

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 10-870

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### Being a by-law to regulate the keeping of animals and the registration of dogs and cats in the Municipality of Temagami.

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**WHEREAS** in accordance with Section 130 of the Municipal Act, S.O. 2001, Chapter M. 45, Part VII as amended, council may pass such by-laws of the municipality in matters not specifically provided for by the Act as may be deemed expedient and not contrary to law;

**AND WHEREAS** in accordance with Section 103 of the Municipal Act, S.O. 2001, Chapter M. 45 as amended, council may pass such by-laws of the municipality with respect to the being at large or trespassing of animals;

**AND WHEREAS** the Council of the Corporation of the Municipality of Temagami deems it desirable to regulate the keeping and control of animals in the Municipality of Temagami in order to promote the safety and welfare of both animals and people;

**AND WHEREAS** it is the wish of Council to provide direction to animal owners and municipal representative to achieve the goal described above;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Temagami enacts as follows:

#### PART I - GENERAL

##### 1. DEFINITIONS

- 1.1 AID DOG** shall mean a dog that is trained to aid a person with a disability and is actively in use for such purpose.
- 1.2 ANIMAL** includes any mammal, bird or reptile, other than a dog or cat.
- 1.3 ANIMAL CONTROL OFFICER** means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law and includes a police officer.
- 1.4 ANIMAL SHELTER** shall mean the premises as designated and posted by the Corporation of the Municipality of Temagami that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to this By-law. The operation and maintenance of the designated Animal Shelter shall be the responsibility of the Municipality and advised by the Animal Control Officer. Animal Shelter and Impound Centre shall have like meaning.
- 1.5 AT LARGE** means to be found in any place other than the premises of the owner of the dog or cat and not under the control of a person and in such a manner as to prevent escape.
- 1.6 CAT** means a male or female feline of any breed of domesticated cat or cross-breed of domesticated cat.
- 1.7 CAT TAG** means a cat tag issued pursuant to this By-law
- 1.8 CONTROL** includes care and custody.
- 1.9 COUNCIL** means the Council of the Municipality of Temagami.
- 1.10 DOG** means a male or female of the domesticated canine species.
- 1.11 DOG TAG** means a dog tag issued pursuant to this By-law.

- 1.12 DWELLING UNIT** means one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities.
- 1.13 KEEPS** means to own, keep, harbour, maintain or feed a cat, dog, or animal.
- 1.14 KENNEL** shall mean an establishment in which greater than four dogs or domesticated animals are housed, groomed, boarded, bred or trained for gain or profit.
- 1.15 LEASHED** shall mean a restraining device securely attached to the dog and person or object.
- 1.16 MEDICAL OFFICER OF HEALTH** shall mean the Medical Officer of Health for the Timiskaming District.
- 1.17 MICROCHIP** means an approved “Canadian Standard” encoded identification device implanted into a dog or cat 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.
- 1.18 MUNICIPALITY means** the Municipality of Temagami.
- 1.19 MUZZLE** means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting.
- 1.20 OWNER** includes any person who keeps, possesses, harbours a dog, cat or animal and, where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning.
- 1.21 POLICE WORK DOG** means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties.
- 7.22 PREMISES** means the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situate.
- 1.23 PUBLIC PROPERTY** includes all lands owned by the Municipality, any local boards; any corporations owned or controlled by the Municipality or Conservation Authority and includes all Crown lands.
- 1.24 REGISTRAR** means the person authorized by this By-law to administer and enforce this By-law, and where applicable, shall be deemed to include an agent appointed by the Registrar to perform that task or exercise that power under this By-law.
- 7.25 SPORTING DOG** shall mean dogs of various breeds raised, kept and trained to participate in sporting activities and competitions including, but not limited to “dog shows”, “trials for retrievers”, “tracking dogs”, “sled dog races” and the “hunting of game”.
- 1.26 TAG** in reference to a dog means a dog tag, and in reference to a cat means a cat tag.
- 1.27 VETERINARIAN** means a person registered or licensed under the Veterinarian Act.
- 1.28 VICIOUS DOG** means a dog that has attacked without provocation or bitten a person or domestic animal as determined by the Animal Control Officer in accordance to Section 21 herein.

