

BY-LAW NO. 172-13

OF THE

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to regulate dogs in the City of Cambridge and to repeal by-law no. 159-13

WHEREAS the Municipal Act, R.S.O., 2001, S.O. 2001, c.25, Section 11(3)(9) assigns the sphere of jurisdiction of "Animals" to lower-tier municipalities.

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c.25 Section 8(3) provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter.

AND WHEREAS the Animals for Research Act, R.S.O., 1990, c. A.22, Section 20 provides for rules and regulations that must be followed for the keeping of cats and dogs in a municipal pound;

AND WHEREAS the Pounds Act, R.S.O., 1990, c. P.17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals;

AND WHEREAS the Health Protection and Promotion Act, R.S.O., 1990, c.H.7 provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O., 1990, Chap. O.36, provides special powers to help animals in distress;

AND WHEREAS the Dog Owner's Liability Act, R.S.O. 1990, Chap. D. 16 provides for rules and regulations that must be followed for the keeping of dogs;

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within the City of Cambridge.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF CAMBRIDGE ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this By-law:

- (a) "**Adult**" means a person eighteen years of age or older;
- (b) "**Animal**" means means a live, non-human vertebrate;

- (c) **“Animal Control Officer”** means a person, servant or agent appointed by the City of Cambridge to enforce this by-law and includes any Police Officer of Ontario and By-law Enforcement Officer and any servant or agent of same;
- (d) **“Boarding Kennel”** means a place or facility other than a Pet Daycare where more than three dogs are kept or boarded and shall include a facility where more than three dogs are kept overnight for purposes other than breeding;
- (e) **“Breeding Kennel”** means a place or facility where dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), R.S. 1985, c.8 (4th Supp.), or any successor legislation are bred or raised;
- (f) **“By-law Enforcement Officer”** means a person, servant or agent appointed by the Council of the City to administer and enforce this by-law;
- (g) **“City”** means the Corporation of the City of Cambridge, and/or it’s agents;
- (h) **“Containment of Dog on Property”** means that a dog shall be contained on property by means of one of the following:
 - (i) enclosure;
 - (ii) containment within a fenced area;
 - (iii) physical restraint of the dog by chain or other similar means;
 - (iv) an electronic containment device, as long as such device is not located or used within 400 meters of a school property; **or**
 - (v) where such lands are located within an agricultural zone shall keep the dog contained on such property by any reasonable means.
- (i) **“Dangerous dog”** means:
 - (i) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
 - (iii) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- (j) **“Designation”** means a determination by an Animal Control Officer that a dog is potentially dangerous, dangerous, restricted, or prohibited dog designation whether issued under this or any former City by-law respecting dogs;
- (k) **“Dispose”** means to sell, adopt out or destroy;
- (l) **“Dog”** means any *canis domesticus* (domestic dog), male or female over the age of twelve weeks;
- (m) **“Dwelling”** means a room or group of rooms occupied as a home or residence;

- (n) **“Electronic Containment Device”** means an electronic system whereby an underground cable is placed around the perimeter of a property that transmits an electric shock to the owner’s dog if the dog attempts to leave the property, such device not to be located or used within 400 meters of a school property;
- (o) **“Leash”** means a lead or tether no longer than 2.4 meters (8 feet) or, in the case of a potentially dangerous dog, a dangerous dog, or a restricted dog no longer than 0.9 meters (3 feet);
- (p) **“Licence”** means the receipt issued by the City of Cambridge upon payment of the appropriate licence fee;
- (q) **“Mitigating factor”** means a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing, may include circumstances where:
 - (i) the dog was, at the time of the aggressive behavior, acting in defense to an attack by a person or domestic animal;
 - (ii) the dog was, at the time of the aggressive behavior, acting in defense of its young or to a person or domestic animal trespassing on the property of its owner; or
 - (iii) the dog was, at the time of the aggressive behavior, being teased, provoked or tormented.
- (r) **“Muzzle”** means a fastening or covering device placed over a dog’s mouth to prevent it from biting;
- (s) **“Not under the control of any person”** means not held on a leash by the owner or any other person or not tied up or contained;
- (t) **“Owner”** of an animal includes any person who keeps or harbors, or permits a person to keep or harbour an animal, or, if the owner is a minor, the person responsible for the custody of the minor;
- (u) **“Owner of a Breeding Kennel”** or **“Owner of a Boarding Kennel”** means a person who owns or operates a breeding or boarding kennel, respectively.
- (v) **“Pet Daycare”** means a place or facility for the temporary care of such pets for an aggregate period not exceeding fourteen hours, within a twenty-four hour period, which is not closer than 60m to a R or RS class zone as defined by City of Cambridge Zoning By-law 150 – 85 (as amended, or any successor legislation);
- (w) **“Pit Bull dog”** means a dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by the Animal Control Officer, namely:
 - (i) an American Pit Bull Terrier
 - (ii) a Staffordshire Bull Terrier;
 - (iii) an American Staffordshire Terrier; or
 - (iv) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (i) to (iv) (“Pit Bull”).

