

THE CORPORATION OF THE MUNICIPALITY OF MACHIN

BY-LAW NUMBER 41-2018

Being a By-law to Rescind By-law 38-2011 and
Being a By-law of The Corporation of the Municipality of Machin
to Regulate the Keeping of Animals and to Confirm Fees and Charges As
Imposed For Animal Control Protection and Enforcement
in the Municipality of Machin.

WHEREAS Section 10 of the *Municipal Act*, R.S.O. 2001, as amended provides that may provide any service or thing that the municipality considers necessary or desirable for the public, and

WHEREAS Section 10 of the *Municipal Act*, R.S.O. 2001, as amended, enables a single-tier municipality to pass by-laws respecting animals, and

WHEREAS Section 8 of the *Municipal Act*, R.S.O. 2001, as amended, provides that a by-law under Section 10 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 licenses respecting the matter, and

WHEREAS Section 8 of the *Municipal Act*, R.S.O. 2001, as amended, provides that a by-law under Section 10 may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate, and

WHEREAS Section 103 of the *Municipal Act*, R.S.O. 2001, as amended, provides that a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, may provide for the seizure, impounding, and sale, under certain conditions, of such animals, at such time and in such manner as is provided in the by-law; for the establishment of procedures for the voluntary payment of penalties in such matters; and for recovery of fines under the Provincial Offences Act, if necessary, and

WHEREAS Section 105 of the *Municipal Act*, R.S.O. 2001, as amended, relates to muzzling of dogs, and council's powers to hold a hearing regarding exemptions to muzzling, and

WHEREAS related provisions exist under the *Dog Owners Liability Act*, the *Pound Act*, and the *Animals for Research Act*, and

WHEREAS Section 128 of the *Municipal Act*, R.S.O. 2001, as amended, allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that in the opinion of council, are or could become or cause public nuisances, and

WHEREAS Section 129 of the *Municipal Act*, R.S.O. 2001, as amended, allows a local municipality to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MACHIN ENACTS AS FOLLOWS:

THAT the Corporation of the Municipality of Machin develops this By-Law to provide and regulate standards for the keeping of animals and to provide for fees and charges for animal control protection and enforcement in the Municipality of Machin and to read as follows:

By-Law #41-2018
Regulate the Keeping of Animals
Page 2

Part I - Application and Interpretation

1.1 Application

This by-law applies to all property within the Municipality of Machin except property owned or occupied by the Province of Ontario, Canada, or The Corporation of the Municipality of Machin (the "Corporation").

1.2 Higher Standards deemed to be Prescribed

1.2.1 Where another by-law in force in the Municipality establishes higher standards than those expressly set out herein, such higher standards shall be deemed to be prescribed in this By-Law.

1.3 Definitions

1.3.1 In this By-law:

Aggressive Dog shall mean any Dog that has attacked or bitten or attempted to attack or bite a person or Domestic Animal without provocation, or has a known propensity, history, tendency or disposition to bite or attack persons or other Domesticated Animals without provocation.

Animal shall mean any member of the Animal kingdom including cows, goats, swine, horses, mules, venomous reptiles, pythons and boas longer than 6 feet, crocodilian and all other Animals normally considered as Livestock.

Animal Containment Area shall mean such premises and facilities designated by the Corporation.

Animal Containment Area Keeper shall mean the person appointed by the Corporation as the Animal Control Officer.

Animal Control Officer shall mean a person or persons appointed by the Council of the Corporation to enforce the provisions of this by-law.

Blind Person shall mean a Blind Person within the meaning of the *Blind Persons Rights Act*.

By-Law shall mean the Animal Control By-Law.

Cage shall mean a structure used for the housing of Animals.

Cat shall mean any member of the species "felis catus", neutered or intact, that has been domesticated and is over the age of 12 weeks.

Council shall mean the Council of the Corporation of the Municipality of Machin.

Corporation shall mean the Corporation of the Municipality of Machin.

Dangerous Dog shall mean a dog, which has been declared a dangerous Dog as set out in the provisions of the *Dog Owners Liability Act*.

Dog shall mean any member of the species "canis familiaris", neutered or intact, that has been domesticated and is over the age of 12 weeks.

Domesticated Animal shall mean Animals kept by or living with human beings for work or companionship or kept as a pet. Domestic and Domesticated shall have corresponding meanings.

By-Law #41-2018
Regulate the Keeping of Animal
Page 3

Part I - Application and Interpretation (con't)

Domestic Fowl shall mean live Domestic Fowl including chickens, ducks, geese, turkeys and pigeons. Domesticate and Domesticated shall have corresponding meanings.

Dwelling shall mean Building or Structure occupied or capable of being occupied for the purpose of human habitation.

Dwelling Unit shall mean a suite operated as a housekeeping unit, or intended to be used as a domicile by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities.

Exotic Animals shall mean any Animal or Animals of any class and classes listed on Schedule "B", attached to and forming part of this By-Law.

