

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2023-54

BEING A BY-LAW TO REGULATE ANIMAL CARE AND CONTROL WITHIN THE TOWNSHIP OF WEST LINCOLN

WHEREAS Sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("Municipal Act") authorize a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 8(3) of the Municipal Act confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under that Act is guilty of an offence;

AND WHEREAS section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties, and the Provincial Offences Act, R.S.O. 1990, c. P.33, shall be to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS Section 103 of the Municipal Act provides that if a municipality passes a by-law regulation or prohibiting with respect to the being at large or trespassing of animals it may provide for the seizure and impoundment of animals found at large or trespassing contrary to that by-law under certain conditions;

AND WHEREAS the Act, Section 105 provides, inter alia, for the muzzling of dogs;

AND WHEREAS Section 391 of the Municipal Act enables a municipality to pass a by-law imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Council deems it expedient and in the public interest to license dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the Municipal Act;

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. Short Title:

This by-law shall be known as the "Animal Control By-Law"

2. DEFINITIONS

For the purposes of this By-law:

"Animal" means any member of the animal kingdom but excluding fish;

"At large" means being at any place other than the premises of the owner of the animal and not under the control of the owner, except where the owner of the property permits the animal to be on his or her property;

"Attack" means physical contact, other than accidental contact, by an Animal that results in bleeding, bone breakage, bruising, a scratch or a sprain to a Person or an Animal or damage to clothing worn by a Person, and the words "Attacked" or "Attacking" have a corresponding meaning;

"Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of an Animal;

"Bona fide farmer" means a farmer who is carrying on farming operations where his/her actions as well as his/her intentions are genuine intentions to develop land as a farming proposition in the hope, based on reasonable grounds, that an ultimate profit will be derived

"Cat" means a domesticated feline animal, male or female;

"Commercial kennel" means a premise where the primary purpose of the facility is for the boarding of Dogs for hire or gain;

"Council" means The Corporation of the Township of West Lincoln;

"Dog" means a domesticated canine animal, male or female;

"Domestic animal" means any tamed or domesticated Animal;

"Dwelling unit" means a building, structure, room or rooms occupied or intended for use for human habitation in which sanitary, cooking, living and sleeping facilities exist;

"Private kennel" is a Kennel where four or more dogs, excluding pups under ten weeks of age, are kept for personal uses as hunting Dogs, sled Dogs or show Dogs, kept for the purpose of training or kept as pets and where there is no boarding and no revenue derived from the Kennel;

"Keep" means to have temporary or permanent control or possession of an Animal, the words "Kept" or "Keeping" have a corresponding meaning;

"Kennel" means a building or structure or part thereof whereby animals are kept as pets or for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance and excludes animal clinics, grooming establishments, Humane Societies and Pet Shops;

"Leash" means a rope, chain or other restraining device for a dog that may not exceed 5 metres;

"Livestock" means any domestic or farmed Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;

"Livestock Guardian Dog (LGDs)" means a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose;

"Motor vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting, the words "Muzzled" and "Muzzling" have a corresponding meaning;

"Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, and Animal Control Officers employed by the Society including agents and inspectors designated as such under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36 and all other enforcement officers as may be appointed by the Province of Ontario and the Region of Niagara.

"Owner" means any person who possesses, harbours or keeps an animal, 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, the word "Owns" has a corresponding meaning;

"PAWS" means the Provincial Animal Welfare Services Act, 2019, S.O.2019, c. 13;

"Person" means an individual, corporation, association, or any other non-incorporated entity;

"Pet shop" means a shop or place where animals are sold or kept for sale for use as pets;

"Pound" means the part of the premises of the society used for the temporary housing and care of animals that have been impounded pursuant to this by-law, in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22;

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received;

"Premises" includes a Dwelling unit, a house or building and the land or Premises on which the building or house is situated or attached;

"Prohibited animal" means any Animal that is set out in Schedule "B" attached to this by-law and which may be amended by the Council from time to time as required;

"Redemption Period" is a period of seventy two (72) hours where an impounded animal may be claimed by the owner when in custody of the pound;

"Service dog" 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;

"Shelter" means a structurally sound and sufficient, weather-proof, insulated enclosure of dimensions sufficient to protect the full body of the animal for whose use it is intended from the elements and in which the animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;