- (x) **“Potentially dangerous dog”** means:
- (i) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or
 - (ii) a dog that has been impounded by the Animal Control Officer or for whom the owner has been convicted on a total of three occasions within a twenty-four (24) month period for such dog being at large in the City.
- (y) **“Pound”** means a facility, designated by the City or maintained by the City Poundkeeper where animals are held under the provisions of this by-law;
- (z) **“Poundkeeper”** means any of the employees, officers or agents appointed by the City to operate a Pound;
- (aa) **“Prohibited dog”** means:
- (i) a Pit Bull dog which is not a restricted dog;
 - (ii) a Pit Bull dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog; or
 - (iii) a dog, previously designated as a dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog;
- (bb) **“Puppy”** means any dog, male or female, 12 weeks of age or younger;
- (cc) **“Restricted Dog”** means a pit bull that:
- (i) was owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force, namely August 29, 2005; or
 - (ii) was born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force, namely November 29, 2005.
- (dd) **“Running at Large”** a dog shall be deemed to be running at large when found in any place other than the premises of the owner and not under the control of any person.

A dog shall not be considered to be running at large if it is a service or working dog as defined.

2. LICENSING OF DOGS

2.1. Licensing Requirement for Non-Designated Dogs: Every owner of a dog residing within the City shall cause the dog to be registered and licensed annually on or before the 31st day of December in the previous year or within thirty (30) days of becoming an owner of a dog.

2.2. Licensing Requirement for Designated Dogs: Every owner of a designated dog residing within the City shall comply with the following requirements:

- (a) **Five-Day Period:** Every owner of a designated dog shall cause the dog to be registered and licensed annually on or before the 31st day of December in the previous year or within five (5) days of becoming an owner of a restricted dog.
 - (b) **Proof of Liability Insurance:** Upon application for a licence, if the owner of a dog has been required by the Animal Control Officer to maintain a policy of liability insurance under subsection 9.1(n), the owner shall not be granted a licence unless he or she has provided with the licence application proof of said liability insurance, which must cover the twelve-month period during which licensing is sought.
- 2.3. **Certificate of Anti-Rabies Vaccination:** Upon application for a licence the owner of a dog shall be required to produce a certificate signed by a licensed veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months prior to the date of application for a licence.
- 2.4. **Licensing Fees:** Every owner of a dog shall pay the licence fee prescribed in the City of Cambridge Rate Review document.
- 2.5. **Expiry of Licence:** Any licence issued in a year shall expire on the last day of the calendar year in which it was issued (December 31st).
- 2.6. **Exceptions:** Despite sections 2.1 to 2.5, a licence is not required for:
 - (a) **Veterinarian:** No veterinarian shall be required to obtain a licence for dogs temporarily harbored at a veterinary clinic;
 - (b) **Breeding Kennel, Boarding Kennel, or Pet Daycare:** No Breeding Kennel, Boarding Kennel or Pet Daycare owner or operator shall be required to obtain a licence for animals that are clients of its business;
 - (c) **Service or Working Dog:** Upon providing proof of training satisfactory to the City, no owner of a service or working dog shall be required to pay a licensing fee for that dog; or
 - (d) **Puppy:** A dog under twelve weeks of age, unless the dog is a Restricted Dog.
- 2.7. **Tag:** On payment of the licence fee for a dog, the owner shall be furnished with a dog tag from the City bearing a serial number and the year for which it was issued, for each dog so licensed and registered.
- 2.8. **Removal of Tag:** The owner shall keep the tag securely fixed at all times on the dog for which it is issued except that the collar and tag may be removed while the dog is confined on the property where it is habitually kept.
- 2.9. **Replacement Dog Tag Fee:** The fee charged for the replacement of lost dog tags shall be in accordance with the City of Cambridge Rate Review.

