

Township of Lucan Biddulph

BY-LAW NO. 79-2021

BEING A BY-LAW TO PROVIDE FOR THE LICENCING, CONTROL AND REGULATION OF ANIMALS WITHIN THE TOWNSHIP OF LUCAN BIDDULPH

WHEREAS Section 11(3) of the *Municipal Act*, S.O. 2001, c. 25 provides for the authority for lower tier municipalities to pass by-laws regarding animals;

WHEREAS Section 103(1) of the *Municipal Act*, S.O. 2001, c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for seizure, impounding and sale of such animals being at large or trespassing contrary to the bylaw;

WHEREAS Section 105 of the *Municipal Act*, S.O. 2001, c. 25 provides that a 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 to muzzle a dog;

WHEREAS Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

AND WHEREAS the Township of Lucan Biddulph deems it desirable to pass a by-law with respect to the control of animals and prohibited animals;

NOW THEREFORE the Council of the Corporation of the Township of Lucan Biddulph enacts as follows:

1. DEFINITIONS:

For the purpose of this by-law:

- a) "Animal Control Officer" means the person or agency so designated by the Council of the Township, and any employees or agents of such person or agency, to carry out the provisions of this by-law.
- b) "Commercial Dog Kennel" means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs not belonging to the owner of the property in return for payment of a fee are kept for breeding or boarding.
- c) "Dog" means any animal of the canine species irrespective of sex or neutering/spaying, including any wolf or wolf cross breed, harbored or kept by any person.
- d) "Dog Kennel" means any building, pen or other structure, but not a building used for human habitation, in which purebred dogs are kept as pets for show and/or breeding.
- e) "Dog Owner's Liability Act" means the Dog Owner's Liability Act, R.S.O. 1990 c.D.16.
- f) "Dwelling Unit" means one or more habitable rooms designed for use by or occupied by not more than one (1) family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, a private entrance from outside the building or from a common hallway or stairway inside the building.
- g) "Exotic Animal" means an animal not indigenous to Canada and not commonly kept as a household pet in Canada;
- h) "impounded" or "impounding" shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law.

- i) "Leash" means a chain, rope or other restraining device of not more than 3.5 meters.
- j) "Township" means The Corporation of the Township of Lucan Biddulph.
- k) "muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.
- l) "Not Under Physical Control of Any Person" means when a dog is not on a lead/leash held by a person.
- m) "Officer" means:
 - (i) any police officer
 - (ii) any Animal Control Officer of the Township
 - (iii) any By-Law Enforcement Officer of the Township
- n) "Owner" means a person or persons who possesses harbours or has custody of a dog and where the owner is a minor, the person responsible for the custody of the minor. "Owns" and "owned" have a corresponding meaning.
- o) "Pound" means those premises designated by the Township for the detention, maintenance or disposal of dogs that have been impounded by an officer and shall include any building or buildings and enclosures maintained on behalf of the Township by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this by-law and such building or buildings and enclosures shall conform to the Ontario regulations under The Animals for Research Act, R.S.O. 1990, Chapter A.22.
- p) "Poundkeeper" shall mean the person or organization responsible for maintaining the pound on behalf of the Township for the purpose of enforcing and carrying out the provisions of this by-law.
- q) "Purebred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- r) "Running at Large" or "Run at Large" means when a dog is found in a place other than the premises of the owner of the dog and not under physical control of any person.
- s) "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, or other animal. Vicious and/or dangerous shall have a corresponding meaning.
- t) "Cat" means any registered purebred or common domestic cat, male or female, over the age of twelve (12) weeks unless otherwise specified by this by-law and shall include a domestic breed of cat that is or appears to be feral;
- u) "Feral Cat" shall mean any homeless, wild or untrained stray cat.

The above defined terms shall have the same meaning whether or not those terms are capitalized herein unless the context requires otherwise.

2. ANIMAL CONTROL OFFICER

- a) Council may appoint an Animal Control Officer whose duty it shall be to:
 - i) issue fines in the manner set forth in this by-law attached as Schedule "A";
 - ii) provide monthly statements outlining the activities such as complaints and fines issued; and
 - iii) seize and impound animals and/or pets found to be in contravention to this by-law.