## **2. REGISTRAR**

- 2.1** The Animal Control Officer for the Municipality shall be the Registrar pursuant to this By-law.
- 2.2** The Registrar is responsible for the issuance of tags and may, from time to time appoint in writing agents for the issuance of tags as he or she may consider necessary. The Registrar may revoke any such appointment in writing for such reason as the Registrar in his or her sole discretion may determine.

## **3. APPLICATION**

Except as otherwise provided, this By-law shall apply to every person in the Municipality of Temagami.

## **PART II - DOGS AND CATS**

### **4. REQUIREMENT TO REGISTER**

- 4.1 Except as provided to the contrary in this By-law, every owner of a dog or cat shall register the dog or cat with the Registrar within 7 days of becoming the owner of the dog or cat.
- 4.2 Despite Subsections 4(1) and 4(2), no person need register a dog or cat before the dog or cat reaches the age of six (6) months. The onus of proof of the age of the dog or cat shall rest with the owner.
- 4.3 Subsection 4.1 shall not apply to the owner of a cat who resides in a dwelling unit in an area which is zoned "agricultural" pursuant to the applicable zoning by-law provided the property on which the dwelling unit is located is used for agricultural uses, as defined in the applicable zoning by-law.
- 4.4 For dog tags purchased for 2010 and subsequent calendar years, the registration will no longer be annual and the registration of a dog or cat shall expire upon the earliest of:
- a) the transfer of ownership of the dog or cat for which it was issued;
  - b) the death of the dog or cat for which it was issued.
- 4.5 Seasonal residents and transients shall be exempt from registering animals with the municipality, provided that they have been registered in the place of their permanent residence.

### **5. REGISTRATION PROCESS**

- 5.1 Every person who applies to the Registrar to register a dog or cat, shall:
- a) provide the name, address, telephone number of the owner of the dog or cat,
  - b) provide a description of the dog or cat;
  - c) provide the name of any animal clinic with which the dog or cat is registered;
  - d) disclose whether or not the dog or cat has a microchip implanted;
  - e) provide such other information or documentation as may be required by the Registrar;
  - f) unless subject to an exception under Subsection 5(2) or 5(3) shall pay a registration fee of \$20.00 to register the dog or cat.
  - g) The registration fee otherwise payable by an owner to register a dog or cat will be reduced by \$10.00 provided the applicant provides at the time of registration, evidence satisfactory to the Registrar of one of the following:
    - a) the owner of the dog or cat is 65 years of age or older; or
    - b) the dog or cat has been spayed or neutered. A certificate signed by a veterinarian shall be satisfactory evidence, but the Registrar may accept such other evidence as the Registrar in his or her sole discretion may determine.
- 5.2 The registration fee otherwise payable to register a dog shall be reduced to nil provided the owner of the dog produces to the Registrar, at the time of registration, evidence satisfactory to the Registrar that the dog is:
- a) a seeing eye dog and is used in that capacity by the owner of the dog or by a minor child forming part of the family of the owner of the dog;
  - b) a hearing ear dog and used in that capacity by the owner of the dog or by a minor child forming part of the family of the owner of the dog; or
  - c) a police work dog.
- 5.3 No registration fee or any part thereof shall be refunded for any reason.

## **6. ISSUANCE OF DOG TAG / CAT TAG**

- 6.1 Upon the applicant providing all information and documentation required by the Registrar, and paying the appropriate registration fee, the Registrar shall register the dog or cat and shall issue to the applicant a dog tag or a cat tag as the case may be, which bears a unique serial number and such other information as may be determined by the Registrar.
- 6.2 Every owner of a registered dog or cat shall advise the Registrar in writing within 7 days thereafter, of:
- a) a change of address or phone number of the owner of the dog or cat or of the animal clinic which cares for the dog or cat; and
  - b) the death or sale or other transfer of ownership of the dog or cat.
- 6.3 The Registrar shall have the right to cancel the registration of a dog or cat in the event that the registration fee is not paid in full, through error, as a result of a cheque being returned marked Not Sufficient Funds, a credit card charge being refused or for any other reason.

