

## BY-LAW NO. 122-2018

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE RESPECTING THE REGULATION AND CONTROL, PROTECTION AND IDENTIFICATION OF ANIMALS AND FOR PROHIBITING THE KEEPING OF ANIMALS OF ANY CLASS THEREOF.

**WHEREAS** Section 11 of the Municipal Act, S.O. 2001 authorizes a lower tier municipality to adopt by-laws respecting matters within spheres of jurisdiction, which includes the prohibition or regulation of animals and;

**WHEREAS** Sections 103 and 105 of the said Act regulates the impounding of animals and muzzling of dogs respectfully.

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

#### 1. DEFINITIONS

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

- 1.1 **“Aggressive Animal”** means any animal that repeatedly or without provocation has threatened or attacked or bitten a person or domestic animal.
- 1.2 **“Attack”** means an assault resulting in bleeding, bone breakage, sprains or serious bruising.
- 1.3 **“Bite”** means a wound to the skin causing it to puncture or break.
- 1.4 **“Cat”** means any domesticated felis catus, male or female.
- 1.5 **“Control”** means having at all times, the ability to manage, direct, restrict and restrain the movement of an animal.
- 1.6 **“Corporation”** means the Corporation of the Town of Carleton Place.
- 1.7 **“Dog”** means any domesticated canis, male or female.
- 1.8 **“Domestic Animal”** shall mean a cat or dog.
- 1.9 **“Domestic Fowl”** means and includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them and also includes game birds as defined in the Game and Fish Act, as amended.
- 1.10 **“Future Service Dog Puppy”** shall include any dog under the age of fourteen months, who is undergoing the preliminary training required to be a “Service Dog”.

- 1.11 **“Working Service Dog - (Service Dog )** means a dog trained as a Service Dog for any person suffering a disability and having the qualifications prescribed by the regulations under the “Blind Person’s Rights Act” or the Accessibility for Ontarians with Disabilities Act, 2005.
- 1.12 **“Household”** shall mean a group of people living together in the same house or dwelling unit.
- 1.13 **“Kennel”** shall mean any premises where domestic animals are kept or boarded or bred as a commercial service.
- 1.14 **“Loft”** means a place where pigeons are kept.
- 1.15 **“Medical Officer of Health”** means the Chief Medical Officer of Health for the Lanark County Health Unit or his/her appointee.
- 1.16 **“Municipal By-law Enforcement Officer”** means a person appointed or employed by the Corporation of the Town of Carleton Place for the purposes of enforcing the provisions of this by-law.
- 1.17 **“Muzzled”** means a humane fastening or covering device of adequate strength used over the mouth to prevent a dog from biting.
- 1.18 **“Owner”** means and includes any person who possesses or harbors an animal and shall include a person who is the temporary keeper or is in control of an animal, and owns and owned shall have a corresponding meaning.
- 1.19 **“Pet”** shall mean any domestic animal or other animal that is not included in the list of prohibited animals section in “Schedule A”
- 1.20 **“Pet Shop”** shall mean a shop or place where animals or birds for use as pets are sold and kept for sale.
- 1.21 **“Releasable Age”** means that age when an animal is able to fend on its own, provided however, that such age shall be deemed to be two (2) months after birth.
- 1.22 **“Schoolyard”** means any property within the municipality owned by the Upper Canada District School Board, the Catholic District School Board of Eastern Ontario or Le Conseil Scolaire de District Catholique du Centre-Est Ontario or any non-profit school facility.
- 1.23 **“Sportsfield”** means any municipal property designated for recreational sports usage.
- 1.24 **“Treasurer”** means the Treasurer of the Corporation or his/her appointee.

- 1.25 **“Wild Animal”** means an animal of a wild nature or disposition (feral natural) but shall not include the domestic ferret.

