

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

BY-LAW NO. 2354-21

A By-Law to Regulate and Control Animals in the Township of Ear Falls

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

1. DEFINITIONS

1.1 Aggressive Dog

“Aggressive Dog” shall mean any dog which, without provocation, has bitten a person or a domestic animal, threatens or has threatened an action to attack a person or domestic animal, or attacks or has attacked a person or domestic animal, and “aggressive” shall have a like meaning.

1.2 Animal

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

1.3 Animal Control Officer

“Animal Control Officer” shall mean a person appointed by the Township of Ear Falls Council whose duties include the

administration and enforcement of this By-Law, and specifically shall include the Township By-Law Enforcement Officer.

1.4 Bite

“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.

1.5 Coop

“Coop” shall mean a fully enclosed weatherproof building where hens are kept and which the interior of includes nest boxes for egg laying, perches for hens to sleep on and food and water containers.

1.6 Dog

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

1.7 Dwelling Unit

“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.

1.8 Guard Dog

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

1.9 Hen Run

“Hen Run” shall mean a covered structure closure that allows hen’s access to the outdoors which is attached to the coop.

1.10 Keeps

“Keeps” shall mean owns, possesses or harbours.

1.11 Kennel

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

1.12 Leash

“Leash” shall mean a leash that is:

- (a) adequate to control the dog which it is attached; and
- (b) securely attached to the dog.

1.13 Licence Issuer

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

1.14 Lifetime

“Lifetime” shall mean the life span from birth to death of an animal.

1.15 Mitigating Factor

“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.

1.16 Muzzle

“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.

1.17 Nuisance Dog

“Nuisance Dog” shall mean any dog in respect of which there have been two or more convictions under this By-Law.

1.18 Owner

“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.

1.19 Peace Officer

“Peace Officer” shall mean any Police Officer, By-Law Enforcement Officer, or an Animal Welfare Inspector or agent appointed under the *Provincial Animal Welfare Services Act*.

1.20 Pet Shop

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

1.21 Pet Shop Keeper

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

1.22 Pound Keeper

“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.

1.23 Premises

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

1.24 Running at Large

“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.

1.25 Township

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

1.26 Vehicle

“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.

1.27 Working Dog

“Working Dog” shall mean any dog specifically trained for and actually used by any person whose sight is impaired or is blind, or whose hearing is impaired or is deaf, or who, that because of a disability (within the meaning of the Human Rights Code) relies upon a dog as a guide. The dog shall be registered with a recognized institute as a Working Dog.

2. CLASSES

2.1 Class 1 Animal

“Class 1 Animal” shall mean domestic dog.

2.2 Class 2 Animal

“Class 2 Animal” shall mean chicken.

2.3 Class 3 Animal

“Class 3 Animal” shall mean cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony, and sheep.

2.4 Class 4 Animal

“Class 4 Animal” shall mean domestic cat, groundhog, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret, and turtle.

2.5 Class 5 Animal

“Class 5 Animal” shall mean homing, pouter, racing or tumbler pigeon.

2.6 Class 6 Animal

“Class 6 Animal” shall mean non-venomous snake, non-venomous lizard and non-venomous spider.

2.7 Class 7 Animal

“Class 7 Animal” shall mean domestic cardinal, finch, budgie, bulbul, canary, tanager, amazon, cockatoo, conure, macaw, parakeet, cockatiel, lorikeets, touraco, toucan, oriole, mynah, magpie, barbet, pied hornbill, and cock-of-the-rock.

2.8 Class 8 Animal

“Class 8 Animal” shall mean any animal of a type that is normally found in a wild or 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 9 Animal

“Class 9 Animal” shall mean, goose, turkey, duck, rooster and any domestic fowl.

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 of Ear Falls or by an agency, organization, corporation, partnership or proprietorship, which has been authorized by a Resolution of Council of the Township of Ear Falls.

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 3 and Class 9 animals on premises and land zoned for agricultural uses.

4. PROHIBITED

4.1 No person shall keep a Class 3 animal within the 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.

4.2 No person shall keep a Class 8 animal within the municipal boundaries of the Township of Ear Falls.

4.3 No person shall permit an animal to run at large.

4.4 No person shall permit an animal to trespass on any property.

4.5 No person shall fail to keep feed or animal food in a rodent-proof container.

4.6 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.

