

This is a consolidation of the Village's By-law to provide for the licencing and regulation of dogs, to regulate leaving animals unattended in vehicles and to prohibit the keeping of exotic, wild and non-domestic animals in the Village of Sundridge. This consolidation is prepared for reference and information purposes only. Official Versions of all by-laws can be obtained by contacting the Village Office.

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE
BY-LAW NO. 2019-039
(CONTAINS AMENDING BY_LAW 2019-046)

BEING A BY-LAW TO PROVIDE FOR THE LICENCING AND REGULATION OF DOGS, TO REGULATE LEAVING ANIMALS UNATTENDED IN VEHICLES AND TO PROHIBIT THE KEEPING OF EXOTIC, WILD AND NON-DOMESTIC ANIMALS IN THE VILLAGE OF SUNDRIDGE.

WHEREAS Section 10 (2) of the Municipal Act, 2001, S.O. C.25, as amended, authorizes a single-tier municipality to pass by-laws respecting animals;

WHEREAS Sections 103 and 105, of the Municipal Act, 2001, S.O., C. 25 as amended, permits municipalities to pass By-laws regulating or prohibiting animals being at large or trespassing and the muzzling of dogs, within the municipality;

WHEREAS Section 129 (a) of the Municipal Act, 2001, S.O. C.25, as amended, permits municipalities to pass By-laws to prohibit noise likely to disturb inhabitants within the municipality;

AND WHEREAS the Council of the Village of Sundridge deems it expedient to license and regulate the control of dogs, within the Village, to regulate leaving animals unattended in vehicles and to prohibit the keeping of exotic, wild, and non-domestic animals pursuant to its authority to do so under the said Act and other applicable Acts,

NOW THEREFORE the Corporation of the Village of Sundridge hereby enacts as follows:

1. DEFINITIONS

"Animal" means any member of the animal kingdom, other than a human being;

"Animal Control Officer" shall mean any person so designated by Council to administer and enforce this By-law;

"Animal Shelter" shall mean an establishment that provides a temporary home for dogs and other animals;

"Council" shall mean the Council of the Corporation of the Village of Sundridge;

"Dog" shall mean a male or female dog, over the age of twelve (12) weeks;

“Exotic Animal” shall mean a rare or unusual Animal which is generally thought of as a wild species not typically kept as a pet;

“Handler” shall mean any person who possesses or harbours an animal and includes a person who has possession or custody of the Animal either temporarily or permanently;

“Kennel” shall mean any building or structure where domestic household pets are kept, raised and boarded for commercial purposes;

“Leash” shall mean a restraint consisting of a rope, light chain, or other material held by an individual and used to restrain an animal;

“Motor Vehicle” means a motor vehicle as defined in the Highway Traffic Act R.S.O. 1990, c.H8, as amended;

“Muzzle” shall mean a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting an individual or animal, and the words “muzzled and “muzzling” have a corresponding meaning;

“Owner” shall mean any person who possesses or harbours an animal, and where the Owner is a minor individual, it includes the individual responsible for the custody of the minor, and includes a person who has possession or custody of the Animal either temporarily or permanently. The word “owns” has a corresponding meaning;

“Public Property” shall mean any property in the Village of Sundridge owned by the Village of Sundridge;

“Police” shall mean the Police Service providing police services to the Village;

“Prohibited Animals” shall mean the animals as identified in Schedule B of this By-law;

“Running at Large” shall mean a dog found off the property on which it is kept and not under control of any responsible person, and restrained by a leash;

“Service Animal” shall mean an animal which is trained to assist in the movements of a person with a physical, visual or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a peace officer;

“Veterinarian” means a veterinarian and shall include care takers and inmates of a recognized Animal Care Centre where a veterinarian normally carries on business;

“Veterinary Hospital” as defined providing emergency or overnight medical care by a licensed Veterinarian to domestic and farm animals;

“Village” shall mean the Corporation of the Village of Sundridge;

