

THE TOWNSHIP OF NORTH STORMONT

BY-LAW # 062-04

Being a By-law for of the Township of North Stormont respecting animal care and control

WHEREAS pursuant to paragraphs 9(3), 11(1)9, 103, 104 and 105 of the Municipal Act S.O 2001 as amended, the council of a local municipality may pass by-laws to control, prohibit and regulate the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting the number of animals that may be kept by any person, for regulating establishments for the breeding or boarding of animals, for licensing and registration of dogs.

NOW, THEREFORE the Council of the Corporation of the Township of North Stormont enacts as follows:

DEFINITIONS

1. Definitions:

In this by-law,

“agricultural property” means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

“animal” means any member of the animal kingdom, other than a human;

“animal control officer” means an authorized employee or a person appointed as such by the Township of North Stormont who is responsible for the enforcement of the provisions of this by-law and includes the By-Law Enforcement Officer;

“animal shelter” and “shelter” means the shelter operated by or on behalf of the Township of North Stormont;

“at large” means found in a place other than a property owned or occupied by it’s owner and not under control of any competent person and not leashed in accordance with the provisions of this by-law;

“breeder” means a person, other than a person who operates a kennel, who breeds purebred dogs on his or her property as a home occupation and who, for this purpose, keeps more than the maximum allowable number of dogs:

“By-law Officer” means a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

“Corporation” means the Corporation of the Township of North Stormont;

“Council” means the Council of the Township of North Stormont;

“dog” means a female or a male dog, whether spayed or neutered;

“dwelling” means a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;

“keep” means to have temporary or permanent control or possession of an animal, and the words “kept” or “keeping” have a similar meaning;

“kennel” means premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate fostering program for dogs or cats under the authority of the pound, in which the predominant activity consists of the raising, boarding or training of dogs or cats, or in which more than the maximum allowable number the number of dogs or cats is kept;

“licence: shall mean a licence issued under this by-law;

“livestock” includes cattle, fur bearing animals, goats, horses, rabbits, sheep, swine, any domestic fowl (including chickens, geese, ducks, turkeys, etc), or the young thereof, used for agricultural purposes;

“Medical Officer of Health” means the Medical Officer of Health for Eastern Ontario or authorized assistants or persons acting under his or her authority;

“muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the words “muzzled” and “muzzling” have corresponding meanings;

“operator of the livestock pound” means any one of the livestock handlers appointed by by-law,

“owner” means any person who possesses or harbours a dog, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word “owns” has a similar meaning;

“parkland” means land owned or leased by the Township of North Stormont and set aside for park purposes; designated as open space in the zoning by-laws of the Corporation of the Township of North Stormont;

“pet store” means a place of business where live animals are sold or kept for sale as pets;

“petting zoo” means a collection of animals that children may pet and feed and that are not prohibited animals;

“pound” means the premises of the Township North Stormont, which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law;

“pound operator” means a person appointed by Council as the pound operator and includes any of the Municipal Law Enforcement officers of the Township of North Stormont;

“prohibited animals” means the animals identified in Schedule B;

“property” means a parcel of land and any buildings or structures on the land;

“protective care” means the temporary, time-limited keeping of an animal by the Township of North Stormont as a result of an eviction, incarceration or fire or medical emergency;

“redemption period” means the period of time within which the owner of a dog which has been impounded pursuant to this by-law has the right to redeem it.

“residential zone” means those areas designated as residential in the zoning by-laws of the Corporation of the Township of North Stormont;

“running at large” shall mean found in any place other than the premises of the owner of the dog and not under the control of any competent person and not leashed in accordance with the provisions of this by-law;

“rural area” means those areas that are located within the Township of North Stormont outside the urban areas of the villages of Finch, Berwick, Crysler, Avonmore, Monkland and Moose Creek.