## **7. RESERVED**

## **8. DOG / CAT TO WEAR TAG**

- 8.1 Every owner of a dog, whether or not that dog has a microchip implanted and every owner of a cat which does not have a microchip implanted shall, subject to subsection 8(2) keep the tag securely fixed on the dog or cat for which it was issued, at all times during the year of issue.
- 8.2 Despite Subsection 8.1, an owner need not keep the tag on his or her dog or cat:
- a) while the dog or cat is within the dwelling unit or on the premises of its owner;
  - b) in the case of a dog, while the dog is being lawfully used for hunting in the bush, and the licence is produced upon request of an Animal Control Officer; or,
  - c) where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog or cat.
- 8.3 No person shall remove a tag from a dog or cat without the consent of the owner thereof.
- 8.4 No person shall attach a tag to a dog or cat other than the dog or cat for which it was issued.
- 8.5 Every tag issued by the Registrar remains the property of the Municipality and in the event the registration of a dog or cat is cancelled by the registrar, the tag shall be surrendered to the Registrar.

## **9. REPLACEMENT TAGS**

The Registrar shall issue a replacement dog tag or cat tag to the owner of a registered dog or cat upon application of the owner, provision of evidence satisfactory to the Registrar that the tag was lost or damaged and payment of the fee of \$5.00 for the replacement tag.

## **10. REGISTRAR'S RECORDS**

- 10.1 The Registrar shall maintain records of all dog tags, cat tags and replacement tags issued by the Registrar and shall update such records as additional information is received pursuant to Subsection 6.2.
- 10.2 The records under Subsection 10.1 shall include: the name, address and phone number of the owner of the dog or cat; a description of the dog or cat; the particulars of any microchip implanted in the dog or cat; the serial number of the dog tag or cat tag issued for that dog or cat;

the fee paid; the particulars of any evidence provided in support of a fee reduction; and such other information as the Registrar in his or her sole discretion determines to be necessary.

### **PART III- NUMBERS OF DOGS AND CATS**

#### **11. LIMITATION ON NUMBERS**

- 11.1 Except as otherwise provided in this By-law, no person shall keep or permit in or about any dwelling unit or premises more than four dogs or more than four cats, provided however, that the combined maximum of dogs and cats together shall not exceed four.
- 11.2 Notwithstanding subsection 11.1 a person may keep or permit in or about a dwelling unit or premises:
- a) a maximum of four dogs or cats that are visiting or being kept under emergency circumstances for a continuous period not exceeding 14 days.
  - b) not more than 4 dogs or 6 cats on a property which is zoned for “agricultural” use under the Zoning By-law for that area, and which is used for agricultural purposes as defined in the relevant Zoning By-law for the area.
  - c) not more than a total of two pets in a multi-residential dwelling unit.
- 11.3 Subsections 11.1 and 11.2 shall not apply to dogs or cats under the age of eight weeks.
- 11.4 Notwithstanding subsection 11.1, a person may keep about a dwelling unit or premises every dog or cat which was duly licensed in accordance with an animal control by-law which was in effect the day before the effective date of this By-law in the area in which the dwelling unit or premises is located, until the earliest of the death of the dog or cat; the owner otherwise disposes of the dog or cat; or the owner fails to register the dog or cat in accordance with this By-law.
- 11.5 It shall be the responsibility of the owner of the dog or cat claiming an exemption from Subsection 11.1 to substantiate the entitlement to the exemption claimed.
- 11.6 Notwithstanding sections 11.1 and 11.2, a person may apply on a site specific basis for a kennel licence, provided that the operation of such a business, including a home occupation or home industry would be compatible with the zoning of the property. The licensing of a kennel requires that the following conditions be met:
- a) While the license is in force, it shall be continuously exposed in a conspicuous place in the interior of the premises for which the license is obtained.
  - b) At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odors.
  - c) The operator shall keep the animals in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthful temperature at all times.
  - d) The operator shall feed and give water to the animals periodically each day and keep same in a clean, healthy condition, free from vermin and disease.
  - e) All refuse and waste matter from said kennel shall be disposed of daily in a proper and sanitary manner.
  - f) The Municipal Animal Control Officer, By-law Officer and any other person authorized by the Corporation of the Municipality of Temagami may inspect any place where a licence has been issued, pursuant to this by-law.
  - g) If the kennel is found not to conform, under the requirements set out herein, the Municipal Animal Control Officer may seize and impound the animals and the Municipality of Temagami may revoke the license issued to the kennel.