"Society" means the Niagara SPCA and Humane Society;

"Sterilized" in respect of a dog means either spayed or neutered and

"Sterilization" has a corresponding meaning;

"Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents an animal from moving away from a localized area, the words "Tethered" and "Tethering" have a corresponding meaning;

"Township" means the Township of West Lincoln or the geographic area thereof and shall include all servants, agents and contractors;

"Urban boundary" means the urban boundary as set out and or as amended in Schedule "A" or as amended as provided in the Comprehensive Zoning By-law 2017-70, as amended, and its successor thereto;

"Wild animal" means all mammals other than domestic animals but does not include the domestic ferret; and

"Without provocation" when used in reference to a bite or attack on a person or animal, means in the absence of any abuse, assault, teasing, tormenting, unwanted physical contact or the like by the person or animal who sustained the bite or attack.

3. CARE OF ANIMALS

Responsibility to Care for Animals

3.1 Every Person who keeps an Animal within the Township shall at all times provide the Animal, or cause it to be provided with:

3.1.1 a clean and sanitary environment free from the accumulation of waste matter; and

- 3.1.2 adequate and appropriate care, food, water, Shelter, and the opportunity for physical activity.
- 3.2 Every Person who keeps an Animal that may reside outdoors, shall, in addition to complying with the requirements set out in Section 3.1 of this Bylaw, ensure that the animal is provided with:
 - 3.2.1 a Shelter that is of such a nature and condition that the Animal would not be harmed and its health would not be negatively affected for the reason of being in such a Shelter;
 - 3.2.2 a Shelter in a size and condition that will allow an Animal to extend its legs, wings and body to their full natural extent;
 - 3.2.3 an area separate from the Shelter that provides the Animal with shade and protection from direct sunlight at any time of the day; and
 - 3.2.4 an area that is dry and free from standing water.

Tethers

- 3.3 No Person shall keep an Animal Tethered unless:
 - 3.3.1 the Tether is a minimum of four metres in length;
 - 3.3.2 the Animal has unrestricted and unobstructed movement within the range of the Tether;
 - 3.3.3 the Animal has access to food, water and Shelter;
 - 3.3.4 it is attached to a permanently fixed object;
 - 3.3.5 the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
 - 3.3.6 the Animal is Tethered in a way that it will not injure itself.
- 3.4 No Person shall tether an Animal in such a way as to permit the Animal to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the Owner of the Animal has received prior consent from the Owner of that Premises.

Sanitary Conditions

- 3.5 Every Person who keeps an Animal within the Township shall keep the Animal, or cause the Animal to be kept, on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.
- 3.6 Section 3.5 does not prohibit a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1.

4. DOGS

Registration

- 4.1. Every owner of a Dog within the Township shall:
 - 4.1.1. register the Dog annually with the Township and pay an annual dog registration fee as set out in Schedule "C";
 - 4.1.2. provide proof of Sterilization from a qualified veterinarian at the time of registration to qualify for a discounted annual Dog registration fee;
 - 4.1.3. ensure that the Dog identification tag, issued by the Township at registration is on the Dog's collar, and the said collar is affixed to the Dog at all times;
 - 4.1.4. promptly purchase a replacement Dog identification tag from the Township, in the event that such tag is lost, damaged or destroyed;
 - 4.1.5. not use a Dog identification tag for any Dog other than the Dog for which it was issued;
 - 4.1.6. notify the Township within seven (7) days of the sale or death of a registered Dog; and

- 4.1.7. not provide the Township with any false information in respect of the registration, or renewal of a registration of a Dog.
- 4.2. Every Owner of a Dog shall provide the Township the following information upon registration and renewal:
 - 4.2.1. name, address, and telephone number of the Dog Owner;
 - 4.2.2. name, age, gender, breed, and colour of the Dog; and
 - 4.2.3. proof of Sterilization from a qualified veterinarian, if applicable;
 - 4.2.4. information provided under Section 4.2 changes, the Owner shall notify the Township within seven (7) days.
- 4.3. Dog registration shall be valid until December 31st of the year it was purchased, and shall be renewed annually.
- 4.4. Keeping or raising of any livestock, exotic bird, reptile or wild animal including tamed or domesticated wild animal or exotic bird or reptile on any residential lot or in any *building* or *structure* in a Residential Zone is *prohibited*, but this shall not prevent the keeping of up to three (3) of any type of Domestic Animal, such as dogs, cats, hamsters, mice, rabbits, turtles.