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

“sterilized” in respect of a dog means either spayed or neutered;

“tether” means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a similar meaning;

“township” means all lands contained within the geographical limits of the Corporation;

“trespass” means, in the case of an animal, to enter or remain on a privately-owned property other than a property owned or occupied by its owner without the express permission of the owner or occupant of that property, and “trespassing” has a corresponding meaning;

“under control of its owner” means, in the case of an animal, being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another person acting on the owner’s behalf”

“urban area” means and includes the villages of Crysler, Berwick, Finch, Avnomore, Moose Creek, and Monkland delimited as per the applicable zoning by-law;

“vicious dog” means i) any dog with a known propensity, tendency or disposition to attack without provocation a person or a domestic animal; or ii) any dog which as bitten another domestic animal or person without provocation.

INTERPRETATION

2. (a) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- (b) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

CARE OF ANIMALS

TETHERS

3. (a) No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
 - (i) the tether is of appropriate length for the species tethered,
 - (ii) the animal has unrestricted movement within the range of such tether, and
 - (iii) the animal cannot injure itself as a result of the tethering.
- (b) Despite clause (i) of subsection (a), in the case of dogs, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person's property.
- (c) Despite subsection (a), no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

KEEPING ANIMALS UNDER SANITARY CONDITIONS

4. (a) Every person who keeps an animal within the Township of North Stormont shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
- (b) Subsection (a) does not apply to livestock kept in accordance with the provisions of Section 56 of this by-law.

PROTECTIVE CARE

5. The Pound operator is authorized to:
 - (a) received animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Clerk deems appropriate,
 - (b) temporarily keep such animals for a maximum of five (5) days,
 - (c) charge the owner the current per diem sheltering fee and all costs for required veterinary medical care, when the animals are redeemed, and
 - (d) at the end of the five (5) day protective care period, unless other arrangements are agreed to between the owner and the Township, treat such animals as day-one impounded animals.

DOGS

REGISTRATION

6. (a) Every owner of a dog shall:
 - (i) register the dog with the Township of North Stormont in accordance with Section 7 and pay an annual tag and registration fee, as set out in Schedule "A",
 - (ii) obtain and renew such registration annually no later than April 1 st of each year, or within 7 days of becoming an owner,
 - (iii) keep the dog identification tag, issued by the Township of North Stormont as part of the registration, securely affixed on the collar or harness on the dog at all times, but may be removed when dog is being lawfully used for hunting

- (iv) obtain a replacement tag, and pay the fee as set out in Schedule "A", in the event that such tag is lost.
7. (a) Every applicant for dog registration shall provide to the Township the following information;
- (i) name, address, telephone number of the dog owner,
 - (ii) name, age, gender, breed, and colour of the dog,
 - (iii) proof of sterilization from a qualified veterinarian, if applicable, and
 - (iv) proof that the animal has a current certificate of immunization against rabbies.
- (b) Despite subsection (a), where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilization procedure, the Township may issue a tag and register the dog at the same fee as that for a sterilized dog.
- (c) The owner of a dog shall notify the Township of any change in information provided in subsection (a) or of a sale or death of the dog, as applicable.
- (d) The Township shall:
- (i) keep a complete registry of all dogs in respect of which tags are issued, and
 - (ii) provided each registrant with a numbered tag for each dog in respect of which the tag is issued.
- (e) The identification tag issued by the Township of North Stormont in respect of a dog is not transferable.

KENNEL PERMITS AND BREEDERS PERMITS

8. The owner of a kennel of dogs shall pay annually to the Township, or its authorized agent, on or about the 1st day of April in each year, a licence fee for his or her kennel in accordance with Schedule "A" to this by-law and shall receive a kennel licence for the current year.
9. Where the owner of a kennel has complied with section 8., he or she is not required to cause each dog kept at his or her kennel to be registered with and licensed by the Township.
10. No licence shall be issued to any kennel pursuant to the provisions of this by-law unless the kennel is in a location or an area in which kennels are permitted by the applicable Zoning by-law and unless the kennel complies with all of the requirements of that Zoning by-law.
11. Every person who applies for a kennel licence or operates facilities for dogs shall comply with the following requirements;
- (a) The kennel shall be in a separate building and shall not be attached to a building, which is or can be used for human habitation.
 - (b) The kennel building must conform to the Ontario Building Code and must be maintained in such a manner as to be free of damage.
 - (c) No kennel or part thereof, including fencing, shall be permitted within three (3) meters of the property line.
 - (d) The kennel building shall have a floor of concrete or other impermeable material and shall be equipped with a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned daily or more often if necessary.

