

THE CORPORATION OF THE TOWN OF HEARST

BY-LAW NO. 91-06

(as amended by By-laws 35-08, 53-14, 45-16)

Being a by-law providing for animal care and control

WHEREAS subsections 9(3) and 11(1) of Part II of the *Municipal Act, 2001, S.O. 2001, c.25* authorize municipalities to regulate animals and to provide for a system of registration and licences for such animals, including imposing conditions for obtaining and continuing to hold said licences, and

WHEREAS subsections 103 through 105 inclusive of Part III of said *Act* also authorize municipalities to pass by-laws prohibiting animals from being at large or trespassing and further providing for the seizure and impounding of animals found at large or trespassing, the sale or offering of such animals if not claimed, and the establishment of procedures for the voluntary payment of penalties where it is alleged that such by-laws have been contravened, and

WHEREAS it is deemed desirable to regulate the keeping of dogs and cats within the Town of Hearst, to prohibit such animals from being at large and/or trespassing, to establish a system of registration and annual licences for such animals, and to establish penalties for the contravention of this by-law and to prohibit the keeping of certain animals,

NOW THEREFORE, BE IT ENACTED by the Council of the Corporation of the Town of Hearst,

1. SHORT TITLE AND DEFINITIONS

1.1 This by-law shall be known as the 'Animal Control By-law'.

1.2 For the purposes of this by-law,

(1) words used in singular shall include plural and vice versa, and

(2) the word 'shall' is mandatory.

1.3 For the purposes of this by-law,

(1) 'animal' means any member of the animal kingdom other than a human;

(2) 'cat' means a male or female cat;

(3) 'cattery' means a premises where more than three (3) cats over sixteen (16) weeks of age are kept or boarded, and includes premises for the boarding, breeding, buying or selling of cats for commercial gain;

(4) 'dog' means a male or female dog;

(5) 'keep' means to have temporary or permanent control or possession of an animal, including the harbouring such animal, and 'kept' and 'keeping' have similar meanings;

(6) 'kennel' means a premises where more than three (3) dogs over sixteen (16) weeks of age are kept or boarded, and includes premises for the boarding, breeding, buying or selling of dogs for commercial gain;

(7) 'livestock' means any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, etc.), horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, emu or ostrich, or young thereof which is normally kept, used, bred, bought and/or sold for agricultural purposes;

- (8) "Peace Officer" means a by-law enforcement officer, a constable, special constable and peace officer of the Ontario Provincial Police, conservation officer or any other person appointed for the enforcement or carrying out the provisions of this by-law or municipal by-laws in general.
- (9) 'owner' means any person who possesses, harbours or keeps an animal, and where such person is a minor, 'owner' shall mean the person responsible for the custody of such minor, and includes any person who is temporarily the keeper or in control of an animal, and the word 'owns' has a similar meaning;
- (10) 'owner's premises' means a building, structure or parts thereof and includes land appurtenant thereto or vacant land where the owner's animal is habitually kept and fed;
- (11) 'pound' means that part of a premises used for the temporary housing and care of animals that have been impounded pursuant to this by-law, whether such premises are owned and operated by the Town or an agent designated for such purposes by the Town;
- (12) 'running at large' with respect to an animal means an animal that is not on the owner's premises and, if not on such owner's premises is not on a leash or lead and under the control of a person responsible;
- (13) 'service animal' means an animal specially trained by a recognized school to assist a disabled person with life skills or an animal trained to aid law enforcement officers;
- (14) 'sterilized' with respect to a dog or cat means spayed or neutered;
- (15) 'tether' means a leash, rope, chain or similar restraining device that prevents an animal from moving away from a localized area, from the owner's control or from the owner's premises and the words 'tethered' and 'tethering' have a similar meaning;
- (16) 'Town' means the Corporation of the Town of Hearst; and
- (17) 'urban area' means any built-up area of the Town, as shown on Schedule 'A' annexed hereto and forming part of this by-law, that is serviced by municipal water and sanitary sewer services and includes any area with rural residential development in excess of one (1) dwelling unit for every four (4) hectares of land.

2. PROHIBITIONS

- 2.1 No owner shall keep livestock within the urban area of the Town as shown and identified on Schedule 'A' hereto.
- 2.2 No owner shall keep a dog or cat older than sixteen (16) weeks of age, unless an annual licence for the registration and keeping of such animal has been issued by the Town in accordance with the provisions of this by-law.
- 2.3 No owner shall permit an animal to run at large within the corporate boundaries of the Town of Hearst.
- 2.4 No owner of an animal shall permit such animal to chase, bite or attack a person or another animal, except in self-defense.
- 2.5 No owner shall permit an animal to be within or on those lands designated as Johnson's Lake Park, as identified and shown on Schedule 'A' hereto.
- 2.6 No owner shall permit a dog or cat to be on any lands outside of the owner's premises, including public lands, unless:

