

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2021-032

BEING

a by-law to regulate the care and control of animals in the Township of South Stormont.

WHEREAS

the *Municipal Act, 2001*, c. 25 s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 Ss. 9 to 11 confer the power to pass bylaws regulating or prohibiting animals to a lower-tier municipality;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 S. 9 (3) (b) confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 S. 103 confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 S. 105 requires Council or an Animal Control Officer, or designate of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS

the *Municipal Act, 2001*, c. 25 S. 391 enables a municipality to pass bylaws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS

Council of the Corporation of the Township of South Stormont is desirous to ensure that animals are kept and treated in a humane manner and that, the owners of animals provide good quality care to them.

NOW THEREFORE

Council of the Corporation of the Township of South Stormont enacts as follows:

Part I – Definitions

1. Definitions

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

“animal” means any member of the animal kingdom, other than a human.

“Animal Control Officer” means a person or persons appointed or engaged by the Township for the purpose of this by-law and includes any employees thereof and the Township’s Municipal Law Enforcement Officer.

“Boarding Kennel”: means a building, premises or place where more than three (3) dogs over the age of twenty (20) weeks are boarded or trained for any period of time that includes an overnight stay, for remuneration.

“Breeding Kennel”: means a building, premises or place where more than three (3) dogs over the age of twenty (20) weeks, or are owned and being bred and raised.

“cat” means any Felis catus and includes both male and female of the species.

“Council” means the Council of the Corporation of the Township of South Stormont.

“dangerous dog” means any individual dog that:

- a. has killed a person or domestic animal, regardless of circumstances;
- b. has bitten or injured a person or domestic animal;
- c. has attacked or injured a person or domestic animal;
- d. has shown the disposition or tendency to be threatening or aggressive;
- e. is attack-trained other than dogs used in law enforcement; or
- f. is kept for the purposes of security or protection, whether residential, commercial or industrial, of a person’s property.

“dog” means a quadruped of the species Canis familiaris and includes both male and female of the species.

“dwelling unit” means one or more rooms designed as a housekeeping unit, used or intended to be used as a domicile by one or more persons and in which separate cooking, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building.

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

“kennel” means a premise, including outdoor areas (i.e. dog runs), where dogs are bred, raised, boarded, trained, or housed for similar purposes for profit or not for profit and shall exclude the Township pound.

“licence” means a licence issued under this by-law.

“livestock” means any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, etc.), horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, emu or ostrich, or the young thereof.

“muzzle” means a humane fastening or covering device of adequate strength which when placed over the mouth of a dog and will then prevent that dog from biting.

“owner” means any person who possesses or harbours 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.

“pet” means 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.

“pet shop” means a shop or place where animals, small reptiles, fish or birds for use as pets are sold, kept for sale or groomed and where pet supplies and pet foods are sold but does not include a shop or place for the breeding or overnight boarding of pets.

“pound” means the premises of the Township South Stormont, which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law or Provincial Act.

“premises” means the entire lot on which a single dwelling unit building or multi-dwelling unit building is situated but does not include common areas adjacent to a multi-dwelling unit building unless those common areas are completely enclosed.

“prohibited animal” means the animals identified in Schedule “A”.

“Recreational Kennel” means a building, premises or place where more than three (3) dogs over the age of twenty (20) weeks are owned and raised for non-commercial recreational purposes without remuneration but are not for sale, including but not limited to dog sledding and hunting dogs.

“service dog” means a dog trained by a recognised 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 a dog used in therapy, registered with a recognised organization for that purpose.

“Township” means the Corporation of the Township of South Stormont.

“under control” means that when a dog is not on the property where it is usually kept, the animal must be leashed or chained, or must be held securely by the person accompanying the dog and that person must be physically able to control the dog.

“urban settlement” means urban settlement areas identified by the United Counties Stormont, Dundas and Glengarry Official Plan.

1.2 In this by-law, any references to care, control, ownership, harbouring or keeping of an animal shall include any joint or shared care, control, ownership, harbouring and keeping. Any persons that have joint or shared care, control, ownership of, or are sharing or jointly harbouring or keeping, an animal, shall be jointly and severally responsible and liable for any such animal and any duties, obligations, prohibitions, offences and requirements of a person caring, controlling, owning, harbouring or keeping an animal pursuant to this by-law.