5. LICENCES

5.1 No person residing within the limits of the Township of Ear Falls shall own a dog / cat without obtaining a tag as required by this By-Law and every owner of a dog / cat shall be subject to the provisions of this By-Law.

5.2 Notwithstanding Section 5.1 no owner of a dog / cat shall be required to obtain a licence until that dog has attained the age of four (4) months.

5.3 Every licence shall bear a serial number.

5.4 A record shall be kept by the By-Law Enforcement Officer for each dog / cat with respect to which a licence may be issued, showing the name of the owner, name of the dog / cat, the breed of the dog / cat, description of the dog / cat including any special markings, phone number of the owner, and address of the owner.

5.5 Where a person who is the owner of a dog / cat becomes a resident in

the Township of Ear Falls and is in possession of a valid dog / cat licence issued by another municipality, address changes shall be made to the Township for a licence pursuant to this By-Law within five (5) days of becoming a resident.

- 5.6 Where a person who is the owner of a dog / cat is already a resident in the Township of Ear Falls and is in possession of a valid dog / cat licence issued by the Township of Ear Falls, has a change of address still residing within the Township of Ear Falls, address changes shall be made to the Township for a licence pursuant to this By-Law within five (5) days of the move.
- 5.7 The owner shall keep the dog / cat tag securely fixed on the dog / cat at all times.
- 5.8 No person shall, within the Corporation of the Township of Ear Falls, fail to obtain a replacement dog / cat licence tag.
- 5.9 Dog / cat tag fees shall be located in the Township of Ear Falls Schedule of Fees By-Law, as amended from time to time.
- 5.10 No owner shall use a tag on a dog / cat other than that dog / cat for which it was issued.
- 5.11 If there is a change of ownership of a dog / cat during the lifespan of the dog / cat, the new owner shall notify the Township of Ear Falls within five (5) days of the change of ownership.
- 5.12 Working dogs shall be licenced, and every owner of a working dog shall be subject to the provisions set out in this By-Law.

6. CLASS 1 ANIMALS

- 6.1 No person shall keep or permit to be kept more than three (3) dogs within or about any dwelling unit in the Corporation of the Township of Ear Falls, regardless or whether that person is the owner of the dogs.
- 6.2 Notwithstanding section 6.1 of this By-Law, young puppies may be kept with the mother for a period not exceeding sixty (60) days following birth.
- 6.3 Section 6.1 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).
- 6.4 Notwithstanding section 6.1 of this By-Law, no 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.
- 6.5 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.

- 6.6 No person in the control, possession or ownership of a dog shall, within the Corporation of the Township of Ear Falls:
 - 6.6.1 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 immediately;
 - 6.6.2 Permit such dog to be within the Waterfront Park;
 - 6.6.3 Permit such dog to be within the area which extends 20 meters into the water adjacent to the Waterfront Park area.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 Notwithstanding anything in this By-Law, owners are subject to the *Dog Owner's Liability Act* and any other applicable legislation.
- 6.11 The Township of Ear Falls, its agents and servants, and the By-Law Enforcement Officer shall not be liable for damages or compensation for any animal killed under the provisions of this By-Law and no such damages or compensation shall be paid to any person.
- 6.12 If there is a conflict between a provision of the *Dog Owner's Liability Act* or a Regulation under that Act, or any other Act relating to pit bulls, or another By-Law relating to pit bulls, and a provision of this By-Law relating to pit bulls, the provision that is most restrictive in relation to the control over bans on pit bulls prevails.
- 6.13 No person shall suffer, allow or permit any dog whether on a leash or not, to be in any place designated as a municipally controlled public beach or playground where posted.

7. CLASS 1 ANIMALS – AT LARGE

- 7.1 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.
- 7.2 No person shall suffer, allow, or permit a dog to trespass on private property whether on a leash or not.
- 7.3 A Peace Officer may seize any dog running at large.
- 7.4 A Peace Officer may enter onto any public property, or private property with the consent of the owner or tenant, for the purpose of seizing any dog running at large.
- 7.5 For the purposes of this By-Law a dog shall be deemed to be running at large when found in any place other than the premises of the owner

of the dog and not under the direct control of a competent person.