- (1) such animal is restrained by a tether or similar device so as to be under the owner's full control at all times; and
 - (2) the owner is equipped with appropriate and sufficient bags by which all excrement deposited on said lands by such animal shall be promptly picked up and removed by such owner and disposed of in accordance with this by-law.
- 2.7 No leash which is used to control a dog or cat off or outside of the owner's premises shall exceed three metres (3.0 m) in length.
 - 2.8 No owner of a dog or cat shall leave any excrement deposited by such animal on any lands outside of the owner's premises, including public lands, and the owner shall dispose of such excrement at/on the owner's premises.
 - 2.9 No owner shall permit or keep a dog or cat on said owner's premises unless such dog or cat is confined to and within said premises by means of a complete enclosure or fence of appropriate height, strength and construction sufficient to restrain such animal and/or such dog or cat is restrained by a tether which prevents such animal from moving outside of the owner's premises at any time.
 - 2.10 No owner shall erect a pen or structure for containing a dog within one metre (1.0 metre) of a property line or within three metres (3.0 metres) of a dwelling unit located on an adjacent property.
 - 2.11 No owner shall permit a dog or cat to create any noise that disturbs inhabitants of properties outside of the owner's premises.
 - 2.12 No owner shall permit urine or excrement deposited by his/her animal to accumulate at/on the owner's premises in such amounts so as to create odours or an unsightly appearance which may disturb the enjoyment, comfort and/or convenience of inhabitants of lands outside the owner's premises or endanger the health of said animal or any person.
 - 2.13 No owner shall transport a dog in a vehicle outside of the passengers' compartment unless such dog is confined in a carrier or cage or is secured by means of a body harness that is attached to the vehicle in a manner so as to prevent the dog from falling out of the vehicle or from injuring itself while the vehicle is in motion or from biting or attacking passersby while the vehicle is stationary.
 - 2.14 No person shall operate or maintain a kennel or a cattery unless a permit has been issued therefor in accordance with the provisions of By-law No. 70-81 and amendments thereto.
 - 2.15 No person shall operate or maintain a kennel or a cattery within any residential zone as designated by the Hearst Zoning By-law, being By-law No. 65-04 and amendments thereto.
 - 2.16 That the number of domestic dogs and cats be limited to four (4) in total in a single family residential dwelling and to two (2) in total in a rental unit.
 - 2.17 Animal shelter homes mandated for the temporary care and the welfare of stray, unwanted or abandoned domestic animals, which are duly registered and approved as such by the Clerk of the Corporation of the Town of Hearst, shall be exempt from Article 2.16. The registration of animal shelter homes with the Town shall be free of charge.
 - 2.18 The implementation of Article 2.16 on the limit of domestic dogs and cats in households shall be subject to a transition period of one year commencing on September 12, 2014 and ending on September 11, 2015. During the transition period, the residents and property owners of housing units and of residential dwellings that may be persons of interest to the regulated objectives of this by-law shall be informed of the regulations enacted under Article 2.16 by way of public information campaigns and by cooperative notice.

3. EXCEPTIONS

- 3.1 Notwithstanding the provisions of articles 2.3, 2.5, 2.7 and 2.13, restrictions with respect to the control, tethering or leashing, transportation and entry onto lands designated in Schedule 'A' hereto, shall not apply to service animals.

4. CARE OF ANIMALS

- 4.1 Every owner shall ensure that his/her animal is provided with:
- (1) a clean and sanitary environment, free from an accumulation of excrement, and
 - (2) adequate and appropriate care, including food, clean water, shelter and opportunity for physical activity.
- 4.2 No owner shall tether an animal unless:
- (1) the tether is of appropriate length, size and material for the animal tethered;
 - (2) the animal has unrestricted movement within the range of such tether;
 - (3) the animal cannot injure itself as a result of the tethering; and
 - (4) the tether shall be a minimum of three metres (3.0 metres) in length and shall not permit the animal to go beyond the limits of the owner's premises;
- 4.3 Every owner shall ensure that his/her animal has been immunized against rabies by a veterinary surgeon registered as a member of the Ontario Veterinary Association pursuant to the Veterinarians Act, that such immunization is current, and shall provide proof of such immunization upon request of the Officer.

5. REGISTRATION AND LICENCES

- 5.1 An application to register a dog or cat and to obtain a licence under this by-law shall be made in the form prescribed by Schedule 'B' annexed hereto and forming part of this by-law.
- 5.2 An applicant registering a dog or cat shall provide all of the information required to complete the prescribed application form and shall furnish such documents and other information as may be required by the Officer for the purpose of determining what licence fee shall apply to the registration.
- 5.3 Every application to register a dog or cat for the purpose of obtaining a licence shall,
- (1) provide the name, address and telephone number of the owner;
 - (2) provide the name, age, gender, breed and colour of the dog or cat;
 - (3) provide proof of sterilization from a qualified veterinarian, if applicable;
 - (4) provide proof of an identification tattoo or microchip implant, if applicable; and
 - (5) provide proof of immunization with a valid rabies vaccination certificate.
- 5.4 Every application to register a dog or cat for the purpose of obtaining a licence shall be accompanied by the payment of a non-refundable fee in the amount as set out in Schedule 'C' annexed hereto and forming part of this by-law, for the processing of the registration and obtaining the licence tag.