Dog Kennel

- 4.5. No person shall construct, establish, maintain or operate a Dog Kennel in the Township unless:
 - 4.5.1. the Kennel is in compliance with the provisions of this By-law, any other applicable municipal by-law and any applicable Act or Regulation including, without restricting the generality of the foregoing, the Township's Zoning By-law No. 2017-70, as amended, and any successor thereto, the *Health Protection and Promotion Act*, R.S.O. 1990, c. H. 7, the *Building Code Act*, 1992, S.O. 1992, c. 23, and the *Fire Protection and Prevention Act*, 1997, S. O. 1997, c. 4;
 - 4.5.2. the Kennel and its surrounding environment prevents escape by any Dog from the Kennel;
 - 4.5.3. the Owner or operator of the Kennel registers the Kennel annually with the Township and pays the annual Kennel registration fee as set out in Schedule "C";
 - 4.5.4. the Owner or operator of the Kennel renews the Kennel registration annually before January 1st of each year any time after January 1st the Owner or operator may be subject to a registration surcharge as set out in Schedule "C"; and
 - 4.5.5. the Kennel is clean, secure and operated in a humane manner including compliance with the current Canadian Veterinary Medical Association (CVMA) Code of Practice for Canadian Kennel Operations.
 - 4.5.6. Every Kennel licence shall expire on the 31st day of December in the year for which it was issued and shall be renewable yearly.
- 4.6. If an Owner or operator registers a new Kennel after July 1st, the Owner operator shall pay one-half of the applicable annual registration fee as set out in Schedule "C".
- 4.7. To register a Kennel every Owner or operator shall provide the Township with the following information:
 - 4.7.1. the name, address and telephone number of the Kennel Owner;
 - 4.7.2. the name, address and telephone number of the Kennel operator;
 - 4.7.3. the name, age, gender, breed, color and sterilization status of all Dogs Kept at the Kennel; and
 - 4.7.4. the Canadian Kennel Club registration number, if applicable.
 - 4.7.5. Correspondence from the Director of Planning and Building that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.

- 4.8. The issuance of a kennel licence entitles an owner to a dog tag for each dog that he or she keeps as a pet.
- 4.9. Every person who purchases a dog from a kennel is individually responsible to obtain the appropriate licence for the dog.
- 4.10. Approval or renewal of a Kennel licence shall be conditional upon receipt of confirmation from an Officer that the Kennel meets all legal current requirements for the humane treatment of dogs in a Kennel and confirmation of compliance with applicable current codes of practice as published under direction of the Canadian Veterinary Medical Association (CVMA).
- 4.11. Every Owner of a Kennel and every person who operates or manages a Kennel shall ensure that the Kennel is kept in a clean and sanitary condition, is free of refuse of any kind at all times so as to prevent the arising of excessive odours therefrom, has a fly prevention program and is kept free of vermin at all times.
- 4.12. Every Owner of a Kennel shall maintain a log of all dogs contained in the Kennel in accordance with the requirements as determined by the Society and/or the Township.
- 4.13. No person shall own, control, possess or harbor or board more than three (3) dogs in a dwelling unit unless they first procure a Kennel Licence.
- 4.14. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-Law and/or any other Municipal By-Law.
- 4.15. Where the Township or an Officer refuses a Kennel licence or suspends or revokes a Kennel registration, the owner or operator of a Kennel may appeal to Council in accordance with Council's procedures.
- 4.16. When an appeal is filed, Council shall hear the appeal in accordance with its procedures and shall have all the powers and functions of an officer in deciding the appeal.
- 4.17. No Owner or operator of a Private kennel shall permit more than twenty (20) Dogs, excluding pups under ten weeks of age, to be Kept at the Private kennel unless correspondence from the Director of Planning and Building confirms that the Kennel, as a land use, conforms to the Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.18. An Owner or operator of a Commercial Kennel shall conform to all relevant regulations required in Comprehensive Zoning By-Law 2017-70, as amended, or its successor thereto.
- 4.19. A person will be exempt from purchasing a kennel licence for the ownership of Livestock Guardian Dogs (LGDs) if three (3) or less LGDs are on a property provided that:
 - 4.19.1. the owner is keeping sheep (or other livestock) upon the same premises;
 - 4.19.2. the premise is on land that is zoned Agricultural;
 - 4.19.3. the owner provides proof of producer registration in the name recorded by the Ontario Sheep Farmers, Beef Farmers of Ontario, Ontario Goat;
 - 4.19.4. the dogs are registered/licensed annually in accordance within the Animal Control by-law;
 - 4.19.5. and that the dogs are LGDs and or herding dogs.
- 4.20. Every Owner or operator of a Kennel shall, upon request by an Officer, permit the Officer to inspect the Premises at any reasonable time for the purpose of determining compliance with this By-law.
- 4.21. Any Kennel registration may be refused, suspended pending compliance, or revoked for non-compliance by an Officer if, in his/her opinion, the Kennel does not comply with the provisions of this By-law.