## **PART IV - DOGS AND CATS RUNNING AT LARGE**

### **12 PROHIBITED LOCATIONS**

**12.1** No owner shall permit a dog, except for an aid dog or a police dog, to be in the following areas:

- a) The Welcome Centre Building
- b) The Community Centre except at designated events.

### **13. RUNNING AT LARGE**

- 13.1 No owner of a dog or cat shall cause, allow or permit a dog or cat he or she owns to run at large within the limits of the Municipality.
- 13.2 No owner shall permit a dog or cat to run at large that is not within the dwelling unit or on the premises of its owner or on private property with the consent of the owner of that private property.
- 13.3 Owners shall ensure that their dog or cat is on a leash, which is held under the effective control of a competent person.
- 13.4 A dog shall not be considered to be running at large if it is a police work dog, and is being used in the course of police duties, or it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting, on un-posted land or on posted land with the permission of the owner that is not within the urban area of the Municipality, as defined by municipal planning documents. .
- 13.5 Owners shall be permitted to use the area at the arena grounds between the old boat ramp and the new boat ramp as an area to take their dogs for a swim. The owner must still be present and have control of their dog(s).

### **14. OWNER NOT TO PERMIT TRESPASS**

No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not.

## **PART V - SEIZE AND IMPOUND**

### **15. ANIMAL CONTROL OFFICER MAY SEIZE**

- 15.1 Subject to subsection 15.2, an Animal Control Officer may seize and impound any dog or cat found running at large.
- 15.2 An Animal Control Officer may enter on any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this by-law and to enforce its provisions, and provided he or she is in active pursuit of a dog or cat, enter upon the private property of any person for the purpose of continuing his or her pursuit of the dog or cat, **provided that** in no instance shall any such agent of the Corporation enter into any **dwelling unit** or other building situated on private property without a Search Warrant authorizing such entry.
- 15.3 Where, in the opinion of the Animal Control Officer, a dog or cat seized under subsection 15.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or his or her designate or agent, despite

subsection 15.5 may kill the dog or cat in a humane manner as soon after seizure as he or she thinks fit, without permitting any person to reclaim the dog or cat or without offering it for sale and no person shall be entitled to recover damages or compensation on account of its killing.

- 15.4 Subject to Subsection 15.3, any dog or cat seized by an Animal Control Officer under this By-law shall be impounded for 8 days from the time of its impoundment, excluding the day on which the dog or cat was impounded, and days on which the impound centre is closed, provided however, that if the dog seized is a female dog in heat, the female dog shall be impounded until the earlier of the day the dog is no longer in heat and 21 days. If the municipal impound is closed for a period of time requiring one or more animals to be housed at another impound centre, a notice of the location and contact information of the impound centre used will be posted at the municipal impound and on the front door of the municipal office.
- 15.5 During the impound period referred to in subsection 15.4, the owner of the dog or cat shall be entitled to redeem the dog or cat upon:
- a) payment of the impound fee and board fee in an amount determined in accordance with Schedule "A" to this By-law;
  - b) payment of any veterinarian fees incurred for the well-being of the dog or cat; and
  - c) registering the dog or cat in accordance with this By-law if there is no evidence the dog or cat is already registered. When no proof can be shown that the dog or cat is not registered the appropriate license fees shall be doubled.
- 15.6 If the dog or cat is not redeemed within the time frame specified in subsection 15.6, the Animal Control Officer may dispose of the cat or dog as it sees fit without liability to any person for the disposition of the dog or cat or the manner thereof. Prior to the animal being destroyed, every reasonable attempt shall be made to identify the owner through microchip, tattoo or dog tag.
- 15.7 The Municipality may choose to organize a volunteer committee to assist in finding owners, or homes for the animals if no owners can be found.