Farm shall mean any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; breeding, raising, training or boarding of horses or cattle; commercial greenhouses; farms devoted to the hatching, raising and marketing of chicken, turkeys, or other fowl or game birds, animals, fish or frogs; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises; nurseries; orchards; raising of sheep or goats; raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined. Farm includes a single-family dwelling unit, and such principle or main buildings and structures as a barn or silo, as well as accessory buildings and structures, which are incidental to the operation of the farm.

Guide Dog shall mean a Guide Dog within the meaning of the *Blind Persons' Rights Act*.

Harbour shall mean to give Shelter or protection to, feed, care for, or have control over an Animal, indoors or outdoors.

Horse shall mean a large, solid-hoofed, herbivorous quadruped (equus caballus), bred in a number of varieties, and used for carrying or pulling loads, and for racing.

Household Pet means a Domestic Animal that is taken into the care of one or more persons for the purpose of personal enjoyment or protection which normally spends time in the Dwelling Unit of the owner and shall include but not be limited to caged birds, caged rodents or Rabbits, Cats, Dogs, tropical fish and non-poisonous indigenous Reptiles but shall not include Livestock or any Prohibited Animal as listed in Schedule "B".

Part I - Application and Interpretation (con't)

Kennel means: a house or shelter for a dog or a cat; or, an establishment where dogs or cats are bred, raised, trained, or boarded; and shall include the following:

- a) **Kennel, Breeding** shall mean a place where Animals are kept for the purposes of reproduction, and the use of or sale of the offspring.
- b) **Kennel License** shall mean a License issued for a Breeding Kennel, a Shelter Kennel or a Working Kennel.
- c) **Kennel, Shelter** shall mean a place where Animals are kept, for a fee, and operated as a commercial business or by the Humane Society as a service to the community.
- d) **Kennel, Working** shall mean a place where a group of Animals are kept for a specific purpose, such as hunting, security, tracking, obedience, rescue or mushing.

Leash shall mean a strap or cord for restraining and guiding a Dog or other Animal, adequate to control the Animal to which it is attached, and securely attached to the Animal by a collar, choke collar or harness.

Licence shall mean an Animal License issued by the Licence Officer: i.e. when used in reference to a Dog shall mean Dog Licence, etc.

Licence Officer shall mean the person employed by the Corporation as the Animal Control Officer or the Animal Control Officers representative.

Livestock shall mean any Animal listed in Table 1 of the Minimum Distance Separation (MDS) Formula Implementation Guidelines (Publication 707), *Ministry of Agriculture, Food and Rural Affairs*, as amended, and includes swine, cattle, goats, sheep, horses, chickens, turkeys, quail, partridges, pheasants, squab, rheas, emus, ostriches, cassowaries, kiwis, pecking ducks, Muscovy ducks, geese, rabbits, chinchillas, fox, mink, bison, llama, alpaca, wild boar, white tailed deer, red deer, fallow deer, and elk; and any Animal listed on Schedule "B" or Schedule "C" or the *Ontario Ministry of Agriculture Food and Rural Affairs Ontario Wildlife Damage Compensation Program Guidelines*, as amended; and any Animal listed in Ontario Regulation 329/11 under the *Protection of Livestock from Dogs Act R.S.O. 1990, c. L.24*, as amended; and any Animal listed as a Farm Animal in Regulation SOR/2000-233 Compensation for Destroyed Animal Regulation passed pursuant to the *Health of Animals Act, S. C. 1990, c. 21*, as amended; and any species of Animal or bird prescribed by the *Ontario Ministry of Agriculture Livestock and Rural Affairs* as livestock.

Microchip shall mean an approved Canadian standard encoded identification device implanted into an Animal which is programmed to store a unique and permanent identification number that permits access to owner information which is stored in a database.

Municipal Animal Facility shall mean the facility owned and maintained by the Municipality for the use of housing Animals that have been surrendered or have been picked up as a result of any contravention of this By-Law.

Part I - Application and Interpretation (con't)

Municipality shall mean The Corporation of the Municipality of Machin.

Muzzle shall mean a humane fastening or covering device of adequate strength over the mouth of an Animal and Muzzled has a corresponding meaning.

Neutered shall mean spayed in the case of female Animals and castrated in the case of male Animals.

Nuisance Animal shall mean any Animal in respect of which there have been two or more convictions for offences under this By-Law.

Owner shall mean a Person who possesses or harbours an Animal, and where the Owner is a minor, includes the Person responsible for the custody of the minor.

Pen shall mean the same as Cage.

Pets shall mean Dogs, Cats, guinea pigs, birds, Rabbits, and other Animals and birds which are normally considered to be Domestic Pets, and which are kept for pleasure and not for use or profit.

Person shall mean any human being, corporate entity, partnership, or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the contest may apply.

Police Work Dog shall mean a Dog trained for and engaged in police business.

Poultry shall mean Domestic Fowl, such as chickens, turkeys, ducks, and geese and the young of any of them; and includes game birds, where the game birds are kept pursuant to a License under *The Game and Fish Act* or *The Migratory Bird Convention Act*.