- 4.22. In the event that the Township refuses a Kennel registration or suspends or revokes a kennel registration, the Owner or operator of such Kennel may appeal to Council in accordance with Council's procedures.
- 4.23. If an appeal is taken, Council shall hear the appeal in accordance with its procedures and shall have all powers and functions of an Officer in deciding the appeal.

Leashing and Running at Large

- 4.24. For the purposes of this By-law, a Dog shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner while not on a Leash held by any Person and not under the control of any Person.
- 4.25. No owner of a Dog shall permit the Dog to run at large in the Township except in designated off-leash areas.
- 4.26. No Owner of a Dog shall use a Leash on the Dog that exceeds three (3) metres in length, but in no case shall an Owner use a Leash of a length that does not enable him or her to properly control the Dog.
- 4.27. Every Owner of a Dog shall, while the Dog is not on the Owner's Premises, control the Dog by means of a Leash that is held or affixed to their person or another competent person.
- 4.28. A Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a motor vehicle or a bicycle.
- 4.29. No Person shall use a collar on a Dog that restricts, or may restrict, the Dog's ability to breathe or swallow, or that causes, or may cause, the Dog discomfort.
- 4.30. Sections 4.24 to 4.29 of this By-law shall not apply to:
- 4.30.1. police working Dogs or LGDs while they are in the course of fulfilling their duties; and
 - 4.30.2. hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township and provided that such Person has obtained the prior consent of the Owner of the parcel of land on which the hunting Dogs are at Large, which consent is obtained not more than one year prior to the date of the occasion on which the Dogs are at large.

Impounding of Dogs

- 4.31. An Officer may seize any Dog that is found running at large in the Township and may cause such Dog to be delivered to the Pound.
- 4.32. Any Person may seize any Dog that is found running at large in the Township and shall immediately thereafter cause such Dog to be delivered to the Pound or, if known, returned to its Owner.
- 4.33. A Dog seized pursuant to sections 4.31 or 4.32 of this by-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.
- 4.34. Upon seizing or taking possession of any Dog, the Pound shall impound the Dog and make reasonable efforts to determine the identity of the Owner of the Dog and inform such Person that his or her Dog has been impounded.
- 4.35. The Pound shall keep any Dog impounded pursuant to this By-law for a redemption period of up to three days. This redemption period shall be calculated by excluding:
- 4.35.1. the day on which the Dog was impounded;
 - 4.35.2. statutory holidays; and

