

**THE CORPORATION OF THE TOWNSHIP OF SCHREIBER  
BYLAW 27-2021**

***BEING A BYLAW TO REGULATE ANIMAL CONTROL & TO ENSURE  
RESPONSIBLE PET OWNERSHIP IN THE TOWNSHIP OF SCHREIBER***

**WHEREAS**, the Municipal Act, 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 bylaw under Section 11 respecting a matter may:

- (a) Regulate or Prohibit respecting the matter;
- (b) Require persons to do things respecting the matter; and
- (c) Provide for a system of licences respecting the matter;

**AND WHEREAS**, the Ontario Society for the Prevention of Cruelty to Animals Act R.S.O., 1990, Chap.0.36, provides special powers to help animals in distress;

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

**AND WHEREAS**, it is considered desirable to pass a bylaw relating to Animal Control within the Corporation of the Township of Schreiber.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SCHREIBER ENACTS AS FOLLOWS:**

**1.0 SHORT TITLE**

This Bylaw may be cited as the "Township of Schreiber Animal Control Bylaw".

**2.0 DEFINITIONS**

**"animal"** means any member of the animal kingdom, other than a human.

**"animal sound"** means any sound emitted from an animal that is audible at a property occupied by persons other than the owner of the animal emitting the sound. Without limitation, this term shall include barking, whimpering, whining, howling, yowling, yelping, meowing, and crying.

**"at large"** means where an animal is found in a place other than the property of the owner of the animal and not under the control of the owner of the animal or their authorized representative, except where the owner of the property permits the animal to be on their property.

**"cat"** means a domestic cat (*Felis silvestris catus*).

**"certify"** means to confirm formally as true, accurate, or genuine by swearing or confirming the declaration to be true.

**"control"** includes care and custody.

**"Council"** means the Council of The Corporation of the Township of Schreiber.

**"competent person"** means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

**"confined space"** means a fully or partially enclosed space.

**"distress"** means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect.

**"dog"** means a domestic dog (*Canis lupus familiaris*).

**"dog off-leash recreation area"** means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow their dog to run at large and is not required to leash such dog.

**"grandfathered"** means the lawful keeping of any animal, currently prohibited under the provisions of this Bylaw, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.

**"impound"** means to confiscate, confine, hold or take possession.

**"kennel"** means an establishment for the breeding or boarding of dogs.

**"licence"** means a dog tag issued pursuant to the requirements of this Bylaw.

**"lot"** means a parcel of land which can be legally conveyed pursuant to the Planning Act.

**"municipal law enforcement officer"** means a person appointed under the authority of the Police Services Act for the purpose of enforcing bylaws.

**"neutered male"** means a dog or cat which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered.

**"officer"** means a Municipal Law Enforcement Officer or a Police Officer.

**"owner"** means a person who:

- a) has the care, charge, custody or control of an animal;
- b) owns or who claims a proprietary interest in an animal;
- c) harbours, suffers or permits an animal to be present on any property owned, occupied or leased by them or which is otherwise under their control;
- d) claims and receives an animal from the custody of the animal shelter or an Officer; or
- e) a person to whom a licence was issued for an animal in accordance with this Bylaw.

For the purpose of this Bylaw, an animal may have only one (1) owner. Where an owner is a minor, the person responsible for the custody of the minor is deemed to be the owner.

**"police work dog"** means a dog trained to aid law enforcement officers and is actually being used for police work purposes.

**"pound"** means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this Bylaw.

**"poundkeeper"** means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound.

**"proof"** means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying

the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a bylaw to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the Township at such time.

**"property"** means any interest, present or future, vested or contingent, in real or personal property.

**"residential dwelling unit"** means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**"service dog"** means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person. This includes, but not limited to, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment (autism, seizure dog etc.).

**"spayed female"** means any female dog or cat which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed.

**"Township"** means the Corporation of the Township of Schreiber.

**"vehicle"** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

**"visually impaired"** means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in their better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

**"Zoning Bylaw"** means any bylaw administered by the Township passed pursuant to Section 34 of the Planning Act, R.S.O. 1990 c.P1 3 or a predecessor or successor thereof, as may be amended from time to time.