Pound shall mean such premises and facilities designated by the Municipality, under the authority of the *Pounds Act*, for the purposes of impounding and caring for Animals.

Property shall mean a Building or Structure or part of a Building or Structures, and includes the Lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile Structures, outbuildings, Fences and erections thereon whether heretofore or hereafter erected, and includes Vacant Property.

Rabbit shall mean a male or female Domestic Rabbit.

Reptile shall mean and member of the class Reptilian.

Running at Large shall mean, in relation to Animals, any Animal being on any Property other than the Owner's Property or Property the is allowed to and not Restrained by a Leash or other secure means by which a person is capable of properly Restraining the Animal.

Registration shall mean the tag issued by the Municipality upon payment of the appropriate Registration fee.

Restrained shall mean being kept inside a building or house or in an enclosure of sufficient dimension, and to prevent the Animal from coming in contact with Persons other than the Owner of the Animal.

Part I - Application and Interpretation (con't)

Shelter shall mean any Pen, loft, coop, hutch, tank, run, Cage, enclosure, building, barn, Stable or Structure used or designed to provide Shelter for an Animal from the elements and to prevent the Animal from Running at Large.

Stable shall mean a building or part of a building adapted for keeping of more than four Horses, or other Animals whether or not for profit or gain, and includes the appurtenant paddock, exercise, and feeding areas, and shall include the following:

- a) **Boarding Stable** shall mean a place, including buildings and Property, where Horses are kept, for a fee, and operated as a commercial business;
- b) **Breeding Stable** shall mean a place, including buildings and property, where Horses are kept for the purposes of reproduction and the use of or sale of the offspring, as a hobby or a professional enterprise, and there are no more than two breeding Horses of no more than two breeds;
- c) **Working Stable** shall mean a place, including buildings and property, where a group of Animals are kept for a specific purpose such as hunting, security, tracking, obedience, rescue or exhibitions.

Structure shall mean anything other than a building that is erected, built or constructed or requires a foundation to hold it erect. The term includes: television earth stations, television antennae, signs, swimming pools and above ground fuel storage tanks. The term does not include: vegetation, fences, driveways, patios, sidewalks or retaining walls.

Trespass shall mean, the act of an Animal entering or remaining on privately-owned Property, other than a Property owned or occupied by the Animal's Owner, without the express permission of the Owner or occupant of that Property.

Undomesticated Animal shall mean any Animal or Reptile which is Wild by nature, whether born in captivity or free and which is kept for any purpose other than commercial fur production, but does not include Exotic Animals or any rodent or bird.

Wild Animal shall mean any Animal or Reptile which is Wild by nature, whether born in captivity or free and which is kept for any purpose other than commercial fur production, but does not include Exotic Animals or any rodent or bird.

Working Animal shall mean while such Animals are actively in use for such purposes, includes, but is not limited to, an Animal that is trained to assist a Person with a disability and includes those trained for vision impaired, hearing impaired or other special needs; an Animal that is used for herding Animals; an Animal trained to aid law enforcement officers; an Animal properly licensed through the Ministry of Natural Resources for the purpose of hunting; and shall include Animals or a group of Animals that are kept for a specific purpose such as hunting, security, tracking, obedience, rescue, or mushing.

Part II - Applicability

2.1 Specific Interpretation Rules

2.1.1 This By-law shall not apply to the following:

2.1.1.1 Domestic Animals including but not limited to hamsters, gerbils, guinea pigs, mice, birds, fish, non-venomous Reptiles, amphibians, spiders, and snakes, if totally confined within a Dwelling or premises and used for hobby purposes only and not for sale.

2.1.1.2 Undomesticated, Exotic Animals or Wild Animals.

2.1.1.3 A recognized business for the grooming and/or aesthetic treatment of Animals.

2.1.1.4 A pet store.

2.1.1.5 The Pound operated by the Municipality.

2.1.1.6 Animals maintained in a zoo, fair, exhibition or circus, licenced if required by the Municipality.

2.1.2 Operations listed in Sections 2.1.1.1 through 2.1.1.6 must be properly zoned to allow for the uses set out therein.

2.2 Legislation

2.2.1 References to legislation in this By-law are printed in italic font and are references to Ontario Statutes. Where the year of the statute appears as part of its name, the reference is to the Statutes of Ontario for that year, and the chapter bearing the same name. Where the year of the statute does not appear as part of its name, the reference is to the Revised Statutes of Ontario, 1990 version. In both cases, however, this By-law is considered to speak to the law as amended from time to time, including successor legislation, and including all regulations passed in accordance with the statute. For example, a reference to the *Building Code Act, 1992* incorporates reference to the *Ontario Building Code*, which is *Regulation 332/12* passed under that statute.

2.3 Severability

2.3.1 If any section, paragraph, clause, sentence or word in this By-law is declared by any court or tribunal of competent jurisdiction to be void or illegal, that particular portion of the By-law shall be deemed to be severable from the balance of the By-law, and the remainder of the By-law shall continue to be considered valid and binding.