- 4.35.3. days on which the Pound is closed.
- 4.36. During the redemption period, the Pound:
 - 4.36.1. may provide such veterinary or other care for an injured or ill impounded Dog as may be necessary to sustain its life or relieve any distress;
 - 4.36.2. shall be entitled to recover from the Owner of the Dog, the cost of any veterinary or other care provided while the Dog was impounded; and
 - 4.36.3. shall be entitled to recover from the Owner of the Dog, any Pound fees for the redemption of the Dog.
- 4.37. During the redemption period, the Pound may euthanize an impounded Dog without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
- 4.38. During the redemption period, the Owner of an impounded Dog may obtain release of such Dog by first:
 - 4.38.1. providing evidence to the Pound that the Dog is registered in accordance with the requirements of this By-law or if the Dog is not registered, by registering the Dog with the Township in accordance with this By-law;
 - 4.38.2. paying the costs and fees provided for in Section 4.36 of this By-law; and
 - 4.38.3. taking any other action in relation to the care or control of the Dog that the Township or Pound may direct.
- 4.39. After the expiration of the redemption period, the Pound may:
 - 4.39.1. release the Dog to its owner upon compliance with Section 4.38 of this by-law; or
 - 4.39.2. Keep, sell or dispose of the Dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.
- 4.40. Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound.

Dog Bites & Muzzling of Dogs

- 4.41. No Owner of a Dog shall willfully cause the Dog, or permit the Dog through neglect or failure to control, to Without Provocation Bite, Attack or chase a Person or another Animal, or to damage public or private property.
- 4.42. No Owner shall Muzzle a Dog in any manner that restricts or may restrict the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.
- 4.43. Where an Officer becomes aware, either through his own investigation or as a result of information received by him/her from any source, that a Dog has Bitten or Attacked a Person or Animal Without Provocation, the Officer may, by written notice served upon the Owner, require the Owner to comply with the requirements set out in Sections 4.45 and 4.46 of this By-law within the time stipulated in said notice, and the Dog shall thereafter be deemed to be a dangerous Dog.
- 4.44. Every Owner of a dangerous Dog shall, at all times while the dangerous Dog is not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the Owner's Premises, ensure that the dangerous Dog wears a Muzzle in accordance with Section 4.42 of this By-law and ensure that:
 - 4.44.1. the Dog is securely Tethered in accordance with Sections 3.3 and 3.4 of this By-law;
 - 4.44.2. the Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or Animal; and

- 4.44.3. a sign, no smaller than 5" x 7", is displayed at all entrances to the property upon which the Dog is Kept, bearing words and a symbol that warn that there is a dangerous Dog on the property.
- 4.45. Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, keep the dog:
 - 4.45.1. Muzzled in accordance with Section 4.42 of this By-law;
 - 4.45.2. under the control of a competent Person capable of handling the Dog who is sixteen years of age or older; and
 - 4.45.3. on a Leash that does not exceed two (2) metres in length.
- 4.46. Every Owner of a dangerous Dog shall immediately notify the Township of the following:
 - 4.46.1. any change in ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
 - 4.46.2. if the Dog runs at large, Attacks or Bites any Person or Animal; or
 - 4.46.3. if the Dog dies.
- 4.47. An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with Sections 4.41 and 4.46 of this By-law.
- 4.48. Sections 4.41 through 4.45 of this By-law shall not apply to police working Dogs while they are carrying out their duties.

Stoop and Scoop

- 4.49. Every Owner of a Dog shall immediately remove any feces left by the Dog in any place other than the Premises of the Owner and dispose of it in a proper waste receptacle.
- 4.50. Section 4.49 of this By-law shall not apply to:
 - 4.50.1. the 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;
 - 4.50.2. a blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
- 4.51. a police working Dog while they are carrying out their duties.

Number of Dogs Restricted

- 4.52. No Person shall Keep on their Premises more than three (3) Dogs over ten weeks of age, unless:
 - 4.52.1. the Premises is registered as a Kennel in accordance with the provisions of this By-law and the comprehensive Zoning By-law 2017-70, as amended, and any successor thereto;
 - 4.52.2. the Premises is a Pet shop;
 - 4.52.3. the Premises is used by the Society; or
 - 4.52.4. the Premises is an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, c. V.3, as amended.

5. GENERAL ANIMALS

Rabies Immunization

- 5.1. Every Owner of a Dog that is four months of age or older shall ensure that the Dog is duly immunized against rabies and that the immunization is maintained as current.