- (e) Every room that is used for the housing of dogs within a kennel shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein.
- (f) Every room that is used for the housing of dogs within a kennel shall at all times be adequately ventilated for the health, welfare and comfort of every dog therein.
- (g) Alternatively, dogs may be kept in cages of size adequate to allow the animal to extend its legs to their full extent, to stand or sit, to turn around or lie down in a fully extended position, and the cages shall be constructed so it is not likely to harm the animal therein, animal therein cannot readily escape therefrom, solely of metal or wire or partly of wire and shall have metal or other impermeable bottoms which shall be cleaned and washed daily or more often if necessary.
- (h) The kennel building shall have:
- (i) electric lighting, and every room that is used for the housing of dogs within a kennel shall be adequately lighted for a continuous period of at least eight (8) hours in every twenty-four period.
 - (ii) windows which may be opened for proper ventilation,
 - (iii) hot and cold running water and food preparation area.
- (i) Where dogs are permitted to use an outside area, there shall be constructed around such a solid board fence having a height of at least 1.52 metre (5 feet); the wall of an adjacent building may be included as part of such fenced-in area. Such a fenced-in area shall not be required where the outside area is more than 61 metres (200 feet) from the nearest limit of the property.
- ~~(j)~~ No dog shall be removed from indoor housing and placed in the outdoor dog run or removed from the outdoor dog run and placed in indoor housing where to do so would result in a change in environment likely to cause harm to the dog.
- (k) The surface on which the dog run is established shall be so maintained as to rapidly drain all excess surface water.
- (l) The dog run shall be kept in a clean condition, free from any materials or equipment likely to cause harm to a dog.
- (m) Every dog in the dog run shall have access to individual shelters that are:
- (i) readily accessible to the dog;
 - (ii) large enough to comfortably accommodate the dog;
 - (iii) so constructed and maintained as to provide protection from the effects of direct sunlight, precipitation and wind; and
 - (iv) dry and well drained.
- (n) all pens and cages in every kennel must have bedding material which is kept dry, clean and free of noxious fumes. No dog shall be placed in a cage or pen that is vacant and of which it has not been the last occupant unless the cage or pen and equipment used in connection therewith have first been sanitized.
- (o) Food and water for a dog in a kennel or pen shall be provided in containers or devices that are spill proof and be readily sanitized, and food shall not be placed directly on the floor of the cage or pen.
- (p) Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

12. Every kennel shall be subject to an annual inspection by the Animal Control Officer, or by such other person or agency as may be designated by council, to ensure that the foregoing provisions of Section 8, 9, 10 and 11 are being adhered to in the operation of the kennel, and a report in writing of each inspection shall be filed in the Office of the Municipal Law Enforcement. A fee for each inspection shall be paid by the kennel owner to the Township or its authorized agent, at the time of each inspection, in accordance with Schedule "A" to this by-law.
13. Where such inspection reveals that the foregoing provisions of Sections 8, 10, 11, 12 are not being adhered to by the kennel owner the Animal Control Officer or such other person or agency as may be designated by Council, may suspend the owner's kennel license until the deficiencies found have been remedied. An inspection fee shall be payable to the Township, or it's authorized agent, on each occasion that a further inspection of the kennel is necessary to determine that the kennel satisfies the requirements of Sections 10, 11 and 12.
14. An inspection of a kennel may be carried out more frequently than once each year where a valid complaint or complaints with respect to the operation of the kennel have been received by the Township.
15. It shall constitute an offence for any person to operate a kennel without a valid kennel license not under suspension.