- 2.10. Change of Address:** Every owner of a dog shall, within thirty (30) days of moving a dog, provide the City with the owner's new address and telephone number.
- 2.11. Licence from Outside of City:** Despite any other licensing fees contained herein, newcomers to the City of Cambridge who produce proof of a valid dog licence from another city may be issued a Cambridge Dog Licence for that dog, except a Restricted Dog, in accordance with the City of Cambridge Rate Review document, valid for the remainder of that calendar year.
- 2.12. Licence not Assignable or Transferable:** Every licence for a dog issued to an owner is personal to that owner and may not be assigned or transferred.
- 2.13. Licence Void:** Every licence and tag for a dog shall expire and become void upon the sale or death of the dog.

3. NUMBER OF DOGS

- 3.1 Maximum Number of Dogs Per Dwelling:** No person shall keep or permit to be kept more than three (3) dogs on his or her property.
- 3.2 Exceptions:** Section 3.1 of this by-law shall not apply to:
- (a) a Breeding Kennel licensed by the City;
 - (b) a Boarding Kennel licensed by the City;
 - (c) a Pet Daycare centre;
 - (d) Research facilities under The Animals for Research Act, R.S.O., 1990, C.A. 22 as amended, or any successor legislation;
 - (e) Educational facilities;
 - (f) Parades licensed by the City or Regional Municipality of Waterloo;
 - (g) Circuses;
 - (h) Veterinary hospitals;
 - (i) Pounds operated by the City; or
 - (j) The Cambridge and District Humane Society;

4. KENNELS

- 4.1 Licensing Requirement:** Every owner of a breeding or boarding kennel shall cause the kennel to be registered and licensed:
- (a) Prior to opening for business, for the current calendar year; and
 - (b) For every successive year, on or before the 31st day of December in the previous year.

- 4.2 Licensing Fee:** Every applicant for a breeding or boarding kennel licence pursuant to section 4.1 shall pay the licence fee prescribed in the City of Cambridge Rate Review Document.
- 4.3 Posting of License:** Every holder of a kennel license shall keep the license posted in a location visible to the public.
- 4.4 Prohibition:** No person shall operate or continue to operate a breeding or boarding kennel without a valid licence issued under section 4.1.
- 4.5 Permitted Locations:** No person shall operate a breeding or boarding kennel unless such kennel is located on lands where such a use is permitted under the City of Cambridge Zoning By-Law.
- 4.6 Minimum Distances:** No person shall operate a breeding or boarding kennel within a minimum of sixty (60) metres of any road allowance or any adjacent habitable building or building used for the keeping of livestock excluding buildings of the owner of the property on which the kennel is located.
- 4.7 Application Form:** Every person who is submitting an application for a breeding or boarding kennel licence shall submit such application in the proper form as provided by the City, including a detailed site plan and the appropriate fee, to the City or an agent thereof.
- 4.8 Fence Requirement:** Every owner of a breeding or boarding kennel shall erect and install a fence with a minimum height of five (5) feet, around every pen, or exercise yard, in a manner that prevents visibility from the exterior and provides acoustical barriers
- 4.9 Revocation of License:** After having given notice in writing, the City may at any time, cancel a breeding or boarding kennel licence when this By-Law is not being complied with, or when there are repeated complaints of noise as a result of the breeding or boarding kennel operation.
- 4.10 Written Notice:** The written notice described in Section 4.9 shall be delivered in person or mailed by a prepaid registered mail to the registered owner of the breeding or boarding kennel, at the last known address.
- 4.11 Expiry of Licence:** Any licence issued under section 4.1 shall expire on the last day of the calendar year in which it was issued (December 31st).
- 4.12 Compliance:** Every owner of a breeding or boarding kennel existing at the time of the passage of this by-law shall:
- (a) Not maintain more than the number of animals for which their existing facilities were designed; and
 - (b) Comply with the standards for the kennel contained in this by-law within fourteen (14) months of the passing of this by-law.
- 4.13 Residency:** Every owner of a breeding or boarding kennel shall reside on the property on which the kennel is located.