Transporting Animals

- 5.2. For the purpose of this By-law, "Roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of vehicles.
- 5.3. No Person transporting an Animal shall allow the Animal to be outside of the passenger cab of a Motor Vehicle on a Roadway, regardless of whether the Motor Vehicle is moving or stationary.
- 5.4. Notwithstanding Section 5.3, a Person may allow an Animal to be outside the passenger cab of a Motor Vehicle while on a Roadway, including riding in the bed of a pick-up truck or flatbed truck, if the Animal is:
 - 5.4.1. in a fully enclosed trailer;
 - 5.4.2. in a fully enclosed bed area of a truck, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or
 - 5.4.3. contained in a crate or similar device manufactured for the confinement or transport of an Animal, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.
- 5.5. Notwithstanding Section 5.3, a Person may transport an Animal in the bed of a pick-up truck or flatbed truck provided that the Animal is securely Tethered in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the bed of the truck.
- 5.6. No Person shall Keep an Animal in any vehicle, part of a vehicle or trailer attached to a vehicle where doing so causes or may cause the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary distress, hardship, privation or neglect.
- 5.7. An Officer may use any means as are necessary to remove an Animal in need of assistance from a Motor Vehicle or any enclosed space and the Township shall be entitled to recover its costs for such removal from the registered owner of the Motor Vehicle or enclosed space.

Tormenting Animals

- 5.8. No Person shall annoy, assault, batter, tease or torment an Animal or willfully and recklessly kill or cause injury, pain or suffering to an Animal.
- 5.9. Section 5.8 of this By-law shall not be interpreted so as to prohibit:
 - 5.9.1. a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, as amended and other applicable law; or
 - 5.9.2. a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Township.

Trapping Animals

- 5.10. No Person shall trap any Animal unless:
 - 5.10.1. the Animal is causing a nuisance to, or damaging, the aggrieved Person's property;
 - 5.10.2. the Animal is trapped in a live trap;
 - 5.10.3. the Animal is trapped in a humane manner;
 - 5.10.4. once trapped, the Animal is not Kept in a trap for more than 24 hours;

- 5.10.5. once trapped, the Animal is Sheltered from the elements, including the sun; and
- 5.10.6. the Animal is trapped on the property of the aggrieved Person.
- 5.11. No Person shall set out any trap that causes or may cause injury, pain or suffering to an Animal including, without limiting the generality thereof, conibear traps, killer traps, leg-hold traps and snares.
- 5.12. Any Person who traps a Domestic Animal, in addition to the provisions of Sections 5.10 and 5.11 of this By-law, shall only release the Animal to:
 - 5.12.1. the rightful Owner of the Animal;
 - 5.12.2. an Officer; or
 - 5.12.3. the Pound.
- 5.13. Sections 5.10 and 5.11 of this By-law shall not apply to a Person trapping an Animal where the Person is licensed by the Ontario Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and such trapping shall be conducted in accordance with such applicable law.

Livestock

- 5.14. No Person shall Keep Livestock on any Premises in the Township unless the Premises is zoned to permit the Keeping of Livestock by Township of West Lincoln Zoning By-law No. 2017-70, as amended, and any successor thereto, and/or any Provincial Regulation(s).
- 5.15. 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 the Owner of the Livestock and not under the control of any Person.
- 5.16. No Owner of Livestock shall permit any Livestock to run at large in the Township.
- 5.17. An Officer may seize any Livestock that is found running at large in the Township and may cause such Livestock to be delivered to the Pound, and/or retain the services of a third party, the Society shall invoice the Township separately for each occurrence. The Township shall be responsible for recovering costs from the owner.
- 5.18. Any Person may seize any Livestock that is found running at large in the Township and shall immediately cause such Livestock to be delivered to the Pound or, if known, returned to the Owner.
- 5.19. Any Livestock seized pursuant to Sections 5.17 or 5.18 of this By-law shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.
- 5.20. The Pound may seize and impound 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, in accordance with the *Pounds Act*, R.S.O. 1990, c. P. 17, as amended.
- 5.21. The Pound:
 - 5.21.1. may provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress;
 - 5.21.2. shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock was impounded; and
 - 5.21.3. shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.
- 5.22. The Pound may euthanize any impounded Livestock without delay if, in the opinion of the Pound, such action is warranted for humane reasons.
- 5.23. The Owner of any Livestock impounded may obtain release of such Livestock by first:

- 5.23.1. paying all costs and fees incurred by the Pound; and
- 5.23.2. taking any other action in relation to the care or control of the Livestock that the Township or Pound may direct.
- 5.24. The Pound may, in accordance with the *Pounds Act*, R.S.O. 1990, c. P.17, as amended:
 - 5.24.1. release the Livestock to its Owner upon compliance with Sections 5.23 and 5.25 of this By-law; and
 - 5.24.2. Keep, sell or dispose of the Livestock.
- 5.25. The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock and for the costs incurred by the Pound and or Township in seizing and or impounding such Livestock.
- 5.26. Whenever any impounded Livestock is released to its Owner, a record of such release shall be kept by the Pound.