## **16. PROTECTIVE CARE**

- 16.1 The Animal Control Officer is authorized, upon request of a police officer, to impound a dog or cat for protective care purposes, pursuant to an incarceration, fire, medical emergency or for any other situation that the Animal Control Officer deems appropriate and to keep such animals for a maximum of eight days.
- 16.2 In the event that the owner of the dog or cat impounded for protective care does not claim the dog or cat and pay the impound fees, board fees and veterinarian fees in accordance with Schedule "A" to this Bylaw, within eight days, then on the ninth day, the dog or cat may be deemed to have been impounded as running at large in accordance with Section 15 and time under subsection 15.5 shall begin to run.

## **17. IMPOUND FEES**

Where a dog or cat is seized and impounded, or impounded for protective care, the owner, if known, shall be liable for the impound fees, board fees and veterinarian fees in an amount determined in accordance with Schedule "A" to this By-law, whether the dog or cat is claimed from the pound or not and shall pay all fees on demand by the Animal Control Officer. In appropriate humanitarian circumstances, as determined by the Animal Control Officer, the Animal Control Officer, may, in his or her discretion, waive all or part of the impound fees, board fees and veterinarian fees, or provide for delayed or installment payments of same.

## **PART VI - STOOP AND SCOOP**

### **18. REQUIRED TO STOOP AND SCOOP**

Subject to Section 19, every person who owns or keeps a dog or cat shall forthwith remove and dispose of excrement left by the dog or cat on any public road or on any property in the Municipality.

### **19. EXEMPT FROM REQUIREMENT**

Section 18 shall not apply to a person who owns or uses a seeing-eye dog registered with the Canadian National Institute for the Blind or a working police dog.

## **PART VII-NOISE**

### **20. OWNER NOT TO PERMIT NOISE**

The owner of a dog or a cat shall not permit or allow the dog or cat to make or continue to make for an unnecessary or unreasonable period of time any sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual.

## **PART VIII -VICIOUS DOG**

### **21. NO OWNER SHALL PERMIT ATTACK**

- 21.1 No owner of a dog shall permit his or her dog to attack without provocation or to bite a person or domestic animal. Where the Animal Control Officer is informed upon written complaint (Schedule "ACT"), and is satisfied that a dog has attacked without provocation or bitten a person or domestic animal, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, the Animal Control Officer shall or his designate may issue an Order (Schedule "AC2") to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such order shall set out the conditions of muzzling and the owner shall comply with any or all of the requirements set out in Subsections 21.3, 21.4 and 21.5. The Order shall remain into effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Issuer that the dog in question does not present a risk to public safety or an exemption is granted in accordance with 21.6 of this By-law, on the owner of the dog that the dog is deemed to be a vicious dog and requiring the owner to comply with
- 21.2 Service of an Order that a dog has been deemed a vicious dog may be effected on the person who shows in the Municipality's records as the owner of the dog, or where the dog does not appear to be registered pursuant to this By-law, on such other person who appears to be the owner of the dog. Service may be effected by personal service, by mail or by posting up in a conspicuous place at the address shown in the records of the Municipality as the address for the owner of the dog, or where the dog is not registered under this By-law, at such address as appears to be the address of the owner of the dog. Service of the Order shall be effective upon the date that personal service is effected, or where served by mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.
- 21.3 Every owner of a vicious dog shall at all times when the vicious dog is within the boundaries of the owner's premises:



- (a) kept restrained inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a child ten (10) years old or younger; or
- (b) transported from one location to another by means of a collar-type leash and a muzzle.
- 21.4 Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises:
- a) keep the vicious dog under the effective control of an adult person on a leash held by the person; and
  - b) keep the vicious dog muzzled.
- 21.5 Every owner of a vicious dog shall notify the Registrar within two working days of any change in ownership or residence of the vicious dog and provide the Registrar with the new address and telephone number of the owner.
- 21.6 Where the owner of a vicious dog is informed that his or her dog has been deemed to be a vicious dog, the owner may, within 14 days of such notice, request in writing a hearing by Council or committee established for that purpose and Council may exempt the owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.
- 21.7 The notification that a dog is a vicious dog is effective from the date it is served, even if a hearing before Council is requested by the owner of the dog affected.
- 21.8 Failure to comply with an Order issued under the authority of Section 21.1 of this by-law is subject to the Set Fine as set out in (Schedule "B")