## **2. IDENTIFICATION**

### **2.1 DOGS**

- 2.1.1 Every dog within the Town of Carleton Place shall be licensed and registered by its owner.
- 2.1.2 Within six months after its date of birth a dog may be licensed under the January 1<sup>st</sup> to February 15<sup>th</sup> section of the payment fee chart, as prescribed in the Fees and Charges By-law.
- 2.1.3 Every dog brought into the Town of Carleton Place shall be licensed and registered by its owner within thirty (30) days after being brought to reside in the Municipality.
- 2.1.4 No person shall keep a dog in the Town of Carleton Place who has not obtained a licence in respect thereof and who has not registered the dog under the provisions of the By-law.
- 2.1.5 Upon application made in accordance with the provisions of this By-law, every application for a dog licence shall furnish the Treasurer or other employee designated for that purpose with the name, address and telephone number of the dog owner, proof of spay or neuter and other information as requested on the application form.
- 2.1.6 A licence fee shall be charged on an annual basis in accordance with the Fees and Charges By-law in order to recover cost of the administration and enforcement of the said licence. The purpose of a licence shall be to protect public health and safety.
- 2.1.7 The Treasurer or other employee designated for that purpose shall have charge of the granting of licences and it shall be his/her duty:
- a) to keep a complete register of all dogs in respect of which licences are issued;
  - b) to keep an accurate account of all monies paid to the Municipality;
  - c) to furnish with each licence a numbered tag, which shall be securely fixed by the owner to each dog in respect of which, the licence is issued.
- 2.1.8 Each licence shall be purchased on or before January 1<sup>st</sup> of each year and shall expire on December 31<sup>st</sup> each year. If a licence is purchased after January 1<sup>st</sup>, in accordance with Sections 2.1.2 and 2.1.3, it shall still expire on December 31<sup>st</sup> of the same year. Renewal of said dog licence is required to be purchased for each dog by the owner for the new calendar year.

2.1.9 The licence fee for each dog required to be licensed hereunder shall be the amount set forth in the Fees and Charges By-law and shall be remitted to the Corporation or its Agent.

## **2.2 CATS AND OTHER ANIMALS NOT PROHIBITED BY THIS BY-LAW**

2.2.1 This sub-section shall not apply to dogs.

2.2.2 The Town of Carleton Place requires owners to register their cats or other animals with the municipality and to provide a means of identification in the manner of a Town issued registration tag or a microchip implanted by a qualified vet if that animal ever leaves the owners' premises in any way other than in a cage or vehicle.

2.2.3 Every application to the Corporation for a registration shall include the name, address and telephone number of the owner, proof of spay or neuter and other information as requested on the application form.

2.2.4 The Treasurer or other employee designated for that purpose shall have charge of the granting of identification tags and it shall be his/her duty:

- a) to keep a complete register of all cats and other animals in respect of which identification tags are issued and microchips are implanted;
- b) to keep an accurate account of all monies paid to the Municipality;
- c) to furnish each cat or other animal identified under the provisions of this by-law with a numbered tag.

2.2.5 The identification fee shall be the amount set forth in the Fees and Charges By-law and shall be remitted to the Corporation or its Agent.

2.2.6 A licence fee shall be charged in order to recover the cost of the administration and enforcement of the said licence.

## **3. LIMITATIONS OF THE NUMBER OF PETS**

3.1 No person or household shall keep more than three (3) dogs or four (4) cats or a total combined of five (5) pets in or about any dwelling unit. The total shall include all licensed, registered and non-registered pets.

3.2 The following domestic animals shall not be counted in determining the number of dogs and cats on a premises:

- a) puppies that have not been weaned and are under the age of six (6) months;
- b) kittens that have not been weaned and are under the age of twelve (12) weeks, and
- c) cats and/or dogs who are under the temporary care of a person,

provided the combined total number of pets does not exceed eight (8) and provided:

- (i) the person complies with all other provisions of this By-law;
- (ii) the person registers with the Town, the number of pets being kept by him or her, and
- (iii) the keeping of such pets does not exceed a total of four (4) months during any calendar year.

3.3 This By-law shall not apply so as to prevent a person from keeping more than three (3) dogs or four (4) cats or a combination of no more than five (5) pets, if such animals were lawfully owned and kept as pets prior to April 26, 2005:

3.3.1 the burden of proving the exemption, as set out in this section is upon the person making the assertion, of which written registration with the Town of Carleton Place shall be sufficient proof thereof.

3.4 No person shall be permitted to raise or breed domestic animals for commercial purposes within the Town of Carleton Place except in a kennel.

3.4.1 a person shall be deemed to be raising or breeding domestic animals for commercial purposes if that person raises more than one litter in a two-year period.