Part III - Administration and Enforcement

3.1 Administration

3.1.1 The Corporation is responsible for the administration of this By-Law and for keeping a record of each Animal registered, showing the License tag number, the Owner's name and address and description of the Animal Licensed and any additional information collected for that purpose.

3.2 Enforcement

3.2.1 The Animal Control Officer, the Ontario Provincial Police, the Municipal Law Enforcement Officer, or any such Person duly appointed to enforce this By-Law is responsible for the enforcement of this By-Law.

Part IV - Standards for Keepers of Animals

4.1 Application of Standards

4.1.1 Subject to the provisions of this By-Law, no Person shall Harbour more than four Animals inside the unit on the premises of a single-detached Dwelling.

4.1.2 Subject to the provisions of this By-Law, no Person shall Harbour more than two Animals inside each unit on the premises of a multi-unit Dwelling.

4.1.3 For the purposes of this Section, Animals 12 weeks and younger shall not be counted in determining the number of Animals on the premises.

4.1.4 For the purposes of this Section, it shall be construed that the number of Animals permitted is per Dwelling or per premises or per unit and not per Person occupying said Dwelling, premises, or unit.

4.1.5 This Section does not apply to:

4.1.5.1 A non-profit or commercially-operated riding school;

4.1.5.2 A Farm;

4.1.5.3 Operations listed above shall be properly zoned.

By-Law #41-2018
Regulate the Keeping of Animals
Page 9

4.2 Public Nuisance

- 4.2.1 No Owner shall allow an Animal or premises to become a Public Nuisance.
- 4.2.2 The following shall be considered a Public Nuisance:
 - 4.2.2.1 An Animal persistently or excessively barking, howling or making other noise;
 - 4.2.2.2 An Animal dumping or scattering garbage or trash;
 - 4.2.2.3 An Animal persistently chasing vehicles or pedestrians who are using public or private property within the limits of the Municipality;
 - 4.2.2.4 An offensive odour emanates from the premises which unreasonably disturb the comfort of neighbours or residents.
- 4.2.2 No Owner shall allow a Kennel, Stable, or riding centre to become a public nuisance.
- 4.2.3 A Kennel, Stable, or riding center shall be considered a public nuisance if:
 - 4.2.3.1 Persistent or excessive barking, howling or other noise emanates from the premises; or
 - 4.2.3.2 An offensive odour emanates from the premises which unreasonably disturb the comfort of neighbours or residents.
- 4.2.4 Every Person who owns, Harbours, possesses or is in control of any Animal within the settlement areas of the Municipality shall remove forthwith and dispose of any excrement left by said Animal on any public or private Property in the Municipality other than the premises of the Owner of the Animal.
- 4.2.5 An Owner of a non-Neutered female Animal shall, for the duration it is in heat, keep it confined so it will not attract other Animals.

4.3 Animals Running at Large or Trespassing

- 4.3.1 No Person shall suffer, allow or permit any Animal of which he or she is the Owner to Run at Large or Trespass within the limits of the Municipality.
- 4.3.2 An Officer may seize an Animal Running at Large.

4.4 Exemptions to Running at Large

- 4.4.1 A Working Animal, as defined in this By-Law, shall not be considered Running at Large if it is actively in use for purposes as defined in Section 1.3.
- 4.4.2 An Animal shall not be considered to be Running at Large if it is on the Owner's Property, or on a leash, or "at heel" beside a Person and is obedient to that Person's command.

4.5 Muzzling and Leashing of Dogs

- 4.5.1 Immediately after the first incident where a Dog has bitten or attempted to bite a Person or a Domestic Animal without provocation, every Owner shall ensure that the Dog is Muzzled and Leashed while said Dog is on any Property in the Municipality, including the premises of the Owner of the Dog.
- 4.5.2 Every Owner of a Dog that has bitten a Person or Domestic Animal shall ensure that, when the Dog is on the premises of the Owner:
 - 4.5.2.1 The Dog is confined within the Dwelling unit located on the premises; or
 - 4.5.2.2 The Dog is in an enclosed Pen of construction and sufficient dimension to provide for the humane Shelter but which prevents the Dog's escape, or entry therein by of unsupervised children.
- 4.5.3 Where the Owner of the Dog objects to the Muzzling or Leashing requirement set forth in Section 4.5.1 above, the Owner of the Dog may request and is entitled to a Hearing by the Council of the Municipality. The Council, may by resolution, delegate the holding of the aforesaid hearing to a Committee of Council or to an Officer. Council or the Committee of Council or the Officer, if so delegated, may in its/his/her sole discretion exempt the Owner from the Muzzling or Leashing requirement contained in Section 4.5.1.