RUNNING AT LARGE

16. For the purposes of this by-law, a dog shall be deemed to be running at large if it is found not under control of the owner unless the dog is on the lands of its owner or a person who as consented to it being on his land.
17. No owner of a dog shall permit the dog to run at large or trespass on private property.
18. Every owner of a dog shall ensure that the dog is kept on a leash having a length of less than 2.4 meters (8 feet) and under the control of some person when the dog is on any land in any conservation area, institutional area, or park owned by the Township of North Stormont.
19. No owner of a dog shall control a dog by means of a leash that:
(a) is not held by the person in his or her hand, or
(b) is not securely affixed to some immovable structure from which the dog cannot escape.
20. Sections 6, 7, 16, 17, 18 and 19 inclusive shall not apply to police working dogs, during the course of fulfilling their duties.

IMPOUNDMENT

21. The animal control Officer may seize any dog which is found running at large in the Township of North Stormont and may cause such dog to be impounded.
22. The animal control Officer or any person acting under his authority may kill any dog running at large if:
(a) he reasonably believes the dog is likely to cause imminent harm to any person or animal; or
(b) the dog is injured or should be destroyed without delay for humane reasons,
and no damages or compensation shall be recovered on account of such disposition.

23. Any person may seize any dog which is found trespassing or running at large in the Township of North Stormont and may cause such dog to be delivered to the pound.
24. A dog seized pursuant to Section 21 or 23 shall be considered impounded at the time and place when it comes under the control of the animal control Officer or person.
25. The operator of the pound to which any dog seized or found pursuant to this by-law has been delivered shall:
(a) impound such dog, and
(b) make reasonable efforts to determine the identity of the owner of such dog and to inform such person that the dog has been impounded.
26. The operator of the pound shall keep any impounded dog for a redemption period of three (3) days, excluding:
(a) the day on which the dog is impounded,
(b) statutory holidays, and
(c) days on which the pound is not open.
27. (a) During the redemption period, the operator of the pound shall:
(i) provide such veterinary care for an injured or ill impounded dog as may be necessary to sustain its life, and
(ii) be entitled to recover from the owner, the cost of veterinary care provided while the dog was impounded, in addition to any other fees due the Township for redemption of the dog.
(b) During the redemption period, the operator of the pound may euthanize an impounded and seriously injured or ill dog without delay, when in the opinion of the operator of the pound and/or veterinarian such actions are warranted for humane reasons.
28. During the redemption period, the owner of a dog impounded pursuant to this by-law may obtain release of such dog provided that the owner:
(a) pays the redemption fee, as set out in Schedule "A",
(b) provides evidence that the dog is registered with the Township of North Stormont pursuant to Section 7 of this by-law or, if not, obtains such registration and pays the registration fee, as set out in Schedule "A" prior to release of the dog, and
(c) takes such other action as the operator of the pound may direct.
29. After the expiration of the redemption period, the operator of the pound where a dog has been impounded pursuant to this by-law may:
(a) release the dog its owner upon compliance with the requirements for release prescribed in Section 28,
(b) keep, sell or dispose of the dog, subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. A.22, as amended.
30. Whenever a dog impounded pursuant to this by-law is release to its owner pursuant to Section 28 or Section 29, a record of such release shall be kept by the operator of the pound.

DOG BITES

31. No person shall permit his dog to bite or attack any person or domestic animal or domestic bird or to fight another dog.

32. Where the Municipal Law Enforcement Officer is informed upon complaint and confirms that a dog is vicious, the Municipal Law Enforcement Office shall serve notice upon the owner of the vicious dog requiring the owner to comply with any or all of the requirements set out in Sections 33 and 34 of the by-law upon receipt of such notice to comply.

33. Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but, otherwise within the boundaries of the owner's lands, be secured in one of the following manners, so as to prevent the dog from causing injury to any person or animal.