- 5.5 The application to obtain a licence shall be made annually prior to January 1st of the year for which such licence is required.
- 5.6 The Officer shall issue a licence where the application is complete and in conformity with the requirements of this by-law, and such licence shall be valid until the 1st day of January of the year following the issuance of said licence.
- 5.7 The licence shall be in the form of a metal or plastic numbered tag which licence tag shall be attached in a secure manner to the collar of the animal for which it was issued.
- 5.8 The Officer shall keep and maintain a complete registry of all dogs and cats in respect of which licences have been issued.
- 5.9 The licence shall only be valid for the animal for which it was issued and shall not be transferable.
- 5.10 An owner shall notify the Officer forthwith of any change in information provided under article 5.3 or of the sale or death of the animal for which the licence was issued.
- 5.11 In the event that a licence tag is lost, the owner shall obtain a replacement licence tag forthwith and shall pay the fee prescribed in Schedule 'C' hereto.
- 5.12 Where an application is made for a licence on or after June 1st of the year for which such licence is required, the applicant shall pay at the time of the application one-half ($\frac{1}{2}$) of the annual fee prescribed in Schedule 'C' hereto.
- 5.13 The issuance of any licence by the Officer shall not relieve the owner of the animal for which such licence has been issued from his/her/its obligations to comply with this or any other applicable law.

6. INPOUNDMENT

- 6.1 Any animal found running at large contrary to the provisions of this by-law may be captured and impounded by the Officer and thereafter shall be kept in a pound for a maximum period of three (3) days, excluding the day upon which such animal was impounded, statutory holidays and the days when the pound is not open.
- 6.2 Where residents and property owners are bothered by cats running at large, the Town shall provide cages to such persons for the purpose of capturing such cats, and following apprehension shall impound such cats in accordance with the procedures set out in this by-law.
- 6.3 If an impounded animal is not claimed by the owner within said impoundment period and all associated fees, costs, fines and charges not paid, then the animal may thereafter be destroyed or otherwise disposed of by or under the direction of the Officer.
- 6.4 The Officer shall make every reasonable attempt to contact the owner of such animal within the impoundment period, but neither the Town nor the Officer shall be held responsible for failure to contact said owner.
- 6.5 Upon expiration of the three (3) day impoundment period, the animal may be offered for adoption or sold for such price as has been established to cover the cost of impounding such animal.
- 6.6 Every animal so impounded shall be provided with clean water and food and appropriate care, and where in consultation with a veterinarian such animal is found to be injured or ill, then such animal shall be treated as required by the veterinarian and the Town is entitled to add the fee for such treatment to the fees, costs, fines and charges owing for the impoundment of such animal.

- 6.7 Notwithstanding the impoundment period set out in article 6.1 hereto, an animal which is seriously ill or injured may be euthanized within said period if in the opinion of the Officer in consultation with the veterinarian, such action is warranted for humane reasons.
- 6.8 During the period of impoundment, an owner may claim his/her animal upon proof of ownership of such animal and payment in full to the Town of:
- (1) the appropriate fee set out in Schedule 'C' annexed hereto and forming part of this by-law;
 - (2) the appropriate licence fee or licence tag replacement fee as set out in Schedule 'C' hereto where such animal does not bear a valid licence tag;
 - (3) veterinary fees for the treatment of such animal where applicable.
- 6.9 Where the owner of an animal that is impounded does not claim such animal within the impoundment period and becomes known to the Officer, then such owner shall be responsible to pay all fees, costs, fines and charges owing for the impoundment of such animal in accordance with Schedules 'C' and 'D'.

7. OFFENCES

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine in an amount not more than the amount specified in the Provincial Offences Act.

8. ADMINISTRATION AND ENFORCEMENT

- 8.1 Unless otherwise provided for by by-law, this by-law shall be administered and enforced by the Senior By-law Enforcement Officer and/or the By-law Enforcement Officer.

9. EFFECTIVE DATE

- 9.1 This By-law shall come into effect and take force on the date hereof.

READ AND PASSED IN OPEN COUNCIL

THIS 28th DAY OF NOVEMBER, 2006.

(Signed Roger Sigouin)
MAYOR

(Signed Claude Laflamme)
CHIEF ADMINISTRATIVE OFFICER/CLERK

RESTRICTED AREAS WITHIN THE TOWN OF HEARST
Pursuant to Articles 2.1 and 2.5

Application form for licence

FEES

1.	Dog not sterilized (male or female)	\$30.00
2.	Sterilized dog (male or female)	\$ 5.00
3.	Cat not sterilized (male or female)	\$20.00
4.	Sterilized cat (male or female)	\$ 5.00
5.	Service animal	no fee
6.	Replacement licence tags	\$ 5.00
7.	Dog with electronic identification chip	no fee
8.	Impounding fee for animal	\$10/day for each day of impoundment