4.6 Aggressive or Dangerous Dogs

- 4.6.1 The Municipal Law Enforcement Officer may declare a Dog to be Aggressive or Dangerous, subject to the definitions provided in this By-Law, and subject to the findings of an investigation as set out in Section 4.7.2.
- 4.6.2 To determine if a Dog should be declared Aggressive or Dangerous, an investigation may take into consideration the following circumstances:
 - 4.6.2.1 The past and present temperament and behaviour of a Dog and the propensity, tendency or disposition to bit or attack Persons or other Domesticated Animals without provocation;
 - 4.6.2.2 The seriousness of any injuries caused by the Dog biting a person or Domestic Animal;
 - 4.6.2.3 Unusual contributing circumstances tending to justify the action of a Dog;
 - 4.6.2.4 The probability that a similar attack will be repeated;
 - 4.6.2.5 The Dog's physical potential for inflicting harm;
 - 4.6.2.6 Precautions taken by the Owner to preclude similar attacks or threatened actions to attack in the future; and
 - 4.6.2.7 Any other circumstances that an Officer considers to be relevant.

4.6 Aggressive or Dangerous Dogs (con't)

- 4.6.3 Within seven days of a Dog being impounded under the circumstances set out in Section 4.7.2, an Officer shall investigate the circumstances of the biting or attacking by the Dog, or of the complaint.
- 4.6.4 The Dog shall remain impounded until an Officer has completed his/her investigation and the Municipal Law Enforcement Officer has made his declaration.
- 4.6.5 A declaration by the Municipal Law Enforcement Officer that a Dog is Aggressive or Dangerous shall be in writing.
- 4.6.6 Where the Municipal Law Enforcement Officer has declared a Dog to be an Aggressive or a Dangerous Dog as provided in this Section, the Municipal Law Enforcement Officer may Order:
 - 4.6.6.1 That the Dog be thereafter Muzzled and or Leashed as set out in Section 4.6, or
 - 4.6.6.2 That the Dog be destroyed in such manner as provided in the Order.
- 4.6.7 An Order under Section 4.7.6 shall be in writing by the Municipal Law Enforcement Officer.
- 4.6.8 Where the Owner of the Dog objects to the Order issued under Section 4.7.6 above, the Owner of the Dog may request and is entitled to a hearing by the Council of the Municipality. The Council, may, by resolution, delegate the holding of the aforesaid hearing to a Committee of Council or to an Officer. Council, the Committee of Council, or the Officer, if so delegated, may in its/his/her sole discretion exempt the Owner from the Order issued under Section 4.7.6.
- 4.6.9 Impound fees shall be payable by the Owner as set out in Section 4.8.

4.7 Impoundment of Animals

- 4.7.1 An Officer who has seized an Animal found Running at Large or Trespassing may return the Animal 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 Animal within the redemption period as set out in Section 4.8.8
- 4.7.2 In the event an Animal is not redeemed by the Owner within the redemption period, the Animal shall become the Property of the Municipality, which may sell it or dispose of it as deemed fit. When not practical to impound, an Animal 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 an Animal being destroyed or other method of disposition.

4.7 Impoundment of Animals (con't)

- 4.7.3 The Owner of every Animal impounded, whether or not the Animal 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 euthanasia and disposal fees.
- 4.7.4 No Animal shall be released from the pound to an Owner until all fees have been paid in full.
- 4.7.5 In the event that an Animal has not been redeemed within the redemption period and the Animal has become the property of the Municipality, the Municipal Law Enforcement Officer may order the Animal destroyed or place an Animal that is suitable as a pet with a new Owner or organization such as the OSPCA or a humane society and attach such conditions as the Municipality may prescribe.
- 4.7.6 Where an Animal that has been impounded is injured or, in the opinion of the Officer, should be destroyed without delay for humane reasons or safety to persons or other Animals, the Officer may destroy, on written approval by the Municipal Law Enforcement Officer, the Animal 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.
- 4.7.7 When, in the judgement of the Municipality or its agents, an impounded Animal should be destroyed for humane reasons, such Animal may not be redeemed.
- 4.7.8 The minimum redemption period shall be three days, excluding the day on which the Animal was seized.

4.8 Kennels

- 4.9.1 No Person shall operate or continue to operate a Kennel without a valid Licence.
- 4.8.2 No Person shall operate a Kennel except in accordance with the terms and conditions of the Kennel Licence issued by the Municipality.
- 4.8.3 Every Owner of a Kennel shall apply for and pay an annual Licence fee as set by the Municipality.
- 4.8.4 An application for a Kennel Licence or renewal shall be submitted in the proper form, including a detailed site plan and the appropriate fee, to the Municipality.
- 4.8.5 Any applications for a new Kennel shall be subject to circulation to Properties within 120 metres of the Kennel premises to obtain comments from Property Owners. Any objections shall be submitted in writing and shall be compiled into a report to Council for a decision as to whether or not a Licence shall be granted. Council may, by resolution, delegate its decision-making authority in this instance to a Committee of Council, or the Officer, if no objections are received, a Licence shall be issued.

4.8 Kennels (con't)

4.8.6 All Kennel Licences shall be valid for the calendar year in which they are issued, unless otherwise suspended or cancelled.

4.9 Conditions / Exemptions for Kennels

4.9.1 An Owner of a Kennel shall ensure that the Kennel conforms to the provisions of the Municipality's Official Plan and Comprehensive Zoning By-Law and no Kennel, run, or exercise yard shall be erected contrary to the provisions of those documents.

4.9.2 On direction by the Municipality, an Owner of a Kennel shall erect and install a proper fence, around every Pen, run or exercise yard to standards set by the Municipality.

4.9.3 Notwithstanding the provisions of this By-Law, the Municipality may, in its absolute discretion, limit the number of Animals which may be kept in the Kennel as a condition of Licence.

4.9.4 Owners of Shelter Kennels or Breeding Kennels shall ensure that all Animals are affixed with Municipality identification, per Section 4.10, prior to the release of an Animal to the new Owner.

4.9.5 Municipality identification purchased by an Owner of a Working Kennel will be at a discounted rate, as established by Council from time to time, and may be removed while the Animal is being lawfully used as defined in the Section 1.3.

4.10 Cancellation of Licence

4.10.1 No less than 30 days after having given notice in writing, the Municipality may cancel a Kennel Licence when it is of the Municipality's opinion that the continued operation of the Kennel is not in the best interest of the Municipality. Such grounds for cancellation shall include unresolved problems of noise, sanitation, care of Animals as established by the *Pound Act* or other legislation, or uses other than permitted by the Kennel Licence.

4.10.2 The written notice described in Section 4.11.1 shall be delivered in person or mailed by registered mail to the registered Owner of the Kennel. In the case where the Kennel Owner does not own the Property on which the Kennel is located, the notice shall be given to both Kennel Owner and the Property Owner.

4.10.3 In the event a Kennel Owner has been given notice of intent to cancel a Kennel License, the Owner of such a Kennel may, within 10 days of the date of the notice, request and is entitled to a hearing by the Council of the Municipality. The Council, may, by resolution, delegate the holding of the aforesaid hearing to a committee of Council or to an Officer. Council, the committee of Council, the Officer, if so delegated, may in its/his/her sole discretion exempt the Owner from the Order issued under Section

By-Law #41-2018
Regulate the Keeping of Animals
Page 14

4.11 Stables

- 4.11.1 An Owner of a Stable shall ensure that the Stable conforms to the provisions of the Municipality's Official Plan and the Comprehensive Zoning By-Law and no building, paddock, exercise area or feeding area shall be erected contrary to the provisions or those documents.
- 4.11.2 On direction by the Municipality, an Owner of a Stable shall erect and install a proper fence around the premises to standards set by the Municipality.
- 4.11.3 Notwithstanding the provisions of this By-Law, the Municipality may, in its absolute discretion, limit the number of Horses which may be kept in a stable.

4.12 Keeping of Domestic Fowl

- 4.12.1 Domestic Fowl shall include only birds as defined in Section 1.3.
- 4.12.2 No Owner shall allow or permit his or her fowl to Run at Large.
- 4.12.3 No Person shall keep a rooster within the urban boundary of the Municipality.
- 4.12.4 No Owner shall keep more than one type of fowl within the urban boundary of the Municipality.
- 4.12.5 The maximum number of fowl permitted on a residential property within the urban boundary of the Municipality shall be as follows:
 - 4.12.5.1 Chicken - 6 birds excluding fowl 12 weeks old or less
 - 4.12.5.2 Ducks - 6 birds excluding fowl 12 weeks old or less
 - 4.12.5.3 Geese - 6 birds excluding fowl 12 weeks old or less
 - 4.12.5.4 Turkey - 6 birds excluding fowl 12 weeks old or less
- 4.12.6 All fowl coops shall be located in the rear yard and must be fully enclosed and constructed so as to prevent the fowl from escaping.
- 4.12.7 All fowl coops shall be designed and constructed to ensure proper ventilation and sufficient space for the fowl.
- 4.12.8 All fowl coops shall be maintained in accordance with good animal husbandry practices and shall keep all vermin out.
- 4.12.9 All Properties on which fowl are kept shall have:
 - 4.12.9.1 Detached Dwellings in existence and occupied,
 - 4.12.9.2 A minimum frontage of 50 feet, and
 - 4.12.9.3 A minimum depth of 110 feet, and
- 4.12.10 Fowl Coops on all Properties shall be located in the rear yard as follows:
 - 4.12.10.1 A minimum of 25 feet from the rear lot line, and
 - 4.12.10.2 A minimum of 20 feet from any side lot line.
- 4.12.11 All dead fowl must be disposed of immediately and in any event, within 24 hours.

By-Law #41-2018
Regulate the Keeping of Animals
Page 15

4.12 Keeping of Domestic Fowl (con't)

4.12.12 All fowl feces must be promptly removed on a daily basis and stored in an hygienic space.

4.12.13 All fowl food supply shall be protected against Vermin.

4.13 Keeping of Rabbits

4.13.1 Rabbits shall include only Rabbits as defined in Section 1.3.

4.13.2 No Owner shall allow or permit his or her Rabbits to Run at Large.

4.13.3 The maximum number of Rabbits permitted on a residential property within the urban boundary of the Municipality shall be as follows:

4.13.3.1 Rabbits - 6 animals excluding Rabbits 12 weeks old or less

4.13.6 All Rabbits shall be located in the rear yard and the rabbitry must be fully enclosed and constructed so as to prevent the Rabbits from escaping.