- 7.6 A dog shall be deemed not to be under the control of a competent person when the dog is not on a leash held by the competent person.
- 7.7 No person shall suffer, allow or permit a nuisance dog to run at large within the limits of the Township of Ear Falls.

8. CLASS 1 ANIMALS – IMPOUNDMENT

- 8.1 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.
- 8.2 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.
- 8.3 The By-Law Enforcement Officer who has seized a dog found running at large or trespassing may return it to the owner's habitual residence if known, with appropriate fines being levied, or deliver it to the pound, when practical, where it can be confined, subject to the right of the owner to redeem the dog within the redemption period as set out in Section 8.10 of this By-Law by paying to the Township of Ear Falls the impound fees.
- 8.4 In the event a dog is not redeemed by the owner within the redemption period, the dog shall become the property of the Township, which may sell it or dispose of it as deemed fit. When not practical to impound, a dog running at large or trespassing may be destroyed whether before or after impoundment and, in either event aforesaid, no damages or compensation shall be recovered on account of a dog being destroyed or other method disposition.
- 8.5 The owner of every dog impounded, whether or not the dog is claimed by the owner from the pound, is liable for the payment of the impound fee, the boarding fee, any fines levied and any applicable disposal fees.
- 8.6 No dog may be released from the pound to an owner without all fees having been paid in full.
- 8.7 In the event that a dog has not been redeemed within the redemption period and the dog has become the property of the Township, the By-Law Enforcement Officer may order the dog destroyed or place the dog if suitable, as a pet with a new owner or organization such as the O.S.P.C.A. or a humane society and attach such conditions as the Municipality may prescribe.
- 8.8 Where a dog that has been impounded is injured or, in the opinion of the By-Law Enforcement Officer, should be destroyed without delay for humane reasons or safety to persons or other animals, the By-Law Enforcement Officer may destroy the dog in a humane manner as soon after seizure as deemed fit, without permitting any person to reclaim the animal or without offering it for sale and, in that event,

no damages or compensation shall be recoverable on account of its being destroyed.

- 8.9 When, in the judgment of the Township or its agents, an impounded dog should be destroyed for humane reasons, such animal may not be redeemed.
- 8.10 The minimum redemption period shall be 72 hours of being seized, excluding the day on which the dog was impounded, weekends and statutory holidays.
- 8.11 Where a dog is destroyed at the request of the registered owner, such owner shall be required to complete an Authorization Form and pay a fee.
- 8.12 Rabies:
 - 8.12.1 The owner of an animal exposed to rabies or which has bitten any person, shall on request of the By-Law Enforcement Officer, Pound Keeper, or Animal Control Officer, surrender such animal to be held by the Township in quarantine for a period of fourteen (14) days, and such animal shall not be released from such quarantine without the written permission of the Medical Officer of Health.
 - 8.12.2 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.
 - 8.12.3 Any animal found to be infected with rabies shall be destroyed by the owner or the Township at the expense of the owner.

9. CLASS 1 ANIMALS – AGGRESSIVE DOG

- 9.1 No person shall suffer, allow or permit any dog to bite a person or domestic animal.
- 9.2 When an owners' dog has bitten or attacked a person or domestic animal, the owner of the dog shall surrender the dog to a Peace Officer upon request.
- 9.3 If such dog is not voluntarily surrendered to a Peace Officer a Justice of the Peace may issue an Aggressive Dog Order to seize and impound such dog.
- 9.4 The owner shall pay the maintenance fee as per the Schedule of Fees By-Law during the period of impoundment.
- 9.5 The By-Law Enforcement Officer may declare a dog to be aggressive, subject to the findings of an investigation as set out in Section 9.6.
- 9.6 To determine if a dog should be declared Aggressive, an investigation may take into consideration the following circumstances:
 - 9.6.1 the past and present temperament and behaviour of the dog;
 - 9.6.2 the propensity, tendency or disposition to bite or attack persons or other domesticated animals without provocation;