5. KENNEL CONDITIONS

5.1 **Construction and Maintenance:** Every owner of a breeding or boarding kennel shall construct and maintain the kennel facilities in accordance with the following:

- (a) No animal shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestations;
- (b) The kennel building and outdoor runs shall have floors and walls made of concrete or other impermeable material (including rigid plastic);
- (c) The floors of the kennel building and outdoor runs shall be drained immediately after water is present;
- (d) No water may sit on the floor of a kennel;
- (e) The yards and runways associated with kennel operation shall have adequate shelter and protection from the elements;
- (f) The kennel shall provide adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions;
- (g) Every kennel shall be constructed to provide the following pen minimum space per dog or sufficient room to permit the animal confined therein to stand normally to its full height, turn around easily and lie down in a fully extended position, whichever is greatest;

Up to 12 kgs	1.0 square meter per dog
12-30 kgs	2.0 square meters per dog
30-50 kgs	2.5 square meters per dog
Over 50 kgs	3.0 square meters per dog

6. OWNER REQUIREMENTS

6.1 **No Running at Large:** No person shall allow a dog to run at large in the City.

6.2 **Leash and Control:** Every dog owner shall ensure that his or her dog is under leash and under the effective control of an adult person, or under the effective control of a child who has an adult present with that child at all times, when off the premises of the owner.

6.3 **Exemptions:**

- (a) **Leash-Free Parks:** Section 6.1 shall not apply to a leash-free park designated by the City; and
- (b) **Adult:** For the purposes of Section 6.2, an adult is a person 16 years of age or older.

- 6.4 Maximum Length of Leash – Non-Designated Dog:** No person shall use a leash on a dog if said leash exceeds 2.4 meters (8 feet).
- 6.5 Maximum Length of Leash – Designated Dog:** Notwithstanding Section 6.4, in the case where the dog has been designated under this by-law as potentially dangerous, dangerous, or restricted, no person shall use a leash on said dog if the leash exceeds 0.9 meters (3 feet).
- 6.6 Prohibition Against Trespassing:** No owner of a dog shall permit the dog to trespass upon any private property.
- 6.7 Removal and Disposal of Excrement:** Every owner of a dog shall immediately remove and dispose of any excrement left by the dog on any property in the City other than the owner's property.
- 6.8 Restraint in Moving Motor Vehicle:** No person shall allow a dog to be in a moving motor vehicle in an area that is not enclosed, including the back of a pick up truck or a flat bed truck, unless the dog is:
- (a) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck, or
 - (b) Securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and cannot reach beyond the outside edges of the vehicle.
- 6.9 Behaviour of Dogs:** No owner shall cause or permit his or her dog to become a public nuisance by:
- (a) Persistently barking or howling;
 - (b) Damaging public or private property;
 - (c) Scattering garbage or interfering with waste management activities;
 - (d) Persistently barking at or chasing persons, vehicles, domestic animals, livestock, poultry, or other animals kept on an agricultural property;
 - (e) Using a public swimming pool, wading pool, or splash pad; or
 - (f) Being in a public park or recreational areas and not under the control of its owner, unless such park is a City-designated leash-free park.
- 6.10 Behaviour of Owner:** No owner of a dog shall engage in activity or conduct which is intended or is likely to cause the dog to bite or attack a person or animal.
- 6.11 Containment of Dog on Property:** An owner of a dog shall keep the dog contained on the owner's property, subject to the directions in this by-law.

6.12 Electronic Containment Device: An owner may use an electronic containment device to keep a dog contained if:

- (a) A sign is posted in a clearly visible fashion near all entryways to the dwelling, indicating that the electric containment device is in use;
- (b) The dog is not a potentially dangerous, dangerous or restricted dog;
- (c) The electric containment device is not located or used within four hundred meters (400 m) of a school property; and
- (d) The electronic containment device is not located or used within three meters (3m) of the property line.

