

THE CORPORATION OF THE TOWNSHIP OF McGARRY

BY-LAW NO. 2010-34

Being A By-Law Of The Corporation Of The Township of McGarry  
Respecting The Management, Protection And Identification Of Animals

WHEREAS the Municipal Act 2001 Chapter M.25 Section 103(1), 105(1), 128 (1) and 130 authorizes the municipality to pass by-laws respecting the licensing and regulating of animals.

AND WHEREAS the Council of the Corporation of the Township of McGarry deems it desirable to enact a by-law respecting the management, protection and identification of animals and for prohibiting the keeping of animals or any class thereof.

NOW THEREFORE the Council of the Corporation of the Township of McGarry enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:
  - (a) "Animal Control Officer" includes the person(s) or Association who has entered into a contract with the Corporation of the Township of McGarry to control dogs and cats and to operate the McGarry Animal Pound and any servants thereof are hereby appointed Provincial Offences Officers for the purposes of enforcing the provisions of this by-law.
  - (b) "At Large" means to be found in any place other than the premises of the owner of the dog or cat and not under control of any person by way of leash of a maximum length of 1.8 metres held by a person, or when a dog or cat is not on a leash which is securely affixed to some permanent structure from which the dog or cat cannot escape.
  - (c) "Cat" means any cat or cats, male or female.
  - (d) "Town Clerk" means the Township Clerk of the Corporation or his/her appointee.
  - (e) "Control" means care and custody.
  - (f) "Corporation" means the Corporation of the Township of McGarry.
  - (g) "Dog" means any dog or dogs, male or female.
  - (h) "Guide Dog" means a dog trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the "Blind Person's Rights Act", and shall also include a dog trained as a guide dog for other physically challenged persons.
  - (i) "Domestic Animal" shall mean a cat or dog.
  - (j) "Domestic Fowl" means and includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them and also includes game birds as defined in the Game and Fish Act, as amended.
  - (k) "Future Guide Dog Puppy" shall include any dog under the age of fourteen months, who is undergoing the preliminary training required to be a "Guide Dog".
  - (l) "Kennel" shall mean any premises where domestic animals are kept or boarded or bred as a commercial service.
  - (m) "Loft" means a place where pigeons are kept.
  - (n) "Muzzled" means a humane fastening or covering device of adequate strength used over the mouth to prevent a dog from biting.
  - (o) "Owner" means and includes any person who possesses or harbours an animal and shall include a person who is temporarily the keeper or in control of an animal and owns and owned shall have a corresponding meaning.

- (p) "Pit Bull" includes
- a. a pit bull terrier,
  - b. a Staffordshire bull terrier,
  - c. an American Staffordshire terrier,
  - d. an American pit bull terrier,
  - e. a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses a) to d),
  - f. if it is alleged by the Provincial Offences Officer that a dog is a pit bull, the onus of proving that the dog is not a pit bull lies on the owner of the dog.
- (q) "Releasable Age" means that age when an animal is able to fend on its own, provided however, that such age shall be deemed to be reached two (2) months after birth.
- (r) "Wild Animal" means an animal of a wild nature or disposition (ferae natural) but shall not include the domestic ferret.

## CATS AND DOGS

### Cats

2. (a) No owner of a cat shall allow the cat to be at large within the limits of the Township of McGarry.
- (b) For the purposes of this by-law, a cat shall be deemed to be running at large when found unsupervised in any place other than the premises of the owner of the cat and not under the control of any person.
- (c) No person shall suffer, allow or permit a cat under his or her control or of which she is the owner to trespass on private property unless permission for said trespass is first obtained from the property owner or occupier.