Part II – By-law Administration

2. By-law Administration

2.1 In addition to the Animal Control Officer(s), the Fire Chief or designate is responsible for the administration of this by-law and is delegated the authority to receive applications and any fees established under this by-law. The Fire Chief or designate is also authorized to issue, refuse to issue or revoke any licences, permits or tags, including imposing conditions thereto, in accordance with this by-law.

2.2 The Animal Control Officer(s) of the Township are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections pursuant to this by-law, the *Municipal Act*, as amended and any other enacted applicable by-law or legislation.

Part III – Licensing and Registration

3. Dogs

3.1 Every owner of a dog over the age of twenty (20) weeks shall obtain a licence for the dog from the Township and pay a licence fee as set out in the Township of South Stormont Fees and Charges By-law, as amended.

3.2 Every person who becomes a dog owner at any time during the calendar year shall obtain a licence for the dog within fourteen (14) days of becoming its owner.

- 3.3 Every owner of a service dog shall licence such dog but shall not be required to pay any licence fee.
- 3.4 Where a dog owner is a non-resident of the Township and their dog will not be kept in the Township longer than thirty (30) days in any one (1) calendar year, such owner shall not be required to licence its dog if the Township is provided with proof of current registration of the dog from the municipality in which the owner's property is located.
- 3.5 Every licence shall be valid for 365 days from the date of issue.
- 3.6 To obtain a licence, a dog owner shall provide:
- a. Name, address, telephone number and email address of the dog owner;
 - b. Name, age, gender, breed, and colour of the dog;
 - c. Declaration of sterilized or unsterilized status;
 - d. Declaration that the dog has current immunization against rabies; and
 - e. Microchip information (if applicable).
- 3.7 A record shall be kept by the Township of all information provided as well as the licence number and the date on which the licence was issued.
- 3.8 An identification tag shall be issued for every licensed dog that shows the dog licence number.
- 3.9 Every dog owner shall ensure that the identification tag issued by the Township is kept securely affixed to its dog all times. The tag may be removed while a dog is being lawfully used for hunting, herding or other similar activity.
- 3.10 No person shall affix or permit to be affixed an identification tag issued by the Township to any dog other than the dog for which the licence was issued.
- 3.11 Every owner shall notify the Township in writing of any change of information provided in section 3.6 or if the dog is deceased, is sold, gifted or otherwise transferred to another person within fourteen (14) days of the change of ownership.
- 3.12 The identification tag issued by the Township is not transferable.
- 3.13 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.

3.14 Section 3.13 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.

3.15 No person shall:

- a. Own, keep, possess or harbour a dog or allow a dog to be owned, possessed or harboured on his or her premises, unless the licence fee required by this by-law has been paid in accordance with the Township's Fees and Charges By-law, as amended;
- b. Own, keep, possess or harbour a dog unless a valid identification tag issued to such person pursuant to this by-law is kept securely fastened to the dog at all times;
- c. Affix an identification tag issued pursuant to this by-law to a dog other than the dog for which the tag has been issued; and
- d. Knowingly give false information when applying for a licence under this by-law.

3.16 Section 3.15 does not apply to dogs belonging to a kennel licensed by the Township.

4. Kennels

4.1 No person shall own or operate a kennel in the Township of South Stormont without a Township issued kennel license.

4.2 Kennels shall be managed and operated by the property owner on which the kennel is located, and the kennel operator/manager shall reside on the subject property.

4.3 Every person who owns or operates a kennel shall comply with the applicable by-laws of the Township of South Stormont. No kennel licence shall be issued unless such kennel complies with the by-laws of the Township. Where an owner or operator of a kennel fails to comply with a by-law of the Township, the kennel licence may be suspended or revoked.

4.4 All new and renewal licences for a Boarding, Breeding or Recreational Kennels in the Township of South Stormont will only be approved after the Township's Animal Control Officer has inspected the premises to ensure compliance with this by-law. All inspection fees charged are to be paid by the applicant at the time of the application in accordance with the fees as set in the Township's Fees and Charges By-law, as amended.

4.5 Kennels shall only be permitted on premises where kennels are permitted in accordance with the Township's Zoning By-law, as amended.

- 4.6 Every person who owns or operates a kennel shall renew the licence by April 1st each year.
- 4.7 Every person applying for a licence shall submit the following to the Township:
- a. A site plan drawn to scale showing the location of all buildings, structures, dog runs or facilities on the subject property, including the location of all buildings, structures, dog runs or facilities, or parts thereof, to be used as a kennel. The site plan must also specify the distance which separates the kennel from all property lines and all buildings, structures, dog runs or facilities;
 - b. A list of all dogs to be kept at the subject property, noting verification of current rabies vaccination for each dog (except where they are under three (3) months of age);
 - c. The applicable fees, as required by the Township of South Stormont's Fees and Charges By-law, as amended; and
 - d. A declaration by the owner that they have never been convicted under section 446 of the *Criminal Code of Canada* pertaining to animal cruelty.
- 4.8 Every person renewing their kennel licence shall, on or before the 1st day of April of each year, submit the following to the Township:
- a. A list of all dogs to be kept at the subject property, noting verification of current rabies vaccination for each dog (except where they are under three (3) months of age); and
 - b. The applicable fees, as required by the Township of South Stormont's Fees and Charges By-law, as amended.
- 4.9 The Township may impose additional conditions with respect to the renewal of a kennel licence, as they deem necessary to ensure the health, safety, and well-being of the public and/or animals.
- 4.10 After the issuance of a licence, the owner shall not change or otherwise alter a kennel without first obtaining the written permission by the Township.
- 4.11 Every person who owns or operates a kennel shall keep no more than a maximum of twenty (20) dogs over twenty (20) weeks of age.
- 4.12 Every person who owns and operates a kennel shall have regard to the guidelines set out in the "Code of Practice of

Canadian Kennel Operations” of the *Canadian Veterinary Medical Association*.

4.13 Every person who owns or operates a kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent noise by dogs kept at a kennel operation.

4.14 Where the Township receives a complaint concerning noise from a licensed kennel, the Animal Control Officer shall investigate such complaint and may at their sole discretion issue a fine against the owner of such a kennel.

4.15 Every kennel shall have a manure receptacle for the storage of dog waste. All kennel owners shall comply with the provisions of Part V of the *Environmental Act, R.S.O. 1990* and all regulations thereto with respect to waste management systems, including but not limited to the collection and disposal of waste.

4.16 The kennel licence issued pursuant to this by-law is not transferable.

4.17 Any kennel that was in lawful existence prior to the effective date of this by-law shall be deemed to comply with this by-law and may be maintained or repaired at the same location, capacity, height and dimensions as previously existed.

4.18 Notwithstanding section 4.17 above, where an existing kennel premises is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this by-law and applicable legislation. This Grandfather clause is not applicable to any other section of this by-law.

Part IV – Regulations

5. Minimum Care Requirements

5.1 Every person who keeps a pet within the Township of South Stormont shall ensure that such pet is provided with:

- a. A clean and sanitary environment free from an accumulation of fecal matter; and
- b. Adequate and appropriate care, food, water, shelter and opportunity for physical activity.

5.2 Every person who keeps a pet within the Township of South Stormont shall ensure that all pet waste materials and deceased pets are disposed of in a manner that will not create a public nuisance or health hazard and in accordance with all applicable laws.

6. Maximum Number of Pets

- 6.1 No person shall keep more than three (3) dogs over twenty (20) weeks of age per premise.
- 6.2 No person shall keep more than three (3) cats over twenty (20) weeks of age per premise in urban settlement areas.
- 6.3 Notwithstanding the provisions contained herein, any owner of cats who owns, harbours, maintains or possesses more than the permitted total number of cats in urban settlement areas on the effective date of this by-law, shall be permitted to own a maximum number of ten (10) cats until these cats are deceased and / or relocated.
- 6.4 The following premises are exempt from the permitted number of pets:
- a. The Township pound;
 - b. A Boarding Kennel, Breeding Kennel or Recreational Kennel licensed by the Township;
 - c. A registered research facility pursuant to the *Animals for Research Act, R.S.O. 1990.c.A.22*;
 - d. 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; or
 - e. A pet shop as permitted in the Township's Zoning By-law, as amended.

7. At Large / Under Control

- 7.1 No person shall allow or permit their dog to run at large in the Township of South Stormont. 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 a person by means of a leash unless the dog is on the lands of its owner or a person who has consented to the dog being on its land.
- 7.2 A dog shall not be deemed running at large if the dog is at the time, being used for hunting, showing, training and the dog is under the supervision and voice control of the owner.
- 7.3 A dog shall not be deemed running at large if it is a working dog or a service dog.
- 7.4 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 (8 feet) and under control of a capable person when the dog is on any land in the Township of South Stormont unless:
- a. The land is the premises of the owner of the dog; or

- b. The land is owned by a person who has given prior consent to the dog being off the leash.

7.5 No owner shall permit their dog, whether leashed or unleashed, to enter onto private property without the consent of the owner or occupant of the property.

8. Stoop and Scoop

8.1 Every pet owner shall immediately remove and dispose of, in a hygienic manner, all waste left by the pet on any property, other than the owner's property.

8.2 Section 8.1 does not apply to:

- a. An owner of a service dog, where the owner is unable to remove pet waste due to a physical disability or impediment; or
- b. A blind or visually impaired owner of a service dog if the pet waste was left while the service dog was on property other than the owner's property.

8.3 Every pet owner shall remove from their property, in a timely manner, waste left by the pet, so as not to disturb the comfort of any person in the vicinity of the owner's property.

9. Nuisance

9.1 No person who owns or harbours a pet within the Township shall permit such pet to become a public nuisance.

9.2 With respect to section 9.1, nuisance means restricting the generality of the foregoing. A pet shall be deemed to be a nuisance in the following circumstances:

- a. Persistently cries, howls or barks;
- b. Causes damage to municipal or private property;
- c. Interferes with, dumps or scatters garbage or trash; and
- d. Chases or intimidates pedestrians using public or private paths or sidewalks adjacent to the property where the animal is kept or harboured.

10. Feeding Wild, Feral and Stray Animals

10.1 No person shall feed, or permit the feeding of, a wild, feral, or stray animal in a manner that creates a nuisance.

10.2 No person shall place any food or feeding device on any property in a manner that creates a nuisance.

10.3 Sections 10.1 and 10.2 do not apply in the following situations:

- a. The feeding of songbirds provided the seed is placed in a bird feeding device and is inaccessible to other animals;
 - b. Food that is placed as bait in a trap by a property owner to capture nuisance animals in accordance with the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*;
 - c. Food that is placed as bait by a licensed trapper, a wildlife removal service, or an Animal Control Officer in accordance with the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*;
 - d. The legal placement of deer mineral or other bait in an Agricultural or Rural Zone as defined in the Township of South Stormont Zoning By-law; or
 - e. Food that is placed by an animal rescue organization as part of a Township approved Trap, Neuter, Release program as set out in Schedule "B".
- 10.4 With respect to sections 10.1 and 10.2, nuisance means a situation that is likely to adversely impact any owner or occupant of property, and includes a situation which:
- a. Results in a potential health or safety risk, including but not limited to the accumulation of feces; or
 - b. Is likely to interfere with the normal use or enjoyment of property, for any reason, including odour or noise.

10.5 For greater certainty, without limiting the above, a situation which attracts large numbers of wild animals or wild birds is deemed to constitute a nuisance.

Part V – Enforcement

11. Notice to Muzzle

- 11.1 Where an owner is served with a Notice to Muzzle, the owner shall:
- a. While on the property of the owner, ensure the 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 dog is unable escape or to come into contact with persons or other animals. Gates in such an enclosure shall be locked at all times when the dog is in the enclosure; and
 - b. Whenever off the property of the owner, cause the dog subject to the Notice to Muzzle, to be muzzled and leashed, and the owner shall not permit such a dog to be left in the control of an incompetent handler.

12. Dangerous Dogs

12.1 Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.