- 9.6.3 the seriousness of any injuries caused by the dog biting a person or domestic animal;
 - 9.6.4 any unusual contributing circumstances tending to justify the action of the dog;
 - 9.6.5 the probability that a similar attack will be repeated;
 - 9.6.6 the dog's physical potential for inflicting harm;
 - 9.6.7 precautions taken by the owner to preclude similar attacks or threatened action to attack in the future; and
 - 9.6.8 any other circumstances that the By-Law Enforcement Officer considers to be relevant.
- 9.7 The By-Law Enforcement Officer may choose to have Canine Behaviour Testing completed as part of the investigation as set out in Section 9.6. The owner shall pay any costs and/or fees resulting from the testing if the dog is declared aggressive as a result of said testing.
- 9.8 A dog found running at large or trespassing, which in the opinion of a Peace Officer may be aggressive or which has been the subject of a complaint by another person that the dog may be aggressive, shall be impounded and processed in the same manner as set out in Section 8.
- 9.9 Within seven (7) days of a dog being impounded under the circumstances set out in Section 9.6, a By-Law Enforcement Officer shall investigate the circumstances of the biting or attacking by the dog, or of the complaint.
- 9.10 If required, the dog shall remain impounded until the investigation is completed and the By-Law Enforcement Officer has made his/her declaration.
- 9.11 A declaration by the By-Law Enforcement Officer that a dog is aggressive shall be in writing.
- 9.12 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 Aggressive Dog Order.
- 9.13 Where the By-Law Enforcement Officer has declared a dog to be an aggressive dog as provided in this Section of the By-Law the Enforcement Officer may order:
- 9.13.1 that the dog be thereafter muzzled, and/or leashed and/or otherwise contained as set out in Section 9.14 and any other order as set forth by the By-Law Enforcement Officer;
 - 9.13.2 that the dog be destroyed in such manner as is provided in the Order.
- 9.14 The owner of a dog that has been deemed aggressive shall ensure a muzzle and a leash are worn when the dog is on any property in the Township other than the owner's property.
- 9.15 Every owner of a dog that is declared an aggressive dog shall ensure that, when the dog is on the premises of the owner:
- 9.15.1 the dog is confined within the dwelling unit located on the premises; or

- 9.15.2 the dog is confined in an enclosed pen of construction and sufficient dimension to provide for the humane shelter but which prevents the dog's escape, or the entry therein by unsupervised children or other animals.
- 9.16 A warning sign shall be posted on the owner's private property in the form and location as required by the By-Law Enforcement Officer.
- 9.17 Upon the request of the owner of the dog, Council shall hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement set forth in Section 9.13 and Section 9.14.
- 9.18 Subject to Section 9.12, two (2) years to the date of the Aggressive Dog Order being issued, the owner may request to appeal the order.
- 9.19 Subject to Section 9.17, all items in Section 9.6 shall be taken into consideration when reviewing an appeal for a dog that has been declared aggressive.
 - 9.19.1 An exemption may be granted subject to such conditions as Council considers appropriate.
- 9.20 Where it is alleged that a dog has bitten any person or domestic animal, such dog may be impounded and held by the Pound until investigation proceedings have been held, provided that no dog shall be so impounded or held for a period in excess of 21 days unless otherwise ordered by a judge.
- 9.21 Subject to Section 9.12 and 9.17 upon determination of the hearing date the Committee shall give notice in writing to the owner that:
 - 9.21.1 Includes a statement of the time, date, place and purpose of the hearing; and
 - 9.21.2 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 he or she will not be entitled to any further notice.
- 9.22 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 cannot be given or served by reason of the owners absence from the premises, the notice may be given or served:
 - 9.22.1 by handing it to an apparent adult person on the owner's premises;
 - 9.22.2 by posting it up in a conspicuous place upon some part of the owner's premises, or
 - 9.22.3 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.
- 9.23 Every person who transfers the ownership of an aggressive dog to any other person shall within two (2) working days of such transfer of ownership, notify the By-Law Enforcement Officer of such transfer and shall give full and complete details of the name and address of the new owner, with other information as the By-Law Enforcement Officer may require in order to identify and locate the new owner and the aggressive dog.