## **PART IX - ANIMAL KEEPING**

### **22. NO OTHER ANIMALS TO BE KEPT**

- 22.1 Except as provided in this Part, no person shall keep any animal other than a dog or cat within the Municipality.
- 22.2 This Part shall not apply to any veterinarian hospital, pet store, educational program or research divisions.
- 22.3 Nothing herein shall give any person any right to keep animals where such is prohibited by any Zoning By-law in effect from time to time governing the property on which the animals are being kept.
- 22.4 In the event that any set-back requirements set out herein are inconsistent with the requirements set out in the Zoning By-law in effect from time to time governing the property in question, the requirements of the By-law which are more onerous shall prevail.

### **23. RABBIT KEEPING**

Despite Section 22 a person may keep not more than six (6) rabbits over the age of 8 weeks in any dwelling unit or premises in the Municipality provided such person ensures:

- a) that any rabbit routinely kept outside is kept in a rabbit hutch:
  - i. constructed such that the ground floor of the rabbit hutch is not less than 0.5 metres above ground level;
  - ii. constructed in such a way as to prevent escape by the rabbit;
  - iii. located at a distance not less than 12 metres from any dwelling unit, shop or store not occupied by the person keeping the rabbits; and
  - iv. located at a distance of not less than 1.2 metres from the property line.
- b) all refuse and waste matter from any rabbit hutch is disposed of daily in a proper and sanitary manner and no such refuse or waste matter is burned or stored; and
- c) all food for the rabbits is maintained in a rodent proof container.

## **24. PIGEONS - KEEPING**

Despite Section 22 a person may keep not more than 10 pigeons in a dwelling unit or premises within the Municipality provided such person ensures that:

- a) the pigeons are confined in a pigeon loft;
- b) any building which is erected, used or maintained as a pigeon loft for the housing of pigeons:
  - i. has interior walls which are smoothly finished and painted;
  - ii. is constructed in such a way as to be rodent proof;
  - iii. has a floor which is at least one half metre (0.5) above ground level;
  - iv. is constructed in such a manner as to prevent the escape of the pigeons therefrom;
  - v. is located at a distance of not less than 12 metres from any store, shop, dwelling unit or apartment building not occupied by the owner;
  - vi. is located at a distance of not less than 1.2 metres from the property line;
- c) the inside walls of any building which is erected, maintained or used as a pigeon loft for the housing of pigeons are washed, cleaned or calcimined on the inside at least every six months;
- d) the floor of any building which is erected, maintained or used as pigeon loft for the housing of pigeons is properly washed each week with water and soap and detergent whether the floor is constructed of wood or concrete;
- e) all refuse and waste matter from the pigeon loft is disposed of daily in a proper and sanitary manner and no such refuse or waste matter is burned or stored; and
- f) pigeons are not permitted to escape from or leave the pigeon loft at any time.

## **25. TIPPLER - HOMING - RACING - PIGEONS**

Despite Sections 22 and 24, nothing in this By-law shall be deemed to prohibit any person who is a member of an organized and generally recognized pigeon club from keeping any number of tippler, homing or racing pigeons provided the person ensures:

- a) he or she complies with the provisions of paragraphs 24 (a) - 24(e) inclusive:
- b) the tippler, homing or racing pigeons:
  - i. are given liberty for not more than one hour in each forenoon and one hour in each afternoon; and
  - ii. are banded with an identifying leg band issued by the organized and generally recognized pigeon club to which the person belongs.

## **26. MICE, RATS, GUINEA PIGS, HAMSTERS, GERBILS, FERRETS**

26.1 Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality not more than a total of six (6) of any combination of mice, rats, guinea pigs, hamsters and gerbils, provided same are housed in and kept in an escape proof enclosure.

26.2 Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality not more than two ferrets, provided same are housed in and kept in an escape proof enclosure.

