



THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 2021-13

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

WHEREAS the Municipality Act 2001 Chapter M.25 Section 103(1), 105(1), 128 (1) and 130 authorized The municipality to pass By-Laws respecting the licencing 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 of 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 purpose 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 Right 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 included chickens, geese, ducks, turkeys, and other such poultry and the young of any of them and also includes games 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) "Owners" 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
 - i. A Pit Bull Terrier,
 - ii. A Staffordshire Bull Terrier,
 - iii. An American Staffordshire Terrier,
 - iv. An American Pit Bull terrier,
 - v. A dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses i) to iv),
 - vi. If it is alleged by the Provincial 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 the 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 limits of the Town boundaries of Virginiatown, North Virginiatown and Kearns.
- 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 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 Town boundaries of Virginiatown, North Virginiatown and Kearns.
- b) No person shall 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 or occupier.
- c) No owner of any dog shall permit the dog to make any noise likely to disturb the inhabitants of the Municipality "see noise by-law".
- d) Where the dog or cat seized under section (4) is injured or should be destroyed.
- 4. a) The owner of any dog or cat so impounded may obtain the release of said dog or cat by adhering to an Administration Fee.

- b) Where the owner of a dog or cat, has not claimed the dog or cat within seven business days after its seizure appropriate Animal Rescue Shelters will be contacted.
- c) Where the dog or cat seized injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals should contact SPCA for direction.

Limitation on The Number of Dogs and Cats

5. No person shall keep more than three (3) :

- a) Dogs; or
- b) Cats;

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

6. The following domestic animals shall not be counted in determining the number of dogs and cats on a premise:

- a) Puppies that have not been weaned and are under the age of twelve (12) weeks;
- b) Kittens that have not been weaned and are under the age of twelve (12) weeks;
- c) Cats who are under 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 (4) months.

Stoop and Scoop

- 7. 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) 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

- 8. No owners shall permit their dog to bite or attack without provocation a person or animal.
- 9. The owner of a dog that has been 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.
- 10. a) Any owner of a dog that has bitten a person or domestic animal shall be notified in writing by the Dog Catcher that the owner must comply with the provisions of section 9.
- b) The owner of the dog who has bitten a person or domestic animal after having been notified in writing to comply with the provisions of section 10, may request, and is entitled to a hearing by Council which may exempt the owner from complying with some or all the provisions of section 10.
- 11. Section 9 shall not apply to a police working dog while on duty.

IDENTIFICATION:

Dogs

- 12. No person shall keep a dog in the Township of McGarry who has not obtained licence in respect thereof and who has not registered the dog under the provisions of this By-Law.
- 13. Upon application made in accordance with the provisions of this By-Law, every application for a dog license shall furnish the Animal Control Officer with the name, address, and telephone number of the dog owner.
- 14. The Animal Control Officer shall have charge of the granting of licenses are issued;
 - 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 licences 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.
- 15. a) Section 14 (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.
- 16. 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.
- 17. The licence fee for each dog required to be licenced hereunder shall be the amount set forth in Schedule "A" attached hereto.
- 18. There shall be no licence fee required from the owner or person in possession of a Guide Dog or future Guide Dog Puppy.
- 19. Any person who acquires a dog after August 1st, during any year will be charged one half of the licence fees authorized in section 18.

Cats

20. No person shall keep a cat in the Township of McGarry who has not obtained a licence under the provisions of this By-Law.
21. 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.
22. 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.
23.
 - 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.
24. The fees 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.
25. 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:

26. 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 animals, 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.
27. 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 27, (a) and (b) herein where required as part of a school project.

PIGEONS

28. 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 control of the owner or keeper.
29. 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.
30. 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.
31. No person shall purposely feed sea gulls.

KENNEL LICENCE

32. 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 licenced 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 be 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 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

- 33. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and subject to a fine recoverable the By-Law for "Administration Cost".
- 34. Any Kennel licence may be suspended or revoked by Council if the licence does not comply with the provisions of Section 32.
- 35. Where a provision of this By-Law conflicts with a provision of another By-Law in force in the Township of McGarry, the provision that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
- 36. By-Law 99-03 and 2010-34 is hereby repealed.

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 Hyenas
8. All Perissodactyls Ungulates (such as domestic Horse and Ass, Antelopes, wild Boars, Gazelle and 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 (such as Vipers, Rattlers, Cotton Mouth, Copper Head and Cobras)
13. All Venomous Spiders (such as Black widows, etc.)
14. All Ratite Birds (such as Ostrich's, Rheas, Cassowaries and 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 constructed as limited the generality of the group.

Section 15 shall not apply to diurnal and nocturnal Raptors under the care of the Wild Bird Care centre.

SCHEDULE "A"
RELATING TO FEES

DESCRIPTION

Release Fees

FEE

Dogs*

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

Cats*

\$20.00 per day for each day a cat is impounded

*Plus any veterinary fees incurred

IDENTIFICATION

FEE

EXPIRY

Dog Licence

Metal Tag

\$20.00

December 31st

Replacement Tags

\$5.00

December 31st

Dog spayed or neutered

\$15.00

December 31st

(Upon presentation of document from
a Doctor of a Veterinarian Medicine)

Cat Registration

Metal Tag

\$20.00

December 31st

Replacement Tag

\$5.00

December 31st

Cat spayed and neutered

\$15.00

December 31st

(Upon presentation of document from
A Doctor of Veterinarian Medicine)

Business Licensing

Kennel Licence

\$150.00

December 31st

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 consent and indemnity form provided by the Animal Control Officer and shall be subject to the following:

- a) Each Dog \$50.00
- b) Each Cat \$50.00

37. 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.
38. This By-Law shall come into force and take effect on the date of its passing and approval.

READ AT FIRST, SECOND AND THIRD TIME THIS 12TH DAY OF JANUARY, 2021.

A handwritten signature in blue ink, appearing to read "M. J. Simon", written over a horizontal line.

MAYOR

A handwritten signature in blue ink, appearing to read "K. Pelletier", written over a horizontal line.

CLERK-TREASURER