### **3.0 GENERAL PROVISIONS**

3.1 This Bylaw pertains to animals being housed, harboured, kept or owned by any person in the Township of Schreiber.

### **4.0 CAUSING A DISTURBANCE**

4.1 No person shall cause, permit or allow an animal to emit animal sounds or other noise for an extended or frequent period of time, which disturbs, or is likely to disturb the inhabitants of the Township of Schreiber.

### **5.0 CARE OF ANIMALS**

5.1 Any person who keeps an animal within the Township shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.

5.2 Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.

5.3 Any person keeping an animal within the Township shall do so under sanitary conditions.

5.4 For the purposes of Section 5.3 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

5.5 No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or other confined space if the weather conditions are not suitable for containment of an animal.

5.6 No person shall:

a) tease, torment, annoy, or abuse any animal; or,

b) untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner

5.7 In addition to any other remedy, an officer may give to an animal's owner an Order where the officer has reason to believe that the owner has failed to comply with any part of this section.

- 5.8 Where an officer has reasonable and probable grounds to believe that an animal is in distress or is likely to be in distress, an officer may require the owner to cause the animal to be examined and treated by a Veterinarian at the owner's expense.
- 5.9 An Order shall include the following information:
- a) particulars of the reasons for which the Order was given; and,
  - b) particulars of the things the owner is required to do to remedy the issue.
- 5.10 An owner to whom or to which an Order is given shall forthwith comply with the Order.

## **6.0 DOG LICENSING AND REGISTRATION**

- 6.1 Every owner of a dog over the age of six (6) months shall, on or before the 31st day of January in each and every year, make application to licence and register the dog with the Township, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog, and shall further make application and provide such information as may be necessary to the Township.
- 6.2 Every owner of a dog shall pay annually to the Township a licence fee in accordance with the Table of Fees as established and set out in or as amended in the Township of Schreiber Fees & Charges Bylaw.
- 6.3 No person shall provide or give false information when applying for a licence pursuant to this Bylaw.
- 6.4 Every owner of a dog shall, upon application for a dog licence, or as otherwise required by the Town, produce a certificate signed by a practicing veterinarian which clearly identifies the dog and shows that they are currently vaccinated against rabies. The certificate shall identify the animal, as in breed, colour, weight, etc., plus indicate the name of the licensed rabies vaccine used (trade name), serial number and duration of validity (up to three (3) years). If a validity date does not appear on the certificate, then it will be considered a one (1) year vaccine. A veterinarian may also certify that a vaccination is currently effective based on antibody titre tests that show the dog has effective immunity.
- 6.5 The Township shall not issue a dog licence until the applicable licence fee has been paid in full and evidence of the reproductive status has been provided to the satisfaction of the Township.
- 6.6 When the requirements for licensing have been met and necessary application information has been received for the registration of such dog,

- the Township shall issue for each dog, a serially numbered licence tag and shall cause such information, as provided, to be recorded.
- 6.7 At all times when the dog is not on the owner's property, the owner shall cause it to wear a current licence tag issued by the Township, and the licence shall be securely attached by means of a collar, harness or other means.
  - 6.8 No licence tag or registration shall be transferable and the licence tag shall expire and become void upon the sale, death or other means of disposal of the dog so registered and licenced.
  - 6.9 Every licence tag issued by the Township shall expire on the 31st day of December in the year for which it was issued.
  - 6.10 No person other than the owner or their agent shall remove a licence tag from a dog.
  - 6.11 The licence fees shall be in accordance with the Table of Fees established and set out in or as amended in the Township of Schreiber Fees & Charges Bylaw.
  - 6.12 An owner of a dog shall register and obtain a licence tag from the Township for the dog within ten (10) business days from the date the owner took up residence in the Township of Schreiber or the owner acquires a dog that is required to be licenced.
  - 6.13 An owner of a dog shall forthwith notify the Township of any changes with respect to any information provided in an application for a licence under this Bylaw. This includes but is not limited to, the owner's address and phone number.
  - 6.14 A licence tag shall be issued at no charge to any owner of a service dog, such as a seeing eye dog, or a hearing ear dog or other specialized needs dog or with respect to any police work dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.

## **7.0 REPLACEMENT DOG LICENCE TAG**

- 7.1 Every owner of a dog, having lost the dog licence tag for the current year, shall immediately make an application to the Township for the replacement of such tag, and shall, upon request provide any information as may be required by the Township. The replacement fee for a replacement licence tag shall be in accordance with the Table of Fees established and set out in or as amended in the Township of Schreiber Fees & Charges Bylaw.