7. RABID DOGS

7.1 Immediately Destroyed: The owner of a rabid dog shall immediately have the dog destroyed and delivered to the City Pound.

7.2 Costs: If the City Pound destroys the rabid dog, any costs associated with this action are to be borne by the animal owner.

8. DOG DESIGNATIONS: GENERAL

8.1 Designation: An Animal Control Officer may designate a dog as a potentially dangerous dog, a dangerous dog, a restricted dog, or a prohibited dog.

8.2 Notice Requirements: Any owner whose dog is designated as a potentially dangerous, dangerous, restricted or prohibited dog shall be served with a notice by an Animal Control Officer, such notice to include:

- (a) A statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous, dangerous, restricted or prohibited dog, as the case may be; and
- (b) The requirements that the owner must comply with in accordance with this By-Law and when such requirements take effect.

8.3 Service of Notice: Any notices served by the Animal Control Officer may be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail to the owner's last known address, shall be deemed received on the fifth working day after the date of mailing.

8.4 Compliance with Designation: Every owner and subsequent owner of a designated dog shall comply with each of the requirements of any designation.

- 8.5 Multiple Requirements within Designation:** If an owner fails to comply with more than one requirement of any Designation, failure to comply with each requirement constitutes a separate offence under section 15.1.
- 8.6 Request for Appeal:** Any owner of a dog who is required to muzzle a dog under Section 9 or 10 may submit a written request for an appeal hearing of the muzzle requirement.
- 8.7 Appeal Deadline:** Any appeal request under Section 8.6 shall be submitted to the City Clerk within 7 working days of the date of designation.
- 8.8 Muzzling Requirement In Effect:** A request of the owner of a dog for a hearing under this Subsection does not act as a stay of the muzzling requirement.

9. DOG DESIGNATIONS: POTENTIALLY DANGEROUS, DANGEROUS, OR RESTRICTED

9.1 Requirements: Where the Animal Control Officer designates a dog as a potentially dangerous dog, dangerous dog, or restricted dog and serves the owner with notice of such designation, the notice may require any or all of the following from the owner:

- (a) to keep the dog, when it is on the lands and premises of the owner, confined;
 - (i) within the owner's dwelling and under the effective control of an adult; or
 - (ii) in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the potentially dangerous dog while preventing it from escaping therefrom and preventing entry therein of unsupervised children;
- (b) to keep the dog under the effective control of an adult person and under leash, such leash to be approved by the Animal Control Officer and not to exceed 0.9 meters (3 feet) in length, at all times when it is not confined in accordance with subsection 9.1(a), or when it is off the owner's lands and premises;
- (c) when children under the age of 16 are in the owner's dwelling, to keep the dog caged, penned, or under the control of an adult;
- (d) to securely attach a muzzle to the dog at all times when it is not confined on the owner's lands and premises, or when it is off the owner's lands and premises;
- (e) to have a microchip inserted in the dog by a licensed veterinarian and to permit the Animal Control Officer to verify the implantation

of such microchip and supply the microchip information to the Animal Control Officer;

- (f) to provide the Animal Control Officer with the new address and telephone number of the owner within two (2) working days of moving the dog;
- (g) to provide the Animal Control Officer with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the dog;
- (h) to advise the Animal Control Officer within two (2) working days of the death of the dog;
- (i) to advise the Animal Control Office forthwith if the dog has run at large or has bitten or attacked any person or animal;
- (j) to purchase and display, at the entrance to the owner's dwelling which a person would normally approach and at any other place on the property as directed by the Animal Control Officer a warning sign or warning signs provided by the Animal Control Officer. The sign(s) shall be posted in such a manner that it/they cannot be easily removed by passersby and the sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance;
- (k) to have the dog sterilized and inoculated to provide immunization against rabies and to provide proof satisfactory to the Animal Control Officer that such procedure has been performed;
- (l) to provide a copy of the dog designation to any person who keeps or harbors the dog;
- (m) to cause the dog to wear the tag or tag(s) provided by the Animal Control Officer at all times; and
- (n) to provide, to the Animal Control Officer, within the timeframe specified by the Animal Control Officer, proof that the owner holds and maintains a policy of liability insurance in the amount of at least one million dollars, for injuries caused by the owner's designated dog. This policy shall name the City as an additional insured for the sole purpose of the City being notified by the insurance company of any cancellation, termination, or expiration of the policy. The policy shall be in force at all times during the dog's life.