9.24 Upon the findings of Council in Section 9.17, the decision of Council shall be final and binding.

9.25 Every person in possession of an aggressive dog shall abide by the conditions in the Aggressive Dog Order.

10. CLASS 2 ANIMALS

10.1 No person shall keep more than four (4) chickens on one property within the Township of Ear Falls.

10.2 Refuse shall be cleaned out a minimum of twice per week including proper discarding of feces and waste, to prevent odor.

10.3 Chickens shall remain in their coop between the sunset to sunrise times for Ear Falls.

10.4 Coops shall be fully enclosed to protect from wildlife and shall include items listed in Section 1.5.

10.5 Within three (3) business days of the chickens on owner's property, the owner shall inform the By-Law Enforcement Officer.

10.6 Any hen run or coop which is erected, used or maintained for the housing of chickens shall:

10.6.1 have interior walls which are smoothly finished;

10.6.2 be constructed in such a way as to be rodent proof;

10.6.3 be constructed in such a manner to prevent the escape of chickens;

10.6.4 be equipped with at least one perch for each chicken;

10.6.5 not be located in any front or side of property;

10.6.6 not be located at a distance of less than 15 meters from any store, shop or dwelling unit/apartment building not occupied by the owner;

10.6.7 not be located at a distance of less than 15 meters from any school, church or business;

10.6.8 not be located at a distance of less than 1.2 meters from the lot line; and

10.6.9 lime-washed or painted at least once per year.

10.7 No person shall cause or permit chickens to be at large.

10.8 No person shall keep a rooster.

10.9 No person shall cause or permit chickens to become a public nuisance.

10.10 Tenants shall obtain permission from the property owner to keep chickens.

10.11 Feed shall be stored securely to prevent attracting vermin.

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

11. CLASS 3 ANIMALS

- 11.1 The keeping of Class 3 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 Townships Restricted Area (Zoning) By-Law, or in this Animal Control By-Law.
- 11.2 Section 11.1 of this By-Law does not apply to those persons legally keeping Class 3 animals at the passage of this By-Law provided that such persons comply with the requirements set out in Sections 11.3 - 11.12 inclusive of this By-Law.
- 11.3 All Class 3 animals shall be kept in a building or stable.
- 11.4 Such building or stable required under Section 11.3 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.
- 11.5 The floor of such building or stable required under Section 11.3 of this By-Law shall be of a durable material, impervious to moisture.
- 11.6 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 Regulations made thereunder.
- 11.7 All doors, windows and openings of such building or stable as required under Section 11.3 of this By-Law shall, at all times between the first day of April and the thirteenth day of November following in each year, be kept protected by screens effective against flies and small insects.
- 11.8 All manure shall be promptly collected and deposited in a manure receptacle / area of adequate size which shall be provided as set out in Section 11.9 of this By-Law.
- 11.9 A manure receptacle / area shall be constructed and located in a manner that ensures that objectionable odours, insects and other pests are not a concern for the Township or neighbouring property owners. Environmental and water runoff factors will be considered in the construction / location of the manure receptacle / area. The location and or construction of the manure receptacle / area shall be approved by the Township, as recommended by the By-Law Enforcement Officer.
- 11.10 Such building or stable as required under Section 11.3 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.
- 11.12 All feed or other animal food shall be kept in rodent-proof containers.

12. CLASS 4 ANIMALS

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

13. CLASS 5 ANIMALS

- 13.1 No person shall keep more than two (2) Class 5 animals on or within any premises.

14. CLASS 6 ANIMALS

- 14.1 No person shall keep more than two (2) Class 6 animals within a dwelling unit or on any premises.

15. CLASS 7 ANIMALS

- 15.1 No person shall keep more than two (2) Class 7 animals within a dwelling unit or within any premises.