- (a) When the vicious dog is kept in an enclosed run or pen, that said run or pen shall be enclosed on all four (4) sides and it's top shall be of material of the same or greater strength than that of the sides.
- (b) the vicious dog shall be muzzled so as to prevent it from biting a person or domestic animal, and be securely leashed or chained.
- (c) the vicious dog is contained within an enclosed area, including a fence of an appropriate height for the breed of dog or in a manner such that the vicious dog is unable to come into contact with persons or other animals. Gates in such fenced area shall be locked at all times when the vicious dog is in the fenced area

34. No person shall operate a kennel containing a vicious dog.

35. Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises,

- (a) keep the vicious dog under the effective control of a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2 m) metres in length, and
- (b) keep the vicious dog muzzled.

36. Every owner of a vicious dog shall notify the Municipal Law Enforcement Officer within two (2) working days of any change in ownership or residence of the vicious dog and provide the Municipal Law Enforcement Officer with the new address and telephone number of the owner.

37. Sections 33 to 36 inclusive shall not apply to police working dogs during the course of fulfilling their duties.

STOOP AND SCOOP

38. Every owner of a dog shall immediately remove any faeces left by the dog in the Township of North Stormont:

- (a) on a highway or roadway,
- (b) in a public park, recreation area, conservation area
- (c) on any public property , or
- (d) on any private property other than the property of,
 - (i) the owner of the dog, or
 - (ii) the person having care, custody or control of the dog.

39. Every owner of a dog shall dispose of any faeces removed pursuant to Section 38 on his or her premises.

40. Every owner of a dog shall remove from his or her property, in a timely manner, faeces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

41. Section 38 does not apply to a handler of a service dog, where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.

42. Section 38 does not apply to a blind or visually impaired handler of a service dog if the faeces were left while the dog was off the premises of the handler and during the course of fulfilling its duties.

DOGS IN PARKS

43. No owner of a dog shall have a dog on parkland or any part thereof, that is designated by sign as an area where dogs are prohibited.

44. No owner of a dog shall have a dog on parkland or any part thereof, where the dog is within five (5) meters of:

- (a) a play structure,
- (b) a wading pool.

45. Despite Section 44, a owner of a dog may have a dog that is kept on a leash on an asphalt path on part of parkland that is within 5 meters of a play structure, a wading pool, or a spray pad provided that the parkland is not designated by sign as an area where dogs are prohibited and the owner moves along the asphalt path without stopping.

46. Section 43 to 45 inclusive shall not apply to a service dog when accompanied by its handler.

NUMBER OF DOGS RESTRICTED

47. No person shall keep, in or about any urban area within the Township of North Stormont, more than two (2) dogs over twenty (20) weeks of ages, unless such premises are:

- (a) licensed by the Township as a kennel or a pet shop;
- (b) registered with the Township as premises where dogs are receiving temporary foster care, or
- (c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

48. No person shall keep, in a rural area of the Township of North Stormont more than three (3) dogs over twenty (20) weeks of age, unless such premises are:

- (a) licensed by the Township as a kennel or a pet shop;
- (b) Registered with the Township as a premises where dogs are receiving temporary foster care, or
- (c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

CATS

49. No person shall keep in or about any urban area within the Township of North Stormont, more than (5) five cats over (20) twenty weeks of age, unless such premises are;

- (a) licensed by the Township as a pet shop;
- (b) registered with the Township as a premises where cats are receiving temporary foster care, or an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V. 3, as amended.

50. The animal control officer may euthanize a seriously injured or ill cat without delay, when in the opinion of a veterinarian such actions are warranted for humane reasons.