9.2 Dangerous Dogs

- (a) **Additional Requirements:** In addition to the requirements set out in section 9.1, the notice for a dangerous dog may also prohibit the owner from keeping or harbouring the dog in a multiple dwelling or a lodging house.
- (b) **Exception:** Notwithstanding subsection 9.2(a), where the owner's dwelling is a multiple dwelling or lodging house, the notice may permit, at the discretion of the Animal Control Officer,

the dog to be kept or harboured at another location approved by the Animal Control Officer.

9.3 Restricted Dogs

- (a) **Additional Requirements:** In addition to the requirements set out in section 9.1, the notice for a restricted dog may also:
- i. Prohibit the owner from keeping or harbouring the dog in a multiple dwelling or a lodging house;
 - ii. If the restricted dog has a litter of puppies, require the owner to notify the Animal Control Officer, within two (2) working days of the birth of the puppies; and
 - iii. If the restricted dog has a litter of puppies, require the owner to deliver the offspring to the Pound within seven (7) days of the birth of the puppies to be disposed of in a humane manner or provide proof satisfactory to the Animal Control Officer, By-law Enforcement Officer or agent that the animals have been removed from the City.

10. DOG DESIGNATION: PROHIBITED DOGS

- 10.1 **Prohibited Dogs:** No person shall keep or harbor or permit a person to keep or harbour a prohibited dog.

11. IMPOUNDMENT OF DOGS

- 11.1 **Impoundment by Animal Control Officer:** Any dog may be seized and impounded by an Animal Control Officer if it is:

- (a) Found running at large;
- (b) A prohibited dog;
- (c) A restricted unlicensed dog;
- (d) Alleged to have bitten any person, and is ordered impounded by the Regional Medical Officer of Health in accordance with the Health Protection and Promotion Act, R.S.O., 1990, c.H.7;
- (e) Suspected of being rabid, and is ordered impounded by the Regional Medical Officer of Health in accordance with the Health Protection and Promotion Act, R.S.O., 1990, c.H.7; or
- (f) Behaving, or have behaved in a manner that is in contravention of any City by-law, or the owner is keeping the dog in contravention of any City by-law.

- 11.2 **Impoundment by Any Person:** Any person may capture a dog running at large or trespassing on his or her property and deliver it to the Animal Control Officer.

11.3 Length of Impoundment:

- (a) **General:** Unless otherwise permitted or directed under this by-law, the Animal Control Officer shall keep any impounded dog for at least three (3) working days after the date of seizure and impounding before allowing the dog to be sold or otherwise disposed of;
- (b) **Female Dog in Heat:** any female dog found to be running at large who is in heat may be held by the Animal Control Officer until no longer in heat, up to a maximum of twenty-one (21) days with the costs of such impoundment to be borne by the dog owner;
- (c) **Potentially Dangerous, Dangerous, or Restricted Dog:** the Animal Control Officer may refuse to release an impounded potentially dangerous, dangerous, or restricted dog to its owner or any other person if the Animal Control Officer is not satisfied that the owner or person is aware of and will comply with the requirements for keeping the dog;
- (d) **Prohibited Dog:** the Animal Control Officer may dispose of an impounded prohibited dog in a humane manner as soon as practicable;
- (e) **Suspected Rabid Dog:** the Animal Control Officer may keep an impounded dog that is suspected of being rabid under supervised quarantine for a period as set out in an order of the Regional Medical Officer of Health and in accordance with the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, or any successor legislation.

11.4 Power to Immunize Against Rabies: Any impounded dog that is not wearing a tag for the current year may be given an inoculation by the Poundkeeper to provide immunization against rabies.

11.5 Release of Dog: An Animal Control Officer may release an impounded dog to an owner at any time unless otherwise directed by this by-law.

11.6 Conditions for Release: An Animal Control Officer may require any of the following of the owner prior to releasing the dog, and may refuse to release the dog until such conditions are met:

- (a) That the dog be licensed for the current year;
- (b) Payment of any pound and maintenance fees;
- (c) Payment for the cost of any vaccination or medical treatment administered; or
- (d) Reimbursement of any costs incurred by the Pound during impoundment of the dog.

12. SALE AND DESTRUCTION OF DOGS

12.1 Power to Dispose or Sell:

- (a) **General:** Unless otherwise directed in this by-law, if a dog has been impounded and has not been restored to its owner in accordance with section 11.3, the dog may be:
 - i. Disposed of by the Animal Control Officer in a humane manner; or
 - ii. Sold by the Animal Control Officer for such price as the Animal Control Officer deems reasonable.
- (b) **Proceeds of Sale:** The sale price of any dog sold by the Animal Control Officer shall belong to the City.
- (c) **Notice of Designation:** When selling or disposing of a dog pursuant to this by-law, the Animal Control Officer shall give notice of any known Designation and resulting requirements of keeping the dog in the City to a person prior to transferring ownership of the dog to that person.

12.2 Power to Destroy: Notwithstanding section 12.1, an Animal Control Officer may cause a dog to be destroyed at any time:

- (a) If the dog is injured, and in the Animal Control Officer's opinion it would be inhumane to wait for the dog to be reclaimed or sold;
- (b) If the dog is not claimed within three (3) working days of its impoundment, unless otherwise provided in this by-law, in which case, the dog may be destroyed upon the expiry of the impoundment period as set out in this by-law;
- (c) If the dog is a potentially dangerous/dangerous/restricted dog and the Animal Control Officer, after fourteen (14) days, is not satisfied that the owner or any other person claiming the dog will comply with the requirements for keeping the dog;
- (d) If the dog is a prohibited dog; or
- (e) If the dog is rabid.

12.3 Costs: Any costs incurred by the Pound, including but not limited to the costs of impoundment, inoculation during impoundment, to destroy a dog, and/or for medical treatment administered during impoundment shall be paid to the Pound to by the dog owner.

13. CARE OF DOGS

- 13.1 **Obligation to Care:** Any person who owns a dog, or any owner of a breeding or boarding kennel, shall continuously ensure that the animal is provided with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required.

14. ADMINISTRATION AND ENFORCEMENT

- 14.1 **Power:** Any Animal Control Officer may enter on land at any reasonable time for the purpose of enforcing this by-law.

- 14.2 **Inspection Powers of Animal Control Officer:** For the purposes of an inspection under this by-law, 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 or extracts;
- (c) Require information from any person concerning a matter related to the inspection; 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 purposes of the inspection.

- 14.3 **Remedial Powers:** Where any act or thing required to be done in accordance with this by-law is not done, the City, and/or its agent(s) may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

- 14.4 **Prohibition on Obstruction:** No person or persons shall obstruct, hinder, delay or prevent the Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, in the exercise of any power conferred or the performance of any duty imposed by this by-law.

15. OFFENCE

- 15.1 **Contravention:** Every person or owner who contravenes any provision of this by-law is upon conviction guilty of an offence and is liable to a fine recoverable under the *Provincial Offences Act*, R.S.O, 1990, c. P.33, as amended, or any successor legislation.

16. LIABILITY

- 16.1 **No Liability:** The City, its agents and servants, the Animal Control Officer and Poundkeeper shall not be liable for damages or compensation for any dog destroyed or sold under the provisions of this by-law and no such damages or compensation shall be paid to any person.

17. SEVERABILITY

17.1 Continued Force and Effect: Should any part of this by-law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the by-law shall be read as if the offending section has been struck out.

18. SHORT TITLE

18.1 Dog By-Law: This by-law may be cited as the Dog By-Law.

19. REPEAL

19.1 By-Laws Repealed: By-Law No. 159-13 is hereby repealed on January 1, 2014.

20. EFFECTIVE DATE

20.1 Date: This by-law shall come into force on January 1, 2014.

READ A FIRST, SECOND AND THIRD TIME.

ENACTED AND PASSED, THIS 21ST DAY OF OCTOBER, 2013, A.D.

Doug Craig

MAYOR

Iidia Sa Melo

DEPUTY CLERK