16. CLASS 9 ANIMALS

- 16.1 The keeping of Class 9 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.
- 16.2 Section 16.1 of this By-Law does not apply to those persons legally keeping Class 9 animals at the passage of this By-Law provided that such persons comply with the requirements set out in Section 16.3 to 16.7 inclusive of this By-Law.
- 16.3 All Class 9 animals shall be kept in a building, structure, yard, coop, pen or run which shall have all the requirements set out in Section 1.5 and Section 10.6.
- 16.4 All runs and outside areas of confinement shall be dug promptly as required to effectively prevent odours arising therefrom.
- 16.5 Refuse shall be cleaned out a minimum of twice per week including proper discarding of feces and waste, to prevent odor.
- 16.6 All feed or other animal food shall be kept in rodent-proof containers.

17. DOMESTIC CATS

- 17.1 No person shall be in possession or ownership of more than three (3) domestic cats per dwelling unit.

18. ENFORCEMENT

- 18.1 The Township of Ear Falls By-Law Enforcement Officer, Pound Keeper and/or Animal Control Officer shall administer and enforce this By-Law.
- 18.2 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*.

18.3 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.

18.4 If a court of competent jurisdiction should declare any Section or part of a Section of this By-Law to be invalid, such 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.

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

19.1 **THAT** By-Law No. 1121-04 be hereby repealed in its entirety.

19.2 **THAT** this By-Law shall come into force and take effect upon the final passing hereof.

PASSED this 20th day of April, 2021.



Mayor



Clerk

BY-LAW NO. 2354-21 – A By-Law to Regulate and Control Animals in the Township of Ear Falls

Set Fines Schedule

THE CORPORATION OF THE TOWNSHIP OF EAR FALLS

PART 1 – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Keeping a Class 3 animal	Section 4.1	\$200.00
2	Keeping a Class 8 animal	Section 4.2	\$300.00
3	Permitting an animal to run at large.	Section 4.3	\$150.00
4	Permitting an animal to trespass on property	Section 4.4	\$150.00
5	Failing to keep feed or animal food in a rodent-proof container	Section 4.5	\$100.00
6	Failing to register a dog/cat for a dog tag licence	Section 5.1	\$75.00
7	Failing to obtain a replacement tag	Section 5.8	\$75.00
8	Affixing a dog/cat tag on an animal other than which issued	Section 5.10	\$75.00
9	Keeping more than three dogs	Section 6.1	\$250.00
10	Permitting a dog to enter onto private property without consent	Section 6.5	\$150.00
11	Failing to forthwith remove and dispose of dog excrement	Section 6.6.1	\$150.00
12	Permitting a dog to be within Waterfront Park	Section 6.6.2	\$150.00
13	Permitting a dog to be in water adjacent to Waterfront Park	Section 6.6.3	\$150.00
14	Permitting a dog to make persistent sounds	Section 6.7	\$250.00
15	Permitting a dog to scare a person	Section 6.8	\$175.00
16	Permitting a dog to chase a (person)(vehicle) or (another animal)	Section 6.9	\$175.00
17	Permitting a dog to run at large	Section 7.1	\$150.00
18	Permitting a nuisance dog to run at large	Section 7.7	\$175.00
19	Forcibly retrieving a dog from (Animal Control Officer)(Pound) (Premises)(Trap)	Section 8.2	\$400.00
20	Failing to keep aggressive dog leashed	Section 9.14	\$200.00
21	Failing to keep aggressive dog muzzled	Section 9.14	\$200.00
22	Failing to keep aggressive dog confined	Section 9.15.1	\$200.00
23	Failing to abide by conditions in Aggressive Dog Order	Section 9.25	\$500.00
24	Failing to notify of change of residence of aggressive dog	Section 9.23	\$200.00
25	Keeping of more than four chickens	Section 10.1	\$250.00
26	Keeping of a rooster	Section 10.8	\$250.00
27	Keeping of more than two Class 4 animals	Section 12.1	\$150.00
28	Keeping of more than three Class 5 animals	Section 13.1	\$150.00
29	Keeping of more than two Class 6 animals	Section 14.1	\$150.00
30	Keeping of more than two Class 7 animals	Section 15.1	\$150.00
31	Keeping of more than three domestic cats	Section 17.1	\$150.00

NOTE: Penalty for the offences indicated above is Section 18.2 of By-Law No. 2354-21, a certified copy of which has been filed.