### Dogs

3. (a) No owner of a dog shall allow the dog to run at large within the limits of the Township of McGarry.
  - (b) For the purposes of this by-law, a dog shall be deemed to be running at large when found unsupervised in any place other than the premises of the owner of the dog and not under the control of any person.
  - (c) Every owner of a dog shall have the dog under the control of a person at all times. For the purposes of this bylaw, a dog shall be deemed not to be under the control of any person when the dog is not on a leash of a maximum length of 1.8 metres when found in any place other than the premises of the owner.
  - (d) No person shall suffer, allow or permit a dog under his/her control or of which he/she is the registered owner to trespass on private property whether on a leash or not unless permission for said trespass is first obtained from the property owner.
  - (e) No owner of any dog shall permit the dog to make any noise likely to disturb the inhabitants of the Municipality for longer than a period of one hour
4. A Provincial Offences Officer may seize any dog or cat found running at large in the Township of McGarry contrary to the provisions of this by-law and cause such dog or cat to be delivered to the Township Animal Pound for impounding.
  5. (a) The owner of any dog or cat so impounded may obtain the release of said dog or cat by paying the appropriate fines and the release fees set forth in schedule "A" attached hereto, to the Animal Control Officer within 3 business days (exclusive of the day of its impounding and of statutory holidays) after the date of seizure.
  - (b) Where a dog or cat is seized and impounded under Section (4), the owner, if known and whether the dog or cat is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer.
  - (c) Where, at the end of the three business days mentioned in subsection (a) of this section the dog or cat has not been restored to the owner, the Animal Control Officer may sell the dog or cat for such price as he/she deems reasonable.
  - (d) Where the owner of a dog or cat, has not claimed the dog or cat within three business days after its seizure under subsection (a) above, or where the dog or cat under section (4) was found to be running at large, and where the dog or cat has not been sold, the Animal Control Officer may destroy the dog or cat in a humane manner or otherwise dispose of the dog or cat as he/she sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damage or compensation shall be recovered by the dog or cat owner on account of its destruction or other disposition.

- (e) Where a dog or cat seized under section (4) is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Provincial Offences Officer or Animal Control Officer may destroy the dog or cat in a humane manner as soon after the seizure as he/she thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale and no damages or compensation shall be recovered by the owner of account of its destruction.

#### Control of Pit Bulls

- 6.
  - a) Subject to subsections (b) and (c), an owner of a restricted pit bull shall ensure that the pit bull is at all times equipped with a muzzle and secured by a leash in accordance with subsection (e).
  - b) Subsection (a) does not apply when a pit bull is within enclosed property occupied by the owner of the pit bull.
  - c) When a pit bull is within enclosed property occupied by a person who consents to the pit bull being off leash or off muzzle, subsection (a) does not apply to the extent of that consent.
  - d) For the purposes of subsections (b) and (c), a pit bull is within enclosed property when the property is enclosed in a way that can be relied on to prevent the pit bull from breaking out of the property.
  - e) For the purposes of subsection (a), a pit bull shall be equipped with a muzzle and secured by a leash in accordance with the following rules:
    - i. The pit bull shall be fitted with a collar or harness that is properly fitted to and placed on the dog.
    - ii. The movement of the pit bull shall be controlled by a person by means of a leash attached to the collar or harness on the pit bull.
    - iii. The leash is not more than 1.8 metres in length and is attached to the collar or harness.
    - iv. The collar or harness, the leash and the attachment between the leash and the collar or harness are all strong enough to prevent the pit bull from breaking any of them.
    - v. The mouth of the pit bull is covered by a muzzle that is humane and that is strong enough and well-fitted enough to prevent the pit bull from biting, without interfering with the breathing, panting or vision of the pit bull or with the pit bull's ability to drink.

#### Limitation On The Number Of Cats And Dogs

- 7. No person shall keep more than three:

- (a) dogs; or
- (b) cats;

In or about any dwelling unit located within an area zoned as residential within the Township of McGarry.

- 8. Notwithstanding section 6, the following domestic animals shall not be counted in determining the number of dogs and cats on a premises:
  - (a) puppies that have not been weaned and are under the age of twenty weeks;
  - (b) kittens that have not been weaned and are under the age of twelve weeks;
  - (c) cats who are under the temporary care of a person, provided:
    - (i) the person complies with the provisions of section 2;
    - (ii) the keeping of such cat or cats does not exceed four months.

#### Stoop and Scoop

- 9. (a) No dog or cat owner and no person who has control of a dog or cat shall leave excrement deposited by the dog or cat on or in the following:
  - (i) Public Place

- (ii) Private Property, without the consent of the owner of the property.
- (b) The dog or cat owner or person referred to in subsection (a) shall immediately and without delay, remove the excrement and provide for the sanitary disposal of same.
- (c) Subsection (a) of this section does not apply to any person who is visually impaired and whose dog is a Guide Dog or a Police Work Dog.

