

**THE COPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW NO. 8856-2016**

A by-law for the Corporation of the Town of Smiths Falls respecting the regulation and control, protection and identification of animals and for prohibiting the keeping of animals of any class thereof.

WHEREAS pursuant to section 9, 11, 103, 104, 105 of the Municipal Act 2001, S.O. 2001, c. 25, By-Laws regard the prohibiting and control of animals may be passed by the councils of local municipalities.

AND WHEREAS the council of the Corporation of the Town of Smiths Falls deems is necessary to pass such a by-law.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

SECTION 1 - DEFINITIONS

1.1 For the purpose of this By-Law,

"Animal" means a live, non-human vertebrate.

"Animal Control Officer" shall mean a person or persons appointed by The Corporation of Town of Smiths Falls to enforce the provisions of this By-Law;

"Animal Hospital" shall mean a building or part of a building that is used solely by veterinarians, their staff and their patients for the purpose of consultation, diagnosis and office treatment;

"Clerk" shall mean the Clerk for The Corporation of Town of Smiths Falls;

"Control" shall include care and custody;

"Dog" means a male/female dog of this species canis familiaris;

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

"General Fees and Rates By-law" means the current General Fees and Rates for Various Services provided by the Municipality By-law as adopted by the Council of the Town of Smiths Falls.

"Guide Dog" shall mean a dog trained and certified for a guide for the blind, hearing impaired, or other handicap, and used as such;

"Keep" means to have temporary or permanent custody or control of an animal and **"keeps"** and **"kept"** have corresponding meanings;

"Kennel" shall mean

- (i) A place or confine where purebred dogs are bred and raised and registered in the Register for The Canadian Kennel Club Incorporated, or
- (ii) A place or confine where dogs are bred or raised as a recognized class, or as a class designated as "purebred" in the Regulations of the aforesaid Club, or
- (iii) A place where Working Dogs are kept, or
- (iv) An establishment or premises other than a Veterinary Hospital or pet shop where four (4) or more dogs are kept for commercial purposes including, but not limited to, boarding, propagation and treatment.

"Licence" for the purpose of this By-law shall be deemed to be the receipt issued by the Town or its authorized agent on payment of the appropriate licence fee.

"Livestock" for the purpose of this By-law shall be cattle, goats, swine, mink, fox, sheep, nutria, horses, donkeys, ponies, mules, chickens, llamas and other similar animals.

"Minor" means a person who has not attained the age of eighteen years.

"Muzzle" means to place a humane fastening or covering device over the mouth of a dog that is of adequate strength to prevent it from biting, and **"muzzled"** has corresponding meanings.

"Owner" shall include any person, organization or corporation who possesses or harbours a dog and where the owner is a minor, shall include the person responsible for the custody of the minor. Owns or owned shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of dogs.

"Outside Dog" shall mean a dog which is kept as a pet on residential property and is regularly kept outside the residence and associated out buildings on a full-time basis.

"Person" shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.

"Pet Enclosure" a place, confine or structure, constructed of appropriate material to prevent the dog from running at large.

"Police Work Dog" shall mean a dog trained to aid law enforcement officers and is actually being used for Police work purposes for the protection of the public, and can mean the investigation of crime and the apprehension of law violators.

"Pound" shall mean such premises and facilities designated by the Town for the keeping and impounding of dogs.

"Pound Keeper" shall mean a person, persons, Association or Society appointed by the Town to maintain and administer the pound.

"Purebred" shall mean

(i) Registered or eligible for registration in the register of The Canadian Kennel Club Incorporated or

(ii) Of a class designated as purebred in the regulations.

"Rural" means a property that is zoned for agricultural in the zoning by-law that applies to the property.

"Running At Large" is a dog found in any place other than the premises of the owner of the dog and not under control of any person.

"Society or Humane Society" means the Branch or Affiliate of the Ontario Humane Society (Ontario Society for the Prevention of Cruelty to Animals).

"Tag" means a metal disc bearing a registration number for the dog for which it has been issued and the year of issue by the Town.

"Town" means The Corporation of Town of Smiths Falls.

"Under Control" a dog is not under control of a person unless it is on a leash or lead of not more than six (6) feet in length.

