

**THE CORPORATION OF THE TOWN OF SHELBURNE**

**BY-LAW 15-2018**

Being a By-law to regulate various matters relating to the keeping,  
licensing and controlling of animals in the Town of Shelburne.

**WHEREAS** the Municipal Act, S.O. 2001, as amended, authorizes the Council of the local municipality to pass By-laws prohibiting or regulating the keeping of animals or any class of animals within the municipality, prohibiting or regulating the running at large of animals in the municipality and requiring the licensing of dogs;

**AND WHEREAS** the Municipal Act, S.O. 2001, as amended, authorizes the Council of a local municipality to pass By-laws for the seizure, impounding and sale of impounded animals;

**AND WHEREAS** the Municipal Act, S.O. 2001, as amended, authorizes the Council of a local municipality to pass By-laws regarding the leashing of dogs;

**NOW THEREFORE** the Council of the Corporation of the Town of Shelburne enacts as follows:

**Section 1** **Short Title**

This By-law may be cited as the "Animal Care and Control" By-law.

**Section 2** **Definitions**

In this by-law, the term,

- a. **"Animal"** means any member of the animal kingdom, including mammals, birds and reptiles;
- b. **"Animal Control Officer"** means any Municipal Law Enforcement Officer or Property Standards Officer appointed by the Town; any police officer; and any person or Corporation contracted with the Town to control dogs, cats or other animals, and any servants or agents of such person(s) or Corporation;
- c. **"Animal enclosure"** means an enclosed place for the keeping of animals and includes bird lofts, bird cages, pigeon coops, dog runs, dog pens, rabbit hutches, catteries and reptile tanks, the rear, side or front yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part. The rear, side or front yard itself, shall not be deemed to be an animal enclosure;
- d. **"Capable person"** shall mean a person of sufficient size and stature able to control and restrain a dog to such an extent that the physical wellbeing of any person or animal is not threatened;
- e. **"Control"** shall mean secured by a leash of not more than 1.5 meters in length and under the supervision of a capable person;
- f. **"Extreme weather"** means a cold warning, heat warning or other weather warning issued by either or both the Health Officer or Environment Canada for weather in the Town of Shelburne;
- g. **"Guide dog"** shall mean a dog trained and used as a guide for a blind person or for the hearing impaired and shall include a service dog to aid a person due to a medical condition;
- h. **"keep"** means to have temporary or permanent control or possession of an animal;

- i. **“Law enforcement dog”** shall mean a dog trained to assist Law Enforcement officers and used by such officers in the execution of their duties;
- j. **“Leash”** shall mean a rope, chain or other material or restraining device used to restrain a dog;
- k. **“Leash Free Zone”** shall mean a designated area for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners.
- l. **“License”** shall mean a license issued pursuant to this by-law in the form of an identification tag issued by the Town;
- m. **“License inspector”** shall mean a person or persons appointed as a Municipal Law Enforcement officer by the Town;
- n. **“Officer”** shall mean a Police Officer, License Inspector, Municipal Law Enforcement Officer, Animal Control Officer, Pound keeper or any other person appointed by by-law to enforce the provisions of this by-law;
- o. **“Owner”** means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, “owner” means the person responsible for the custody of the minor;
- p. **“Premises”** includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;
- q. **“Pound”** shall mean such premises and facilities designated as a Town shelter and Pound;
- r. **“Pound keeper”** shall mean the person appointed as such by the Town;
- s. **“Resident”** shall mean a person who resides within the geographic limits of the Town of Shelburne, this residence being where they reside more than 50% of the time;
- t. **“Service Animal”** shall mean animals that are individually trained to do work or perform tasks for people with disabilities. (Certification or documentation may be required as proof)
- u. **“Tag”** shall mean a tag issued by the Town indicating the year issued and tag number;