3. LIMIT OF ANIMALS

- a) Every person shall ensure that the total number of cats and dogs kept in a dwelling does not exceed five (5) within the Township of Lucan Biddulph, with a maximum of three (3) dogs harboured at any one time in a dwelling unit, with the following exceptions:
 - i) A licenced kennel;
 - ii) An Animal hospital;
 - iii) A pound or an authorized facility;
 - iv) A pet store;
 - v) A registered research facility or supply facility under the Animals for Research Act
- b) The owner of any dog shall not be required to comply with Section 3(a) of this By-Law for a twelve (12) week period after such owner's dog has a litter of puppies. The Township shall permit such a dog owner a period of twelve (12) weeks to comply with Section 3(a) of this By-Law.

4. IDENTIFICATION OF DOGS AND CATS

- a) Every owner of a dog or cat within the Township shall ensure that an identification tag is appropriately affixed to each dog or cat under their care.
- b) All identification tags shall at a minimum include a name and phone number to assist in identifying lost/founds dogs and cats.
- c) Identification tags shall be securely fixed on the dog or cat at all times when the dog or cat is not on the premises of the owner.

5. RUNNING AT LARGE

- a) No person, being the owner or keeper of any dog or cat within the Township, shall permit any such dog or cat to run at large.
- b) Any officer shall be and is hereby authorized to seize and impound any dog or cat found running at large within the Township, contrary to the provisions of this by-law.
- c) Any person may capture any dog or cat running at large on his/her property and contact the Animal Control officer or other duly appointed officer, who may impound the said dog or cat.
- d) The Animal Control Officer or other duly appointed officer, may enter on any public property or private property without the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog or cat found running at large pursuant to the provisions of this by-law.

6. SEIZURE AND IMPOUNDING

- a) When a dog or cat is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a minimum of three (3) days (excluding the day of seizure and any holidays) unless claimed by the owner during this impounding period. Any dog or cat that is not claimed within the impound period may be disposed of subject to the requirements of The Animals for Research Act R.S.O. 1990, Chapter A.22.
- b) The owner of any dog or cat impounded pursuant to paragraph 6(a) may claim the dog or cat from the Pound upon payment to the Poundkeeper of any fee that may apply.
- c) Any person claiming an unidentified dog or cat shall first pay to the Poundkeeper the required fees and any other charges that may apply in accordance with this By-Law or the provisions of the current Fee By-law.
- d) If a dog or cat is injured and the services of a veterinarian have been secured, the owner shall not be entitled to the return of the dog or cat

unless the charges for such veterinarian services are paid by the owner to the Poundkeeper.

- e) Where a dog or cat seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog or cat in a humane manner.

7. KENNELS

- a) Every person who owns or operates a "Commercial Dog Kennel" or "Dog Kennel" as defined in this by-law shall pay an annual kennel licence fee in the amount as prescribed in the current Fee By-law.
- b) No person or persons shall establish a "Dog Kennel" or "Commercial Dog Kennel" operation within the Township unless the facility is situated within a zone where its use is permitted in accordance with the provisions of the Township's zoning by-law.
- c) Every Dog Kennel or Commercial Dog Kennel established for the purpose of boarding and/or breeding dogs will be subject to inspection by an officer on a bi-annual basis and approval of every such licence shall be conditional upon meeting all legal requirements for the humane treatment of dogs in a kennel operation. In a year when an inspection is not required, the "Dog Kennel Declaration" attached to this By-law as Schedule "C" shall be completed as required.
- d) Every person who applies for a Commercial Dog Kennel licence will be required to complete a "Dog Kennel Application" form attached to this By-Law as Schedule "B."
- e) Every person who applies for a Commercial Dog Kennel licence shall comply with the following requirements. No kennel licence shall be issued unless the premises comply with all provisions of this by-law.
 - i) the area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
 - ii) every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
 - iii) the area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
 - iv) the area housing the dogs shall have a floor drain;
 - v) the area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four-hour period;
 - vi) the area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
 - vii) the area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
 - viii) where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- f) Every person who holds a Commercial Dog Kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:
 - i) at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
 - ii) every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
 - iii) every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;

- iv) every dog shall be supplied with adequate amounts of potable water.

8. KEEPING OF DOGS

- a) Every person who owns a dog within the Township shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
- b) If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use a structurally sound, weather-proof enclosure with off the ground flooring.
- c) Every person who owns an unspayed female dog shall during each period the dog is in heat, keep it confined so that it will not attract other dogs.
- d) No person within the Township shall keep a dog tethered on a chain, rope or similar restraining device of less than 3.5 meters in length.
- e) Every person who owns a dog shall ensure that dogs secured by tie-out, chain or tether shall not extend beyond any property line at the length of the tie-out, chain or tether.
- f) Every dog shall be inoculated with an anti-rabies vaccine.