## **27. SNAKES, LIZARDS**

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality, not more than two non- venomous snakes and two non-venomous lizards provided same are housed in and kept in an escape proof enclosure.

## **28. HOUSEHOLD BIRDS**

Despite Section 22, a person may keep on a dwelling unit and premises in the Municipality, not more than a total of six of any combination of: domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied hornbills or cock-of the-rocks, provided same are housed in and kept in an escape proof enclosure.

## **29. HORSES, DOMESTIC FOWL, CATTLE, GOATS, SWINE, MINK, SHEEP & MULES**

Despite Section 22 any person may keep horses, domestic fowl, cattle, goats, swine, mink, sheep or mules or similar livestock, provided such are kept on a property appropriately zoned for such purpose by the governing zoning bylaw in effect from time to time for that property.

30. Despite section 22, any person may apply in writing to Council for a site specific amendment to part IX of this bylaw.

## **PART X - ENFORCEMENT**

### **30. CONTRAVENTION**

Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

### **31. INTERFERENCE**

No person shall interfere with, hinder or molest an agent of the Corporation in the performance of any duty of such agent, or seek to release any animal in the custody of the Corporation, or its agents, except as herein provided.

## **PART XV - SCHEDULE "A"**

### **32. SCHEDULE "A"**

Schedule "A", being a Schedule of Fees, attached hereto is hereby incorporated into and forms a part of the within By-law.

## **PART XVI - SHORT TITLE AND REPEALS**

### **33. SHORT TITLE**

This By-law shall be known as the "*Animal Control By-law*".

### **34. REPEALS**

The following By-laws are hereby repealed:

- a) By-law 06-681

### **35. LIMITS OF REPEAL**

Where a By-law of The Corporation of the Municipality of Temagami is repealed by this By-law, the repeal does not:

- a) revive any By-law not in force or existing at the time of which the repeal takes effect;
- b) affect the previous operation of any By-law so repealed;
- c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed;
- d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

### **36. PREVIOUSLY IN FORCE**


The repeal of a By-law under Section 34 hereof shall be deemed not to be or involve a declaration that the by-law was considered by the Council of the Municipality of Temagami to have been previously in force.

**37.** This By-law shall come into effect and take force on the date of its final passing.

READ A FIRST TIME on this 27<sup>th</sup> day of August, 2009.

READ A SECOND TIME on this 10<sup>th</sup> day of December 2009.

AND THIRD time and finally passed this 14<sup>th</sup> day of January 2010.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO/Clerk

**SCHEDULE "A" - FEES**

**TO BY-LAW 10-870**

<b><i>IMPOUNDMENT OR DISTRAINED</i></b>	<b>Fee</b>
Impoundment Fee	<b>\$ 25.00</b>
Daily Boarding Fee	<b>\$ 15.00</b>
Weekend Boarding Fee	<b>\$30.00</b>
Humane Services/Adoption Fee	<b>\$ 40.00</b>
Euthanasia Supplies Fee	<b>\$ 10.00</b>
Disposal of Surrendered /Non-Impounded Animal Fee	<b>\$ 50.00</b>
<b><i>TAGS AND LICENSES - SECTION 5</i></b>	<b>Fees</b>
Register Dog or Cat under Sec. 5.1 (f)	<b>\$ 20.00</b>
Register Dog or Cat under Sec. 5.2	<b>\$ 10.00</b>
Register Dog under Sec. 5.3	<b>Nil</b>
Kennel Licence Fee	<b>\$100.00</b>