### **Section 3**

### **Licensing**

- 3.1 Every owner of a dog shall cause such dog to be licensed with the Town before the 1st day of April in each calendar year or within seven (7) days from the date on which the dog is acquired by such person
- 3.2 Upon payment of the license fee, the Town shall provide the owner of the dog with a tag bearing the Town of Shelburne name, year and license number
- 3.3 The owner of every dog shall keep the dog tag, provided by the Town, securely fixed on such dog at all times until the tag is renewed or replaced
- 3.4 Every license issued by the Town shall expire on the thirty first day of December of the year for which it is issued and shall be renewable yearly
- 3.5 The License fees to be paid are attached hereto as Schedule “A”

#### **Section 4**                                      **Inspections**

4.1    An officer or any other person authorized by the Town, may inspect any premise where animals are kept, pursuant to this by-law

#### **Section 5**                                      **Tethers**

5.1    No person in the Town shall keep a domestic animal tethered on a chain, rope or similar restraining device of less than three (3) metres in length

5.2    No person shall keep a domestic animal tethered on a rope, chain or other similar restraining device unless:

- a.    a tether is of an appropriate length for the species tethered;
- b.    the domestic animal has unrestricted movement within a range of such tether; and
- c.    the domestic animal cannot suffer injury as a result of tethering.

#### **Section 6**                                      **Number of Animals**

6.1    No person shall keep or permit to be kept at any one time on any one property no more than four (4) dogs, excluding dogs three (3) months of age or less

6.2    No person shall keep or permit to be kept at any one time on any one property no more than six (6) cats, excluding cats three (3) months of age or less.

#### **Section 7**                                      **Stoop and Scoop**

7.1    The owner and keeper of every dog shall forthwith remove, or cause to be removed, any excrement left by the dog on public or private property, the owner or keeper shall dispose of the excrement in a proper refuse receptacle, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.

7.2    Every person who owns or keeps a cat shall remove excrement left by such cat from his or her premises, in a timely manner, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.

7.3    The provisions of subsections 7.1 and 7.2 do not apply to a person who is sight impaired with respect to a guide dog, to a person keeping a service animal or to a person with a disability that prevent such a person from complying with subsection 7.1 or 7.2.

#### **Section 8**                                      **Noise**

8.1    No person shall allow a dog to persistently bark, whine, howl or otherwise become a nuisance.

#### **Section 9**                                      **Running At Large**

9.1    A dog shall be deemed to be running at large if found in any place, other than the lands, premises or a vehicle of the owner or a person keeping such a dog, and:

- a.    the dog is not leashed; or
- b.    the dog is leashed, and no person has the leash in hand.

- 9.2 A cat shall be deemed to be running at large if found in any place, other than the lands, premises or a vehicle of the owner or a person keeping such a cat.
- 9.3 A dog shall not be considered to be at large if the dog is within a designated "leash free zone" within the Town and the owner or keeper of the animal has accompanied the animal to the "leash free zone".
- 9.4 An animal control officer may capture and take into custody a domestic animal that is at large or trespassing upon the property.
- 9.5 Any person may humanely capture a dog found:
- a. running at large and trespassing on his or her property, or
  - b. running at large on public property,
  - c. and deliver the animal to the custody of an animal control officer.

## **Section 10 Seizure and Impounding of Dogs**

- 10.1 An Animal Control Officer may seize and impound:
- a. any dog found running at large;
  - b. any dog that is in distress or danger;
  - c. any dog that has engaged in or is engaged in a Dangerous Act.
- 10.2 A record of every dog impounded or seized shall be kept, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, and the date of disposition and the disposition made.
- 10.3 Within twenty-four (24) hours of the seizure or impounding of a dog, every reasonable effort shall be made by Animal Control Officers to notify the owner, if known, that the dog is impounded and the conditions whereby custody of the dog may be regained.
- 10.4 Where a dog has been seized or impounded, it may only be returned to the owner:
- a. if the owner claims possession of the dog within five (5) days after the date of seizure and impounding or later if permitted under this by-law or at the discretion of an Animal Control Officer where such dog is still impounded;
  - b. an Animal Control Officer is satisfied that the dog is licensed for the current year after identification of the dog by the owner and payment by the owner of the fee as set out in Schedule "A" attached hereto;
  - c. the dog owner and the dog are in compliance with any other provision of this by-law and any other applicable animal control legislation; and
  - d. the owner has paid such fees for which they are liable pursuant to subsection 10.5.
- 10.5 Where a dog is seized or impounded, the owner shall be liable for and shall pay all of the following fees on demand to an Animal Control Officer:
- a. the impound and daily maintenance fees as set out in the attached Schedule "A";
  - b. the costs incurred for veterinary care provided while the dog was impounded, if applicable;
  - c. the license fees as set out in the attached Schedule "A", where the dog is unlicensed; and

d. any other expenses incurred by the Town or its agents while providing care and shelter to the impounded dog.