"Vicious Dog" means any dog known to have a propensity, tendency or disposition to attack domestic animals or humans, without provocation or any dog which has bitten another domestic animal or human without provocation.

"Wild Animal" *means a living creature that is not a plant, and is untamed or domesticated, in a natural state*

"Working Dog" shall include sheep dogs and mean a dog trained to aid in herding or protecting sheep and is actually being used for that purpose.

GENERAL PROVISIONS

SECTION 2 – REGISTRATION OF CATS & DOGS

2.1 Subject to section 7 of this part, every owner of a dog and/or cat shall annually on the first day of January, or within four (4) days of owning a dog and/or cat cause the dog and/or cat to be registered, numbered, described and licenced by the Municipality. Upon registration, each owner shall be furnished with a licence tag, which shall be secured by the owner to the cat or dog at all times.

- 2.2 The owner of every dog and/or cat, prior to registration, shall ensure that the pet's anti-rabies inoculation is current and that such information is provided to the Town at the time of registration.
- 2.3 At the time of registration the owner or application shall be required to pay the licencing fee as per Schedule A.
- 2.4 On payment of the licencing fee for the dog and/or cat, the owner shall be provided with a tag which shall bear a number and year in which it was issued
- 2.5 The owner of the dog and/or cat is required to ensure that the tag is fixed on the dog and/or cat at all times, until renewed or replaced. Should a new tag be required a lost tag fee is to be paid as per Schedule A.
- 2.6 A record shall be kept by the Animal Control Officer for the purpose of showing the name and address of the owner and the registration number of the tag.

SECTION 3 – LIMIT ON NUMBER OF ANIMALS

- 3.1 No person shall keep, or do anything which may cause to be kept, more than three (3) animals of any particular species nor an aggregate of four (4) animals, in or about any one dwelling unit in the Town of Smiths Falls. Every person shall provide information regarding the number of cats/dogs at a premise upon request of a by-law officer.
- a. Section 3.1 of this part shall not apply to:
- i. Any animals under the age of eight (8) weeks;
 - ii. Homing and racing pigeons;
 - iii. Fish, rodents, or small birds kept at all times in an animal enclosure in Section 4 of this part.
 - iv. A Kennel, an Animal Hospital, a Veterinarian's Office or a Pet Shop as permitted under the Zoning By-law 6080-94.

SECTION 4 - PET ENCLOSURES

- 4.1 A pet enclosure shall be constructed in such a manner as to prevent a dog or dogs from running at large.
- a. The enclosure shall allow the dog to;
- i. Extend its legs to their full natural extent;
 - ii. Stand;
 - iii. Sit;
 - iv. Lie down in a fully extended position.

SECTION 5 - PROHIBITION OF WILD ANIMALS, CERTAIN REPTILES AND ALL VENOMOUS AND POISONOUS ANIMALS

- 5.1 No person shall keep any wild animal or certain reptiles or any venomous or poisonous animals within the limits of the Town, unless domesticated and the facilities for keeping of same have been inspected for public safety by the Animal Control Officer. It shall be the responsibility of the owner of a wild animal, certain reptiles and all venomous and poisonous animals which have been domesticated to contact the Animal Control Officer for inspection and written approval. Part II Registration of dogs shall apply equally to wild animals, certain reptiles, venomous and poisonous animals as approved.
- a. Notwithstanding Clause 5.1, the following shall be prohibited entirely:
- i. Crocodylia (i.e. alligators, crocodiles, gavals)
 - ii. All Lizards which will grow more than 65 centimeters from snout to vent
 - iii. All venomous and poisonous animals.
 - iv. All snakes of the family Pythonidae and Boidae.

SECTION 6 - TRAINED GUARD DOG

- 6.1 No owner of a specifically trained attack or guard dog shall leave or cause to be left such animal unattended in a public place or on public property. This is to include that no owner shall leave such animals in an unlocked vehicle in a public place.

SECTION 7 - REMOVAL OF EXCREMENT

- 7.1 Any person, who owns, harbours, possesses or is responsible for the care and control of an animal shall remove forthwith excrement left by the animal anywhere in the municipality including private property and the animal owner's property.
- 7.2 Any time a dog is located off the Owner's premises, the Owner shall have with them means for proper removal and disposal of excrement.

SECTION 8 - PUBLIC NUISANCE AND/OR RUNNING AT LARGE

- 8.1 No person who owns harbors or possesses any cat/dog shall allow the dog to run at large.
- 8.2 No person who owns harbours or possesses any cat/dog shall allow the cat/dog to trespass on private property.
- 8.3 Any person who owns, harbours, possesses any cat/dog shall maintain the cat/dog under control at all times while in a public place
- 8.4 Section 7 & 9 does not apply to Guide Dogs, Police Work Dogs, and Working Dogs while lawfully engaged in their work.

8.5 In addition to 8.1, 8.2, and 8.3 no owner, possessor, or harbourer of a vicious dog shall permit the dog to be on any streets, public place, or any other place that is not owned or controlled by the Owner unless the dog is muzzled to prevent it from biting another animal or human.

8.6 No person(s) shall permit a cat/dog to become a public nuisance

8.7 A cat/dog shall be considered a public nuisance if:

- i. Persistently barks or yowls and interferes with the normal enjoyment of another person's property;
- ii. Causes damage to public or private property;
- iii. Interferes with or dumps or scatters garbage or trash;
- iv. Persistently barks at or chases pedestrians using public or private paths or sidewalks adjacent to the property where the dog is kept or harboured; or
- v. Swims at a public beach
- vi. In a public park not on a leash

8.8 An Animal Control Officer or other duly appointed officer may enter on private property for the purpose of catching any cat/dog running at large contrary to the provision of this by-law.

SECTION 9 - ORDER TO MUZZLE

9.1 An Animal Control Officer may issue an Order to Muzzle to an owner, whose dog is alleged to have bitten or attacked a person or animal, requiring the owner to muzzle the dog.

9.2 An owner may appeal an Order to Muzzle his or her dog to the Chief Administrative Officer, but an appeal shall not act as a stay of the muzzling order.

9.3 Where a proceeding has been commenced by the Town under the Dog Owner's Liability Act against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog until a determination of the matter has been made by the court.

9.4 The provisions of (enter section or part) shall not apply to a vicious dog while that dog in attendance at an event sanctioned by the Canadian Kennel Club.

SECTION 10 - ANIMALS SEIZED AND IMPOUNDED

The running at large of animals is prohibited within the Town. Every owner of an animal shall ensure that the animal is properly restrained, tethered or leashed.

10.1 A pound shall be established for the impounding of all dogs, pursuant to the provisions of this By-Law. The establishment, maintenance and operation of a pound shall comply with the Animals for Research Act R.S.O 1990 Chapter A.22 and the regulations made hereunder.

SECTION 11 – WILD ANIMALS

11.1 No person shall keep any wild animals within the limits of the Town of Smiths Falls.

SECTION 12 - DOMESTIC FOWL, PIGEONS AND OTHER SPECIES OF BIRDS

12.1 No pigeons shall be kept within the Town of Smiths Falls.

12.2 All domestic fowl or other species of birds shall be kept in enclosed and ventilated lofts, coops, pens, or runs and such enclosure shall, insofar as practicable, be screened from the adjacent lots and streets by hedges, shrubs or other suitable screening.

12.3 The Animal Control Officer may, upon complaint of the owner or occupant of any premises, enter upon such premises and the land and buildings in the vicinity thereof for the purpose of trapping, removing or humanly destroying strayed pigeons that are causing annoyance to the owner or occupant to such premises.

SECTION 13 - LIVESTOCK

13.1 Livestock shall not be kept in the Town of Smiths Falls except on lands zoned Rural.

13.2 Notwithstanding Section (13.1). Livestock shall not apply to dogs, cats, rabbits, birds (except domestic fowl), chinchillas, mice, rats, gerbils, guinea pigs, pot-bellied pigs, hamsters, indigenous non-venomous snakes or fish kept as pets.

SECTION 14 – ENFORCEMENT

14.1 Any person found violating any of the provisions of this By-law is guilty of an offence and on conviction shall be liable to a fine pursuant to the Provincial Offences Act.

14.2 The Town shall be responsible for the administration and enforcement of this By-law, and any person(s) appointed by the Town, under an Agreement for Services as Animal Control Officer(s), shall be designated as Provincial Offences Officer for the enforcement of this By-law and for the enforcement of the Town of Smiths Falls Noise By-Law as it relates to dogs barking.

14.3 The attached Schedules may be changed by the Corporation of the Town of Smiths Falls, by Council resolution at any time, after the appropriate public meeting and notices have been published in accordance with the Municipal Act 2001, C. 25, S. 150(4)

SECTION 15 - GENERAL ADMINISTRATION

15.1 By-law No. 8126-2008 as amended is hereby rescinded.

15.2 This by-law may be cited as "Animal Control By-Law."

- 15.3 The Schedules A and B attached to this by-law shall be read with and form part of this by-law.
- 15.4 Should any part, section, subsection or portion of this by-law be repealed or declared by a court of competent jurisdiction to be illegal the same not affect the validity of the by-law as a whole or in part thereof, except for that which was declared to be invalid.
- 15.5 That the provisions of this by-law shall come into force and take effect on which day it receives third reading and is passed.
- 15.6 The set fines to this by-law shall come into force and take effect on the date of the approval by the Senior Justice, Ontario Court of Justice, Province of Ontario.
- 15.7 That all other Animal Control By-laws are hereby rescinded.

Read a First and Second time this 2nd day of May, 2016

Read a third and passed on this 2nd day of May, 2016

Mayor



Clerk

SCHEDULE A TO BY-LAW NO. 8856-2016

TAG FEES

Dog/Cat with Micro chip	
Prior to April 1st	After April 1st
Spayed or neutered - \$5.00	Spayed or neutered - \$10.00
NOT Spayed or neutered - \$10.00	NOT Spayed or neutered - \$20.00

Dog/Cat without Micro chip	
Prior to April 1st	After April 1st
Spayed or neutered - \$15.00	Spayed or neutered - \$30.00
NOT Spayed or neutered - \$30.00	NOT Spayed or neutered - \$60.00

REPLACEMENT TAG

\$5.00

*New residents and dogs acquired after April 1st are exempted from additional fee upon provision of satisfactory evidence.

SCHEDULE B TO BY-LAW NO. 8856-2016

IMPOUND AND DAILY MAINTENANCE FEE

Dog daily maintenance fee \$15.00

Cat Daily maintenance fee \$10.00

**The Corporation of the Town of Smith Falls
Bylaw no. 8856-2016: Animal Regulation
Part I Provincial Offences Act**

SCHEDULE C TO BY-LAW NO. 8856-2016

SET FINES

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Keeping more than four(4) cats/dogs in or about any dwelling unit in an urban area	3.1	\$120.00
2.	Failure to provide information on the number of cats/dogs at a premise	3.1	\$120.00
3.	Failure to obtain a licence	2.1	\$120.00
4.	Failure to maintain a tag on a cat/dog	2.1	\$120.00
5.	Permitting cat/dog to run at large	8.1	\$120.00
6.	Failure to control cat/dog	8.3	\$120.00
7.	Failure to provide adequate protection while harbouring a vicious dog	8.5	\$235.00
8.	Permitting a cat/dog to become a public nuisance	8.6	\$120.00
9.	Dog/cat trespassing on private property	8.2	\$120.00

Note: The general penalty provision for the offences listed above is section 14.1 of bylaw 8856-2016 and s. 61 of the Provincial Offences Act, R.S.O. c.P.33

SCHEDULE D TO BY-LAW 8856-2016

ORDER TO MUZZLE

Date:	
Order Issued to:	
Address 1	
Address 2	
Town/Postal Code	
Description of Dog	
Name of Dog:	
Breed:	
Colouring:	
Dog Tag Number:	Year of Dog Tag:
Rabies Tag Number: Include the year and veterinary's office	Tattoo Number:
Microchip Number:	

I, _____, being the Animal Control Officer,
declare the following:

1. The above dog described did on the _____ day of _____,
20____, bite and puncture the skin of a person or a domestic animal.
2. That in accordance with Section 5 i) of By-law 2015-00, you are hereby ordered to
restrain your dog as follows:

_____ Date _____ By-Law Enforcement Officer

This Order to Muzzle will be on filed at the Municipal Offices of the Corporation of the Town of Smiths Falls.