“Wild Animal” means an untamed or undomesticated Animal that, as a matter of common knowledge, is naturally ferocious, unpredictable, dangerous, mischievous, or not by custom devoted to the service of mankind at the time and in the place in which it is kept but does not include an Exotic Animal;

“Zoo or Wildlife Sanctuary” includes a person or persons who has registered with the Provincial Government and is in possession of all necessary documentation and complies with all regulations, provincial laws and municipal by-laws, to confine or keep captive any animal for the purposes of display or protection;

2. DOG LICENSING

- 2.1 No person shall within the Village of Sundridge own or keep any dog without having obtained a license for the dog and registering the dog with the Village.
- 2.2 Every owner of a dog upon becoming a resident of the Village of Sundridge or upon becoming the owner of a dog, shall obtain a license and register each dog with the Village.
- 2.3 The license shall be taken out annually on or before the 1st day of January of each year and shall expire on the 31st day of December of each year.
- 2.4 The cost of the license shall be as prescribed in the current Tariff of Fees By-Law. An owner of a registered Service Animal is exempt from this licence fee. This schedule may be amended by Council from time to time and shall not affect the remaining sections of the By-law.

- 2.5 An owner at the time of purchasing a dog license shall furnish the following information to the Issuer of Licenses:
- a) The name, address and phone number of the owner of the dog
 - b) The breed, gender, name, age and description of the dog, including any number tattooed upon the dog or information concerning an implanted microchip that may assist in the identity of the dog.
- 2.6 Upon payment of the license fee the owner of a dog shall be furnished with a numbered dog tag and the said tag shall be kept securely fixed on the dog at all times and shall not use the dog tag upon a dog other than the one it was issued for.
- 2.7 The replacement fee for a lost license shall be in the current Tariff of Fees By-Law. This schedule may be amended by Council from time to time and shall not affect the remaining sections of the By-law.
- 2.8 A record shall be kept by the Clerk showing:
- a) The name, address and phone number of the dog owner
 - b) The breed, name, age, gender and description of the dog, including any number tattooed upon the dog or information concerning an implanted microchip that may assist in the identity of the dog
 - c) The number of the Dog Tag and the fees paid in respect of each dog.
- 2.9 Kennels of dogs are not allowed in the Village of Sundridge, as they are not permitted under the Zoning By-law of the Village of Sundridge.

3. RESPONSIBILITIES OF THE OWNER

- 3.1 No owner of a dog shall permit the dog to run at large in the Village of Sundridge.
- 3.2 No owner or owners living at the same address shall keep more than two dogs in any one household over the age of twelve (12) weeks.
- 3.3 No owner shall permit their dog, whether leashed or unleashed to trespass on private property.
- 3.4 No owner shall allow their dog to be on a public road or in a public place at any time unless the dog is on a leash and such leash is held onto by the owner/handler.
- 3.5 Notwithstanding 3.4, no dog shall be allowed at any time in any area designated as:

- a) A public park, which includes a children's play area, a public beach or swimming area
- b) A public beach or swimming area

This section does not apply to the owners of Registered Service Animals.

- 3.6 Every owner of a dog shall forthwith, clean up and dispose of any excrement left by their dog on any property other than their own. This section does not apply to the owners of Registered Service Animals.
- 3.7 No owner shall permit any dog or domestic pet owned by them to persistently bark, whine, whimper or create any noise that is likely to disturb any inhabitants of the Village of Sundridge.
- 3.8 Every owner upon receiving an Order in writing from the "Animal Control Officer" shall:
 - a) Keep the dog or dogs muzzled
 - b) Keep the dog or dogs leashed at all times, and
 - c) Under control of a responsible person, or
 - d) Secured in a crate or dog run, and

at all times such dog is outside of the owner's residence.

4. ANIMAL CONTROL OFFICER

- 4.1 The Animal Control Officer may seize and impound any dog found running at large, with or without a license, within the Village of Sundridge contrary to the provisions of the By-law. The dog will be impounded in the Animal Shelter designated by Council.
- 4.2 An Animal Control Officer shall make every reasonable effort to notify the owner that the dog is impounded and the conditions whereby custody of the dog may be regained.
- 4.3 Nothing in this section shall prevent the Animal Control Officer from destroying an animal, which is ill or injured and where, in the opinion of the Animal Control Officer, is incapable of being cured.
- 4.4 If the Animal Control Officer or their agent is unable to seize any dog found to be running at large or trespassing, and the owner is known to the Animal Control Officer or their agent, the owner shall receive written notice of the fine described in the current Tariff of Fees By-Law.

- 4.5 Where a dog has been injured on property other than that where it is kept and should be destroyed for humane reasons or safety to persons or animals, the Animal Control Officer or their agent may kill the dog in a humane manner as soon after seizure as they think fit without permitting any person to reclaim the dog, or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its disposal.

5. MUZZLING OF DOGS

- 5.1 The Animal Control Officer upon receiving a valid complaint or complaints concerning a dog or dogs that place the public safety at risk may issue an order to the owner, who shall comply with the order, to:

- a) Keep the dog or dogs muzzled
- b) Keep the dog or dogs leashed at all times, and
- c) Under control of a responsible person, or
- d) Secured in a crate or dog run, and

at all times such dog is outside of the owner's residence.

6. ANIMALS IN A VEHICLE

- 6.1 For the purpose of this section, "Roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

- 6.2 No person shall allow an Animal to be outside the passenger cab of a truck or Motor Vehicle while on a roadway, regardless of whether the truck or Motor Vehicle is moving or parked unless the Animal is:

- a) In a fully enclosed trailer
- b) In a fully enclosed bed of a truck or motor Vehicle, the dimension of which permit the Animal to fully stand up, sit down, turn around and lay down
- c) Contained in a ventilated cage, crate or similar device manufactured for the confinement or transport of an Animal and which is securely fastened to the bed of a truck or Motor Vehicle
- d) Securely tethered using a suitable body harness and in such a manner that the Animal is not standing on bare metal or plastic, cannot jump, slide or be thrown from the truck or Motor vehicle, is not in danger of strangulation and cannot reach beyond the outside edge of the side or back of the truck or Motor Vehicle

- 6.3 No person shall keep or leave unattended an Animal in a Motor Vehicle, part of a Motor Vehicle or trailer attached to a Motor vehicle where doing so causes, or may cause the Animal illness, pain, injury or suffering or to become subject to undue or necessary hardship, privation or neglect.
- 6.4 Any officer may use any reasonable means as are necessary to remove an Animal in need of assistance from any Motor Vehicle, trailer or any enclosed space.
- 6.5 The Owner of a Motor vehicle involved in an offence referred to in this subsection is guilty of the offence, unless that vehicle owner satisfies the court that the vehicle was not being driven or parked by the Owner and that the individual driving or parking the vehicle at the time of the offence did so without the vehicle owner's express or implied consent.

7. KEEPING OF EXOTIC, WILD AND NON-DOMESTIC ANIMALS

- 7.1 No person shall own, possess, harbour or in any other manner keep any Animal listed in Schedule "B" of this By-Law or any Endangered Species, except where provided for under the provisions of this By-Law or any Federal or Provincial legislation.
- 7.2 No person shall sell, offer for sale or display for sale any Animal listed in Schedule "B" of this By-Law or any Endangered Species, except where provided for under the provisions of this By-Law or any Federal or Provincial legislation.
- 7.3 No person shall import or export any Animal listed in Schedule "B" of this By-Law or any Endangered Species, except where provided for under the provisions of this By-Law or any Federal or Provincial legislation.
- 7.4 It shall be permissible to keep any animal of the kind listed in Schedule "B" of this By-law only under the following circumstances:
- a) In a Veterinary Hospital under the care of a Licenced Veterinarian during the period of time required to care for the animal and then it shall be removed from the Village of Sundridge.
 - b) The animal is part of a Circus, Exhibition or Educational Display and such animals shall be exempt from this By-Law only for the period of time that the Circus, Exhibition or Educational Display is taking place.

8. ADMINISTRATION AND ENFORCEMENT

- 8.1 This By-Law shall be enforced by a Municipal Law Enforcement Officer, an Animal Control Officer or a Provincial Offences Officer.

9. RIGHT OF ENTRY

- 9.1 Municipal Law Enforcement Officer may enter upon property at any reasonable time for the purpose of determining whether any prohibited animals are kept on the premises.
- 9.2 The Municipal Law Enforcement Officer may not enter a dwelling-place except with the consent of the occupant or person in charge of the dwelling-place or under the authority of a warrant.

10. PENALTIES

- 10.1 Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 10.2 Where any part of this By-Law conflicts with any other Municipal By-Law, or any Federal or Provincial Legislation or article the Legislation that carries the stricter provision shall prevail.

11. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the By-law and it is hereby declared, the remainder of the By-law shall be valid and shall remain in force.

12. SHORT TITLE

This By-law may be cited as "The Animal Control By-law"

13. REPEAL

By-laws 2005-015 and 2016-006 are hereby repealed.

14. Force and Effect

This By-law shall take effect upon being passed.

15. Schedule A

Part 1 Offences short form wording and set fines for such offences

Once the by-law has been approved, the short form wording and set fines will be applied for with the Provincial Offences Courts to have them approved.

These offences can be issued as Part 1 ticketing on the persons committing the offences on the day of the offence, or within 30 days of the offence.

PASSED THIS 26th DAY OF JUNE, 2019.

Lyle Hall, Mayor

Nancy Austin, Clerk Administrator

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE

SCHEDULE “A”
To By-law 2019–039 – Animal Control

Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to obtain dog licence	Section 2.1	\$150.00
2	Own more than 2 dogs	Section 3.2	\$150.00
3	Permit dog to be at large	Section 3.1	\$150.00
4	Permit dog to trespass on private property	Section 3.3	\$150.00
5	Permit dog to be in a public place without a leash	Section 3.4	\$150.00
6	Permit dog to be in a public park or swimming area	Section 3.5	\$150.00
7	Fail to clean-up and dispose of excrement	Section 3.6	\$150.00
8	Permit dog to bark or make excessive noise	Section 3.7	\$150.00
9	Fail to comply with muzzle order	Sections 5.1	\$150.00
10	Permit animal to be kept, left unattended in Motor Vehicle	Section 6.3	\$150.00
11	Permit animal to be outside passenger cab of a Motor Vehicle	Section 6.2	\$150.00
12	Possession of an exotic, wild or Non-domesticated animal	Section 7.1	\$150.00

Note: The penalty provision for the offence listed above is Section 10.1 of By-law 2019-039, a certified copy of which has been filed.

SCHEDULE “B”
To By-law 2019–039

Class of Animal

Examples

- All Venomous Arachnids
- All Venomous Arthropods
- All Crocodylidae
- All Ursidae
- All Venomous Reptillia
- All Serpentes of the families Pythonidae and Boidae
- All Felids (other than common cat)

Common Name

- Tarantula
- Scorpion
- Alligator, Crocodile
- Bear
- Venomous Snake, Lizard
- Python, Boa, Anaconda
- Leopard, Lion, Tiger, Lynx, Puma, Cheetah, Jaguar, Panther, Bobcat, Ocelot or Hybrids

All animal on the list of Convention on International Trade and Endangered Species (CITES #1 Endangered Species List)

All Canidae (other than common dog)

Wolf, Fox, Jackals

Note: The common names referred to in the right hand column are some of the names of animals included in the classes of animals referred to in the left hand column of this schedule.

The common names are provided for information purposes only and are not intended to limit the extent of the classes of animals referred to above.