12	Unlawfully remove a dog licence tag from a licenced dog	Section 11.7	\$ 100.00
13	Failing to apply for a replacement dog licence tag	Section 11.8	\$ 100.00
14	Failing to fix dog licence tag issued for a dog securely on the dog	Section 11.9	\$ 100.00
15	Permitting a dog to enter onto private property without consent	Section 11.10	\$ 100.00
16	Failing to forthwith remove and dispose of dog excrement	Section 11.11 (a)	\$ 155.00
17	Permitting a dog to be within Waterfront Park	Section 11.11 (b)	\$ 100.00
18	Permitting a dog to be in water adjacent to Waterfront Park	Section 11.11 (c)	\$ 100.00
19	Permitting a dog to make persistent sounds	Section 11.12	\$ 100.00
20	Permitting a dog to scare a person	Section 11.13	\$ 100.00
21	Permitting a dog to chase a person	Section 11.14	\$ 100.00
22	Permitting a dog to chase a vehicle	Section 11.14	\$ 100.00
23	Permitting a dog to chase an animal	Section 11.14	\$ 100.00
24	Permitting a dog to run at large	Section 11.15	\$ 155.00
25	Failing to keep a dog leashed and under control	Section 11.16	\$ 100.00

NOTE: Penalty for the offences indicated above is Section 15.2 of By-Law No. 1121-04, a certified copy of which has been filed.