



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 93 OF 2008

BEING A BY-LAW RESPECTING THE OWNERS OF ANIMALS

WHEREAS pursuant to Section 11(3) of the Municipal Act, S. O. 2001, Ch. 25, a Lower-Tier municipality may pass By-Laws respecting animals;

AND WHEREAS the Dog Owners Liability Act, R.S.O. 1990, Ch. D16, outlines the responsibilities of dog owners;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS;

PART 1-DEFINITIONS

In this By-Law:

- 1.1 Animal Control Officer(s)-shall mean the person(s) appointed by Council by By-Law to carry out said Animal Control duties.
- 1.2 Cat-means any cat, male or female, spayed or neutered, over the age of eight (8) weeks.
- 1.3 Dog-means for licensing purposes, any dog-male or female; neutered male; spayed female over the age of eight (8) weeks.
- 1.4 Fouling-shall be deemed to be animal excrement.
- 1.5 Fowl-without restricting the generality thereof for the purpose of this By-Law domestic fowl shall include hens, chickens, roosters, pullets, chicks, ducks, geese, turkeys and guinea fowl.
- 1.6 "Household" shall mean those who dwell under the same roof and compose a family, a group of individuals living under one roof.
- 1.7 Keep-for the purpose of this By-Law, "keep" shall include stabling or pasturing the horse or horses.
- 1.8 Owner-means a person who owns an animal or a person who possesses, keeps, or harbours an animal for any period of time, and where the owner if a minor, the person responsible for the custody of the minor.
- 1.9 Pound-shall mean the premises approved from time to time by Council.
- 1.10 Running at large-means to be found in any place other than the premises of the owner of the animal and not under any control of any person and not on a leash and under the control of any person. Said leash not to be longer than 1.8 meters in length.
- 1.11 Vicious Dog-means a dog which has without provocation attacked or bitten a person or another animal or has demonstrated a propensity to do so.
- 1.12 Pit Bull:

- A pit bull terrier (not a breed)
- A Staffordshire Bull Terrier
- An American Staffordshire Terrier;
- An American Pit Bull Terrier
- A dog that has the appearance and physical characteristics that are substantially similar to those listed above.

PART 2-ANIMAL CONTROL

- 2.1 No owner shall allow, permit or cause his/her animal to run at large.
- 2.2 No owner or other person who has an animal under his/her care and control by means of a leash, shall permit the animal to enter upon private property without the consent of the owner of that property.
- 2.3 Any animal found or seen to be running at large may be seized and impounded.
- 2.4 However, domestic cats do not have to be leashed to be considered under the control of the owner.

PART 3-LICENSING AND REGISTRATION OF DOGS

- 3.1 Every owner of a dog in the Town of Goderich shall within one month after becoming such owner, cause such a dog to be licensed in the office of the Town Clerk for a period which will expire on the last day of December in the current year, and shall thereafter annually on or before the last day of February each year cause such dog to be again licensed for one year from the said 1st day of January. Every owner shall pay the following license fee:

Effective to December 31, 2008

- a) for each neutered male dog.....\$ 10.00
- b) for each spayed female dog.....\$ 10.00
- c) for each male dog.....\$ 35.00
- d) for each female dog.....\$ 35.00
- e) replacement license (tag).....\$ 5.00
- f) Pit bull.....\$100.00

Fees regarding the above are determined in Fee By-Law 41 of 2008, as amended by Council, and will be effective January 1, 2009 and will supersede the above fees.

Late Penalty for Non-Renewal: Any person who fails to renew a dog licence on or before the last day of February shall be subject to a penalty of fifteen dollars (\$15.00).

- 3.2 No female dog shall be licensed as a spayed female dog and no male dog shall be licensed as a neutered male dog unless a certificate in writing by a Doctor of Veterinary Medicine is produced certifying that such female dog has been spayed or that such male dog has been neutered. If a certificate is not available, then certification of information is acceptable.
- 3.3 On payment of the license fee referred to in 3.1 the owner shall be furnished with a tag. The tag shall bear a serial number and the year to which it applies, and a record shall be kept by the municipality showing the name and address of the owner, dog description and serial number of the tag.
- 3.4 The Clerk of the Municipality or such other person duly authorized on his/her behalf shall keep a record of each dog registered showing the license tag number, the owner's name and address and description of the dog licensed.

3.5 Every owner of a dog shall purchase a tag for such a dog and shall keep the tag affixed on the dog at all times during the year for which the tag applies.

3.6 No owner of a dog shall use a tag upon a dog other than for which the tag was issued.

3.7 Transfer-prohibited

Every licence for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.