4.13.7 The Rabbitry shall be designed and constructed to ensure proper ventilation and sufficient space for the Rabbits.

4.13.8 The Rabbitry shall be maintained in accordance with good animal husbandry practices and shall keep all vermin out.

4.13.9 All Properties on which Rabbits are kept shall have:

4.13.9.1 Detached Dwellings in existence and occupied,

4.13.9.2 A minimum frontage of 50 feet, and

4.13.9.3 A minimum depth of 110 feet, and

4.13.10 Rabbitry's on all Properties shall be located in the rear yard as follows:

4.13.10.1 A minimum of 25 feet from the rear lot line, and

4.13.10.2 A minimum of 20 feet from any side lot line.

4.13.11 All dead Rabbit must be disposed of immediately and in any event, within 24 hours.

4.13.12 All Rabbit feces must be promptly removed on a daily basis and stored in an hygienic space.

4.13.13 All Rabbit food supply shall be protected against Vermin.

4.14 Undomesticated Animals

4.14.1 No Person shall keep, within the limits of the Municipality, any of the kind of undomesticated Animals as defined in Section 1.3 of this By-Law.

4.15 Exotic Animals

4.15.1 No Person shall keep, within the limits of the Municipality, any of the kind of Exotic Animals as defined in Section 1.3 of this By-Law including, but not limited to, those listed in Schedule "B" attached to and forming part of this By-Law.

By-Law #41-2018
Regulate the Keeping of Animals
Page 16

4.16 Additional Matters

- 4.16.1 Fees required under this By-Law shall be established by the Municipality from time to time by resolution of Council as set out in Schedule "A" to and forming part of this By-Law.
- 4.16.2 The Municipal Law Enforcement Officer may, wherever claims are being made to the Municipality of attacks upon Persons, livestock or other Domesticated Animals by Dogs, or whenever the disease of canine madness known as "hydrophobia" is prevalent, issue a public notice directing that all Dogs shall be confined, tied up or Muzzled for a specific period of time as set forth in such notice, and, during the specified period of time, it shall be lawful for a designated Person or Persons appointed by the Municipality to destroy any Dog not properly Muzzled, Running at Large or Trespassing within the Municipality.
- 4.16.3 The Municipal Law Enforcement Officer may order destroyed on site, any Dog found Running at Large or Trespassing in the Municipality for claims of it attacking Persons, Livestock or other such Domesticated Animals have been made, or a Dog which, in the opinion of an Officer, cannot be seized in a safe manner.
- 4.16.4 Notwithstanding anything in this By-Law, Owners are subject to the *Dog Owners Liability Act* and any other applicable legislation.
- 4.16.5 The Municipality, its agents and servants, and an 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.
- 4.16.6 If there is a conflict between a provision of the *Dog Owners Liability Act* or a Regulation under this 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.

4.17 Temporary Exemption

- 4.17.1 In the event of unforeseen circumstances or situations, Persons may apply to the Municipality for a temporary exemption to this By-Law. Such an exemption allows staff time to investigate the situation and, if appropriate, to process an amendment to this By-Law. A temporary exemption application form as set out in Schedule "B" to this By-Law shall be completed and submitted, along with a processing fee of \$20.00.
- 4.17.2 No person shall contravene this By-Law unless a temporary exemption has been approved by the Municipality.
- 4.17.3 A temporary exemption may be granted for a maximum period of 60 days, unless otherwise provided for, in writing, by the Municipality.

By-Law #41-2018
Regulate the Keeping of Animals
Page 17

4.18 Transitional Matters

- 4.18.1 Notwithstanding any Section of this By-law, any Person owning more than the number of animals permitted in Section 4.1 or owning an undomesticated Animal or an Exotic Animal as set out in Sections 4.15 and 4.16, and Schedule "A" on the day prior to this By-Law coming into force shall be permitted to maintain those animals under the following conditions:
- 4.18.1.1 The Owner registers such ownership with the Municipality within 60 days of the passing of this By-Law, and
 - 4.18.1.2 The Owner complies with the other provisions of this By-Law.
- 4.18.2 Animals referred to under this clause may be transferred to another Person in the Municipality provided the transfer is registered with the Municipality within 60 days of the occurrence.
- 4.18.3 In the event that such Animals permanently go out of an Owner's possession, they will not be permitted to be replaced except in compliance with this By-Law.
- 4.18.4 Notwithstanding anything in this By-Law, the requirement for registration and Municipality identification of cats shall come into effect no earlier than January 1, 2019 and if after January 1, 2019, as provided for in Section 4.2 of this By-Law.

Part V – Offences and Penalties

5.1 Offences, Fines and Penalties

- 5.1.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and may be fined as set out in Schedule "A" to this By-Law.
- 5.1.2 Any person who contravenes any of the provisions of this By-Law, and is not satisfied through voluntary process or the set fines process, remains guilty of an offence and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.
- 5.1.3 Subsequent to 5.1.2 above, a court in which the conviction has been entered, or 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.