3.4.2 kennels are not permitted within the Town of Carleton Place under authority of the Development Permit By-law and the Official Plan.

#### **4. THE KEEPING OF OTHER ANIMALS**

4.1 No person shall keep, or cause to be kept:

4.1.1 any wild animal unless such animal is under releasable age, injured and unable to fend for itself and the facilities for keeping the animal are such that there is no danger or nuisance to people and to other animals;

4.1.2 any domestic fowl, pigeons, horses, donkeys, mules, cattle, goats, swine, mink, fox, or sheep except on lands or premises zoned Rural, Agricultural, or Hazard by any by-law of the Corporation of the Town of Carleton Place, and

4.1.3 any animal, as listed in Schedule "A" attached to the By-law.

4.2 Notwithstanding the provisions of this By-law, written permission from the Corporation of the Town of Carleton Place may be granted for the temporary keeping of the animals, snakes, insects and fowl as listed herein where required as part of a school project.

4.3 This By-law shall not apply so as to prevent a person from keeping these

other animals, if such animals were lawfully owned prior to April 26, 2005 provided that:

4.3.1 the burden of proving the exemption is upon the person making the assertion, of which written registration with the Town of Carleton Place shall be sufficient proof thereof.

## **5. ANIMALS AT LARGE**

- 5.1 Except for cats (as noted below), no owner of a pet shall allow the pet to run at large within the limits of the Town of Carleton Place.
- 5.2 Except for cats (as noted below), a pet shall be deemed to be running at large unless the pet is on the owners' property or is:
  - 5.2.1 constrained by a leash under the direct control of the owner or the owners' designate.
  - 5.2.2 indoors, or
  - 5.2.3 contained within a vehicle or cage.
- 5.3 A cat may be permitted to run at large provided that:
  - 5.3.1 it is either spayed or neutered, and
  - 5.3.2 it has a microchip implanted or is wearing Town issued identification tags.
- 5.4 No person shall permit a dog on any sports field or any school yard as defined in this By-law.

## **6. NOISE AND NUISANCE**

- 6.1 No person shall permit their pet to make or cause excessive noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
  - 6.1.1 of the neighbourhood, or
  - 6.1.2 of persons who inhabit any dwelling, apartment or other type of residence in the vicinity.
- 6.2 No person who owns a pet shall allow such pet to trespass on or cause damage or otherwise create a disturbance to another person or person's property.

## **7. AGGRESSIVE ANIMALS**

- 7.1 The owner of an aggressive animal shall ensure that:
  - 7.1.1 it does not bite, chase or attack a person or other domestic animal whether on the property of the owner or not;
  - 7.1.2 when it is on the property of the owner, it is confined in an enclosed area or in a fenced yard, or on a chain or other suitable restraint

device capable of restraining the pet, and

- 7.2 When an aggressive animal is off the property of the owner:
  - 7.2.1 it is securely leashed and muzzled in a manner that prevents it from biting, chasing or attacking a person or other domestic animal, and
  - 7.2.2 it is under the control of a person over the age of sixteen (16) years.
- 7.3 Any owner of an aggressive animal shall be notified in writing by the Municipal By-law Enforcement Officer that the owner must comply with the provisions of this By-law.
- 7.4 The owner of the aggressive animal after having been notified in writing to comply with the provisions of this By-law, may request, and is entitled to a hearing by Council which may exempt the owner from complying with some or all of the provisions of this By-law.
- 7.5 In addition to the requirements of this By-law, the owner of an aggressive animal may be subject to other legislation.
- 7.6 This section shall not apply to a police working dog while on duty.

## **8. IMPOUNDMENT AND RECOVERY OF ANIMALS**

- 8.1 A Municipal By-Law Enforcement Officer may seize any pet found running at large within the Town of Carleton Place or found to be in a contravention of the provisions of this By-law and cause such pet to be delivered to an animal shelter or pound.
- 8.2 If a pet is found trespassing upon another person's property, a Municipal By-law Enforcement Officer may seize and cause such pet to be delivered to an animal shelter or pound.
- 8.3 The owner of any pet may obtain the release of their pet that has been delivered to the animal shelter or pound by either a Municipal By-law Enforcement Officer, or by any other person, by:
  - 8.3.1 payment of the fee required by the animal shelter or pound operator; and
  - 8.3.2 purchasing a valid animal licence or identification accepted as valid or issued by the Corporation for the pet.
- 8.4 If an owner fails to claim the pet during the time prescribed in the regulations of the animal shelter or pound, the pet may be sold or disposed of the said animal shelter or pound.

