

**The Corporation of the
Township of South-West Oxford
By-law No. 76-2017**

**Being a By-law to Establish and Regulate Animals,
Licensing of Dogs and Kennels and Running at Large
in the Township of South-West Oxford
and to Repeal By-law 9-2012**

Whereas sections 9 to 11 of the *Municipal Act, 2001*, S.O., c.25, as amended (hereinafter referred to as the "Municipal Act"), confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

And Whereas Section 8 of the *Municipal Act* confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration; states that "The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues";

And Whereas section 103 of the *Municipal Act* confers a power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

And Whereas section 390 of the *Municipal Act* authorized municipalities to impose fees or charges for services rendered;

And Whereas the Dog Owners' Liability Act, R.S.O., 1990, Chap. D 16, provides for rules and regulations that must be followed for the keeping of dogs;

And Whereas the *Police Services Act*, R.S.O. 1990, Section 15 authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;

Now Therefore the Council of the Corporation of the Township of South-West Oxford Enacts as Follows:

**Part 1
Definitions**

1.1 For the purpose of this By-Law, the definitions of this Section apply:

"Agricultural Zone" shall mean any area of land zoned A1 (Limited Agricultural) or A2 (General Agricultural) in the Township of South-West Oxford's Zoning By-Law 25-98, as amended.

"Altered" shall mean spayed or neutered;

"Animal Control Contractor" shall mean the local animal shelter contracted by the Township of South-West Oxford from which animals may be redeemed or lawfully adopted;

"At large" shall mean a dog at any place other than the premises of the owner and not on a leash and/or under the control of a person responsible.

"Boarding" shall mean a temporary residence where an animal is housed;

"Breeding" shall mean the production of offspring;

"Clerk" shall mean the clerk for The Corporation of the Township of South-West Oxford.

"Control" shall mean care and custody;

"Council" shall mean the council of the Township of South-West Oxford;

"Dog" shall mean any domesticated animal of the Genus 'Canis';

"Dog Owners Liability Act" shall mean the Dog Owners' Liability Act, R.S.O. 1990, c. D.16, as amended;

"Dwelling Unit" shall mean one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons;

"Elements" shall mean temperature, wind, humidity, rain, snow;

"Enclosed property" shall mean a pen or other enclosure such that it prevents the animal from leaving the property and prevents contact with people and other animals;

"Keep" shall mean to have temporary or permanent control or possession of an animal, and the words "kept" or "keeping" have a similar meaning;

"Kennel" shall mean any building, structure, dog run or other facility, which houses (on a permanent or temporary basis) dogs for the purpose of breeding, boarding or training for profit or not for profit.;

"Impound" shall mean the animal is taken into custody and transported to the Animal Control Contractor;

"Leash" shall mean a strap, cord or chain which is designed to restrain the breed of animal it is controlling;

"License" shall mean a license issued pursuant to this by-law;

"Livestock" means animals or poultry designated as livestock and includes cattle, fur-bearing animals, goats, horses, rabbits, sheep, swine, domestic fowl (includes chickens, turkeys, geese, ducks, and pheasants), ox or other animals.

"Municipal Law Enforcement Officer" shall mean the person appointed by the Township of South-West Oxford for the purposes of Municipal By-law Enforcement including, but not limited to, a Building Inspector or Municipal Law Enforcement Officer.

"Minor" shall mean a person who has not reached the age of 18 years;

"Municipal property" shall mean all property owned, leased or under the control of the Township of South-West Oxford, and without limitation, this term shall include all parks, open space, road allowances, sidewalks, footpaths or trails;

"Municipal Office" shall mean the designated Township of South-West Oxford administrative office which provides local government services;

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

"Muzzled dog" shall mean a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle;

"Notice of Caution" means a notice in writing given by the Municipal Law Enforcement Officer to the owner which cautions the owner that a bite did occur and recommends the owner take cautionary steps whenever persons or domestic animals are in the vicinity of the dog. The Notice of Caution shall indicate that should a subsequent bite occur, an order to muzzle the dog will be issued.

"Occupied" shall mean being in possession of a property or part of a property, for example, as a result of a tenancy agreement or as an invited guest;

"OSPCA" shall mean the Ontario Society for the Prevention of Cruelty to Animals;

"Owner" shall mean any person who owns, keeps, possesses, harbours or acts as a guardian of a dog for any length of time, whether or not that person has a license for the dog, and, where the owner is a minor, the person responsible for the custody of the minor.

"Park" shall mean a public area controlled by the Township of South-West Oxford and set aside for use by the public for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes playgrounds, sports fields, public pathways;

"Person" shall mean a natural individual, a corporation, partnership, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns or other legal representatives thereof, or a receiver or mortgagee in possession;

"Pit bull" shall mean a dog as identified in the Dog Owners' Liability Act R.S.O. 1990, Chapter D.16, which includes a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pitbull terrier, or a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to above;

"Premises" shall mean a building or part of a building or a place;

"Property" shall mean a parcel of land including any buildings or other structures on the land;

"Residential Zone" shall mean any area of land zoned RR (Rural Residential), RE (Residential Existing Lot), R1 (Residential Type 1), R2 (Residential Type 2), R3 (Residential Type 3) V (Village Zone), or RMH (Mobile Home Park) in the Township of South-West Oxford's Zoning By-Law 25-98, as amended.

"Sanitary conditions" shall mean a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which endangers the health, comfort or convenience of any person or animal;

"Sanitize" shall mean to clean for the purpose of controlling disease-producing organisms and "sanitized" has a corresponding meaning;

"Shelter" shall mean a structure built to provide animals with protection from the elements;

"Special services dog" shall mean a dog with proper identification to show that it has been trained to provide services to a person with a disability or to a police service;

"Township of South-West Oxford" shall mean The Corporation of the Township of South-West Oxford and includes its entire geographic area;

"Valid rabies certificate" shall mean a rabies certificate issued by a licensed veterinarian certifying the dog has been immunized and verifying that it will be current on the date of application for a license or renewal license;

"Veterinary hospital or clinic" shall mean premises for the medical treatment of dogs under the supervision of a licensed veterinarian.

"Vicious Dog" means any dog with a known history, tendency or disposition to attack or bite without provocation, humans, domestic animals, or other animals. Vicious and/or Dangerous Dogs shall have corresponding meanings.

"Whelping area" shall mean the area designated for birthing offspring.

"Without provocation" shall mean in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

Part 2

Dog Licensing and Registration

- 2.1 No person shall keep more than three dogs in and about any dwelling unit within the Township on all zoned properties.
- 2.2 Every dog that is 3 months of age or older, shall be registered with the Township of South-West Oxford at the beginning of every calendar year, or 14 days upon acquisition of a dog 3 months of age or older, and obtain a dog tag.
- 2.3 A dog may be registered at the Municipal Office or in any other manner adopted by the Township by providing the necessary application, paying the prescribed fee, as set out in The Township of South-West Oxford Fees By-law, and may be required to submit proof of current certification of immunization against rabies. It is an offence for an owner of a dog to provide false information about the dog being registered.
- 2.4 A dog registration expires on December 31st of every calendar year.
- 2.5 Upon registration with the Township of South-West Oxford, a dog will be included in the dog registry by means of the issuance of a tag. Any changes to the status of the provided information must be reported promptly to the Township of South-West Oxford.
- 2.6 Tags issued for a dog pursuant to the provisions of the by-law are not transferrable between dogs or between owners, and tags shall not be fixed to any dog other than the dog registered by the Township of South-West Oxford.
- 2.7 Every tag that is issued shall be kept securely fixed on the dog all times when the dog is in a place other than the dwelling of its owner.
- 2.8 An owner of a dog or another person acting on the owner's behalf may obtain a replacement of a tag that has been lost or destroyed by paying the prescribed fee, as set out in the Township Fees By-law.
- 2.9 Every dog owner who takes up residence within the municipality and where a current tag has been issued by another municipality, the owner shall obtain a new tag from the Township of South-West Oxford.
- 2.10 The requirement for annual registration set out in section 2.2 of this By-law does not apply to the following:
 - a) Pound or shelters;
 - b) Veterinary hospital or clinics;
 - c) Pet stores;

- d) Police service dogs;
- e) Special services dogs.

Part 3

Kennel Licensing and Registration

- 3.1 No person shall own, operate, manage, control, supervise or have a kennel without a license issued by the municipality.
- 3.2 Kennels shall only be permitted within Agricultural Zones within the Township. No Kennel, run, pen or exercise yard shall be erected contrary to the provisions of the Township's Zoning By-law.
- 3.3 No Kennel shall be located within a minimum of one hundred fifty (150) metres of any adjacent residential zone, adjacent habitable building or building used for the keeping of livestock excluding buildings of the owner of the property on which the Kennel is located.
- 3.4 Only the owner of the property may apply for and be issued a kennel license. A license issued to the owner is not transferable to any new owner.
- 3.5 Every owner who applies for a kennel license shall do so in writing on the form provided by the Township of South-West Oxford. The application shall include:
 - a) In all cases, written clearance from the Municipal Law Enforcement Officer assuring compliance with Section 4 of the by-law; and
 - b) In all cases, a site plan drawn to show the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel purposes. The site plan must also specify the distance which separates the kennel buildings, structures, dog runs and facilities from all property lines and all buildings, including any residential buildings situated on the adjacent properties;
 - c) In all cases, the kennel license fee as set out in the Township of South-West Oxford Fees By-law;
 - d) Sworn declaration by the owner that he/she has never been convicted under the Section 446 of the Criminal Code of Canada pertaining to animal cruelty; and
 - e) Proof of Agricultural zoning of the property, as set out in the Township of South-West Oxford Zoning By-law.
- 3.6 In the event that a breeding or whelping area is contained within a dwelling unit, it must be located in a designated area;
- 3.7 The Municipal Law Enforcement Officer shall have permission from the owner to enter the dwelling unit at a mutually agreeable time to carry out inspection of the breeding or whelping area.
- 3.8 Prior to issuance of a kennel license, the Municipal Law Enforcement Officer shall sign an acknowledgement stating that there have been no by-law

infractions during the previous licensing year, and a site inspection has been conducted to verify the information of the site plan, the number of dogs and that the kennel meets the applicable zoning requirements as set out in the Township of South-West Oxford Zoning By-law.

- 3.9 The Municipal Law Enforcement Officer may refuse any License application which does not meet with all of the requirements of this by-law. The Municipal Law Enforcement Officer shall give notice in writing to the owner by registered mail or personal delivery if the application is refused.
- 3.10 After the issuance of a license, the owner shall apply in writing to the Municipal Law Enforcement Officer for approval of any changes to the original application, including site plans. The application shall include a revised site plan.
- 3.11 Every kennel license issued pursuant to this By-law shall expire on the 31st day of December and every renewal shall be finalized on or before March 31st of the following year.
- 3.12 The Owner of a kennel license shall be exempt from Section 2.1 and 7.1.
- 3.13 Every kennel owner shall allow the Municipal Law Enforcement Officer or designate to carry out inspections of premises where dogs are kept or to make inquiries deemed necessary for the purposes of insuring compliance of the by-law.
- 3.14 Transition Period: Where a kennel operated lawfully immediately before this By-law took effect, the owner or operator shall be provided with a maximum transition time period of twelve (12) months to comply with this by-law.

Part 4 **Kennel - Minimum Standards**

- 4.1 Every dog shelter and kennel shall be of sufficient size to allow the dogs kept therein to stand erect and to be comfortable. The size of space may be increased or decreased with the size of the dog to a total area that is at least twice the length of the animal in all directions.
- 4.2 Every owner and kennel shall provide the dog with sufficient shade to protect from the direct rays of the sun at all times.
- 4.3 Every owner and kennel owner shall provide a constant supply of clean fresh drinking water for each dog, and an adequate supply of food.
- 4.4 Every owner and kennel shall provide food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta.
- 4.5 Every owner and kennel shall provide necessary veterinary medical care when the dog exhibits signs of pain, illness or suffering.

- 4.6 Every shelter and kennel shall be kept in a sanitary, well ventilated condition, free from offensive odor, disease, vermin, and protected from the elements. Animal waste shall be removed daily.
- 4.7 Every shelter and kennel shall be maintained at a suitable temperature for the type of dog, and provided with adequate lighting for the health, welfare and comfort of the dog enclosed therein.
- 4.8 The owner of a shelter or kennel shall maintain control of all dogs under his/her care at all times.
- 4.9 Every owner and kennel shall provide shelter that is waterproof to a dog, and that protects the dog from exposure to the elements.

Part 5 Animal Waste

- 5.1 Any person who owns or controls a dog shall remove forthwith any excrement left by such dog on any property in the municipality.

Part 6 Vicious Dogs

- 6.1 The owner of any dog that has been determined to be vicious by a Municipal Law Enforcement Officer in accordance with the definition as set out in this By-law may, by written order of the Officer, be required to do any or all of the following and they shall comply with such an order:
 - a) Not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a leash not exceeding 1.5 meters in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting another animal or human;
 - b) Be under the care and control of a person 18 years of age or older;
 - c) Be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
 - d) Visibly display a sign on his/her premises warning that there is a vicious dog on the property;
 - e) Confine the dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the said dog; and/or

- f) Notify the poundkeeper immediately if a vicious dog is loose, unconfined, has attacked another animal or human or has died or has been given away.

Part 7

Keeping of Animals – General Provisions

- 7.1 No person shall, within the Township of South-West Oxford, keep any animal except those permitted in accordance with the following:
 - a) Maximum of three (3) dogs per dwelling unit;
 - b) Maximum of three (3) cats per dwelling unit.
- 7.2 Every owner of a dog shall, upon request by the Municipal Law Enforcement Officer, produce evidence that their dog has been inoculated with a current rabies vaccination.
- 7.3 No dog owner shall allow his/her dog(s) to run at large. Any dog found to be running at large, may be seized by a Municipal Law Enforcement Officer or Animal Control Contractor and said dog shall be confined in an animal shelter. If such dog is not claimed within three (3) full days of its being seized, the said dog may be sold by the Animal Control Contractor. If the said dog is sold the Animal Control Contractor shall apply the proceeds of the sale against the costs of such seizure and impounding.
- 7.4 No owner shall tether a dog on a chain, rope or other similar restraining device of less than 3.5 metres (11.5 feet) in length and the dog shall be in the rear yard of the owner's property or side yard of property.
- 7.5 No person shall cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope of cord is tied directly around the animal's neck.
- 7.6 No person shall cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.

Pit Bulls

- 7.7 A Pit Bull shall be deemed in all cases to be a vicious dog to which the provisions of Part 6 apply. If any provision of the Dog Owner's Liability Act, R.S.O. 1990, Chapter D. 16 or the Regulations are amended to impose a different standard or restriction relating to Pit Bulls, from those imposed by this By-law, the more restrictive provisions shall apply.

Exotic Pets

- 7.8 No person shall own, harbour, possess, keep, sell or offer for sale any exotic animals listed below as a pet or for any other purpose or for any period of time. Examples of animals of a particular prohibited group are given in parentheses.

These are examples only and shall not be construed as limiting the generality of the group.

- a) All canids, except the dog as defined in this by-law
- b) All felids, except the domestic cat
- c) All non-human primates (such as gorillas and monkeys)
- d) All viverrine (such as mongooses, civets and genets)
- e) All marsupials (such as kangaroos and opossums)
- f) All mustelids (such as skunks, weasel, otters, badgers)
- g) All ursids (such as bears)
- h) All artiodactyls (such as hippopotamuses and pronghorns)
- i) All procyonids (such as raccoons, coatis and cacomistles)
- j) All hyaenids (such as hyenas)
- k) All elephantids (such as elephants)
- l) All pinnipeds (such as seals, fur seals and walruses)
- m) All snakes of the families pythonidae and boidae
- n) All venomous reptiles and amphibians
- o) All raptors (such as eagles, hawks, owls and falcons)
- p) All edentates (such as anteaters, sloths and armadillos)
- q) All chiroptera (such as bats)
- r) All crocodilians (such as alligators, crocodiles and cayman)
- s) All venomous arachnids (such as spiders, scorpions and tarantulas)
- t) All cetaceans (such as dolphins, whales and sharks)
- u) All perissodactyls (such as tapirs and rhinoceroses)

7.9 Notwithstanding Section 7.8, on lands zoned for agricultural purposes where livestock facilities are a permitted use, no person shall keep or cause to be kept any animals listed in Section 7.8 except those permitted in the Township's Zoning By-law.

Livestock

7.10 No person shall keep or raise any livestock within any Residential Zone.

Racing Pigeons

7.11 Racing Pigeons shall not be permitted within the Township, save and except registered racing pigeons that were in existence and approved by the Township prior to the passing of this By-law.

7.12 Racing Pigeons that were in existence and approved prior to the passing of this By-law are subject to the following conditions:

- a) The owner or fancier shall be a member of a bonafide pigeon racing club within the Canadian Racing Pigeon Union.
- b) An owner or fancier must be a member of a racing pigeon club in good standing.

- c) Racing pigeons shall have a seamless identity band registered to each owner or fancier.
- d) Racing pigeons must always be under control, flight times to be supervised, and never permitted to be a nuisance.
- e) The loft to be deemed an accessory building of standard construction, and will require a building permit pursuant to zoning regulations to erect the loft.
- f) The loft must be neat, attractive, painted inside and outside, and well maintained hygienically.
- g) The owner shall restrict the number of pigeons in his possession to twenty-five (25) or fewer.
- h) The racing pigeons shall be contained in the loft subject to Section 7.12 d) herein.
- i) Food provided for racing pigeons shall be contained within the loft.

Part 8 Enforcement

- 8.1 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.

Part 9 Exemption

- 9.1 Notwithstanding the provisions of this By-law, any person may apply to Council for an exemption to any provision of this By-law with respect to certain animals and conditions to allow such person to be exempt from a certain portion of the by-law and Council may grant such exemption, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as Council sees fit for any exemption granted.
- 9.2 Every person applying for an exemption under section 9.1 of this By-law shall, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, provide to the Clerk of the Township an application in writing that shall contain:
- a) The name, address, email and telephone number of the applicant;
 - b) A description of the details of which exemption is sought;
 - c) A statement of the particular provision or provisions of this By-law from which exemption is being sought;
 - d) The period of time, of a duration, for which the exemption is sought;

- e) The reason why the exemption should be granted;
 - f) If applicable, a statement of the steps, if any, planned or presently being taken to bring about compliance with the By-law;
 - g) Payment of the exemption-processing fee, if any, in the amount set in the Township of South-West Oxford Fees By-law and in effect at the time of such exemption request.
- 9.3 In deciding whether to grant the exemption under section 9.1 of this By-law, Council shall give the applicant and any person opposed to the application an opportunity to be heard and may consider such other matters as it deems appropriate.
- 9.4 A breach of any of the terms or condition of an exemption granted by Council under section 9.1 of this By-law that is emitted, caused, or permitted to be emitted or caused by the applicant shall render the exemption null and void.

Part 10

Repeal - Enactment

10.1 Township of South-West Oxford By-law 09-2012 is hereby repealed.

Effective Date

10.2 This by-law comes into force on January 1st, 2018.

Short Title

10.3 The short title of this by-law shall be the 'Animal Care and Control By-law'.

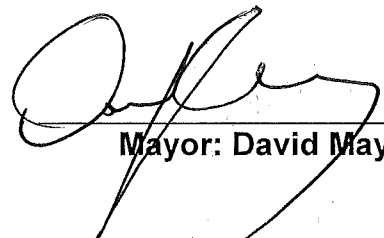
Conflict and Severability

10.4 In the event of any conflict between any provision set forth in this by-law and any other Township ordinance, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.

- 10.5 If any section or portion thereof shall be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect.

Read a First and Second Time this 19th day of December, 2017.

Read a Third Time and Finally Passed this 19th day of December, 2017



Mayor: David Mayberry

Clerk: Julie Forth

Township of South-West Oxford

**Part I Provincial Offences Act
BY-LAW 76-2017**

SHORT FORM WORDING

Short Title: BY-LAW NUMBER 76-2017, ANIMAL CARE AND CONTROL BY-LAW

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Keeping more than 3 dogs	2.1	\$305.00
2	Failed to register dog and obtain dog tag	2.2	\$155.00
3	Failed to obtain kennel license	3.1	\$305.00
4	Fail to allow officer to carry out inspection	3.13	\$155.00
5	Failed to provide adequate shelter size	4.1	\$305.00
6	Failed to provide adequate food or water	4.3	\$305.00
7	Failed to provide veterinary medical care	4.5	\$305.00
8	Failed to ensure the animal enclosure is kept in a clean and sanitary condition, free from odour	4.6	\$305.00
9	Failed to protect dog from exposure to elements	4.9	\$305.00
10	Failed to remove excrement left by a dog	5.1	\$155.00
11	Fail to comply with order of Municipal Law Enforcement Officer – Vicious Dog	6.1	\$305.00
12	Keeping of more than 3 cats	7.1 b)	\$305.00
13	Failed to produce proof of rabies vaccination	7.2	\$155.00
14	Being the owner of a dog, permitting it to run at large.	7.3	\$300.00
15	Failed to keep dog tethered on a device more than 3.5 metres	7.4	\$155.00
16	Keeping a dog hitched, tied or fastened to a fixed object using a choke collar or chain	7.5	\$155.00
17	Keeping a dog in a confined space	7.6	\$155.00
18	Keeping or harbouring an exotic animal	7.8	\$305.00

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
19	Keeping of Livestock in residential zone	7.10	\$305.00
20	Keeping of Pigeons	7.11	\$305.00

"Note: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."