PART 4-IMPOUNDING OF ANIMALS

4.1 Animal Control Officer(s)-authority

An Animal Control Officer(s) may seize and impound any animal found running at large or contravening any section of this By-Law.

4.2 The Poundkeeper shall keep a record of every animal impounded or seized, including the date it was impounded, a description of the animal, the licence and tag number, if applicable, and the date of disposition and the disposition made.

4.3 Possession of the animal may be restored to the owner if the owner claims possession of the animal within three (3) days (exclusive of public holidays and Sundays) after the date of seizure or impounding subject to section 4.6.

4.4 An animal which is impounded under the provisions of this By-Law may be seized and impounded by the Animal Control Officer(s), at the owner's expense.

4.5 An animal so impounded shall be held for a period of three (3) days, exclusive of the day when such an animal was impounded, Sundays, and statutory holidays, and if not claimed and released to the owner within such a period, such animal may then be destroyed or given to the Humane Society.

4.6 An animal so impounded shall not be released until the owner thereof, has paid the pound fees. No animal shall be released from the Pound on Sundays or public holidays.

4.7 Where an Animal Control Officer(s) finds an animal "Running At Large" contrary to this By-Law and it is believed that before the animal can be seized, it may attack a human being, a member of the Goderich Police Service and/or Animal Control Officer may destroy it.

4.8 Where an animal is found running at large, contrary to the provisions of this By-Law, the Animal Control Officer(s), finding or becoming aware of such running at large, may deliver to the address of the owner of such animal in the prescribed form an offence notice stating;

- (1) the name and address of the owner;
- (2) the tag number, if any, and a description of the animal;
- (3) that the animal was found running at large;
- (4) the date, time and location of the alleged offence;

PART 5-RABIES CONTROL

- 5.1 Where an animal is known to have bitten a person, the Public Health Inspector at the Huron County Health Unit may order the animal to be kept under a supervised quarantine for a period of 10 days, from the date of the biting incident. The municipality shall be held responsible for the cost of such quarantine when the owner of the animal is not known.

PART 6-FOULING ON LANDS WITHIN THE TOWN OF GODERICH (ANIMAL EXCREMENT)

- 6.1 Every owner of a dog shall remove forthwith excrement left by the dog anywhere in the municipality.

PART 7-VICIOUS DOGS

- 7.1 "Vicious dog" means a dog which has, without provocation, attacked or bitten a person or another animal or has demonstrated a propensity to do so.

- 7.2 Vicious dog-insurance-required.

An owner of a vicious dog shall obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) for any damage or injury caused by the said vicious dog.

- 7.3 Vicious Dog-Insurance-Expiry Notice Required

The policy, as set out in Section 7.2, shall contain a provision requiring the insurer to immediately notify the Town should the policy expire, be cancelled or terminated for any reason.

- 7.4 Vicious dog-signs-warning of vicious dog on property.

An owner of a vicious dog shall post or cause to be posted signs on the perimeters of the property which shall clearly notify persons that vicious dog(s) are on the property.

- 7.5 Vicious dog-confined-at all times.

An owner of a vicious dog shall, at all times when it is on the lands and premises of the owner:

- (a) keep such dog confined within the premises; or
- (b) keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children.

- 7.6 Vicious dog-walking-muzzled.

A vicious dog must and shall only be walked by an adult and must be muzzled while walking and comply with all other aspects and conditions as stated in this By-Law.

- 7.7 That in instances where, in the opinion of the Animal Control Officer, a dog should be restricted on an owner's property, the following shall apply: A dog must be tied or in a chained or fenced area but which shall not be within three (3) feet of the property line.

PART 8-PROHIBITING THE KEEPING OF MORE THAN A TOTAL OF FOUR DOGS AND CATS IN A HOUSEHOLD

- 8.1 Except as hereinafter provided, no person shall permit more than a total of four (4) dogs and cats to be kept in any one (1) household in the Town of Goderich. (Example-three (3) dogs and one (1) cat, being a total of four (4) is the maximum allowed in that household).
- 8.2 This By-Law does not apply to prohibit the keeping of more than a total of four (4) dogs and cats in the places or circumstances provided for in Schedule "B" of this By-Law.

PART 9-PROHIBITING THE KEEPING OF CERTAIN KINDS OF ANIMALS

- 9.1 Except as herein after provided, the keeping of any animal of the kind listed in Schedule "A" of this By-Law for sale, for exhibition, as a pet or for any other purpose is hereby prohibited in the Town of Goderich.
- 9.2 This By-Law does not apply to prohibit the keeping of an animal of the kind listed in said Schedule "A" in the places or circumstances provided for in Schedule "B" of this By-Law.
- 9.3 The provisions of this Part shall not be construed as prohibiting the keeping of any of the animals referred to in the preceding Section hereof if such animal was actually kept within the Corporate limits of the Town of Goderich as at the date of enactment of hereof, the onus of proof of which shall be upon the person keeping such animal.

PART 10- KEEPING OF DOMESTIC BIRDS AND ANIMALS

- 10.1 No person shall possess or harbour any domestic fowl, pigeons, cattle, goats, swine, horses, rabbits, mink or foxes within the municipality unless the same is or are enclosed in a pen or in a fenced area, or houses in a suitable and comfortable building. Such pen, fenced area or building to be so situated on the person or persons property has to be not less than 200 feet from the boundary line of his/her property.
- 10.2 No person shall possess or harbour, within the limits of the Town of Goderich, more than twenty-five (25) in total of the domestic birds and animals referred to in Section 10.1.
- 10.3 This By-Law shall not be applicable to horses kept at the Agricultural Park in the Town of Goderich.
- 10.4 Kennels shall not be allowed within the Corporation of the Town of Goderich except with the approval of Council, subject to the Town of Goderich's Comprehensive Zoning By-Law provisions and other applicable laws.

PART 11-NOISE

- 11.1 Persistent barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for any purpose other than agriculture is prohibited at all times.

PART 12-PENALTIES

- 12.1 Any person who contravenes a portion of this By-Law is guilty of an offence and on conviction is liable for a fine as provided in Section 61 of the Provincial Offences Act.
- 12.2 Any person contravening the provisions of this By-Law is subject to an administration charge of fifty dollars (\$50.00).

PART 13-OFFENCE NOTICE AND/OR SUMMONS

- 13.1 Where an Animal Control Officer(s) believes that a person has committed an offence under this By-Law, the Officer may issue an Offence Notice and/or Summons in accordance with The Provincial Offences Act.

PART 14-SEVERABILITY

- 14.1 Each and every provision of this By-Law is severable and if any provisions of this By-Law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

PART 15-ENFORCEMENT

- 15.1 The Animal Control Officer(s) of the Town of Goderich shall be responsible for the enforcement of the provisions of this By-Law.
- 15.2 The Animal Control Officer(s) may at any time request the assistance of the Ontario Provincial Police in enforcing any provision of this By-Law.

PART 16-REPEAL

- 16.1 That By-Laws 35 of 1994, 31 of 1995, 22 of 1996, 59 of 1998, 38 of 1999, 84 of 2002, 85 of 2002 and 126 of 2005 are hereby repealed and any other by-law, motion or resolution inconsistent with the provisions hereof are hereby repealed upon coming into effect upon date of its passing, this By-Law, being By-Law 93 of 2008, subject to approval of the Provincial Offences Act (short form wordings and set fines).

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th DAY OF OCTOBER, 2008.

MAYOR, Deb Shewfelt

CLERK, Larry J. McCabe

SCHEDULE "A" TO BY-LAW 93 OF 2008

Being a list of animals the keeping of which is prohibited within the Town of Goderich.

- 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 mustelids (such as skunks, weasels, otters, badgers, except the domestic ferret)
- 7) All urside (bears)
- 8) All artiodactylus ungulates, except domestic goats, sheep, pigs and cattle
- 9) All procyonide (such as racoons, coatis and cacomistiles)
- 10) All hyaenas
- 11) All perissodactylus ungulates (horses)
- 12) All elephants
- 13) All pinnipeds (such as seals, fur seals and walruses)
- 14) All snakes of the families Pythonidae and Boidae
- 15) All venomous reptiles
- 16) All ratite birds (such as ostriches, rheas, cassowaries)
- 17) All diurnal and nocturnal raptors (such as eagles, hawks and owls)
- 18) All edentates (such as anteaters, sloths and armadillos)
- 19) All bats
- 20) All crocodilians (such as alligators and crocodiles)
- 21) All venomous arachnids (such as scorpions and tarantulas)

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

SCHEDULE "B" TO BY-LAW 93 OF 2008

Being a list of places or circumstances which are exempt from the application of this By-Law.

- 1) On the premises of a zoo or animal display operated by or on behalf of the Corporation of the Town of Goderich.
- 2) On the premises of the Ontario Humane Society.
- 3) In a veterinary hospital under the care of a licensed veterinarian.
- 4) On the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under the Animals for Research Act.
- 5) By anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.
- 6) On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.
- 7) During the transportation of such animals between the places or circumstances listed herein.
- 8) Premises which are temporarily used for travelling shows such as circus or other like shows.