## **9. PET SHOP LICENCE**

9.1 No person shall carry on the trade or business of a pet shop within the Town of Carleton Place without having first obtained and paid for in accordance with the Town's Fees and Charges By-law a Pet Shop Licence from the Corporation to do so. A separate Pet Shop Licence shall be taken out in respect of each such shop or place.

## **10. UNATTENDED ANIMAL IN A MOTOR VEHICLE**

10.1 No person shall leave an animal unattended in a motor vehicle unless:

- a) the animal is restrained in a manner which prevents contact between the animal and any member of the public, and
- b) the animal has suitable ventilation.

10.2 Notwithstanding subsection 10.1 of this By-law, no person shall leave an animal unattended in a motor vehicle in a motor vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.

10.3 Further, notwithstanding subsection 10.1 of this By-law, no person shall transport an animal outside the passenger compartment of any motor vehicle unless the animal is contained in a kennel or similar device that provides adequate ventilation, adequate space to protect the animal from the elements and is securely fastened in such a manner so as to prevent distress or injury to the animal.

## **11. PENALTY**

11.1 Any person who contravenes any of the provisions of this By-law, and the procedure with respect thereto is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter 33 and amendments thereto.

11.2 Any Pet Shop Licence may be suspended or revoked by Council if the licensee does not comply with the provisions of this By-law.

11.3 This By-law shall be enforced by appointed Municipal By-law Enforcement Officers, Animal Control Officers and members of the Carleton Place Detachment of the Ontario Provincial Police within the Corporation of the Town of Carleton Place.

## **12. VALIDITY**

12.1 Where a provision of this By-law conflicts with a provision of another By-law in force in the Town of Carleton Place, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.

12.2 Should any sections of this By-law, including a section or part of the schedules attached hereto be declared by a court competent jurisdiction to



be ultra vires, the remaining sections shall nevertheless remain valid and binding.

12.3 That Schedule A attached is hereby made a part of this By-law fully and to all intents and purposes as though recited in full herein.

12.4 This By-law shall not take effect until an order regarding set fines has been approved by the appropriate Judge of the Ontario Court of Justice.

**13. SHORT TITLE**

12.1 This By-law shall be referred to as the Animal Control By-law.

**14. REPEALS**

13.1 By-law 25-2005 and amendments thereto, being a by-law to regulating animal control for the Corporation for the Town of Carleton Place be and is hereby repealed in its entirety.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED  
THIS 18<sup>th</sup> DAY OF DECEMBER, 2018.

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Doug Black, Mayor

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D.H. Rogers, Clerk

## **SCHEDULE “A”**

### **BEING A LIST OF ANIMALS THE KEEPING OF WHICH IS PROHIBITED IN THE TOWN OF CARLETON PLACE**

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-human Primates (such as Gorillas and Monkeys)
3. All Felids, except the domestic cat
4. All Canids, except the domestic dog
5. All Viverrids (such as Mongooses, Civits and Genets)
6. All Ursides (Bears)
7. All Hyaenas
8. All Perissodactylus Ungulates (such as the Domestic Horse and Ass, Antelopes, Wild Bores, Gazelle, Zebras)
9. All Elephants
10. All Pinipeds (such as Seals, Fur Seals and Walruses)
11. All Snakes of the Family Pythonidae and Biodae
12. All Venomous Reptiles (Vipers, Rattlers, Cotton Mouth, Copper Head, Cobras)
13. All Venomous Spiders (Black Widow, etc)
14. All Diurnal and Nocturnal Raptors, such as Eagles, Hawks and Owls, except those Raptors owned by residents of the Town of Carleton Place who have successfully obtained a diploma of training for the appropriate bird and also a licence for the same from the Ministry of Natural Resources.
15. All Edentates (such as Anteaters, Sloths and Armadillos)
16. All Crocodilians (such as Alligators and Crocodiles)
17. Skunks
18. Racoons

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.