## **8.0 NUMBER OF DOGS**

- 8.1 No owner shall have more than three (3) dogs in any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the Township.
- 8.2 Section 8.1 does not apply to:
- a) the operation of a kennel licenced under the provisions of this Bylaw and operated for the purposes of breeding or boarding animals;
  - b) an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinarian Association;
  - c) a pet store licenced in accordance with the provisions of municipal bylaws;
  - d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals, Thunder Bay & District Humane Society or a municipally owned and/or operated pound; or
  - e) dogs under the age of six (6) months.

## **9.0 KENNEL**

- 9.1 Every licence application shall be submitted with the applicable fee as set out in accordance with the Table of Fees of this Bylaw or as amended in the Fees & Service Charges Bylaw prior to the 31<sup>st</sup> day of December of every calendar year.
- 9.2 No person shall own, operate, manage, control or supervise a kennel without a licence.
- 9.3 The Township Clerk or their designate may approve or refuse any licence application, and may impose any conditions upon approval as he/she determines to be appropriate.
- 9.4 A kennel operator with a kennel licence is not required to apply for a licence pursuant to Section 6.1 in respect of dogs harboured in the kennel.
- 9.5 A kennel may only be licenced if they are located on a lot/property where kennels are permitted by the applicable Zoning Bylaw.
- 9.6 Every person who holds a kennel licence or is applying for a kennel licence shall comply with the following requirements:
- a) The kennel shall be in separate building.
  - b) The kennel building conforms to the Ontario Building Code.

- c) The kennel building shall have a floor of concrete or other impermeable material and shall have drain openings constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often when necessary.
  - d) The kennel building shall have electric lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.
  - e) Where dogs are permitted to use an outside area, there shall be constructed around such area a fence having a height of at least four feet (4'); the wall of an adjacent building may be included as a part of such fenced in area.
  - f) While the licence is in force, it shall be continuously exposed in a conspicuous place in the interior of the premises for which the licence is obtained.
  - g) At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odors.
  - h) The operator shall keep the dogs in sanitary, well bedded, well ventilated, clean quarters with natural light at a healthful temperature at all times.
  - i) The operator shall feed and give water to the dogs periodically each day and keep same in a clean, health condition, free from vermin and disease.
  - j) The Municipal Law Enforcement Officer and any other person authorized by the Corporation of the Township of Schreiber may inspect any place where dogs are kept, pursuant to this Bylaw.
  - k) If the kennel is found not to conform, under the requirements set out herein, the Municipal Law Enforcement Officer may direct that the dogs be seized and impounded by an Officer and may revoke the licence issued to the kennel.
- 9.7 In addition to every other requirement imposed by this Bylaw, every licence is issued subject to the condition that all federal, provincial and municipal laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to the operation of the kennel must be complied with.

## **10.0 CONTROL OF DOGS**

10.1 No owner of a dog shall allow their dog to run at large.

For purpose of Section 10.1, a dog shall be deemed to be running at large if found on any lands, public or private, within the boundaries of the Township of Schreiber other than the premises of the owner of the dog and when so found it is not under the control of a competent person by means of a leash.

10.2 Notwithstanding Section 10.1, no owner of any dog shall allow their dog to run at large in a dog off-leash recreational area as defined in this Bylaw, unless a current municipal dog licence tag is affixed to the dog's choke chain, collar or harness worn by the dog.

10.3 No owner of a dog shall allow their dog to trespass on private property even when on a leash.

10.4 No person shall allow a leash to extend beyond a point where the owner cannot reasonably control the dog.

10.5 A dog shall not be considered to be running at large if it is a police work dog as defined in this Bylaw.

10.6 Any dog found running at large pursuant to the provisions of this Bylaw may be impounded by any Municipal Law Enforcement Officer or other duly appointed officer and delivered to the Pound.

10.7 Any person may capture any dog running at large on their property in the Township and deliver the same to a Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said dog.

10.8 A Municipal Law Enforcement Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise restraining and detaining any dog found running at large pursuant to the provisions of this Bylaw.

10.9 Every owner of a dog shall immediately remove any excrement left by such dog on public or private lands not being the property of the dog owner, within the Township, and shall dispose of such excrement in a sanitary manner in an appropriate waste refuse container, or other means as to not litter on public or private property.