**SCHEDULE "B"**  
**TO BY-LAW 10-870**

**PENALTIES**

	<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or defining offence</b>	<b>Set Fine</b>
1	Failure to keep tag securely fixed on dog or cat.	8.1	\$ 25.00
2	Attaching a tag to a dog or cat other than the dog or cat for which it was issued.	8.4	\$ 25.00
3	Harbouring more than a total number of animals permitted.	11.1	\$ 55.00
4	Allowing animal into Prohibited area	12.1	\$25.00
5	Allow a dog or cat to run at large on private property without consent of owner.	13.2	\$ 55.00
6	Allow a dog or cat to run at large that is not under the effective control of a responsible person.	13.3	\$ 55.00
7	Failure to ensure that a dog or cat is on a leash of not more than 2 metres in length under the control of a responsible person.	13.4	\$ 25.00
8	Failure to remove and dispose of excrement left by dog or cat on any public road or Municipality property.	18	\$ 25.00
9	Failure to prevent dog from attacking without provocation.	21.1	\$ 250.00
10	Failure to ensure that a vicious dog is securely leashed which does not allow the dog to go beyond the property boundaries.	21.4	\$ 250.00
11	Failure to keep vicious dog under effective control on a leash/muzzle outside boundaries of owner's premises	21.5 a)	\$ 85.00
12	Failure to notify change of ownership or location of a vicious dog within 2 days.	21.6	\$ 85.00
13	Failure to comply with an Order issued under Section 21.4	21.8	\$ 100.00

**Schedule "AC1" TO BY-LAW 10-870**

**DECLARATION REGARDING A VICIOUS DOG**

**Owner of Dog:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Name of Dog: Dog Tag Number: \_\_\_\_\_

**Description of Dog:**

Breed: \_\_\_\_\_

Colour: \_\_\_\_\_

Other: \_\_\_\_\_

Rabies Tag Number: Other Identification: \_\_\_\_\_

**Location of Incident:**

\_\_\_\_\_

**Description of Incident:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Incident: Time of Incident: \_\_\_\_\_

\_\_\_\_\_  
Signature of Witness who actually saw  
the alleged vicious dog bite a person or  
domestic animal

\_\_\_\_\_  
Signature of Animal Control Officer

Name \_\_\_\_\_ of \_\_\_\_\_ witness: \_\_\_\_\_

(Please print)

Address of witness: \_\_\_\_\_

Telephone number of witness: \_\_\_\_\_

Personal information contained in this form is collected under the authority of the Municipal Act, S.O., 2001, c.25, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk/Privacy Officer of the Municipality of Temagami, 7 Lakeshore Drive, Temagami, Ontario POH 2H0, (705) 569-3421.

**Schedule "AC2" TO BY-LAW 10-870**

**ORDER TO RESTRAIN**

To: Date: \_\_\_\_\_  
**Owner of Dog**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Dog: \_\_\_\_\_

Name of Dog: \_\_\_\_\_

Breed: \_\_\_\_\_

Colour: \_\_\_\_\_  
\_\_\_\_\_

Dog Tag: \_\_\_\_\_

Rabies Tag No. including the year and Veterinary's Office:  
\_\_\_\_\_  
\_\_\_\_\_

The Corporation of the Municipality of Temagami is in receipt of a Declaration duly executed by the Animal Control Officer pursuant to Section 21.1 of By-law No. 08-000, and that the dog described above did on the day of, bite and puncture the \_\_\_\_\_ skin of a person or a domestic animal. In accordance with Subsection 21.1 of By-law No. 08-000, you are hereby ordered to restrain your dog as follows:



**Schedule "AC2 side B" TO BY-LAW 10-870**

**METHOD OF RESTRAINING A VICIOUS DOG**

- 1) While the dog is on the property of the owner or harbourer as described in the Order, the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.
- 2) While the dog is off the property of the owner, as described in the Order, the owner shall ensure that:
  - i) it is securely on a collar-type leash with a maximum length of 2 metres and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
  - ii) a muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal;
  - iii) it is under the control of a person sixteen (16) years of age or older.
  - (iv) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the vicious dog.
  - (v) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the vicious dog is transferred to another person.
  - (vi) the Animal Control Officer is notified should the vicious dog be destroyed.

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This Order is served upon the owner in accordance with Subsection 21.2 of By-law No. 10-870 on this

\_\_\_\_\_ day of, \_\_\_\_\_

Animal Control Officer: \_\_\_\_\_

**Schedule "AC2 side B" TO BY-LAW 10-870**

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  - (vi) the Animal Control Officer is notified should the vicious dog be destroyed.

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This Order is served upon the owner in accordance with Subsection 21.2 of By-law No. 10-870 on this

\_\_\_\_\_ day of, \_\_\_\_\_

Animal Control Officer: \_\_\_\_\_