#### Bites - Dogs

- 10. No owner shall permit their dog to bite or attack without provocation a person or domestic animal.
- 11. The owner of a dog that has bitten a person or domestic animal shall ensure that:
  - (a) it does not bite, chase or attack a person or other domestic animal whether on the property of the owner or not;
  - (b) when it is on the property of the owner, it is confined in an enclosed area or in a fenced yard, on a chain capable of restraining the dog;
  - (c) when it is off the property with the owner:
    - (i) it is securely leashed and muzzled in a manner that prevents it from biting, chasing or attacking a person or other domestic animal;
    - (ii) it is under the control of a person over the age of sixteen (16) years of age.
- 12. (a) Any owner of a dog that has bitten a person or domestic animal shall be notified in writing by the Provincial Offences Officer that the owner must comply with the provisions of section 11.
- (b) The owner of the dog who has bitten a person or other domestic animal after having been notified in writing to comply with the provisions of section 11, may request, and is entitled to a hearing by Council which may exempt the owner from complying with some or all of the provisions of section 11.
- 13. Section 11 shall not apply to a police working dog while on duty.

#### IDENTIFICATION

##### Dogs

- 14. No person shall keep a dog in the Township of McGarry who has not obtained a licence in respect thereof and who has not registered the dog under the provisions of this By-Law.
- 15. Upon application made in accordance with the provisions of this By-Law, every application for a dog licence shall furnish the Animal Control Officer with the name, address and telephone number of the dog owner.
- 16. The Animal Control Officer shall have charge of the granting of licences and it shall be his/her duty:
  - (a) to keep a complete register of all dogs in respect of which licences are issued;
  - (b) to keep an accurate account of all monies paid for licence fees;
  - (c) to furnish each licensee with a numbered metal tag to be securely fixed to each dog when the dog is off the property of the owner in respect of which the licence is issued.
- 17. (a) Section 16(c) shall not apply to a dog permanently identified with a Canadian Kennel Club or Ontario Veterinary Medical Association tattoo.
- (b) The applicant for a licence for a dog permanently identified with a Canadian Kennel Club or Ontario Veterinary Medical Association tattoo shall furnish the Animal Control Officer with written certification respecting the tattoo from the Canadian Kennel Club or Ontario Veterinary Medical Association, or shall present the dog for viewing.
- 18. (a) Each licence shall be in force for one year and shall expire in each year on December 31st.
- (b) The Owner shall renew the licence for every dog annually with the municipality
- 19. The licence fee for each dog required to be licensed hereunder shall be the amount set forth in Schedule "A" attached hereto.
- 20. There shall be no licence fee required from the owner or person in possession of a Guide Dog or

future Guide Dog Puppy.

21. Any person who acquires a dog after August 1st, during any year will be charged one half of the licence fees authorized in section 19.

#### **Cats**

22. No person shall keep a cat in the Township of McGarry who has not obtained a licence under the provisions of this Bylaw.
23. Upon application made in accordance with the provisions of this By-law, every application for a cat identification tag shall furnish the Animal Control Officer with the name, address and telephone number of the cat owner.
24. The Animal Control Officer shall have charge of the granting of cat identification tags and it shall be his/her duty:
- (a) to keep a complete register of all cats in respect of which cat identification tags are issued;
  - (b) to keep an accurate account of all monies paid as cat identification fees;
  - (c) to furnish each cat identified under the provisions of this by-law with a numbered metal tag that shall be permanently affixed to a non-breakaway collar when the cat is off the property of the owner.
25. (a) Each licence shall be in force for one year and shall expire in each year on December 31st.
- (b) The Owner shall renew the licence for every cat annually with the municipality.
26. The fee for each cat identification tag shall be the amount set forth in Schedule "A" attached hereto and shall be remitted to the Corporation or its agent.
27. All domestic animals being held by the McGarry Animal Pound shall not be released to any resident in the Township of McGarry without first being registered under the provisions of this by-law.

#### **THE KEEPING OF OTHER ANIMALS**

28. No person shall keep, or cause to be kept:
- (a) any wild animal unless such animal is under releasable age, injured and unable to fend for itself and the facilities for keeping the animal are such that there is no danger or nuisance to people and to other animals; and
  - (b) any domestic fowl, horses, donkeys, mules, cattle, goats, swine, mink, fox, or sheep except on lands or premises zoned Natural Resources Zone or Rural Residential Zone, by any by-law of the Corporation of the Township of McGarry.
  - (c) any animal, as listed in Schedule "B" attached to this by-law; and
  - (d) any snake, reptile, insect, spider, guinea pig, or white rat, not otherwise prohibited by this by-law unless they are housed in an escape proof enclosure.
29. Notwithstanding the provisions of this by-law, written permission from the Corporation of the Township of McGarry may be granted for the temporary keeping of the animals, snakes, insects and fowl as listed in Section 28, (a) and (b) herein where required as part of a school project.

#### **PIGEONS**

30. No person being the owner or keeper of pigeons shall allow such pigeons to stray, perch, roost or nest upon the lands or buildings of any person or to stray, perch, roost or nest on any highway or public place save and except.
- (a) the real property of which the owner or keeper is the owner or lessee; or
  - (b) for the purpose of exercising or racing pigeons when such birds shall be under the control of the owner or keeper.

31. No person shall keep a pigeon in a loft which is not designed to prohibit a pigeon from leaving the loft without an express action on the part of the owner or keeper to so permit.
32. All lands and premises where such pigeons are kept shall be maintained in a sanitary condition at all times and all cleaning from the said pigeons and premises shall be disposed of in a manner that will not create a public nuisance or health hazard.

#### KENNEL LICENCE

33. No person shall own or operate a Kennel within the Township of McGarry without having first obtained a licence from the Corporation to do so, which licence shall be called a Kennel Licence and paying the licence fee required for Kennels as set out in Schedule "A" to this by-law.
  - (a) No such licence is required for the owner or operator of a kennel if the owner raises only one litter per year.
  - (b) No person licensed as the owner or operator of a Kennel shall be liable to pay in respect of such domestic animals, any other licence fee.
  - (c) The kennel building shall conform to the Ontario Building Code and be maintained in such a manner as to be safe.
  - (d) No person shall establish a kennel within the limits of any zone except in accordance with the Corporation's applicable zoning by-laws.
  - (e) The kennel shall be in a separate building or shall be a building or part thereof not directly connected to a building, which is or can be used for human habitation.
  - (f) A kennel building shall be such that:
    - (i) the area housing the animals shall have a floor soundly constructed of hard, durable material which is impervious to water,
    - (ii) every cage or pen used for the housing of domestic animals shall be constructed so as to provide each animal with a clean, dry, and safe environment.
    - (iii) the area housing the domestic animals shall be maintained in a clean condition suitable for the health, welfare, and comfort of every animal therein;
    - (iv) the area housing the domestic animals shall be adequately ventilated for the health, welfare and comfort of every animal therein;
    - (v) the area housing the domestic animals shall at all times be maintained at a temperature suitable for the welfare and comfort of every animal therein.
  - (g) Every domestic animal shall be maintained in a cage or pen which enables the animal to extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position.
  - (h) Every domestic animal shall be supplied with food of a type in amounts nutritionally adequate for the animal.
  - (i) Every domestic animal shall be supplied with adequate amounts of fresh water.
  - (j) Excretion, dead animals and other waste resulting from the operation of a kennel shall be removed daily from the premises in accordance with all applicable law.
  - (k) Each kennel licence shall be in force for one year and shall expire in each year on December 31st.

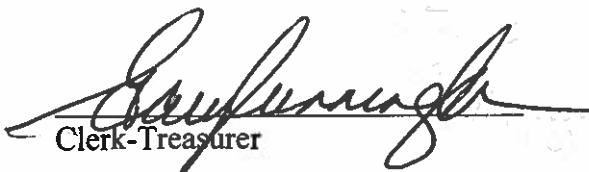
#### PENALTY

34. Every person who contravenes any of the provisions of this by-law is guilty of an offence and subject to a fine recoverable under the Provincial Offences Act.
35. Any kennel licence may be suspended or revoked by Council if the licensee does not comply with the provisions of section 33.
36. Where a provision of this bylaw conflicts with a provision of another by-law in force in the Township of McGarry, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
37. Bylaw 99-03 is hereby repealed.

- 38. It is declared intention of the Council of the Corporation of the Township of McGarry that any section or part of a section of this by-law which may subsequently be held to be illegal shall be severable from the remainder of the by-law and shall not be deemed to has persuaded or influenced the Council to pass the remainder of the by-law.
- 39. This by-law shall come into force and take effect on the date of its passing and approval.

**READ A FIRST AND SECOND TIME THIS 9<sup>TH</sup> DAY OF NOVEMBER, 2010.**

  
Reeve

  
Clerk-Treasurer

**READ A THIRD TIME AND PASSED THIS 21<sup>ST</sup> DAY OF DECEMBER, 2010.**

  
Reeve

  
Clerk-Treasurer

## SCHEDULE "A"

## RELATING TO FEES

## DESCRIPTION

## Release Fees

## Fee

Dogs\*

\$20.00 per day for each day dog is impounded.

Cats\*

\$20.00 per day for each day cat is impounded

\*plus any veterinary fees incurred

## IDENTIFICATION

## FEE EXPIRY

**Dog Licence**

Metal Tag

\$20.00 December 31<sup>st</sup>

Replacement Tag

\$5.00 December 31<sup>st</sup>Dog spayed or neutered  
(upon presentation of documentation from  
a Doctor of Veterinarian Medicine)\$15.00 December 31<sup>st</sup>**Cat Registration**

Metal Tag

\$20.00 December 31<sup>st</sup>

Replacement Tag

\$5.00 December 31<sup>st</sup>Cat spayed or neutered  
(upon presentation of documentation from  
a Doctor of Veterinarian Medicine)\$15.00 December 31<sup>st</sup>**Business Licensing**

Kennel Licence

\$150.00 December 31<sup>st</sup>**Possession Request**

Where the owner of an animal has requested that the Township of McGarry take possession of the said animal the owner shall sign a consent and indemnity form provided by the Animal Control Officer and shall be subject to the following fees:

- a) each dog \$50.00
- b) each cat \$50.00



**SCHEDULE "B"**

**BEING A LIST OF ANIMALS THE KEEPING  
OF WHICH IS PROHIBITED IN THE  
TOWNSHIP OF McGARRY**

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-Human Primates (such as Gorillas and Monkeys)
3. All Felids, except the domestic cat
4. All Canids, except the domestic dog
5. All Viverrids (such as Mongooses, Civets and Genets)
6. All Ursides (Bears)
7. All Hyaenas
8. All Perissodactylus Ungulates (such as domestic horse and ass, antelopes, wild boars, gazelle, zebras)
9. All Elephants
10. All Pinnipeds (such as Seals, Fur Seals and Walruses)
11. All Snakes of the Families Pythonidae and Boidae
12. All Venomous Reptiles, (vipers, rattlers, cotton mouth, copper head, cobras)
13. All Venomous Spiders (Black Widow, etc.)
14. All Ratite Birds (such as Ostrichs, Rheas, Cassowaries) emu
15. All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls) \*
16. All Edentates (Such as Anteaters, Sloths and Armadillos)
17. All Crocodylians (Such as Alligators and Crocodiles)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

- \* Section 15 shall not apply to diurnal and nocturnal Raptors under the care of the Wild Bird Care Centre.

**The Corporation of the Township of McGarry  
PART 1 PROVINCIAL OFFENCES ACT**

BY-LAW NO. 2010-34, Being a By-Law respecting the marnagement, protection and identification of animals

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Permit cat to run at large	Section 2 (a)	\$50.00
2	Permit dog to run at large	Section 3 (a)	\$50.00
3	Owner fail to have a dog under leash when found off premises	Section 3 (c)	\$50.00
4	Owner fail to keep dog from disturbing inhabitants	Section 3 (e)	\$50.00
5	Fail to equip restricted pit bull with muzzle and/or leash	Section 6	\$50.00
6	Keep more than three (3) cats/dogs in premises of any dwelling	Section 7	\$100.00
7	Fail to remove excrement left by a dog/cat	Section 9	\$50.00
8	Permit a dog to bite or attack a person or domestic animal	Section 10	\$200.00
9	Fail to comply to a dangerous dog notice issued to the owner	Section 11	\$200.00
10	Fail to obtain a dog licence	Section 14	\$50.00
11	Fail to renew a dog licence	Section 18 (b)	\$50.00
12	Fail to obtain a cat licence	Section 22	\$50.00
13	Fail to renew a cat licence	Section 25 (b)	\$50.00
14	Keep prohibited animal	Section 28	\$100.00
15	Pigeons allowed to stray, roost, perch or nest	Section 30	\$50.00

NOTE: Penalty provision for the offences indicated above is Section 34 of By-L Law 2010-34  
a certified copy of which has been filed