9. VICIOUS DOGS

- a) The owner of any dog that has been determined to be a Vicious Dog by an officer in accordance with the definition as set out in this by-law may, by written order of an officer, be required to do any or all of the following and they shall comply with any such order:
 - i) not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5 meters in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting another animal or human and to be under the care and control of a person 16 years of age or older;
 - ii) when the dog is on the owner's premises it may be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
 - iii) conspicuously display a sign on his/her premises warning that there is a Vicious Dog on the property;
 - iv) confine the said dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the Vicious Dog; and
 - v) notify the poundkeeper immediately if a Vicious Dog is loose, unconfined, has attacked another animal or human or has died or has been given away.

10. PIT BULL RESTRICTIONS

A Pit Bull shall be deemed in all cases to be a Vicious Dog to which the provisions of Section 8 apply with necessary modifications. If any provision of the *Dog Owner's Liability Act* or the Regulations passed pursuant thereto impose a different standard or restriction from those imposed by this By-Law, the more restrictive provisions shall apply. The Township specifically acknowledges that the provisions of the *Dog Owner's Liability Act* and its regulations shall apply to any pit bulls located within the boundaries of the Township.

11. ANIMAL WASTE

Any person who owns or controls a dog or cat shall remove forthwith any excrement left by the animal on any property in the Township.

12. CAUSING A DISTURBANCE

No person, being the owner of a dog or the operator of a kennel shall permit dog or dogs to persistently howl, bark or whine for excessive periods, if such conduct disturbs or is likely to disturb the inhabitants of the Township.

13. EXOTIC PETS

a) No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time. Examples of animals of a particular prohibited group are given in parentheses. These are examples only and shall not be construed as limiting the generality of the group.

- i) All canids, except the dog as defined in this by-law
- ii) All felids, except the domestic cat
- iii) All non-human primates (such as gorillas and monkeys)
- iv) All viverrine (such as mongooses, civets and genets)
- v) All marsupials (such as kangaroos, wallabies and opossums)
- vi) All mustelids (such as skunks, weasel, otters, badgers)
- vii) All ursids (such as bears)
- viii) All artiodactyls (such as hippopotamuses and pronghorns)
- ix) All procyonids (such as raccoons, coatis and cacomistles)
- x) All hyaenids (such as hyenas)
- xi) All elephantids (such as elephants)
- xii) All pinnipeds (such as seals, fur seals and walruses)
- xiii) All snakes of the families pythonidae and boidae
- xiv) All venomous reptiles and amphibians
- xv) All raptors (such as eagles, hawks, owls and falcons)
- xvi) All edentates (such as anteaters, sloths and armadillos)
- xvii) All chiroptera (such as bats)
- xviii) All crocodylians (such as alligators, crocodiles and cayman)
- xix) All venomous arachnids (such as spiders, scorpions and tarantulas)
- xx) All cetaceans (such as dolphins, whales and sharks)
- xxi) All perissodactyls (such as tapirs and rhinoceroses)
- xxii) All carnivora (such as wolves, tigers, leopards, cougars, lions, lynx, hyenas, coyotes, fox hybrids, wolf dogs)
- xxiii) All lagomorpha except domestic rabbits (such as hares and pikas)
- xxiv) All primates (such as chimpanzees, gorillas, monkeys and lemurs)
- xxv) All perissodactyla (such as horses, donkeys, jackasses, mules, zebras and ponies)
- xxvi) All proboscidea (such as elephants and rhinoceros)
- xxvii) All rodentia (such as porcupines, prairie dogs, chinchillas)
- xxviii) All squamata (such as venomous lizards or snakes that reach an adult length of greater than three (3m) metres)
- xxix) All anseriformes (such as swans and screamers)
- xxx) All galliformes (such as pheasants, grouse, guinea fowl and pea fowl)
- xxxi) All struthioniformes (such as ostriches, rheas, emus and kiwis)
- xxxii) All other poisonous insects, reptiles and amphibians
- xxxiii) Any other Exotic Animals

b) Notwithstanding Section 13 (a), on lands zoned for agricultural purposes where livestock facilities are a permitted use, no person shall keep or cause to be kept any animals listed in Section 13 (a) except those permitted in the zoning by-law.

14. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises, at any reasonable time, where pet(s) or animal(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-law.

15. PENALTIES

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act or as set out in Schedule A "Set Fines" to this By-law.

16. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

17. BY-LAWS REPEALED

By-law Number 41-2020 of the Township of Lucan Biddulph, and any other by-law and provision contrary to this by-law are hereby repealed.

18. FORCE AND EFFECT OF BY-LAW

This by-law shall come into force and take effect on the third and final reading thereof.

READ a FIRST and SECOND time this 7th day of December, 2021.


DEPUTY MAYOR


CLERK

READ a THIRD time and FINALLY PASSED this 7th day of December, 2021.


Deputy MAYOR


CLERK

TOWNSHIP OF LUCAN BIDDULPH

BY-LAW NO. 79-2021 ANIMAL CONTROL BY-LAW

SCHEDULE "A"

**PART I PROVINCIAL OFFENCES ACT
SET FINE**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Keeping more than three dogs in a dwelling unit (subject to exceptions)	Section 3 (a)	\$105.00
2.	Keeping more than five cats and dogs in a dwelling unit (combined total)	Section 3 (a)	\$105.00
3.	Fail to properly affix identification tag to dog or cat	Section 4 (a)	\$55.00
4.	Fail to keep Identification Tag fixed on dog or cat	Section 4 (c)	\$55.00
5.	Allow dog or cat to run at large	Section 5 (a)	\$105.00
6.	Fail to pay annual kennel fee	Section 7 (a)	\$105.00
7.	Fail to provide dog with basic necessities	Section 8 (a)	\$305.00
8.	Fail to confine dog in heat adequately	Section 8 (c)	\$105.00
9.	Fail to provide dog(s) with adequate shelter	Section 8 (b)	\$305.00
10.	Tether dog on restraining device less than 3.5 meters	Section 8 (d)	\$105.00
11.	Fail to keep vicious dog leashed	Section 9 (a) (i)	\$305.00
12.	Fail to keep vicious dog muzzled	Section 9 (a) (i)	\$305.00
13.	Fail to keep vicious dog confined	Section 9 (a) (ii)	\$305.00
14.	Fail to display vicious dog sign	Section 9 (a) (iii)	\$305.00
15.	Fail to remove dog excrement	Section 11	\$105.00
16.	Possess an exotic animal or other prohibited animal	Section 13(a)	\$305.00
17.	Fail to allow officer to inspect	Section 14	\$105.00

Note: the general penalty provision for the offences listed above is section 15 of bylaw 79-2021, a certified copy of which has been filed.

Name of Owner: _____
Address: _____
Postal Code: _____ Telephone Number: _____
Email Address: _____

Kennel Information/Requirements

- The facility is situated within a zone where its use is permitted in accordance with the provisions of the Township's zoning by-law.
- No kennel licence shall be issued unless the premises comply with all provisions of the Animal Control By-law as follows.
- The area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
- Every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
- The area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
- The area housing the dogs shall have a floor drain;
- The area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four-hour period;
- The area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
- The area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
- Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:

1. at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

Signature of Kennel Owner/Operator

Date of Inspection

Signature of Officer

Fee Enclosed: \$ _____

<p>Please mail, hand deliver, place in drop box with payment to:</p> <p>Township of Lucan Biddulph 270 Main Street Lucan ON N0M 2J0 Phone: 519-227-4491</p>
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Office Use Only

Amount Received: _____ Date Issued: _____ Licence No. _____

Cash **Cheque** Date Pick-up or Mail: _____

Dog Kennel Declaration
 Township of Lucan Biddulph
 270 Main Street
 Lucan ON N0M 2J0

Name of Owner: _____	
Address: _____	
Postal Code: _____	Telephone Number: _____
Email Address: _____	

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2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

I, _____, swear that as owner/person responsible for the above noted kennel have met the conditions and requirements of the Township of Lucan Biddulph Animal Control By-law as outlined above, and will continue to abide by the requirements for the duration of this licence.

 Signature of Kennel Owner/Operator

 Signature of Municipal Official

Fee Enclosed: \$ _____

Please mail, hand deliver, place in drop box with payment to:
Township of Lucan Biddulph
270 Main Street
Lucan ON N0M 2J0
Phone: 519-227-4491

Office Use Only		
Amount Received: _____	Date Issued: _____	Licence No. _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque	Date Pick-up or Mail: _____