10.6 In the event that any seized or impounded dog has not been restored to the owner within five (5) days after seizure, the dog may be:

- a. disposed of by an Animal Control Officer in a humane manner; or
- b. sold, gifted, adopted-away or relocated by an Animal Control Officer for a price, if applicable, that the Animal Control Officer deems reasonable.

10.7 The Town or its authorized agents shall not be liable for damages or compensation arising from disposal, sale or transfer pursuant to subsection 10.6.

10.8 Any proceeds from sale or disposal of a dog pursuant to subsection 10.6 shall be the property of the Town, subject to any contract or agreement with any person or corporation providing animal services to the Town.

10.9 Where a dog which has been seized or impounded is injured or in a condition where it would be appropriate to destroy it without delay for humane reasons, an Animal Control Officer may dispose of such a dog in a humane manner as soon after impoundment or seizure as he/she thinks appropriate without permitting any person to reclaim the dog, taking any steps to identify and notify the owner, if any, of such a dog or taking any steps to sell, gift or transfer such a dog.

## **Section 11 Exotic Animal Regulation**

11.1 No person shall keep or cause to be kept, any animals listed in the attached Schedule "B".

11.2 No person shall keep, or cause to be kept, a reptile, insect or amphibian permitted under this by-law outside a building or structure unless it is in an animal enclosure.

## **Section 12 Standards of Care**

Every owner of an animal shall ensure that the animal enclosure provided for the animal meets the following requirements, regardless of whether the animal enclosure is located indoors or outdoors:

12.1 The animal enclosure shall be of a size and in a condition, such that the animal may:

- a. extend its legs, wings, and body to their full natural extent;
- b. stand;
- c. sit;
- d. perch

12.2 Every reptile, fish, and amphibian shall be provided with an enclosed space adequate for the needs of the species.

12.3 The enclosure is of such a nature and condition that the animal contained therein would not be harmed and its health would not be negatively affected for the reason of being placed in such an animal enclosure.

12.4 Every animal contained therein must be readily observable unless the natural habits of the animal require otherwise.

12.5 The animal enclosure shall be kept in a clean and sanitary condition.

12.6 The animal enclosure shall be kept free of offensive odour.



15.2 No owner or person keeping a dog shall permit his or her dog to attack, bite or engage in a fight with any person, domestic animal or any other animal that is kept or used as a pet by any person.

**Section 16 Notice to Muzzle**

16.1 Where the Officer has reasonable grounds to believe that a dog has bitten a person, domestic animal, or any other animal that is in control of or used as a pet by any person, the Officer shall:

- a. Where the bite is the first bite on record and it occurs on private property, serve the owner with a written warning which shall caution the owner that any subsequent bite will automatically result in the issuance of Notice to Muzzle as set out in the attached Schedule "C" and a possible prosecution under the Dog Owner's Liability Act, R.S.O 1990, c. D.16, as amended; or
- b. Where the bite occurred on public property or where the bite is a second or subsequent bite, the Town shall serve the dog owner with a Notice to Muzzle.

16.2 When an owner is served with a notice to muzzle, the owner:

- a. Shall display a warning sign at the main entrance of the property that is clearly visible, warning of the dog;
- b. While on the property of the owner, shall cause the dog subject to the notice to muzzle to be tethered or confined in a fenced in area in a way that prevents the dog from going beyond the limits of the owner's property or being accidentally or intentionally released; and
- c. Whenever off the property of the owner, shall cause the dog subject to the notice to muzzle to be muzzled and leashed and the owner shall not permit such a dog to be left in the control of a person under the age of sixteen (16) or someone who is not a capable person.

16.3 A written warning and a notice to muzzle may be served by hand delivery or prepaid registered mail service and in the event of service by prepaid registered mail service, shall be deemed received on the fifth (5th) day after the date of mailing.

16.4 May request a hearing before the Town of Shelburne Council by delivering a completed form set out in Schedule "D" to the Clerk within fifteen (15) calendar days of deemed receipt of the Notice to Muzzle.

**Section 17 Severability**

17.1 If a court of competent jurisdiction declares any section or part of this by-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

**Section 18 Enforcement**

18.1 A Municipal By-Law Enforcement Officer, Police Officer or Animal Control Officer is hereby vested with the Authority of enforcing the provisions of this By-law.

**Section 19 Entry and Inspection**

19.1 An Officer may, at all reasonable times, enter on land including buildings and structures other than a dwelling unit, for the purpose of carrying out an inspection to determine compliance with this Bylaw.

**Section 20 Obstruction**

20.1 No person shall hinder or obstruct or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law. Any person who alleged to have contravened

any of the Sections of this By-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hinder the Officer in the execution of their duties.

**Section 21** **Penalty**

- 21.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33.

**Section 22** **Presumption Ownership and Residence**

- 22.1 An owner shall be presumed to be in the care and custody of a domestic animal(s) at all times, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 22.2 A person found to be within a dwelling unit shall be presumed to be residing within such dwelling unit, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

**Section 23** **Fees**

- 23.1 The owner of the animal shall be responsible for all fees and charges incurred in respect of the animal and shall be a debt of the person, pursuant to the Municipal Act, 2001, s. 398.

**Section 24** **Repeal**

- 24.1 By-law number 61-2016, By-law number 30-2004 & By-law number 56-2004 are hereby repealed in their entirety and any other by-laws regarding the regulation of dogs and animal keeping are hereby repealed and replaced with By-law 15-2018.

**THIS BY-LAW READ A FIRST AND SECOND TIME THIS 26<sup>th</sup> DAY OF MARCH, 2018.**

**READ A THIRD TIME AND ENACTED THIS 26<sup>th</sup> DAY OF MARCH, 2018**

*K. Bennington*

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**Mayor**

*J. Willoughby*

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**Clerk**



SCHEDULE "A"  
FEES

<b>Items</b>	<b>Spayed/Neutered</b>	<b>Not Spayed/Neutered</b>
First Dog (1st)	\$20.00	\$30.00
Second Dog (2nd)	\$30.00	\$40.00
Third Dog (3rd)	\$80.00	\$90.00
Fourth (4th)	\$100.00	\$110.00
Service Dog/Guide Dog	No Fee	
Replacement Tag(s)	\$5.00	
Proof of Valid License from Another Municipality	\$10.00 Discount (Only applies on current year tags)	
<b>Impound Fee</b>	<b>With License</b>	<b>Without License</b>
First Time	\$50.00	\$100.00
Second Time	\$75.00	\$125.00
Third Time	\$100.00	\$150.00

## SCHEDULE "B"

### PROHIBITED ANIMALS

**Artiodactyla** (such as cattle, goats, sheep, pigs)

**Canidae**, except domestic dogs (such as coyotes, wolves, foxes, hybrid wolf dogs)

**Chiroptera** (such as bats, myotis, flying foxes)

**Crocodylia** (such as alligators, crocodiles, gaviel)

**Edentates** (such as anteaters, sloths, armadillos)

**Elephants**

**Felidae**, except domestic cats (such as tigers, leopards, cougars, lions, lynx)

**Hyaenidae** (such as hyaenas)

**Lagomorpha**, except rabbits (such as hares, picas)

**Marsupials**, except sugar gliders derived from self-sustaining captive populations (such as kangaroos, opossums, wallabies)

**Mustelidae**, except domestic ferrets (such as mink, skunks, weasels, otters, badgers)

**Non-human Primates** (such as chimpanzees, gorillas, monkeys, lemurs)

**Perissodactyla** (such as horses, donkeys, jackasses, mules)

**Pinnipeds** (such as seals, walruses)

**Procyonidae** (such as coatimundi, cacomistles, raccoons)

**Rodentia**, except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations that are not venomous and that reach an adult length larger than 3m (such as porcupines, prairie dogs)

**All snakes**

**Ursidae** (such as bears)

**Viverridae** (such as mongooses, civets, genets)

#### Birds

**Anseriformes** (such as ducks, geese, swans, screamers)

**Galliformes** (such as peacocks, pheasants, grouse, guineafowls, chickens, turkeys)

**Struthioniformes** (such as ostriches, rheas, cassowaries, emus, kiwis)

**Raptors** (such as eagles, hawks, falcons, owls)

#### Other

**All venomous and poisonous animals**

**All other animal of a wild nature (*ferae naturae*)**

**SCHEDULE "C"**  
**NOTICE TO MUZZLE**

TOWN OF SHELBURNE

NOTICE TO MUZZLE

<b>Notice Number:</b>		<b>Date:</b>	
<b>Owners Name:</b>			
<b>Owners Address:</b>			
<b>Name of Dog:</b>		<b>Dog Tag #:</b>	
<b>Breed:</b>		<b>Year of Dog Tag:</b>	
<b>Gender</b>		<b>Microchip #: (If Applicable)</b>	
<b>Color/Markings:</b>		<b>Rabies Tag #:</b>	
<b>Veterinary Clinic</b>		<b>Year of Rabies Tag:</b>	

NOTICE TO MUZZLE

The Corporation of the Town of Shelburne is in receipt of a witness statement regarding a dangerous dog, pursuant to By-law 15-2018, Section 16 that the dog described above did bite and puncture the skin of a person or domestic animal.

In Accordance with By-law 15-2018 Section 16 you are hereby ordered to restrain your dog as follows:

METHOD OF RESTRAINING DOG

- While the dog is on the property of the owner, as described above, the dog shall be tethered or confined in a fenced in area in a way that prevents the dog from going beyond the limits of the owner's property or being accidentally or intentionally released; and
- The owner shall display a warning sign at the main entrance of the property that is clearly visible, warning of the dog. While the dog is off the property of the owner, as described above, the dog shall be restrained by a muzzle and leashed and the owner shall not permit such a dog to be left in the control of a person under the age of sixteen (16) or someone who is not a capable person.
- In accordance with By-law 15-2018 Section 16. As the owner of the above described dog you may appeal this muzzle notice to Town of Shelburne Council by delivering a notice to the Clerk within fifteen calendar days of the date on this notice by submitting a written request for a hearing on Schedule "D". Such a request must be addressed to the Clerk at 203 Main Street East, Shelburne, Ontario, L9V 3K7. In the event that an appeal is taken from this Notice, the above "Methods of Restraining a Dog" shall remain in effect pending the outcome of the appeal.

This Notice is served upon the owner in accordance with By-law 15-2018, section 16 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

Signature of MLEO

Date

SCHEDULE "D"

**APPLICATION FOR HEARING WITH RESPECT TO NOTICE TO MUZZLE**

This appeal form shall be delivered to the Clerk, by registered mail or in person within fifteen (15) days after the muzzle order has been received from the Town of Shelburne.

REGISTERED MAIL OR IN PERSON:

Clerk  
Town of Shelburne  
203 Main Street E  
Shelburne, Ontario  
L9V 3K7

<b>Notice Number:</b>		<b>Date:</b>	
<b>Owners Name:</b>			
<b>Owners Address:</b>			
<b>Name of Dog:</b>		<b>Dog Tag #:</b>	
<b>Breed:</b>		<b>Year of Dog Tag:</b>	
<b>Gender</b>		<b>Microchip #: (If Applicable)</b>	
<b>Color/Markings:</b>		<b>Rabies Tag #:</b>	
<b>Veterinary Clinic</b>		<b>Year of Rabies Tag:</b>	

Reason for appeal:


If additional space is required, please attach additional pages to this form.  
The information contained in this appeal is true to the best of my knowledge

Signature of Dog Owner: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_