12.2 Without limiting anything in this by-law, an owner of a dog that engages in a dangerous act is liable to prosecution under the *Dog Owners' Liability Act, R.S.O. 1990, c. D. 16, as amended*.

12.3 Where the Animal Control Officer has reasonable grounds to believe that a dog has engaged in a dangerous act against a person or domestic animal, the Animal Control Officer shall, with respect to such a dog:

- a. Where the dangerous act is the first on record with the Township, serve the owner of the subject dog with a Notice to Muzzle;
- b. Despite subsection 12.3 a., if it is the Animal Control Officer's opinion that the dangerous act, which is the first on record with the Township, is severe, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under section 12.4 of this by-law;
- c. Where the dangerous act occurred while the dog was subject of a Notice to Muzzle or a court order under the *Dog Owners' Liability Act*, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under section 12.4 of this by-law.

12.4 Where an owner is served with a Dangerous Dog Order, the owner shall, at all times when the dangerous dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's premises, ensure that:

- a. The dangerous dog is muzzled so as to prevent it from biting a person or domestic animal; and
- b. The dangerous 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 dangerous dog is unable to escape or come into contact with persons or other animals. Gates in such an enclosure shall be locked at all times when the dog is in the enclosure.

12.5 Every owner of a dangerous dog shall, at all times when the dangerous dog is not within the boundaries of the owner's lands,

- a. Keep the dangerous dog under control of a competent handler and under leash, such leash not to exceed two metres (2m) in length; and

b. Keep the dangerous dog muzzled.

12.6 Every owner of a dangerous dog shall notify the Township within two (2) working days of any change in ownership or residence of the dangerous dog and provide the Animal Control Officer with the new address and telephone number of the owner.

12.7 Every owner of a dangerous dog shall notify the Township within two (2) working days if the dangerous dog is deceased.

13. Review of Dangerous Dog Order or Notice to Muzzle

13.1 Where the owner of a dog is served a Notice to Muzzle or Dangerous Dog Order, the owner may request a review of the order by filing an Application for Review to the Township's Fire Chief or designate within fifteen (15) calendar days after the order has been served.

13.2 The owner filing an Application for Review will be responsible for the review fee as per the Township's Fees and Charges By-law, as amended.

13.3 The owner of the Dangerous Dog shall comply with all terms and requirements of the Dangerous Dog Order until the Fire Chief or designate has rendered a decision.

13.4 Prior to the Review, the owner of the dog shall pay any outstanding fines imposed for the contravention of any provisions of this by-law.

13.5 The decision of the Fire Chief or designate is final and binding.

13.6 A written copy of the decision of the Fire Chief or designate, shall be prepared, as soon as is practicable after the conclusion of the review and shall be hand delivered or sent by registered mail to the owner at the address shown on their application.

13.7 Subject to the provisions of this by-law, if a request for a review is not provided to the Fire Chief or designate in accordance with the provisions of this by-law within fifteen (15) calendar days of deemed receipt of a Dangerous Dog Order, the order is deemed to be final.

14. Seizure and Impoundment

14.1 Subject to section 7.1 of this by-law, an Animal Control Officer may:

- a. Seize and impound any dog found running at large.
- b. Restore possession of the dog to the owner therefore, where:

- i. The owner claims possession of the dog within seventy-two (72) hours (exclusive of statutory holidays and weekends) after the date of seizure; and
- ii. The owner pays to the Animal Control Officer a pound fee for the dog seized and impounded, plus the cost of any damages, expenses and veterinary care, which may be payable to the Township.

14.2 The Animal Control Officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or deceased.

14.3 Where at the end of the seventy-two (72) hours, possession of the dog has not been restored to the owner under this section of the by-law, the Animal Control Officer may sell the dog.

14.4 Where the owner of the dog has not claimed the dog within seventy-two (72) hours and the dog has not been sold, the Animal Control Officer may destroy the dog in a humane manner. No damages or compensation shall be recovered on account of its destruction or other disposition.