Wild Animals

- 5.27. No Person shall remove any Wild animals from any public land in the Township unless authorized to do so by the Township or by law and provided that the removal is done in a humane manner.
- 5.28. No Person shall Keep, or cause to be Kept, any Wild animal in the Township unless they are authorized to do so by law.
- 5.29. Despite Section 5.28 of this By-law a person who comes into the possession of any Wild animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case no longer than 24 hours after coming into possession of the Wild animal:
 - 5.29.1. release the Wild animal back into the wild within 1 kilometre from where it was found;
 - 5.29.2. surrender the Wild animal to the care of the Society; or
 - 5.29.3. surrender the Wild animal to a Person or facility licensed by the Ministry of Natural Resources to care for wildlife.

Prohibited Animals

- 5.30. No person shall Keep, either temporarily or permanently, any Animal listed in Schedule "B", as may be amended by Council from time to time, unless the Premises on which the Animal is Kept or is to be Kept is zoned by Township of West Lincoln Zoning By-law No. 2017-70, as amended and any successor thereof, to permit a Kennel and:
 - 5.30.1. the Person is authorized to Keep the Animal by the Government of Canada or the Province of Ontario; or
 - 5.30.2. the Animal is a bird used for falconry.
- 5.31. Despite Section 5.30 of this By-law, a Person who is lawfully Keeping a Prohibited animal on the date this By-law comes into effect shall be permitted to Keep such Animal on his or her Premises provided that the Animal is Kept in an environment which is appropriate for the species and the Owner has registered the Animal by advising the Township in writing of the species of Animal, the name, current address and phone number of the Owner and providing a photograph clearly depicting the Animal within ninety (90) days of the date that this By-law comes into effect.
- 5.32. The onus of proving the exemption provided for in Section 5.31 of this By-law is upon the Person seeking the exemption.
- 5.33. The exemption provided for in Section 5.31 of this By-law is for the life of the Prohibited animal.
- 5.34. The Township may maintain a list of all Prohibited animals for which written notice has been received in accordance with Section 5.31 of this By-law.
- 5.35. Section 5.30 of this By-law shall not apply to:
 - 5.35.1. any Premises used by the Society;

- 5.35.2. any Premises of the Government of Canada, the Province of Ontario, the Region of Niagara or the Township of West Lincoln;
 - 5.35.3. any lawful fair, circus or other entertainment event where Animals are displayed;
 - 5.35.4. Premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3, as amended;
 - 5.35.5. Premises owned or operated by any zoo or exhibit, permanently and lawfully located in the Township, and where such Premises or facilities are accredited by the Canadian Association of Zoos and Aquariums (CAZA);
 - 5.35.6. areas of the Township in which professionally produced films are being lawfully made using such Animals, provided that there is supervision by an agent or inspector of PAWS;
 - 5.35.7. any area of the Township in which educational programs are being lawfully conducted with such Animals, provided that the Animals are Owned by institutions accredited by the CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually being conducted;
 - 5.35.8. Premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended;
 - 5.35.9. Premises owned or operated by an Ontario College or University;
 - 5.35.10. Premises that are authorized by the Ontario Ministry of Natural Resources; or
 - 5.35.11. Premises owned and legally operated by an animal rescue organization registered with the Society or pursuant to other legislation.
- 5.36. For the purposes of this By-law, a Prohibited animal shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Prohibited animal and not under the control of any Person.
- 5.37. No Person shall permit a Prohibited animal to run at large.

Animal Noise

- 5.38. No Owner shall permit or allow the persistent barking, calling, whining or other similar persistent sound made by a Domestic animal or any other Animal Kept or used for any purpose other than agriculture which sound(s) is clearly audible at the point of reception.