10.10 Notwithstanding Section 10.9, proof that the owner is either person with a visual impairment or a physical disability shall constitute a defense to the prosecution of such an offence.

10.11 Every person having care or control of a dog, including a person or persons responsible for the temporary boarding of an animal at the request of the owner, upon realizing that the animal is missing or has escaped, shall immediately notify a Municipal Law Enforcement Officer.

## **11.0 DOG BITES OR ATTACKS**

11.1 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled and any other conditions deemed expedient by the Officer at such times as are set out in the Order. Such Order shall set out the conditions and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.

11.2 Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Township against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 and any amendments thereto.

## **12.0 SEIZING AND IMPOUNDING**

12.1 A Pound shall be established which complies with the Animals for Research Act, R.S.O. 1990, c. A.22, the Ontario S.P.C.A. Act, R.S.O. 1990, c. O .36, 59/09, 60/09 as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large contrary to this Bylaw which have not been returned to their owner and brought to the poundkeeper and to dispose of the same in accordance with the Animals for Research Act. The poundkeeper shall also keep a record and make return as requested or required to the Township Clerk of all dogs impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.

12.2 It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise restrain and detain all dogs running at large pursuant to this Bylaw and,

a) return the dog to the owner, if known; or

b) impound the dog, subject to the right of the owner to redeem the dog

- 12.3 The owner may redeem the dog from the pound, within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay any applicable licence fees, impound fees, animal control service fees and maintenance fees as may be required and any other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.
- 12.4 If the dog is not redeemed from the pound within the time set out in Section 12.3, the dog shall become the property of the Poundkeeper who may sell the dog or dispose of it as the pound deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.
- 12.5 It shall be the duty of the Poundkeeper to care for all animals after they have been impounded pursuant to the Animals for Research Act, R.S.O 1990, c. A.22 or any other applicable Act, as may be amended.
- 12.6 All impound fees and maintenance fees shall be retained by the Poundkeeper or as prescribed under contract.
- 12.7 All licence fees and animal control service fees collected on behalf of the Township by an authorized agent shall be remitted to the Township at least quarterly, along with a report of the service.

### **13.0 DOGS RUNNING AT LARGE - INJURED**

- 13.1 Where an injured dog is impounded or otherwise restrained and detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal Law Enforcement Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise restraining and detaining the dog as the officer thinks fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.

### **14.0 ANIMAL CONTROL SERVICE FEES**

- 14.1 Where the dog is returned to the owner, the Municipal Law Enforcement Officer or other duly appointed officer may require the owner of the dog to pay a "pick up" fee as set out in the Fees & Service Charges Bylaw. The "pick up" Fee shall be paid forthwith to the Municipal Law Enforcement Officer or other duly appointed officer or agent.

### **15.0 RABIES**

- 15.1 Where any domestic dog is suspected of rabies, the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and any amendments shall apply. Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.
- 15.2 Where an animal other than a dog, is, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

#### **16.0 NUMBER OF DOMESTIC CATS**

- 16.1 No person shall have more than three (3) cats in any residential dwelling unit within the Township.
- 16.2 Section 16.1 does not apply to:
- a) a premises licenced under the provisions of municipal bylaw and operated for the purpose of breeding or boarding;
  - b) an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinarian Association;
  - c) a pet store licenced in accordance with the provisions of municipal bylaws;
  - d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or,
  - e) cats under the age of six (6) months.

## **17.0 CONTROL OF CATS**

- 17.1 No owner of a cat shall allow their cat to run at large on public or private property other than their own. This section shall not apply where the cat is on private property with the consent of the owner of the property or their representatives.
- 17.2 No owner of a cat shall allow their cat to trespass on private property even when on a leash.
- 17.3 No owner of a cat shall allow a leash to extend beyond a point where the owner cannot reasonably control the cat.
- 17.4 Every owner of a cat shall immediately remove any excrement left by such cat on public or private lands not being the property of the cat owner, within the Township, and shall dispose of such excrement in a sanitary manner in an appropriate waste refuse container, or other means as to not litter on public or private property.
- 17.5 In any prosecution pursuant to a violation of Section 17.4 of this Bylaw, proof that the defendant is either a person with a visual impairment or a physical disability shall constitute a defense to such prosecution.
- 17.6 Every owner of a cat shall, if requested by the Township, produce a certificate signed by a practicing veterinarian which clearly identifies the cat and shows that they are currently vaccinated against rabies. The certificate shall identify the animal, as in breed, colour, weight, etc., plus indicate the name of the licensed rabies vaccine used (trade name), serial number and duration of validity (up to three (3) years. If a validity date does not appear on the certificate, then it will be considered a one year vaccine. A veterinarian may also certify that a vaccination is currently effective based on antibody titre tests that show the cat has effective immunity.

## **18.0 PROHIBITED ANIMALS**

- 18.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.
- a) all non-human primates (such as gorillas and monkeys);
  - b) all felids, except the domestic cat;
  - c) all canids, except the domestic dog;
  - d) all mustelids (including but not limited to skunks, weasels, otters, badgers, etc.) except the domestic ferret;

- e) all marsupials (including but not limited to kangaroos, sugar gliders and opossums);
- f) all bats, raccoons, squirrels;
- g) all ursids (bear);
- h) all hyaenas;
- i) all snapping turtles;
- j) all elephants;
- k) all snakes of the families pythonidae and boidae;
- l) all poisonous or venomous snakes;
- m) all poisonous or venomous arachnids (including but not limited to spiders);
- n) all poisonous or venomous lizards;
- o) all crocodylians (including but not limited to alligators and crocodiles);
- p) any endangered species as defined by the Canadian Wildlife Service;  
or
- q) any other animal that Council deems to be necessary.

18.2 Notwithstanding Section 18.1, the prohibition shall not apply to:

- a) circuses;
- b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals, Thunder Bay & District Humane Society or a municipally owned or operated pound;
- c) a veterinary hospital under the control of a licenced veterinarian;
- d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all bylaws of the municipality; or,
- f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises

registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended.

## **19.0 REGISTRY OF GRANDFATHERED ANIMALS**

- 19.1 Any person, may seek 'grandfathered' status for such prohibited animal within 12 months of a prohibition of the keeping of an animal by making application and providing to the Township, proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the Township Clerk or their designate may deem the animal to be 'grandfathered' and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.
- 19.2 Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the Township Clerk or designate.
- 19.3 The Township may, at the discretion of the Township Clerk or designate impose special conditions on the keeping of any grandfathered animal (e.g. housing).

## **20.0 EXEMPTIONS**

- 20.1 The Clerk of The Corporation of the Township of Schreiber may grant an exemption to any person from any provision of this Bylaw and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this Bylaw.

## **21.0 ENFORCEMENT**

- 21.1 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this Bylaw.
- 21.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this Bylaw.

## **22.0 SEVERABILITY**

- 22.1 Should any section of this Bylaw be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts

shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

### **23.0 PENALTIES**

23.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, shall apply to said fine.

23.2 Every person who contravenes the provisions of any section of this Bylaw and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, 2001 , S.O. 2001 , c.25.

23.3 Every person who contravenes the provisions of any section of this Bylaw and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001 , 2001 , S.O. 2001 , c. 25 as amended.

23.4 For the purpose of continuous offences, every person who contravenes any provision of this Bylaw and every Director or Officer of a Corporation who knowingly concurs in the contravention of a bylaw of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001 , S.O. 2001 , c. 25 as amended.

23.5 Notwithstanding Section 23.4 and the provisions of the Municipal Act, 2001, S.O. 2001 , c. 25, as amended the total of all daily fines for the offence is not limited to \$100,000.

23.6 For the purpose of multiple offences, every person who contravenes any provision of this Bylaw and every Director or Officer of a Corporation who knowingly concurs in the contravention of a bylaw of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001 S.O. 2001 , c. 25 as amended.

23.7 Notwithstanding Section 23.6 and the provisions of the Municipal Act, 2001, S.O. 2001 , c. 25 as amended the total of all daily fines for the offence is not limited to \$100,000.

### **24. REPEAL**

**THAT** Bylaw 41-2007, as amended, as well as all Bylaws amending the same, are hereby repealed as of the effective date set out in this Bylaw.

25. **EFFECTIVE DATE**

This Bylaw shall come into force and take effect on the final passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 27<sup>th</sup> DAY OF July 2021.

\_\_\_\_\_  
Mayor

(seal)

\_\_\_\_\_  
Clerk