14.5 Where a dog seized under section 14.1 of this by-law is critically injured, the dog should be destroyed without delay:

- a. For humane reasons, the Animal Control Officer may authorize the destruction of the dog in a humane manner as soon after seizure as a veterinarian gives approval, where possible, without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered on account of destruction.
 - b. For safety reasons to persons or animals, the Animal Control Officer may authorize the destruction of the dog in a humane manner as soon after seizure as they see fit without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be received on account of destruction.
- 14.6 Where a dog is seized or impounded under section 14.1, an Animal Control Officer may issue a Certificate of Offence ordering a fine or applicable fees and charges as per the Township's Fees and Charges By-law, as amended to be paid by the owner.

15. Prohibited Animals

- 15.1 No person shall keep in the Township, either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "A".

15.2 No person shall keep livestock in any area of the Township unless the area is zoned for that purpose or is lawfully used for that purpose.

15.3 Despite section 15.1, 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:

- a. The animal is kept in an environment which is appropriate for the species;
- b. The owner has advised the Township in writing of the number of each species of each animal and its name, the approximate age with a clear identification or photograph of each animal;
- c. 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; and
- d. The burden of proving the exemption from section 15.1 is upon the person making the assertion, of which written notice to the Township as provided in section 15.3 shall be sufficient proof.

15.4 The exemption provided for in subsection 15.3 is for the life of the animal.

15.5 Section 15.1 and section 15.2 shall not apply to:

- a. The premises of the Township's 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 Township in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA and only while the educational programs are actually conducted, provided that such programs are limited to three (3) 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*; or
- 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.

16. Power of Entry, Inspections, Prohibitions

16.1 The Animal Control Officer may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:

- a. This by-law;
- b. Any direction or order under this by-law;
- c. Any condition on a license issued under this by-law; or
- d. An order issued under section 431 of the *Municipal Act*.

16.2 Where an inspection is conducted pursuant to this section, the Animal Control Officer may:

- a. Require the production for inspection of documents or things relevant to the inspection;
- b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- c. Require information from any person concerning a matter related to the inspections; and
- d. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

16.3 No person shall hinder or obstruct or attempt to hinder or obstruct the Township, its employees, officers or agents from carrying out any powers or duties under this by-law.

16.4 No person shall contravene any order or direction issued by the Township pursuant to this by-law or the *Municipal Act*.

17. Order

17.1 Where the Animal Control Officer is satisfied that a contravention of this by-law or a permit has occurred, such Animal Control Officer may make an order requiring that the person who caused or permitted such contravention, or the property owner of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention. Every person shall comply with such an order.

17.2 An order pursuant to section 17.1 shall set out the following:

- a. The municipal address and/or the legal description of the land or premises on which the contravention occurred;
- b. Reasonable particulars of the contravention;
- c. What is required of the person subject to the order;
- d. The date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
- e. If any work is required to be done, a statement that if such work is not done in compliance with the order and within the specified time period, the Township will have the work done at the expense of the person directed or required to do it; and
- f. Information regarding the Township's contact person.

18. Remedial Action and Cost Recovery

18.1 Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the Animal Control Officer at that person's expense and the Township may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

18.2 For the purposes of taking remedial action under section 18.1 the Township, its staff and/or its agents, Animal Control Officer, may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

19. Offences and Penalties

19.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P.33, as amended*.

19.2 No person shall contravene any order, permit, license, or direction issued by the Township pursuant to this by-law or the *Municipal Act*.

19.3 Pursuant to section 429(2) of the *Municipal Act*, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

Part VI – General

20. Short Title

20.1 The short title of this by-law shall be the “Responsible Pet Ownership By-law”.

21. Repeal

21.1 That By law No. 52-2004, as amended and By-law No. 2019-097 are hereby repealed.

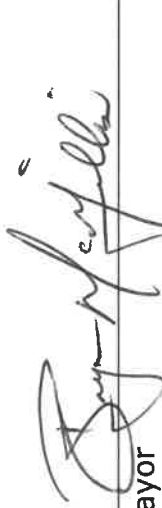
21.2 Notwithstanding section 21.1, all licences issued under By-law No. 52-2004, as amended shall remain in effect unless they would have otherwise expired.

21.3 Notwithstanding section 21.1, all dangerous and potentially dangerous dogs designations issued under By-law No. 52-2004, as amended shall remain in effect for the life of the dog.