RABIES

RABIES IMMUNIZATION

- 51. Every owner of a dog or cat three (3) months of age or over shall ensure that the dog or cat is duly immunized against rabies and that the immunization is current.
- 52. Section 51 shall be enforced by the Medical Officer of Health pursuant to the provision of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

RABIES SUSPECTS

- 53. Every owner of a dog or cat in the Township, which is suspected of having been exposed to rabies, or which has bitten, scratched or had other contact which may result in rabies in a person, shall on demand, surrender such animal to the Township to be held by the Township in quarantine, without cost to the owner, for then (10) days, and such animal shall not be released from such quarantine without permission from the Medical Officer of Health
- 54. Despite Section 53, at the discretion of the Medical Officer of Health, an animal may be held in quarantine on the premises of the owner, or at the owner's expense in a veterinary hospital or licensed kennel of the owner's choice.
- 55. Sections 53 and 54 shall be enforced by the Medical Officer of Health pursuant to the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

LIVESTOCK

56. (a) No person shall keep livestock in any area of the Township unless the area is zoned for that purpose or is lawfully used that purpose.
- (b) Subsection (a) shall not apply to the areas known as:
- (i) the property of the Township of North Stormont where pound is located
 - (ii) the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended,
 - (iii) any area lawfully used for a traveling show, petting zoo, or other like shows, and
 - (iv) any area lawfully used as a zoo.
57. (a) For the purposes of this by-law, livestock shall be deemed to be running at large if found in any place other than the premises of owner of the livestock and not under the control of any person.
- (b) No owner of livestock shall permit any livestock to run at large in the Township.

58. The operator of the livestock pound shall, at the Township's request, seize and confine any livestock running at large in the Township and shall make reasonable efforts to determine the identity of the owner of the livestock and to inform the owner that the livestock has been impounded.

59. Any livestock in the care of the operator of the livestock pound shall be retained, released and, where appropriate, sold in accordance with the Pounds Act, R.S.O. 1990, Chapter P. 17, as amended.

60. The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses, if any incurred by the operator of the livestock pound.

PIGEONS

61. No person shall keep pigeons or doves or both (hereinafter referred to in this Section as "birds") in an area of the Township where the zoning permits residential land use unless:
- (a) the owner of the birds is a member of a recognized racing or homing pigeon club, which is affiliated with a national pigeon association, and
 - (b) the birds are not kept in, upon, or under any building used for human habitation,
 - (c) the birds are kept in a loft of sufficient size to house all birds, which shall provide a minimum space of 1.0 square meters of loft space for every ten (10) birds, and be so constructed as to prevent escape by the birds,
 - (d) the birds' loft is located at a distance of not less than seven (7) meters from any dwelling, shop or apartment building, and at a distance of not less than three (3) meters from any adjoining property line,
 - (e) the maximum number of birds kept by any person on any property in an area of the Township where the zoning permits residential land use is thirty (30) adult birds,

- (f) each bird wears a metal or plastic leg band that shall identify the owner of the bird,
- (g) none of the birds are permitted to stray, perch, roost, nest or rest upon any premises other than on the premises of the owner,
- (h) any bird afflicted with an infectious or contagious disease is not kept, except in a licensed animal hospital or under conditions of isolation and quarantine approved by the Medical Officer of Health, as applicable, and
- (i) all lands and premises where the birds are kept, are kept and maintained in a sanitary condition at all times, and all waste materials from said lands and premises are disposed of in a manner that will not create a public nuisance or health hazard.

62. Section 61 shall not apply to a person keeping pigeons or doves or both where such person resides on lands zoned agricultural, general rural, rural-agricultural or marginal resource in the applicable zoning by-laws.

RABBITS

63. No person shall keep rabbits in an area of the Township where the zoning permits residential land use unless:

- (a) no more than five (5) rabbits over the age of seven (7) weeks are kept on the property of any dwelling unit,
- (b) the rabbits are kept as pets only,
- (c) the rabbits, if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape by the rabbit, and
- (d) all lands and premises where rabbits are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.

64. Section 63 shall not apply to a person keeping rabbits where such person resides on lands zoned agricultural, general rural, rural-agricultural or marginal resource in the applicable zoning by-laws.

PROHIBITED ANIMALS

65. No person shall keep in the Township, either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "B".

66. (a) Despite Section 65, a person who is keeping a prohibited animal on the date this by-law comes into force, shall be permitted to keep such animal provided that:
- (i) the animal is kept in an environment which is appropriate for the species, and
 - (ii) the owner has advised the Township in writing of the species of animal and his or her name, address and phone number within ninety (90) days of the date that the by-law comes into force.

(b) The burden of proving the exemption from Section 65 is upon the person making the assertion, of which written notice to the Township as provided in subsection (a) shall be sufficient proof.

(c) The exemption provided for in subsection (a) is for the life of the animal.

67. The Township shall maintain a list of all prohibited animals for which written notice has been received in accordance with Section 66.

68. Section 65 shall not apply to:

- (a) the premises of the Township's pound,
- (b) the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended,
- (c) the premises of any licensed zoo or exhibit, permanently located in the Township,
- (d) premises or facilities accredited by the Canadian Association of Zoos and Aquarium (CAZA),
- (e) the areas of the City in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually conducted, provided that such programs are limited to three days at any one location,
- (f) premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990.c.A.22,
- (g) premises where wildlife rehabilitation is being undertaken in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chapter 41, as amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources,
- (h) premises fostering rescued animals under the auspices of organizations, which are exempted under the by-law, are recognized rescue organizations, and provide an educational function as part of their mandate.

NOISE FROM ANIMALS

69. (a) No person shall keep, own, or harbour in the Township any animal which makes or causes noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
- (i) any person in any dwelling, apartment, or other type of residence in the neighborhood,
 - (ii) any person in the vicinity, or
 - (iii) the neighborhood.
- (b) Subsection (a) shall not apply to livestock kept in accordance with Section 56 of this by-law.

OFFENCES AND PENALTIES

OFFENCES

70. Any person who contravenes any provisions of this by-law is guilty of an offence.

PENALTY

71. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences or as set out in the Provincial Offences Act or any successor legislation thereto.

PROHIBITION ORDER

72. When a person has been convicted of an offence under this by-law:
- (a) the Ontario Court of Justice, or
 - (b) any court of competent jurisdiction thereafter
- may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

VALIDITY

73. If a court of competent jurisdiction declares any provisions or part of a provision of this by-law to be invalid or of no force and effect, it is the intention of the Council, in enacting this by-law, that each and every other lawful provision of this by-law be applied and enforced in accordance with it's terms to the extent possible according to law.

ADMINISTRATION

ENFORCEMENT

74. Unless otherwise provided in the by-law, the By-law shall be enforced by the By-law officers and or the animal control officer or other designated persons of the Township.

SHORT TITLE

75. This by-law may be referred to as the "Animal Care and Control By-law".

REPEAL

76. By-law No. 075-01 of the Corporation of the Township of North Stormont is repealed.

EFFECTIVE DATE

- 77 This by-law shall come into force on the 28th day of September 2004.
ENACTED AND PASSED this 28th day of September 2004

Read and passed, signed and sealed in open Council this 28th day of September, 2004.

Dennis Fife
Mayor

Ray Chalmers
Clerk

Read a third time and finally passed, signed and sealed in open Council, this 28th day of September, 2004.

Dennis Fife
Mayor

Ray Chalmers
Clerk

SCHEDULE "A"

PET REGISTRATION AND POUND REDEMPTION FEES

1. DOG REGISTRATION FEES

- (a) for each dog six months of age or older,
which is sterilized..... \$ 15.00
- (b) for each dog six months of age or older,
which is not sterilized \$ 20.00
- (c) for each service dog..... No fee
- (d) for each replacement of a lost identification tag..... \$ 2.00
- (e) Kennel Licence – Pure bred dogs registered or registrable... \$ 80.00
- (f) Lodging Kennel Licence – anyone operating a kennel for lodging of
dogs other than their own..... \$150.00

2. POUND REDEMPTION FEES

For each dog redeemed, per day for each day, or part thereof, to be
calculated from the first day of impoundment \$ 25.00

3. FOR EACH KENNEL INSPECTION AS PER SECTION 12 \$50.00