By-Law #41-2018
Regulate the Keeping of Animals
Page 18

Part VI - General Provisions and Repeals

6.1 Title

6.1.1 This By-law may be referred to as the "Animal Control By-law".

6.2 Transitional Rules

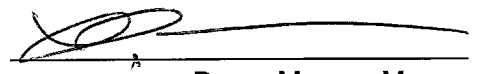
6.2.1 Despite Sections 6.1 and 6.3, after the passage of this By-law, By-law No. 38-2011, shall continue to apply to any property for which an Order had been previously issued, but only until such time as the work required by that Order has been completed, or any work carried out by the Corporation under that by-law has been concluded.

6.3 Date By-law comes into Force

6.3.1 This By-Law will come into effect on the date of third and final reading thereof. Owners will receive a grace period up to and including December 30, 2018, to conform to standards of this By-Law, without penalty. Effective January 1, 2019, all Properties not conforming to the provisions or this By-Law will be subject to all enforcement and penalty provisions as set out herein.

READ a FIRST, SECOND and THIRD time, and FINALLY passed this 24th day of September, 2018.

THE CORPORATION OF THE
MUNICIPALITY OF MACHIN


Drew Myers, Mayor


Tammy Rob, Clerk Treasurer

Schedule "A" to By-Law No. 41-2018

Dog Registration (Tag) Fees:

Each male Dog (not Neutered) *	\$ 50.00
Each male Dog (Neutered)	\$ 25.00
Each female Dog (not Neutered) *	\$ 50.00
Each female Dog (Neutered)	\$ 25.00
Replacement Dog tags	\$ 5.00

* The \$25.00 fee applies if the Owner can supply proof that he/she is a registered breeder

Cat Registration (Tag) Fees:

Each male Cat (not Neutered) *	\$ 50.00
Each male Cat (Neutered)	\$ 25.00
Each female Cat (not Neutered) *	\$ 50.00
Each female Cat (Neutered)	\$ 25.00
Replacement Cat tags	\$ 5.00

* The \$25.00 fee applies if the Owner can supply proof that he/she is a registered breeder

Impoundment Fees:

For each Animal placed in the Pound per day or fraction of a day	\$ 25.00
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Surrender Fee - Owner:

Per Animal	\$100.00
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Owner must also pay the veterinary fee if the Animal is destroyed

Surrender Fee - Municipality:

Per Animal	\$ 50.00
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Fines:

Cause Public Nuisance	\$ 50.00
Failure to cause the Registration of an Animal	\$ 50.00
Animal(s) Running at Large	\$ 50.00
Failure to Muzzle and Leash Dog	\$ 50.00
Operate a Kennel without a valid licence	\$ 50.00
Operate a Kennel contrary to the Municipality's Official Plan and/or Zoning By-Law	\$ 50.00
Operate a Kennel without installation of required fence	\$ 50.00
Operate a Kennel with more than permitted number of Animals	\$ 50.00
Shelter Kennels or Breeding Kennels sheltering Animals without Municipality Identification	\$ 50.00

Schedule "A" to By-Law No. 41-2018
Page 2

Fines: (con't)

Operate a Stable contrary to the Municipality's Official Plan and/or Zoning By-Law	\$ 50.00
Operate a Stable without a proper fence	\$ 50.00
Harbouring more than the permitted number of Animals	\$ 50.00
Failure to meet requirements for Fowl Coops	\$ 50.00
Failure to dispose of dead Fowl as required	\$ 50.00
Failure to remove Fowl feces on a daily basis	\$ 50.00
Failure to properly store Fowl feces	\$ 50.00
Failure to protect Fowl food supply against Vermin	\$ 50.00
Failure to dispose of dead Rabbit as required	\$ 50.00
Failure to remove Rabbit feces on a daily basis	\$ 50.00
Failure to properly store Rabbit feces	\$ 50.00
Failure to protect Rabbit food supply against Vermin	\$ 50.00
Failure to meet requirements for Rabbitry	\$ 50.00
Keeping Undomesticated Animals	\$ 50.00
Keeping Exotic Animals	\$ 50.00
Failure to remove excreta of an Animal on property, other than property of the Animal owner	\$ 75.00

Schedule "B" to By-Law No. 41-2018

1. The following list of animal classes shall be considered Exotic Animals:
 - a) All venomous arachnids (such as spiders, scorpions and tarantulas);
 - b) All canids (such as wolves and coyotes), except domestic Dogs;
 - c) All crocodilians (such as alligators and crocodiles);
 - d) All felids (such as lions, tigers, and cougars), except domestic Cats;
 - e) All venomous Reptiles;
 - f) All snakes of the families *Pythonidae* and *Boidae* (such as pythons and boa constrictors);
 - g) All ursids (such as bears).
2. Examples of Animals of a particular class are given in parentheses and are examples only and shall not be construed as limiting the generality of the class.