22. Effective Date

22.1 This by-law shall be effective on the date that it is passed.

READ AND PASSED in open Council, signed and sealed this 14th day of April, 2021.


Mayor


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 Township of South Stormont Zoning By-law, as amended.
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.

CLASS	ORDER	COMMON NAMES
<u>Mammals</u>	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 pursuant to section 15.2 of this by-law.
	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 or where the animals are kept as agricultural livestock pursuant to section 15.2 of this by-law.
	Chiroptera	All species purely or partially of the order chiroptera (bats, myotis, flying fox, etc.)

CLASS	ORDER	COMMON NAMES
	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 Perissodactyla (odd-toes ungulates) (horses, donkeys, jackasses, mules, zebras, ponies, rhinoceros, etc.) Except where the animals are kept as agricultural livestock pursuant to section 15.2 of this by-law.
	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.
<u>Reptiles</u>	Crocodylia	All species purely or partially of the order Crocodylia (alligators, crocodiles, gavial, 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.

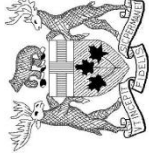
CLASS	ORDER	COMMON NAMES
	Testudine	All snapping turtle, alligator snapping turtle.
	Galliformes	All species purely or partially of the order Galliformed (pheasant, grouse, Guinea fowls, turkeys, chickens, peafowl, etc.) Except where the animals are kept as agricultural livestock pursuant to section 15.2 of this by-law.
	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 pursuant to section 15.2 of this by-law.
	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"
Approved Trap, Neuter, Release Programs

- None

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

April 22nd, 2021

Township of South Stormont
P.O. Box 84, 2 Mille Roches Road
Long Sault ON K0C 1P0

loriann@southstormont.ca

Attention: Ms. Loriann Harbers, CMO, Director of Corporate Services/Clerk

Dear Ms. Harbers:

***Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 2021-032: Responsible Pet Ownership***

Enclosed herewith are the original Order (Part I) dated April 22nd, 2021 and original schedule of set fines for By-Law No. 2021-032, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of South Stormont.

Yours truly,

Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-032, of the Township of South Stormont attached hereto is the set fine for that offence. This Order is to take effect on April 22, 2021.

Dated at Ottawa, this 22nd day of April 2021.

Electronic Signature:

Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

Township of South Stormont

Part 1 Provincial Offences Act

By-law No. 2021-032 – Responsible Pet Ownership By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Failure to obtain licence for a dog	3.1	\$100
2.	Failure to obtain a kennel licence	4.1	\$200
3.	Failure to renew kennel licence	4.6	\$200
4.	Keep more than twenty (20) dogs at a kennel	4.11	\$100
5.	Allow persistent noise by dogs at a kennel	4.13	\$125
6.	Failure to provide a clean and sanitary environment	5.1 (a)	\$175
7.	Failure to provide adequate care	5.1 (b)	\$175
8.	Failure to properly dispose of deceased pets	5.2	\$175
9.	Keep more than three (3) dogs	6.1	\$150
10.	Keep more than three (3) cats in urban settlement area	6.2	\$150
11.	Allow dog to run at large	7.1	\$100
12.	Failure to keep dog on a proper leash	7.4	\$100
13.	Allow dog to enter onto private property without consent	7.5	\$100
14.	Failure to remove pet waste (property other than owner's property)	8.1	\$100
15.	Failure to remove pet waste (owner's property)	8.3	\$100
16.	Allow pet to be a public nuisance	9.1	\$75
17.	Feed, or permit the feeding of a wild, feral, or stray animal	10.1	\$75
18.	Place food or feeding device on any property causing nuisance	10.2	\$75
19.	Keep a prohibited animal	15.1	\$300
20.	Keep livestock outside permitted zone	15.2	\$300
21.	Obstruct an officer	16.3	\$250

WVC, by text here

Note: the general penalty provision for the offences listed above is section 19.1 of By-law No. 2021-032, a certified copy of which has been filed.

The fine amounts listed above are hereby set.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region
April 22, 2021

Vincent Clifford

Electronic Signature: