

AMENDMENTS:  
By-Law 6-2016  
By-Law 16-2016  
By-Law 4-2021



— TOWNSHIP OF —  
ASHFIELD - COLBORNE - WAWANOSH

THE CORPORATION OF THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH

**BY-LAW NUMBER 57-2015**

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**BEING** a by-law to regulate animal care and control within the  
Township of Ashfield-Colborne-Wawanosh.

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**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

**AND WHEREAS** Section 11(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a lower-tier Municipality to provide any service or thing that the Municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4) of the Act;

**AND WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a lower-tier Municipality to pass by-laws respecting animals;

**AND WHEREAS** Section 103(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animals being at large or trespassing contrary to the by-law;

**AND WHEREAS** Section 105 of the *Municipal Act, 2001*, S.O. 2001 c. 25 provides that a Municipality shall, upon the request of the owner of the Dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement to Muzzle a Dog;

**AND WHEREAS** Section 151 of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a Municipality to provide for a system of Licenses with respect to a business;

**AND WHEREAS** Section 391 of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a Municipality to impose fees or charges on persons for services or activities provided or done by or behalf of it;

**AND WHEREAS** Section 398(2)(2) of the *Municipal Act, 2001*, S.O. 2001 c. 25 authorizes a Municipality to add licensing fees and penalties to the property tax roll;

**AND WHEREAS** Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, c. d.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

**AND WHEREAS** The Corporation of the Township of Ashfield-Colborne-Wawanosh deems it desirable to pass a by-law with respect to the control of animals and Prohibited Animals;

**NOW THEREFORE** the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh enacts as follows:

**1. SHORT TITLE**

1.1 This By-law may be cited as the "Animal Control By-law".

**2. DEFINITIONS In this By-law:**

2.1 "Act" means the *Municipal Act, 2001*, R.S.O. 2001, Chapter 25, as amended from time to time.

2.2 "Animal Control Officer" means the person or contractor appointed by Council, or any employee or agents of such person or contractor, to carry out, enforce and implement the provisions of this By-law.

2.3 "Attack" means an assault resulting in bleeding, bone breakage, sprains, or bruising.

2.4 "Bite" means a wound to the skin causing it to puncture or break.

2.5 "Clerk" means the Clerk appointed by the Council pursuant to the Act.

2.6 "Council" means the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh.

2.7 "Dog" means a male or female Dog over the age of twelve (12) weeks and may be neutered or spayed.

2.8 "Dog Tag" means a metal tag bearing a serial number which was issued by the Clerk, his/her designate, or the Animal Control Officer.

2.9 "Dwelling unit" shall have the same meaning as defined in the *Ontario Building Code*, O.Reg. 332/12, as amended.

- 2.10 "Guide Dog" means a Dog which serves as a guide or leader for a person with a medical or physical disability or performs search and/or rescue functions and which has been specially trained for that purpose.
- 2.11 "Harbour" means any person who possesses or has custody of an animal but does not include providing shelter to a Dog for a period of time of less than seven (7) days, provided that the Dog is owned by someone other than the Household Group normally a resident in the Dwelling Unit and can provide proof of a permanent address.
- 2.12 "Herding Dog" means a Dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling Livestock on the farm.
- 2.13 "Household Group" means two or more persons who live in the same Dwelling Unit whether or not they are related to one another.
- 2.14 "Kennel" shall mean a Licensed establishment where more than five (5) Dogs are kept for the purpose of show, training, keeping, breeding, and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of receiving veterinary services including treatment, observation or recovery.
- 2.15 "License" means a license issued by the Municipality pursuant to the Act and this By-law.
- 2.16 "Livestock" means any domesticated farm fowl including chickens, geese, ducks, turkeys, and guinea fowl; and domesticated farm animals including horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, alpaca, rabbit, emu and ostrich.
- 2.17 "Livestock Guardian Dog" means a Dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them by repelling predators and is used exclusively for that purpose.
- 2.18 "Municipality" means the Corporation of the Township of Ashfield-Colborne-Wawanosh.
- 2.19 "Municipal Law Enforcement Officer" means an individual appointed by the Council pursuant to s. 15 of the Police Services Act, R.S.O. 1990, c. P. 15, as amended.
- 2.20 "Microchip" means an encoded identification device meeting the Canadian standard of the National Companion Animal Coalition and implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central data base.

- 2.21 "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the word "Muzzled" and or "muzzling" have a similar meaning.
- 2.22 "Owner of a Dog" means any person who owns, possesses, Harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. This shall also include a person who is temporarily the keeper of the animal.
- 2.23 "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals.
- 2.24 "Peace Officer" means the Animal Control Officer and/or a Provincial Offences Officer with the meaning of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.
- 2.25 "Pound" means the place designated by Council used for the temporary housing and care of animals that have been impounded pursuant to this By-law.
- 2.26 "Pound Keeper" means the person or contractor designated for the Municipality to oversee and operate the Pound.
- 2.27 "Prohibited Animal" means an animal described in Schedule A of this By-law.
- 2.28 "Urban" means those land uses designated pursuant to the Municipality's Zoning By-law, By-law 32-2008, as amended, for residential, recreational, commercial, industrial, institutional or developmental within a recognized Town, Village, Hamlet, or other recognized settlement area.
- 2.29 "Vicious Dog" means a Dog which has, Without Provocation, attacked or bitten a person or another animal or communicated by its actions or intention, habit, tendency or has demonstrated a propensity to do so.
- 2.30 "Without Provocation" means in the absence of teasing, tormenting, abusing or assaulting actions upon the Dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the Bite or Attack.

### **3. RESPONSIBILITY TO CARE FOR ANIMALS**

- 3.1 Every person who keeps an animal within the Municipality shall ensure that such animal is provided with:
- (a) a clean and sanitary environment free from an accumulation of fecal matter, odor, insect infestations or rodent attractants that disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal; and,

- (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity.

#### **4. LIMIT OF ANIMALS**

- 4.1 No person shall Harbour more than a combined total of five (5) cats and dogs at any one time in a Dwelling Unit within Urban areas within the Municipality.
- 4.2 No person shall Harbour more than two (2) dogs in a Dwelling Unit within an Urban area of the Municipality.
- 4.3 No person shall Harbour more than five (5) Dogs in a Dwelling Unit located within rural areas of the Municipality.
- 4.4 The total number of rabbits, rats or mice shall be limited to a total of 5 (five) per Dwelling Unit which may be kept as pets and shall not be bred for commercial purposes.
- 4.5 Notwithstanding section 4.1, any person owning more than the permitted number of Dogs at the time of passing of this By-law is permitted to maintain those Dogs with proof of ownership in the form of a License provided that if the Dogs are sold or are no longer in the possession of the Owner, the provision of section 4.1 shall apply.
- 4.6 In a rural area, a person may Harbour more than five (5) Dogs on a property without a Kennel License, provided,
  - (a) the person is keeping Livestock upon the same property;
  - (b) the property is zoned agricultural pursuant to the Municipality's Zoning By-law, By-law 32-2008, as amended;
  - (c) the Dogs are Licensed annually in accordance with this By-law; and,
  - (d) the Dogs are Livestock Guardian Dogs and or Herding Dogs.

#### **5. LICENCING OF DOGS (As amended By-Law 4-2021)**

- 5.1 Every Owner of a Dog shall cause such Dog to be Licensed.
- 5.2 Except as provided herein, no person shall Harbour a Dog or Dogs within the boundaries of the Municipality unless such Dog has affixed to it a current Dog Tag issued under this By-Law.

- 5.3 The prescribed fees will be added annually to the municipal tax bill of the property owner.
- 5.4 Nothing in this section shall preclude the Dog owner from paying the Dog License fee directly at the municipal office.
- 5.5 If a person becomes the Owner of a Dog the person shall register the Dog and pay the prescribed fee within thirty (30) days of taking possession of the Dog.
- 5.6 In the case of every Dog purchased where a Dog Tag has not been purchased within thirty (30) days of possession of the Dog, the owner shall pay the late fee as set out in Schedule C of this By-Law.
- 5.7 A License issued shall expire on the 31st day of December of each year subject to renewal by paying the annual fee as required.
- 5.8 In the case where the Owner of a Dog does not receive a tax bill, the renewal fee shall be paid by February 28th in any given year. After this date, the Owner shall pay the late fee as set out in Schedule C of this By-Law.
- 5.9 Notwithstanding Section 5.1 hereof, the fees to License and register a Guide Dog shall be waived with appropriate documentation.
- 5.10 Upon application for a License, the owner will be made aware by the Municipality that an up-to-date anti-rabies vaccine is required. The documentation shall be produced by the owner if and when requested by the Clerk, his/her designate, or the Animal Control Officer.
- 5.11 Upon application for a License for a spayed female Dog or neutered male Dog, the owner shall sign the application verifying that a certificate has been issued by a veterinarian attesting that such female Dogs have been spayed or such male Dogs have been neutered. The documentation shall be produced by the owner if and when requested by the Clerk, his/her designate, or the Animal Control Officer.
- 5.12 A record of the Dog Tags issued shall be kept by the Clerk or other officer designated by the Municipality for that purpose, showing the name, address and contact information of the owner and the serial number of the Dog Tag.
- 5.13 No Dog Tag shall be used for a Dog other than the one for which it was issued.
- 5.14 The Owner of a Dog shall notify the Clerk of the change in ownership of the Dog or of the death of the Dog.

5.15 No refund or part of a refund will be provided for a Dog License in the event that the Dog dies or if the owner is no longer in possession of the Dog.

## **6. VICIOUS DOGS**

6.1 A Vicious Dog shall have a special License fee as set out in Schedule C of this By-law.

6.2 An owner of a Vicious Dog shall obtain and maintain a policy of public liability insurance by an insurer Licensed by the Province of Ontario providing third party liability coverage in the amount of Five Hundred Thousand (500,000) dollars for any damage or injury caused by said Dog. Proof of insurance shall be provided to the Municipality.

6.3 An owner of a Vicious Dog shall have a Microchip implanted in the Dog, by a veterinary clinic or OSPCA.

6.4 An owner of a Vicious Dog shall provide the information contained on the Microchip to the Clerk.

6.5 An owner of a Vicious Dog shall post "Beware of Dog Signs" on the perimeter of the property upon which the Dog is housed.

6.6 An owner of a Vicious Dog shall keep such Dog confined within the property or keep such Dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the Dog while preventing the Dog from escape and preventing entry from unsupervised children.

6.7 An owner of a Vicious Dog shall ensure that the enclosure or other structure is locked at all times.

6.8 An owner of a Vicious Dog shall notify the Animal Control Officer if the animal is running at large.

6.9 No owner of a Vicious Dog shall permit it to be walked by a person under eighteen (18) years of age and shall ensure that the Vicious Dog is Muzzled and leashed.

6.10 All requirements for a Vicious Dog shall be required until the Dog is destroyed or Council exempts the owner from the Vicious Dog requirements.

6.11 The Council of the Municipality shall, upon the request of the owner of the Dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the Vicious Dog requirements.

## **7. PIT BULLS AND PIT BULL CROSSES**

- 7.1 In this By-law, "Pit Bull" includes,
- (a) a pit bull terrier;
  - (b) a Staffordshire bull terrier;
  - (c) an American Staffordshire terrier;
  - (d) an American pit bull terrier; and
  - (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).
- 7.2 Pit Bulls and Pit Bull crosses shall have a special License fee as set out in Schedule C of this By-law.
- 7.3 Pit Bulls and Pit Bull crosses shall be Muzzled and leashed while walking and comply with all other aspects and conditions as stated in this By-law, and the Pit Bull Control regulation, O. Reg. 157-05, as amended.

## **8. KENNEL LICENSING**

- 8.1 No person shall operate a Kennel without, before the 31st of March in each and every year, or upon the commencement of the operation of a Kennel after the 31st of March in a given year, first applying for and obtaining from the Clerk a Kennel License and paying the prescribed fee as set out in Schedule C to this By-law.
- 8.2 A License issued shall expire on the 31st day of December in the year for which it was issued.
- 8.3 No person or persons shall keep more than the permitted number of Dogs in Section 4 over the age of twelve (12) weeks at one location unless a Kennel License is obtained.
- 8.4 Every person who holds a Kennel License shall comply with the following requirements:
- (a) The Kennel shall be in separate building from a Dwelling Unit.
  - (b) The Kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code, O. Reg. 350/06 as amended.



- (c) The Kennel building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often if necessary.
- (d) The Kennel building shall have adequate lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, running water and a food preparation area, pursuant to the Code of Practice for Canadian Kennel Operations, Second edition, May, 2007.
- (e) Maintain inside Dog runs minimum standards, as follows:
  - (i) at least 2.5 feet (0.75 metres) wide, 6 feet (1.8 metres) high and 15 square feet (1.35 metres) in area per Dog;
  - (ii) has a floor of solid, readily sanitized and fluid-impervious material;
  - (iii) is enclosed by walls of solid, readily sanitized and fluid impervious material or surrounded by partitions which are solid, readily sanitized and fluid -impervious materials extending from the floor for at least 4 feet (1.2 metres) above the solid material, or other material that will prevent an animal confined in the run from escaping which extends to 6 feet (1.8 metres) above the floor. If the weight of the Dog does not exceed 26 Pounds, the wall/partition height may be reduced to 39”;
  - (iv) is constructed so that liquid cannot escape or pass to another run except through a drain, or drainage channel leading directly to a drain, which is inaccessible to an animal in the run;
  - (v) has a door which does not open into another run;
  - (vi) is well constructed and secure;
  - (vii) is well ventilated; and,
  - (viii) is properly drained.

- 8.5 During periods when Dogs are being housed outside in addition to the provisions of 8.4 above, the breed of Dog must be properly acclimatized to seasonal and regional temperatures. Aged, young, or infirmed Dogs shall be housed indoors. Shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet, and snow, which includes an enclosed area with dry bedding, properly drained and a cement pad or patio stones in front of the Dog house door.
- 8.6 Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the Kennel building only.
- 8.7 The Kennel License shall be continuously displayed in a conspicuous place in the interior of the property for which the License has been issued.
- 8.8 At all times the Kennel operator shall maintain the facility in a sanitary, well ventilated, clean condition, and free from offensive odors.
- 8.9 The operator shall keep the Dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthy temperature at all times.
- 8.10 The operator shall feed and give water to the Dogs periodically each day and keep same in a clean, healthy condition, free from vermin and disease.
- 8.11 The Animal Control Officer and or Municipal Law Enforcement Officer and any other person authorized by the Municipality may, at any reasonable time, inspect any place where Dogs are kept, pursuant to this By-law.
- 8.12 If the Kennel is found not to conform, under the requirements set out herein, the Animal Control Officer and or Municipal Law Enforcement Officer may contact the OSPCA or any other agency with the Dog's best interests and wellbeing in mind. The Clerk may revoke the License issued for the Kennel if the owner is in contravention of this By-law.
- 8.13 No Kennels will be allowed for Dogs listed in Section 7.

## **9. RUNNING AT LARGE**

- 9.1 No person shall permit a Dog to run at large within the boundaries of the Municipality.
- 9.2 No person shall permit a Prohibited Animal, as described in Schedule A, to be at large within the boundaries of the Municipality.
- 9.3 For purposes of this Section, a Dog shall be deemed to be running at large if found not to be under the control of a competent and responsible person at any place

within the boundaries of the Municipality other than the property of the owner of the Dog.

- 9.4 A Dog shall be deemed to be running at large if found on municipal property and not on a leash, unless at a designated leash free park.
- 9.5 A Dog shall not be deemed running at large if, while off the property of its owner, the Dog is within an enclosed area or a working invisible fence and other appropriate electronic restraining devices from which it does not appear to be able to escape, with the consent of the owner of such enclosed area.
- 9.6 A Dog shall be deemed to be under control of a competent and responsible person if it is on a leash attached to a collar or harness, and which leash is a maximum length of 6 feet (1.8 metres), in the hands of an individual who appears to be able to restrain the Dog and/or maintain control over the Dog. A leash is not required for a Guide Dog or hunting Dog while performing their respective work/services.
- 9.7 A Dog being used for the purpose of hunting, without permission from the landowner, will be considered running at large.
- 9.8 Female Dogs in heat must be confined to a building isolated from other Dogs and remain there until such time as the heat has ended.
- 9.9 If a Dog is tied or in a pen, it shall be at least 3 feet (0.9 metres) from any property line.

## **10. SEIZURE AND IMPOUNDING**

- 10.1 A Peace Officer, Animal Control Officer and/or Pound Keeper appointed by the Municipality may seize and impound any animal found running at large. The animal will be impounded under the direction of the Pound Keeper appointed by the Municipality.
- 10.2 For purposes of this Section, an animal at large shall be deemed to be any Prohibited Animal, or Dog as described in Section 9 of this By-law.
- 10.3 If an animal found running at large has been injured and should, at the discretion of the Peace Officer, Animal Control Officer or Pound Keeper, be destroyed without delay for humanitarian reasons, the Peace Officer, Animal Control Officer or Pound Keeper may destroy the animal in a humane manner after seizing the animal as he/she thinks fit and no damages or compensation shall be recoverable by the owner of the animal on account of such destruction.

- 10.4 The Peace Officer or Animal Control Officer may destroy any animal found running at large if the animal cannot be seized within a reasonable time and which animal threatens the safety of the Peace Officer or Animal Control Officer or other persons, and no damages or compensation shall be recoverable by the owner of the animal on account of such destruction.
- 10.5 Where an animal has been impounded and has not been destroyed, the Pound Keeper shall release possession of the animal to its owner when:
- (a) the owner attends at the Pound and claims possession of the animal within 3 (3) days, excluding the day which the animal was impounded, statutory holidays, Saturdays and Sundays,
  - (b) the owner provides proof that the animal is permitted by this By-law and any required License or registration has been obtained from the Municipality,
  - (c) any emergency veterinary fees deemed to be necessary during the time of impound have been paid and provides proof thereof,
  - (d) the owner pays to the Municipality/Pound Keeper any seizure/Pound fee and boarding fee per day for each day the animal has been in the Pound, commencing the day the animal is seized and including the day the animal is removed from the Pound and a Municipal administration fee as described in Schedule C of this By-law by the Owner.
- 10.6 Where an animal has been seized while found running at large and impounded and the owner has not claimed the animal within three (3) days, excluding the day on which the animal was seized, statutory holidays, Saturdays and Sundays, or having attended at the Pound to claim the animal but did not pay the prescribed fees, the Clerk, Animal Control Officer or Pound Keeper may sell the animal for such price as he/she deems fit, destroy the animal in a humane manner, or otherwise dispose of the animal at his/her discretion, and no damages or compensation shall be recoverable by the owner as a result of any such action.
- 10.7 Where an animal is impounded, the owner of the animal shall be liable for all fees prescribed herein, including the fees for destruction of the animal where the animal has been destroyed, whether or not the animal is claimed by the owner. All such fees shall be payable on written demand to the owner from the Clerk.
- 10.8 If the owner has not paid the fee within thirty (30) days of the written demand for payment, such fees may be collected by action or in the same manner as municipal taxes.

**11. CAUSING A DISTURBANCE**

- 11.1 No person, being the Owner of a Dog or the operator of a Kennel shall permit a Dog or Dogs to persistently howl, bark or whine for a period in excess of 15 minutes, if such conduct disturbs or is likely to disturb the inhabitants of the Municipality.

**12. REMOVAL OF DOG EXCREMENT**

- 12.1 Every person who owns controls or Harbours a Dog shall remove forthwith any excrement left by such Dog on public or private lands within the boundaries of the Municipality.

**13. PROHIBITED ANIMALS**

- 13.1 No person shall keep in the Municipality either on a temporary or permanent basis, any Prohibited Animal, as set out in Schedule A.
- 13.2 Despite Section 13.1, a person may be permitted to keep such Prohibited Animals if they comply with the following conditions:
- (a) the Prohibited Animal was housed on a property within the limits of the Municipality prior to the adoption of this By-law and such Prohibited Animal is registered at the municipal office;
  - (b) the animal is kept in an environment which is appropriate for the species;
  - (c) the owner has filed a letter of request, as shown in Schedule E for an exemption from Section 13.1 of this By-law and has received approval in writing from the Clerk; and,
  - (d) an initial on-site inspection is conducted of the Prohibited Animals by the Animal Control Officer.
- 13.3 The burden of proof for an exemption from Section 13.1 rests with the person making the request for exemption to the Clerk. Written approval from the Clerk shall be deemed as an exemption from Section 13.1 of this By-law.
- 13.4 The Clerk shall maintain a list of all Prohibited Animals and owners from which an exemption has been granted, in accordance with Section 13.2.

- 13.5 Any Prohibited Animal(s) allowed in Section 13.2 shall be registered within forty five (45) days of Notice of Passing of this By-law, failing which the owner of such animal shall be deemed to be in violation of this By-law.
- 13.6 Any owner of Prohibited Animal(s) allowed in Section 13.2 that is registered as per Section 13.5 is permitted to maintain the animal provided that if the animal should die or is no longer in the possession of the owner, the animal is not permitted to be replaced.
- 13.7 Section 13 shall not apply to:
- (a) any of the Municipality's animal care and control centers;
  - (b) a property zoned to permit exotic animals, pursuant to the Municipality's Zoning By-law, By-law 32-2008, as amended;
  - (c) the property of the OSPCA;
  - (d) the property of an accredited veterinary facility under the supervision of a veterinarian Licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended;
  - (e) the property of any Licensed zoo or exhibit, permanently located in the Municipality;
  - (f) property or facilities accredited by the Canadian Association of Zoos and Aquaria (CAZA);
  - (g) the areas of the Municipality in which professionally produced films are made using such animals, provided that there is supervision by Inspectors or Agents of the OSPCA or one of its affiliates or branches;
  - (h) the areas of the Municipality in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association and only while the educational programs are actually conducted, provided that such programs are limited to two (2) days at any one location;
  - (i) property registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended; and
  - (j) property where wildlife rehabilitation is being undertaken in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, Chapter 41, as

amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources.

**14. FEES**

14.1 Every owner of a dog or a Kennel shall pay the fees set out in Schedule C to this By-law and in accordance with this By-law.

**15. EXEMPTION TO THIS BY-LAW**

15.1 The provisions of this By-law shall not apply to the owners, operators, employees or agents of facilities listed in Schedule B to this By-law

**16. ENFORCEMENT**

16.1 This By-law shall be enforced by an Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer.

16.2 The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police to enforce any provision of this By-law.

**17. PENALTY PROVISIONS**

17.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Act and all contraventions of this By-law are designated as continuing offences.

17.2 Every person who is convicted of an offence is liable to a minimum fine of Two Hundred and Fifty Dollars (\$250.00) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

17.3 Notwithstanding section 17.2, every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

**18. SEVERABILITY**

18.1 Each and every one of the foregoing provisions of the 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 one of the then remaining provisions shall remain in full force and effect.

**19. EFFECTIVE DATE AND REPEAL SECTION**

- 19.1 This By-law will come into force and effect upon the passing of this By-law by Council.
- 19.2 Notwithstanding section 19.1, the set fines referred in section 17.3 above will come into force and effect upon the final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended. The set fines schedule, as approved in attached hereto as Schedule "A" and forms part of this By-law.
- 19.3 By-law number 32-2008 of the Municipality and all by-laws amending same are hereby repealed on the date this By-law comes into force and effect.
- 19.4 Notwithstanding Section 19.3, the provisions of By-law number 32-2008, and the amending by-laws, are deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law and any assessment, rate, charge, tax, fee, liability or penalty outstanding under same may be collected as if such by-law had not been repealed.
- 19.5 Notwithstanding section 19.3, By-law number 32-2008 and its amending by-laws, are deemed to continue in force and effect with respect to any enforcement under Part I of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, as well as the set fine schedule as approved by the Chief Justice, until such time as the Chief Justice approves the set fine schedule as set out in section 19.2 above. Where the provisions of By-law 32-2008, and their amending by-laws are inconsistent with the provisions of this By-law, the provisions of this By-law shall prevail.
- 19.6 This By-law may be known as the "Animal Control By-law".

**Read a FIRST and SECOND time this 5<sup>th</sup> day of January, 2016.**

**READ A THIRD TIME and FINALLY PASSED this 5<sup>th</sup> day of January, 2016.**

ORIGINAL SIGNED BY

\_\_\_\_\_  
Ben VanDiepenbeek, Reeve

ORIGINAL SIGNED BY

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Mark Becker, Administrator / Clerk-Treasurer

**The Corporation of the Township of Ashfield-Colborne-Wawanosh**  
**SCHEDULE A of By-law 57-2015**  
**Animal Control Prohibited Animals**

Being a list of animals the keeping of which is prohibited within the Township of Ashfield-Colborne-Wawanosh

- 1) All marsupials (such as kangaroos and opossums)
- 2) All non – human primates (such as gorillas and monkeys)
- 3) All felis, except the domestic cat
- 4) All canis, except the domestic Dog
- 5) All viverrids (such as mongooses, civets and genets)
- 6) All mustelids (such as skunks, weasels, otters, badgers), except domestic ferrets and minks
- 7) All ursidae (bears)
- 8) All artiodactylus ungulates, except domestic goats, sheep, pigs and cattle, deer, elk, bison, llama, and alpaca
- 9) All procyonide (such as raccoons, coatis and cacomistiles)
- 10) All hyaenas
- 11) All perissodactylus ungulates, except domestic horses and donkeys
- 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, except domestic ostriches, emu, and rheas
- 17) All diurnal and nocturnal raptors (such as eagles, hawks and owls)
- 18) All exarthrans (such as armadillos, sloths and anteaters)
- 19) All bats
- 20) All crocodilians (such as alligators and crocodiles)
- 21) All venomous arachnids (such as scorpions and tarantulas)
- 22) All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater, shrew, otter shrew, mole and hedgehog
- 23) All cetaceans (such as whales, dolphins and porpoises)

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

**The Corporation of the Township of Ashfield-Colborne-Wawanosh**  
**SCHEDULE B of By-law 57-2015**  
**Animal Control Exemptions**

The provisions of this By-law do not apply to animals in the following circumstances:

- (a) Livestock;
- (b) zoo animals on the property of a zoo or animal display operated by or on behalf of the Township of Ashfield-Colborne-Wawanosh;
- (c) animals in a veterinary hospital under the care of a licensed veterinarian;
- (d) research animals on the property of a university or community college where such animals are being kept for research, study or teaching purposes, or on property registered as research facilities under the *Animals for Research Act*;
- (e) animals used or cared for by anyone holding a license or permit under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- (f) animals of any television studio where such animals are being kept temporarily for the purpose of a television production;
- (g) transportation of animals between the places or circumstances listed herein;
- (h) circus animals used in travelling shows such as a circus or other like shows as authorized by the Municipality.
- (i) (removed as per By-Law 16-2016)

**The Corporation of the Township of Ashfield-Colborne-Wawanosh**  
**SCHEDULE C of By-law 57-2015**  
**Animal Control Licensing and Fees**

The Council of the Township of Ashfield-Colborne-Wawanosh establishes the following fee schedule:

Dog Licence

First Dog spayed or neutered	\$20.00
Second Dog spayed or neutered	\$30.00
Each additional Dog (as permitted by Section 4) spayed or neutered	\$30.00
First unaltered Dog	\$30.00
Second unaltered Dog	\$40.00
Each additional unaltered Dog (as permitted by Section 4)	\$40.00
Vicious Dog (as described in Section 6)	\$100.00
Pit Bull (as described in Section 7)	\$100.00
Late Fee (per Dog)	\$15.00
Kennel Licence	\$150.00
Municipal Administration Fee (Section 10.5 (d)) (As amended by By-Law 16-2016)	\$50.00

**The Corporation of the Township of Ashfield-Colborne-Wawanosh**  
**SCHEDULE D of By-law No. 57-2015: Animal Control**  
**Under Part 1 of the Provincial Offences Act**  
(As amended by By-Law 6-2016)

ITEM	(Column 1) <b>Short Form Wording</b>	(Column 2) <b>Provisions creating or defining offence</b>	(Column 3) <b>Set Fine</b>
1.	Fail to keep legal number of animals	4.1	\$125.00
2.	Fail to keep legal number of dogs – urban	4.2	\$125.00
3.	Fail to keep legal number of dogs – rural	4.3	\$125.00
4.	Fail to keep legal number of rats, mice or rabbits	4.4	\$125.00
5.	Fail to License Dog for current year	5.1	\$125.00
6.	Fail to License Vicious Dog	5.1	\$125.00
7.	Fail to use tag for Dog it was issued to	5.12	\$125.00
8.	Fail to provide insurance policy for Vicious Dog	6.2	\$125.00
9.	Fail to provide Microchip information	6.4	\$125.00
10.	Fail to post beware of Dog signs	6.5	\$125.00
11.	Fail to enclose Vicious Dog	6.6	\$125.00
12.	Fail to lock Vicious Dog enclosure	6.7	\$125.00
13.	Fail to notify Vicious Dog at large	6.8	\$125.00
14.	Fail to leash Vicious Dog	6.9	\$125.00
15.	Fail to Muzzle Vicious Dog	6.9	\$125.00
16.	Fail to walk Vicious Dog by adult	6.9	\$125.00
17.	Fail to License Pit Bull	5.1	\$200.00
18.	Fail to leash Pit Bull	7.3	\$125.00
19.	Fail to Muzzle Pit Bull	7.3	\$125.00
20.	Fail to License Kennel for current year	8.1	\$125.00
21.	Fail to affix Dog Tag	5.2	\$125.00
22.	Allow Dog to run at large	9.1	\$125.00
23.	Prohibited Animals at large	9.2	\$200.00
24.	Allow Dog to howl, whine or bark causing noise, which may cause a disturbance	11.1	\$125.00
25.	Fail to remove Dog excrement from private or public land	12.1	\$125.00
26.	Keeping a Prohibited Animal	13.1	\$125.00
27.	Keeping a Prohibited Animal - fail to comply with conditions	13.2	\$125.00

Note: the general provision for the offences listed above is section 17.3 of the by-law 57-2015, as amended, a certified copy of which has been filed.

**The Corporation of the Township of Ashfield-Colborne-Wawanosh**  
**SCHEDULE E of By-law 57-2015:**  
**Animal Control Letter of Request**

**1. Name:**

**Address:**

**Phone / Email:**

**2. Property Description:**

**3. Type of Prohibited Animal:**

**4. Location :** Where the Prohibited animal will be housed

**5. Inspection:** Inspection to determine if the housing facility is adequate:

- a) Aquarium or Pen - that has a locking device (picture to be attached)
- b) Adequate humidity
- c) Adequate temperature

**6. Picture of the Animal:** Please attach a photograph.

**7. Signatures:**

Signature of Animal owner requesting the approval: \_\_\_\_\_

Date of request: \_\_\_\_\_

Signature of the Animal Control Officer: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Signature of the Township Clerk: \_\_\_\_\_

Date of Approval: \_\_\_\_\_