Rabbits

- 5.39. No Owner shall fail to comply with the regulations set out in Schedule "D" as it pertains to the Keeping of rabbits within the Township.

Coyotes

- 5.40. "Coyote" is an Animal that is, or appears to be, of the species *Canis latrans* and any Animal that is a cross breed of a member of the species *Canis latrans* and a domestic Dog. The singular of this word shall be deemed to include the plural with all necessary changes in detail; as set out in Schedule "E".

6. ADMINISTRATION

Enforcement

- 6.1. Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.
- 6.2. An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.
- 6.3. An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- 6.3.1. the provisions of this By-law are being complied with; or
- 6.3.2. a direction or order under this By-law is being complied with.
- 6.4. No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

Offences and Penalties

- 6.5. No person shall fail to comply with any provision or standard of this By-law;
- 6.6. The Township's Administrative Monetary (Non-Parking) Penalty By-law No. 2021-84 as amended, applies to each administrative penalty issued pursuant to this By-law;
- 6.7. Each person who contravenes any provision of this By-law shall, upon the issuance of a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, be liable to pay the Township an administrative penalty in the amounts specified in the applicable schedule of the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time;
- 6.8. Each person who contravenes any provision of this By-law is guilty of an offence and is liable on conviction to a fine recoverable pursuant to the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, of:
 - 6.8.1. not more than \$10,000.00;
 - 6.8.2. not more than \$25,000.00 for a second or subsequent conviction for the same offence;

7. APPEALS

- 7.1 Where a dog has been declared vicious by the Township and/or the Society, pursuant to the provisions of this by-law, the owner of the dog may apply to the Township for a hearing in respect of such Notice to Muzzle.
- 7.2 An application with the applicable fee as set out in Schedule "A" for a hearing shall be made in writing and delivered to the Clerk of the Township within 10 days after the Notice to Muzzle has been served.
- 7.3 Upon receipt of the application for a hearing from an owner of the alleged vicious dog, the Clerk shall convene a meeting of the Appeal Committee and shall give the owner of the dog, any material witness relevant to the declaration, the victim, if any, and the agency which declared the vicious dog and issued the Notice to Muzzle, 7 days written notice, by personal service or express post mail of the time, date and location of the hearing.
- 7.4 The applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog.
- 7.5 When the owner of the dog does not attend at the proper time and location, the Appeal Committee may proceed with the hearing in his/her absence and the applicant shall not be entitled to any further notice of the proceeding.

8. APPEAL COMMITTEE:

- 8.1 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than 10 days following the date of the hearing.
- 8.2 The decision of the Appeal Committee is final and binding.
- 8.3 The Appeal Committee shall confirm the vicious dog declaration and order, or exempt the owner of the dog from any of the muzzle, restraining or leashing requirements, or all, or dispose of an appeal by Consent Order.
- 8.4 The procedure of the Appeal Committee, appended hereto as Schedule "B" to this by-law shall govern the hearings of the matter subject only to the discretion of the Chair of the Committee to modify such procedures for the purpose of

accommodating exigent circumstances and further to the extent that any matter arising during the course of proceedings not covered in the provisions of this by-law, shall be governed by the Statutory Powers and Procedures Act.

- 8.5 Notwithstanding that an applicant has applied for a hearing to appeal a Notice to Muzzle, all responsibilities on a person, as described in Section 12 hereto, including the Notice to Muzzle take effect when the declaration is served on the person to whom it is directed and all responsibilities will remain in effect until the Appeal Committee has made its decision on the appeal.
- 8.6 A written copy of the decision of the Appeal Committee, or the Consent Order shall be prepared, as soon as practicable after the conclusion of the hearing, and shall be delivered or mailed by express post mail to the applicant at the address shown on his/her application, the defendant, Niagara Regional Police, Regional Public Health Department, the Township, the Society, members of Council, Appeal Committee Members and the Clerk.

9.0 REPEAL

- 9.1 By-Law 2011-44 is hereby repealed: (Dog Control By-Law)

10.0 EFFECT

- 10.1 This By-law shall become effective on the date of passage.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
17TH DAY OF JULY, 2023.**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK