

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-11

BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF WILMOT
TO REGULATE DOGS AND LICENSE DOG KENNELS
AND TO REPEAL BY-LAW NO. 2017-14.

WHEREAS Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides for the authority for lower tier municipalities to pass by-laws to regulate animals;

AND WHEREAS Section 8(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and,
- (c) provide for a system of licences respecting the matter.

AND WHEREAS the *Animals for Research Act*, R.S.O. 1990, Chapter A.22, Section 20, provides for rules and regulations that must be followed for the keeping of Dogs in a municipal pound;

AND WHEREAS Regulation 557 of the *Health Protection and Promotion Act*, R.S.O. 1990, Chapter H.7, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O., 1990, Chapter O.36, provides special powers to help animals in distress;

AND WHEREAS Section 103 (1), of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws with respect to the being at large or trespassing of animals and the seizure, impounding and sale of such at large or trespassing animals within the municipality;

AND WHEREAS Section 11 of the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, provides for rules and regulations that must be followed for the keeping of Dogs;

AND WHEREAS Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, names municipal law enforcement officers as Peace Officers under the Act;

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within the Township of Wilmot.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. **DEFINITIONS**

1.1 **Animal Control Officer** - means a Municipal Law Enforcement Officer, a Provincial Offences Officer, or persons appointed by the Township to carry out the provisions of this By-law;

1.2 **At Large** - means that an animal shall be deemed at large when found in any place other than the premises at which they are habitually kept, if Not Under the Control of Any Person, and an animal shall not be deemed to be under the control of any person unless accompanied by an attendant who is exercising control over the animal at all times;

- 1.3 **Boarding Kennel** – means a place or facility licensed by the Township where more than three (3) and up to a maximum of fifty (50) Dogs are housed, groomed, kept or boarded for purposes other than breeding;
- 1.4 **Body Length** – means the length of the Dog measured from the point of the nose to the tip of the fully extended tail when the Dog is fully stretched out;
- 1.5 **Breeding Kennel** – means a place or facility licensed by the Township where more than three (3) and up to a maximum of fifty (50) Dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), R.S. 1985, c.8 (4th Supp.), or any successor legislation are bred or raised;
- 1.6 **Containment of Dog on Property** – means that a Dog shall be contained on a property by means of one of the following:
- (i) an enclosure or fenced area that prevents the Dog from leaving the property;
 - (ii) a physical restraint such as a chain or other similar means;
 - (iii) an Electronic Containment Device; or,
 - (iv) where such property is located within an area zoned for Farm use, any reasonable means that prevents the Dog from being At Large.
- 1.7 **Council** – means the Council of The Corporation of the Township of Wilmot;
- 1.8 **Crossbred** – means a Dog whose sire and dam are of two different breeds;
- 1.9 **Dangerous Dog** – means: **Amended by By-law 2024-36 (see attached)**
- ~~(i) a Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person, anywhere other than on the premises of the Owner, or has demonstrated a propensity, tendency or disposition to do so;~~
 - ~~(ii) a Dog that, in the absence of any Mitigating Factor, has injured a domestic animal, anywhere other than on the premises of the Owner; or;~~
 - ~~(iii) a Dog, previously designated as a Potentially Dangerous Dog, that is kept, or permitted to be kept, by its Owner in violation of the requirements for such Dog.~~
- 1.10 **Designation** – means that an Animal Control Officer has determined that a Dog is a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog under this By-law;
- 1.11 **Designation Notice** – means a written notice to an Owner of a Dog advising them as to any Designation or Requirements in relation to their Dog;
- 1.12 **Dog Designation Appeal Committee** – means a committee appointed by Township Council to hear any appeals arising from the Designation of a Dog or any Requirements imposed on a Dog;
- 1.13 **Dispose** – means to sell, adopt out or destroy;
- 1.14 **Dog** - means any member of the species *canis familiaris*, greater than twelve (12) weeks of age, but does not include a Guide Dog, Service Dog or Police Work Dog;

- 1.15 **Dwelling** – means a room or group of rooms occupied as a home or residence;
- 1.16 **Electronic Containment Device** – means an electronic system that creates an invisible containment perimeter that transmits an electric shock to the Owner’s Dog if the Dog attempts to leave such area, such system not to be located or used within four hundred (400) metres of a school property;
- 1.17 **Farm** – means a parcel of land on which the predominant activity is farming;
- 1.18 **Farm Dog** – means a dog whose role is to actively herd/guard livestock, such as cattle or sheep, on an agricultural property;
- 1.19 **Fees and Charges By-Law** – means the current by-law of the Township to establish fees and charges pursuant to the *Municipal Act, 2001*, S. O. 2001, Chapter 25, as amended;
- 1.20 **Guide Dog** or **Service Dog** - means a Dog **required** as a guide for a blind person and having the qualifications prescribed by the regulations under the *Blind Persons’ Rights Act* or a Dog **required** by the person for reasons relating to his or her disability – as defined under *Ontario Regulation 429/07* under the *Accessibility for Ontarians with Disabilities Act, 2005*;
- 1.21 **Leash** – means a lead or tether that is designed to keep a Dog safely restrained and under the control of an accompanying person;
- 1.22 **Mitigating Factor** – means a circumstance which excuses aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
- (i) the Dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or animal;
 - (ii) the Dog was, at the time of the aggressive behaviour, acting in defence of its young;
 - (iii) the Dog was, at the time of the aggressive behaviour, acting in defence to a person or animal trespassing on the property of its Owner; or
 - (iv) the Dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.
- 1.23 **Multiple Unit Dwelling** – means all Dwellings other than single-detached or semi-detached Dwellings, and includes Dwellings where rooms are leased to a party that is unrelated to the owner or primary tenant;
- 1.24 **Muzzle** – means a humane fastening or covering device placed over a Dog’s mouth to prevent it from biting;
- 1.25 **Not Under the Control of Any Person** – means not held on a Leash by the Owner or any other person or not tied up or contained;
- 1.26 **Officer** – means an Animal Control Officer;
- 1.27 **Owner** - means any person, group of persons, partnership or corporation who possesses or harbours Dogs; “owns” or “owned”, shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of animals and where the Owner is a minor, the person responsible for the custody of the minor;
- 1.28 **Person** or **Persons** - means any individual or firm, incorporated group, business entity, or club to whom the context can apply;

- 1.29 **Pit Bull Dog** – means a Dog of any age which can be identified by the Animal Control Officer as a Dog of one or more of the following breeds or mixed breeds, namely:
- (i) an American Pit Bull Terrier;
 - (ii) a Staffordshire Bull Terrier;
 - (iii) an American Staffordshire Terrier; or
 - (iv) a Dog that has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in any clauses (i) to (iii).
- 1.30 **Police Work Dog** - means a Dog trained to aid law enforcement Officers and which Dog is actually being used for law enforcement purposes; for the protection of the public, including the investigation of crime and the apprehension of criminals;
- 1.31 ~~**Potentially Dangerous Dog** – means a Dog that, in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere other than on the property of its Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to behaviour such as growling or snarling;~~ **Amended by By-Law 2024-36 (see attached)**
- 1.32 **Pound** - means such premises and facilities designated by the Township for the purposes of impounding and caring for animals taken up by the Township in violation of this By-law;
- 1.33 **Poundkeeper** - means a person or agency designated for the Township to administer the Pound;
- 1.34 **Prohibited Dog** – means
- (i) A Pit Bull Dog which is not a Restricted Dog;
 - (ii) A Pit Bull Dog previously Designated as a Restricted Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog; or,
 - (iii) A Dog, previously designated as a Dangerous Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog.
- 1.35 **Restricted Dog** – means a Pit Bull Dog that:
- (i) was owned by a resident of Ontario on the day subsection 1(16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely August 29, 2005; or,
 - (ii) was born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely November 29, 2005.
- 1.36 **Requirements**- means any conditions that may apply to a Dog under this By-law, including any conditions prescribed by an Animal Control Offer;
- 1.37 **Purebred** - means a Dog registered or eligible for registration with an Association incorporated under the *Animal Pedigree Act (Canada)*.
- 1.38 **Restraint** - means a Dog is on a Leash or otherwise restrained and under the control of a responsible person.
- 1.39 **Township** – means The Corporation of the Township of Wilmot.

1.40 **Zoning By-law** – means the current comprehensive Zoning By-law 83-38, as amended, of the Township.

2. ANIMAL CONTROL OFFICERS

2.1 Council may appoint an Animal Control Officer(s) whose duty it shall be to:

- (i) issue fines in the manner set forth in this By-law, attached as **Schedule 'A'**;
- (ii) maintain accurate records, of all licences issued pursuant to this By-law and such records must include the Dog Owner's name, address, the serial number of the Dog tag licence and copies of documents produced showing proof of rabies vaccination and proof of breed;
- (iii) provide to Council quarterly reports outlining the activities such as complaints and fines issued;
- (iv) inspect licensed kennels once per year, as a minimum or more frequently as required;
- (v) seize and impound Dogs found to be running At Large;
- (vi) prescribe Designations of Dogs as necessary, and prescribe any Requirements that shall apply to a Dog that is subject to a Designation; and,
- (vii) carry out any other provisions of this By-law as required.

3. OWNER REQUIREMENTS

3.1 **No Running At Large:** No person shall allow a Dog to run At Large within the Township.

3.2 **Exemptions:** A Dog shall not be considered running At Large if it is:

- (i) a Guide Dog;
- (ii) a Service Dog; or,
- (iii) a Police Work Dog;
- (iv) Farm Dogs while working on a farm property

providing it is actively engaged in the performance of its trained duties.

3.3 **Maximum Length of Leash – Designated Dog:** In the case where a Dog is subject to a Designation under this By-law, no person shall use a Leash on said Dog if the Leash exceeds 1.8 metres (6 feet), regardless of whether such Requirement is explicitly stated.

3.4 **Removal and Disposal of Dog Excrement:** Every person who owns, harbors, possesses or is in control of any Dog within the Township, shall remove forthwith and dispose of, in a sanitary manner, any excrement left by said Dog on any property in the Township other than the premises of the Owner of the Dog.

3.5 **Exception:** Vision impaired persons with a Guide Dog or special needs persons with a Service Dog are exempt from the provisions of subsection 3.4 when not on the premises of the Owner of the Dog.

3.6 **Containment of Dog:** An Owner of a Dog shall fulfill all requirements of this By-law relating to Containment of Dog on Property.

3.7 **Electronic Containment Device:** An Owner may use an Electronic Containment Device to keep a Dog contained if:

- (i) The Dog is not a Potentially Dangerous Dog, Dangerous Dog or Restricted Dog; and

- (ii) The Electronic Containment Device is not located or used within three metres (3m) of the boundary of the property.

3.8 **Dog Bites:** No Owner of a Dog shall permit the dog to bite or attack a person or domestic animal in the absence of any Mitigating Factors.

3.9 **Agricultural Property:** No Owner of a Dog shall cause or permit his or her Dog to become a public nuisance by:

- (i) persistently barking at or chasing persons, vehicles, domestic animals, livestock, poultry, or other animals kept on an agricultural property;
- (ii) A farm property owner, who is actively using Farm Dogs to tend to livestock, may seek an exemption to part 13.1 of the Dog and Kennel By-law in writing to the Manager of Municipal Law Enforcement to consider having more than three (3) dogs registered on the property.

4. **RABID DOGS**

4.1 **Immediately Destroyed:** The Owner of a rabid Dog shall immediately have the Dog destroyed and delivered to the Pound.

4.2 **Costs:** If the Pound destroys the rabid Dog, any costs associated with this action are to be borne by the animal Owner.

5. **DOG DESIGNATIONS: GENERAL**

5.1 **Designation:** An Animal Control Officer shall have the authority to designate a Dog as a Dangerous Dog, a Potentially Dangerous Dog, a Restricted Dog or a Prohibited Dog if the Animal Control Officer has reason to believe that the Dog falls within the definitions as set forth in Section 1.

- (i) The Designation may be based upon:
 - (a) The written complaint of a citizen who is willing to testify that the Dog has acted in a manner which causes it to fall within the definition of a Dangerous Dog or Potentially Dangerous Dog, as set forth in Section 1;
 - (b) A Dog bite report filed with the Animal Control Officer/Authority; or
 - (c) Actions of the Dog witnessed by any Animal Control Officer; or
 - (d) Other relevant evidence.

5.2 **Notice Requirements:** Any Owner whose Dog is designated as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog shall be served with a Designation Notice by an Animal Control Officer. Such Designation Notice is to include:

- (i) A statement that the Animal Control Officer has reason to believe that the Dog is a Potentially Dangerous Dog, a Dangerous Dog, a Restricted Dog or a Prohibited Dog, as the case may be;
- (ii) The Requirements that the Owner must comply with in accordance with this By-Law and when such Requirements take effect; and
- (iii) A statement that the Owner of the Dog who has received the Designation Notice has the right to a request for appeal, provided that such request for appeal is made within fourteen (14) days of receiving the Designation Notice.

- 5.3 **Service of Notice:** Any Designation Notices served by the Animal Control Officer may be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail to the Owner's last known address, shall be deemed received on the fifth (5th) business day after the date of mailing.
- 5.4 **Compliance with Designation:** Every Owner and subsequent Owner of a Dog that is subject to a Designation shall comply with each of the Requirements of such Designation and any other Requirements pursuant to this By-law.
- 5.5 **Multiple Requirements within Designation:** If an Owner fails to comply with more than one Requirement under this By-law or under any Designation Notice, failure to comply with each such Requirement constitutes a separate offence under section 21.1
- 5.6 **Request for Appeal:** Any Owner of a Dog who has received a Designation Notice under Section 5, may submit a written request for an appeal to the Dog Designation Appeal Committee. No fee shall be charged for the appeal.
- 5.7 **Appeal Deadline:** Any request for appeal under Section 5.6 shall be submitted to the Township Clerk within fourteen (14) days of the date the Owner received the Designation Notice.
- 5.8 **Requirements In Effect:** A request of the Owner of a Dog for an appeal hearing under this subsection does not act as a stay of any Requirement.
6. **DOG DESIGNATIONS: POTENTIALLY DANGEROUS DOG, DANGEROUS DOG OR A RESTRICTED DOG**
- 6.1 **Requirements:** Where the Animal Control Officer designates a Dog as a Potentially Dangerous Dog, a Dangerous Dog or a Restricted Dog and serves the Owner with a Designation Notice stating such Designation, the Designation Notice may require any or all of the following Requirements be fulfilled by the Owner and every owner shall comply:
- (i) to keep the Dog, when it is on the lands and premises of the Owner, confined;
 - (ii) to keep the Dog within the Owner's Dwelling and under the effective control of an adult;
 - (iii) to keep the Dog in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the Dog while preventing it from escaping and preventing entry therein of unsupervised children;
 - (iv) to keep the Dog under effective Restraint or under effective Restraint with a Leash, at all times when it is not confined in accordance with subsection 6.1(i), or when it is off the Owner's lands and premises;
 - (v) to keep the Dog caged, penned or otherwise under Restraint, or under the control of an adult, when children under the age of 16 are in the Owner's Dwelling, unless the children reside in such dwelling;
 - (vi) to securely attach a Muzzle to the Dog at all times when it is not confined on the Owner's lands and premises, or when it is off the Owner's lands and premises;
 - (vii) to provide the Animal Control Officer with the new address and telephone of the Owner within two (2) business days of moving the Dog;

- (viii) to provide the Animal Control Officer with the name, address and telephone number of the new Owner within two (2) business days of selling or giving away the Dog;
- (ix) to advise the Animal Control Officer within two (2) business days of the death of the Dog; to advise the Animal Control Office forthwith if the Dog has run At Large or has bitten or attacked any person or animal;
- (x) to purchase and display, at the entrance to the Owner's Dwelling which a person would normally approach, or at any other place on the property as directed by the Animal Control Officer, a warning sign or warning signs provided by the Animal Control Officer. The sign(s) shall be posted as approved by the Animal Control Officer and in such a manner that it/they cannot be easily removed. The sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance;
- (xi) to have the Dog inoculated to provide immunization against rabies and to provide proof satisfactory to the Animal Control Officer that such procedures have been performed and has not expired;
- (xii) to provide a copy of the Designation Notice to any person who keeps or harbors the Dog;
- (xiii) to cause the Dog to be licensed each year and to wear the tag or tag(s) provided by the Animal Control Officer at all times. The fee for such Designated Dog tag shall be at twice the rate of a regular tag as stated in the Township's Fees and Charges By-law;
- (xiv) to provide, to the Animal Control Officer, within the timeframe specified by the Animal Control Officer, proof that the Owner holds and maintains a policy of liability insurance in the amount of two million dollars, for injuries caused by the Owner's designated Dog. The Township shall be named as additionally insured. It is the responsibility of the Owner to inform the Township for any cancellation, termination or expiration of the policy. The policy shall be in force at all times during the Dog's life; and
- (xv) to satisfy any other Requirements that the Animal Control Officer may prescribe.

6.2 **Dangerous Dogs:**

- (i) **Additional Requirements:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Dangerous Dog may also prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling and every owner shall comply.
- (ii) **Exception:** Notwithstanding subsection 6.2. (i), where the Owner's Dwelling is a Multiple Unit Dwelling, the Designation Notice may permit, at the discretion of the Animal Control Officer, the Dog to be kept or harboured at another location approved by the Animal Control Officer.

6.3 **Additional Requirements for Restricted Dogs:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Restricted Dog may also contain the following requirements and every Owner shall comply when required to do so:

- (i) prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling;
- (ii) if the Restricted Dog has a litter of puppies, require the Owner to notify the Animal Control Officer, within two (2) business days of the birth of the puppies; and
- (iii) if the Restricted Dog has a litter of puppies, require the Owner to deliver the offspring to the Pound within seven (7) days of the birth of the puppies and the Poundkeeper may take action with respect

to the Dog as permitted by the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.

6.4 **Restricted Dog – Requirement to Register Dog:** Every person who is the Owner of a Restricted Dog shall cause said Dog to be registered with an Animal Control Officer within two (2) days of owning the Restricted Dog. Registration of a Restricted Dog is in addition to the annual licensing of said Dog.

6.5 **Failure to Register Restricted Dog:** Every Owner of a Restricted Dog who fails to register said Dog with an Animal Control Officer will be required to pay a fine in accordance with the set fine Schedule of this By-law.

7. **DOG DESIGNATION - PROHIBITED DOGS**

7.1 No person shall keep or harbor, or permit a person to keep or harbor, a Prohibited Dog.

8. **IMPOUNDMENT OF DOGS**

8.1 **Impoundment by Animal Control Officer:** Any Dog may be seized and impounded by an Animal Control Officer if it is:

- (i) At Large;
- (ii) a Prohibited Dog;
- (iii) an unregistered Restricted Dog;
- (iv) a Dangerous Dog or Potentially Dangerous Dog if it is determined by the Animal Control Officer to be in violation of any Requirements under this By-law;
- (v) alleged to have bitten any person, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, C. h. 7;
- (vi) suspected of being rabid, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O. 1990, C.h.7; or,
- (vii) behaving, or have behaved in a manner that is in contravention of any Township By-law.

8.2 **Impoundment by Any Person:** Any person may capture a Dog running At Large or trespassing on his or her property and deliver it to the Animal Control Officer or Pound.

8.3 **Length of Impoundment:**

- (i) The Pound shall keep any impounded Dog for, at a minimum, the redemption period established by the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.
- (ii) **Female Dog in Heat:** any female Dog found to be running At Large who is in heat may be held by the Animal Control Officer until no longer in heat, up to a maximum of twenty-one (21) days with the costs of such impoundment to be borne by the Owner of such Dog.
- (iii) **Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog:** the Animal Control Officer may refuse to release an impounded Potentially Dangerous Dog, Dangerous Dog or Restricted Dog to its Owner or to any other adult person if the Animal Control Officer is not satisfied that the Owner or other person is aware of and will comply with the Requirements for keeping the Dog.
- (iv) **Prohibited Dog:** the Animal Control Officer may Dispose of an impounded Prohibited Dog in a humane manner as soon as practicable.

(v) **Suspected Rabid Dog**: the Animal Control Officer may keep an impounded Dog that is suspected of being rabid under supervised quarantine for a period as set out in an order of the Regional Medical Officer of Health and in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, or any successor legislation.

8.4 **Power to Immunize Against Rabies**: Any impounded Dog that is not wearing a tag for the current year may be given an inoculation by the Poundkeeper to provide immunization against rabies.

8.5 **Release of Dog**: An Animal Control Officer may release an impounded Dog to an Owner at any time unless otherwise directed by this By-law.

8.6 **Conditions for Release**: An Animal Control Officer may require any of the following of the Owner prior to releasing the Dog, and may refuse to release the Dog until such conditions are met:

- (i) That the Dog be licensed for the current year;
- (ii) Payment of any Pound and maintenance fees;
- (iii) Payment for the cost of any vaccination or medical treatment administered; or
- (iv) Reimbursement of any costs incurred by the Pound during impoundment of the Dog.

9. **SALE AND DESTRUCTION OF DOGS**

9.1 **Power to Dispose or Sell**:

- (i) **General**: Unless otherwise directed in this By-law, if a Dog has been impounded and has not been restored to its Owner, where the Owner is known to the Township and has received notification of such impoundment, within the redemption period established by the *Animals for Research Act*, c. A.22, as amended, or any regulations thereunder, and in accordance with Section 9, the Dog may be:
 - (a) Disposed of by the Pound in a humane manner; or
 - (b) Sold by the Pound.
- (ii) **Proceeds of Sale**: The proceeds from the sale of any Dog by the Pound shall belong to the Pound.
- (iii) **Notice of Designation**: when selling or disposing of a Dog pursuant to this By-law, the Animal Control Officer shall give any known Designation Notice and resulting Requirements relating to that Dog to a person prior to transferring Ownership of the Dog to that person.

9.2 **Power to Destroy**: Notwithstanding subsection 9.1, an Animal Control Officer may cause a Dog to be destroyed at any time:

- (i) if the Dog is injured, and in a licensed veterinarian's opinion it would be inhumane to wait for the Dog to be reclaimed or sold;
- (ii) if the Dog has not been claimed within the redemption period established by the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder, in which case the dog may be destroyed upon the expiry of the redemption period;
- (iii) if the Dog is a Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog and after fourteen (14) days, if the Animal Control Officer is not satisfied that the Owner or any other person claiming the Dog will comply with the Requirements for keeping the Dog;
- (iv) if the Dog is a Prohibited Dog; or
- (v) if the Dog is rabid.

9.3 **Impoundment Costs:** The Owner of every Dog impounded, if known, whether or not the Dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Pound.

10. DOG DESIGNATION APPEAL COMMITTEE

10.1 A Dog Designation Appeal Committee is hereby established to hear appeals of Designations and Requirements.

10.2 The Dog Designation Appeal Committee shall be composed of such persons, not fewer than three (3), as Township Council considers advisable.

10.3 The members of the Dog Designation Appeal Committee shall generally hold office for the term of Township Council. Township Council shall have the full power and discretion to appoint or remove members from the Dog Designation Appeal Committee.

10.4 The remuneration rate for the members of the Dog Designation Appeal Committee shall be \$50.00 per meeting plus the standard municipal mileage rate.

10.5 The members of the Dog Designation Appeal Committee shall select a Chair from among themselves. When the Chair is absent through illness or otherwise, the Dog Designation Appeal Committee may appoint another member as Acting Chair.

10.6 A majority of the members of the Dog Designation Appeal Committee constitutes a quorum for transacting the Dog Designation Appeal Committee's business.

10.7 Township Clerk's Services shall provide a staff liaison for the Dog Designation Appeal Committee who shall keep on file, the records of all official business of the Dog Designation Appeal Committee, including records of appeals and minutes of all decisions respecting those appeals.

10.8 The Dog Designation Appeal Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Dog Designation Appeal Committee considers advisable.

10.9 The Owner of a Dog who received a Designation Notice from an Animal Control Officer or other duly appointed officer, designating such Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog, may request an appeal of such Designation, or any of the Requirements imposed, by making a request in writing to the Township Clerk within fourteen (14) days of receipt of such Designation Notice.

10.10 The Dog Designation Appeal Committee shall hold a hearing pursuant to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, which shall be open to the public, within thirty (30) business days of the Clerk's receipt of the request for a hearing or as soon thereafter as practicable.

10.11 When a Dog has been designated by the Animal Control Officer or other duly appointed officer as a Potentially Dangerous Dog, a Dangerous Dog, a Restricted Dog or a Prohibited Dog, and when a hearing has been requested, the Dog Designation Appeal Committee may do any of the following:

- (i) confirm or rescind the Designation;

- (ii) substitute its own Designation of the Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog; and/or
- (iii) substitute its own Requirements, including any Requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it, or uphold or vary the Requirements imposed by the Animal Control Officer.

10.12 Any decision of the Dog Designation Appeal Committee is final.

10.13 Where a person has requested a hearing and does not appear at the appointed time, the Dog Designation Appeal Committee may dismiss the hearing as abandoned or, where it has cause to believe it would be beneficial, may adjourn the hearing to allow the Dog Owner an opportunity to be present.

10.14 If the hearing is dismissed as abandoned by the Dog Designation Appeal Committee, the Designation and Requirements set out by the Animal Control Officer in the Designation Notice shall be considered confirmed by the Dog Designation Appeal Committee and there shall be no further right to appeal.

11. LICENSING OF DOGS (TAGS)

11.1 Every person who is the Owner of a Dog shall:

- (i) within ten (10) days after the Dog comes into his or her possession; or,
- (ii) after the Dog has reached the age of 12 weeks,

whichever is the later, cause the Dog to be licenced for a period which will expire on the 31st day of December in each year in which the same was issued.

11.2 Every person residing within the limits of the Township, being the Owner of a Dog shall, on or before the 31st day of March in each and every year cause such Dog to be registered with an Animal Control Officer or Treasurer, or designate, and shall procure a licence therefor, which license shall expire on the 31st day of December in each year in which the same was issued.

11.3 Every Owner of a Dog shall cause a Dog tag to be securely affixed on the Dog at all times (until the tag is renewed or replaced) bearing figures or marks indicating that the licence fee as hereinafter set out has been paid for the current year. Said tag shall be supplied by an Animal Control Officer, or designate, upon the payment of the licence fee.

11.4 A record shall be kept by the Township showing the name and address of the Owner and the serial number of the Dog tag.

11.5 Upon application for a licence, the Township may require the Owner to produce a certificate signed by a practicing veterinarian that the Dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) or thirty-six (36) months, dependent on the type of vaccination received, immediately preceding the date of the application for the licence.

11.6 The Dog tag shall bear the serial number and the year in which it was issued and no person shall remove the tag from a licensed Dog; however, said Dog tag may be removed while the Dog is being lawfully used for hunting.

- 11.7 No Dog licence shall be transferable within the corporate limits of the Township provided said licence was issued by the Township in the first instance.
- 11.8 In the event a Dog tag is lost, an Owner shall apply for a replacement Dog tag and shall pay the fee as set out more particularly in the Fees and Charges By-law.
- 11.9 At such time the Township deems necessary, a Dog canvasser(s) may be employed to issue and collect fees for Dog licences and collect data for the continued maintenance of the Dog database.
- 11.10 That it is hereby imposed and shall be collected by an Animal Control Officer or Treasurer, or designate, from the Owner of every Dog or the Owner of a kennel in the Township, an annual license fee.
- 11.11 Notwithstanding the provisions of this By-law, the Treasurer of the Township, or designate, is authorized and directed to have Dog and kennel licences for sale in his/her office and the Treasurer, or designate, shall have the same authority as an Animal Control Officer to collect licence fees, issue licences and supply tags. All licence fees collected by an Animal Control Officer, Dog canvasser or designate shall be paid to the Treasurer within one (1) month of the receipt thereof together with an appropriate explanatory statement.
- 11.12 An Owner of a Guide Dog, Service Dog or Police Dog, upon providing proof that the Dog has been trained and certified as such, shall be granted an exemption to the licence fee.

12. LICENSING OF DESIGNATED DOGS

- 12.1 Every Owner of a Dog that is subject to a Designation and that resides within the Township shall comply with the following Requirements:
 - (i) **Five-Day Period**: Every Owner of a Dog subject to a Designation shall cause the Dog to be registered and licensed annually on or before the 31st day of March or within five (5) days of becoming an Owner of such Dog; and
 - (ii) **Proof of Liability Insurance**: Upon application for a licence, if the Owner of a Dog subject to a Designation has been required by the Animal Control Officer to maintain a policy of liability insurance under subsection 6.1 (xiv), the Owner shall not be granted a licence unless he or she has provided, with the licence application, proof of said liability insurance, which must cover the twelve month period during which the licence will apply.

13. NUMBER OF DOGS

- 13.1 **Maximum Number of Dogs Per Dwelling**: Subject to the provisions of this By-law, no person shall keep or permit to be kept, more than three (3) Dogs on his or her property. For the purpose of this paragraph, puppies that have not been weaned shall not be counted in determining the number of Dogs on the premises.
- 13.2 **Exceptions**: Section 13.1 of this By-law shall not apply to:
 - (i) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association;
 - (ii) a pet store;
 - (iii) an Ontario Humane Society Shelter or the Pound which complies with this By-law;
 - (iv) a licenced kennel;

- (v) circuses; or
- (vi) educational facilities

14. LICENSING OF KENNELS

- 14.1 Council shall issue licences for all new and expanded kennels, which may be subject to certain conditions, as determined and imposed by Council. The aforesaid conditions imposed by Council shall remain in full force and effect until Council agrees to rescind said conditions.
- 14.2 New kennel licences shall only be issued by Council once Council is satisfied that the site plan has been completed in accordance with the specific standards for kennels contained in this By-law.
- 14.3 Notwithstanding any other provision of this By-law, if a kennel existed before this By-law came into effect, and Council approved said kennel subject to certain conditions, which may have included specifying a set number of Dogs allowed in said kennel, all of those conditions shall remain in full force and effect, unless Council rescinds those conditions.
- 14.4 Every Owner of a kennel shall apply for and pay a licence fee in accordance with the provisions of the Fees and Charges By-Law.
- 14.5 Conditional kennel licences may be granted by the Clerk when a change of Ownership occurs, within the corporate limits of the Township, subject to the following process:
 - (i) an application fee shall be established under the Fees and Charges by-law;
 - (ii) a written request shall be submitted to the Clerk along with the appropriate application fee; and
 - (iii) the conditional licence shall be subject to the closing transaction of the property
- 14.6 Each kennel must conform to the provisions of the Township's Zoning By-law and no kennel, shall be erected contrary to the provisions of such Zoning By-law.
- 14.7 An application for a kennel licence shall be submitted in the proper form, including a detailed site plan and the appropriate fee to the Township.
- 14.8 Applications for a new kennel in the Township will only be permitted where purebred/registered/recognized/Crossbred breeds are being maintained.
- 14.9 No kennel shall be located within a minimum of one hundred fifty (150) metres (492 feet) of any adjacent habitable building, building used for the keeping of livestock (as defined in Zoning By-law) or any road allowance excluding buildings of the Owner of the property on which the kennel is located. The kennel facility must be separate from all other facilities.

Separate from all other facilities shall mean:

- (i) a separate entrance way;
 - (ii) a solid wall, of impermeable material, separating the kennel facility from habitable facilities or facilities used for the keeping of livestock; and,
 - (iii) separate ventilation and duct work.
- 14.10 Any applications for a new and expanded kennel shall be subject to circulation within one hundred fifty (150) metres of all property boundaries upon which a kennel is located and a public meeting for a decision by Council as to whether or not a licence shall be granted.

- 14.11 The Owner/operator of a kennel shall erect and install a fence, minimum height of four (4) feet, around every pen, run or exercise yard. Such fence is to be constructed to prevent visibility from the exterior and to provide acoustical barriers where necessary, as determined by the Township.
- 14.12 No person shall operate a kennel except in accordance with the terms and conditions of the kennel licence issued by the Township.
- 14.13 After having given notice in writing, the Township may, at any time, cancel a kennel licence when it is of Council's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation shall include unresolved problems of noise, sanitation, care of Dogs, or uses other than permitted by the kennel licence.
- 14.14 The written notice described in Subsection 8.13 shall be delivered in person or mailed by prepaid registered mail to the registered Owner of the kennel.
- 14.15 No person shall operate or continue to operate a kennel without a valid licence.
- 14.16 All kennel licences shall be valid for a one-year period commencing on the date of issuance (typically January 1st) and expiring on December 31 of the same year.
- 14.17 Breeding kennels:
- (i) may only license, keep or raise purebred/registered or recognized breeds of Dogs;
 - (ii) may contain only a maximum number of fifty (50) Dogs, subject to compliance with the requirements contained in this By-law.
- 14.18 Boarding kennels:
- (i) may contain only a maximum number of fifty (50) Dogs, subject to compliance with the requirements contained in this By-law.
- 14.19 Unsold puppies will be counted towards the total number of Dogs kept at a kennel upon reaching four (4) months of age.
- 14.20 No licence will be issued to any kennel operator that does not comply with the by-law.

15. KENNEL CONDITIONS

- 15.1 Every person who owns and operates a kennel shall construct the kennel facilities in accordance with the following regulations:
- (i) No animal shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestation.
 - (ii) The kennel building shall have floors and walls made of sealed concrete or other impermeable material (including rigid plastic); wire floors will not be permitted.
 - (iii) The floor of the kennel building shall be self-draining with a maximum five (5) minute drain time.
 - (iv) The yards and runways associated with kennel operation shall be completely enclosed with a fence as required in Subsection 8.11 of this By-law.

- (v) Every kennel shall be properly equipped with accessible fresh water and adequate feed both in clean, properly sized containers to maintain animals in a healthy condition.
- (vi) Every kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions.
- (vii) Every kennel shall be provided with adequately shaded, open air runs, properly fenced to maintain control of the Dogs and with adequate space to accommodate the breed of Dog being housed.
- (viii) Every kennel shall be constructed to provide the following individual pen minimum space per Dog:
 - (a) less than 12 kgs - 0.75 sq.m. per Dog
 - (b) 12 - 30 kgs - 1.20 sq.m. per Dog
 - (c) 31 - 50 kgs - 2.23 sq.m. per Dog
 - (d) more than 50 kgs - sufficient space for the animal to stretch or stand to its full body height and full body length (minimum 2.0 sq.m. per Dog)

16. BREEDING KENNEL CONDITIONS

- 16.1 Every kennel Owner/operator shall maintain the whelping bitch in separate accommodation from the balance of the Dogs in the kennel and shall provide 2 ½ times the size of the whelping bitch.
- 16.2 Every kennel Owner/operator shall ensure that the whelping box be constructed with four sides and floor made from impermeable materials. Within the box, breed specific measures should be taken to prevent accidental suffocation of the puppies by the bitch.
- 16.3 Every kennel Owner/operator shall ensure that adequate supplemental heat be provided.
- 16.4 Every kennel Owner/operator shall ensure that all breeding kennels provide sufficient designated space for the proper enrichment and socialization of puppies to be offered for sale.
- 16.5 Every kennel Owner/operator shall provide a separate outdoor run for the whelping bitch to prevent transfer of diseases from other adult Dogs to the puppies.

17. RECORDS

- 17.1 Every person who operates a kennel shall maintain records of the following minimum information:
 - (i) The names and addresses of the Owners of all Dogs cared for at the kennels;
 - (ii) The dates of arrivals and departures of the individual Dogs from the kennels;
 - (iii) Breeding and identification records of all whelping bitches and stud Dogs and the resulting litters;
 - (iv) The names and addresses of the purchasers of the individual puppies; and,
 - (v) Veterinarian records on individual Dogs maintained in the kennel.

18. KENNEL INSPECTIONS/POSTING OF LICENCE

- 18.1 Every person who holds a kennel licence or the Owner/operator of the kennel shall, at all reasonable hours, be open to inspection by an Animal Control Officer, an agent or inspector from the Ontario Society for the Prevention of Cruelty to Animals or other such person trained in the area

of disease control and sanitation as may be appointed by the Council. Routine inspections will be conducted annually, with sufficient notice being given to the kennel Owner/operator.

- 18.2 Every person who holds a kennel licence or the Owner/operator of the kennel shall keep the licence posted in a conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such licence for inspection.

19. EXEMPTION PROCESS BEYOND FIFTY (50) DOG RESTRICTION

- 19.1 An exemption granted to expand the number of Dogs permitted in a kennel operation beyond the fifty (50) maximum capacity shall be subject to the following process:

- (i) an application fee shall be established under the Fees and Charges By-law;
- (ii) the application fee to expand shall be in addition to the initial fee for approval of a kennel operation;
- (iii) the applicant shall provide a written request and submit the appropriate application fee to the Clerk;
- (iv) notice of the application shall be circulated by personal service or prepaid first class mail to every Owner of land within 150 metres of all property boundaries upon which a kennel is located;
- (v) notice of the application including an explanation of the proposed expansion of Dogs, the date, time and location of the public meeting to consider the application shall be given by publication in a newspaper that is of sufficient circulation in the area to which the application applies; and,
- (vi) the application shall be subject to an inspection prior to Council approval.

20. ADMINISTRATION AND ENFORCEMENT

- 20.1 **Power:** Any Animal Control Officer may enter on land at any reasonable time for the purpose of enforcing this By-law.

- 20.2 **Inspection Powers of Animal Control Officer:** For the purpose of an inspection under this By-law, the Animal Control Officer may:

- (i) require the production for inspection of documents or things relevant to the inspection;
- (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (iii) require information from any person concerning a matter related to the inspection; and,
- (iv) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

- 20.3 **Remedial Powers:** Where any act or thing required to be done in accordance with this By-law is not done, the Township and/or its agent(s) may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

- 20.4 **Prohibition on Obstruction:** No person or persons shall obstruct, hinder, delay or prevent the Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, in the exercise of any power conferred or the performance of any duty imposed by this By-law.

21. OFFENCE

21.1 **Contravention:** Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

22. LIABILITY

22.1 **No Liability:** The Township, its agents and servants, and the Animal Control Officer/designate shall not be liable for damages or compensation for any Dog destroyed or sold under the provisions of this By-law and no such damages or compensation shall be paid to any person.

23. SEVERABILITY

23.1 **Continued Force and Effect:** Should any part of this By-law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the by-law shall be read as if the offending section has been struck out.

24. SHORT TITLE

24.1 This by-law may be cited as the Dog Control By-law.

25. REPEAL SECTION:

25.1 By-law Number 2017-14 of the Township of Wilmot, and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law shall come into force and effect.

READ a First and Second time this 6th day of March, 2023.

READ a Third time and finally passed in Open Council this 6th day of March, 2023.

[Redacted signature block]

Mayor

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Clerk

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-11

PART I PROVINCIAL OFFENCES ACT

TITLE: DOG CONTROL BY-LAW

	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Allowing dog to run at large	3.1	\$85.00
2	Failing to remove dog waste	3.4	\$85.00
3	Failing to prevent dog from chasing or barking at persons, vehicles, domestic animals, livestock, poultry or other animals kept on agricultural property	3.9(i)	\$85.00
4	Failure to confine potentially dangerous dog	6.1 i	\$200.00
5	Failure to confine dangerous dog	6.1 i	\$200.00
6	Failure to confine restricted dog	6.1 i	\$200.00
7	Failure to keep potentially dangerous dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00
8	Failure to keep dangerous dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00
9	Failure to keep restricted dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00
10	Failure to keep potentially dangerous dog under control and under leash	6.1 iv	\$200.00
11	Failure to keep dangerous dog under control and under leash	6.1 iv	\$200.00
12	Failure to keep restricted dog under control and under leash	6.1 iv	\$200.00
13	Failure to confine and control a potentially dangerous dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00
14	Failure to confine and control a dangerous dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00
15	Failure to confine and control a restricted dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00
16	Failing to Comply with muzzle order	6.1 vi	\$200.00
17	Failure to advise Township of moving potentially dangerous dog	6.1 vii	\$200.00
18	Failure to advise Township of moving dangerous dog	6.1 vii	\$200.00
19	Failure to advise Township of moving restricted dog	6.1 vii	\$200.00
20	Failure to advise Township of information of new owner of potentially dangerous dog	6.1 viii	\$155.00
21	Failure to advise Township of information of new owner of dangerous dog	6.1 viii	\$200.00
22	Failure to advise Township of information of new owner of restricted dog	6.1 viii	\$200.00

	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
23	Failure to advise Township of death of potentially dangerous dog	6.1 ix	\$155.00
24	Failure to advise Township of death of dangerous dog	6.1 ix	\$200.00
25	Failure to advise Township of death of restricted dog	6.1 ix	\$200.00
26	Failure to advise Township that potentially dangerous has bitten or attacked a person or domestic animal	6.1 ix	\$200.00
27	Failure to advise Township that dangerous dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00
28	Failure to advise Township that restricted dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00
29	Failure to display warning sign for potentially dangerous dog	6.1 x	\$155.00
30	Failure to display warning sign for dangerous dog	6.1 x	\$200.00
31	Failure to display warning sign for restricted dog	6.1 x	\$200.00
32	Failure to vaccinate potentially dangerous dog against rabies	6.1 xi	\$155.00
33	Failure to vaccinate dangerous dog against rabies	6.1 xi	\$200.00
34	Failure to vaccinate restricted dog against rabies	6.1 xi	\$200.00
35	Failure to provide a copy of potentially dangerous dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$155.00
36	Failure to provide a copy of dangerous dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$200.00
37	Failure to provide a copy of restricted dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$200.00
38	Failure to cause potentially dangerous dog to wear potentially dangerous dog tag	6.1 xiii	\$155.00
39	Failure to cause dangerous dog to wear dangerous dog tag	6.1 xiii	\$200.00
40	Failure to cause restricted dog to wear dog tag	6.1 xiii	\$200.00
41	Failing to licence designated dog for current year	6.1 xiii	\$200.00
42	Failure to provide Township with proof of liability insurance for potentially dangerous dog	6.1 xiv	\$155.00
43	Failure to provide Township with proof of liability insurance for dangerous dog	6.1 xiv	\$200.00
44	Failure to provide Township with proof of liability insurance for restricted dog	6.1 xiv	\$200.00
45	Keeping dangerous dog in a multiple unit dwelling or a lodging house when prohibited	6.2 i	\$200.00
46	Keeping restricted dog in a multiple unit dwelling or a lodging house when prohibited	6.3 (i)	\$200.00
47	Failure to advise Township within two working days of birth of puppies from a restricted dog	6.3 (ii)	\$200.00
48	Failure to deliver offspring to restricted dog to the Township Pound Facility within seven days of birth of offspring	6.3 (iii)	\$200.00
49	Failing to register restricted pit bull	6.4	\$350.00
50	Keeping a prohibited dog	7.1	\$200.00

	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
51	Failing to procure a dog licence	11.1	\$85.00
52	Failing to register dog within ten (10) days of ownership of dog	11.1	\$85.00
53	Failing to keep dog tag affixed at all times	11.3	\$85.00
54	Keeping more than three (3) dogs on premises	13.1	\$170.00
55	Operating kennel – fail to pay licence fee	14.4	\$300.00
56	Failing to keep an animal in a sanitary condition	15.1 i	\$150.00
57	Failing to provide floors and walls made of sealed concrete or other impermeable material	15.1 ii	\$150.00
58	Failing to provide self-draining floor	15.1 iii	\$150.00
59	Failing to keep yards and runways completely enclosed in kennel	15.1 iv	\$150.00
60	Failing to equip kennel with accessible fresh water and/or adequate feed	15.1 v	\$495.00
61	Failing to provide kennel with adequate natural or artificial light	15.1 vi	\$150.00
62	Failing to provide kennel with proper ventilation	15.1 vi	\$150.00
63	Failing to provide kennel with sufficient heat	15.1 vi	\$495.00
64	Failing to provide adequate shaded open air runs	15.1 vii	\$495.00
65	Failing to provide adequate space to accommodate the breed of dog being housed	15.1 vii	\$150.00
66	Failing to provide a kennel having individual pen minimum space per dog	15.1 viii	\$150.00
67	Failing to maintain the whelping bitch in a kennel in separate accommodation	16.1	\$495.00
68	Failing to provide a 2-1/2 times the size of the whelping bitch	16.1	\$495.00
69	Failing to construct a whelping box with four sides and a floor made of impermeable materials	16.2	\$495.00
70	Failing to provide adequate supplemental heat for the whelping bitch space	16.3	\$495.00
71	Failing to provide sufficient designated space for puppies	16.4	\$495.00
72	Failing to maintain records	17.1	\$300.00
73	Failing to permit an inspection	18.1	\$150.00

Note: the general penalty provision for the offences listed above is section 21.1 of bylaw 2023-11, a certified copy of which has been filed.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-11

PART I PROVINCIAL OFFENCES ACT

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14	Failure to confine and control a dangerous dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00
15	Failure to confine and control a restricted dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00
16	Failing to Comply with muzzle order	6.1 vi	\$200.00
17	Failure to advise Township of moving potentially dangerous dog	6.1 vii	\$200.00
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22	Failure to advise Township of information of new owner of restricted dog	6.1 viii	\$200.00

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2024-36**

**BEING A BY-LAW TO AMEND BY-LAW 2023-11 BEING A BY-LAW TO
REGULATE DOGS AND LICENSE DOG KENNELS**

WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, Chapter 25, provides for the authority for lower tier municipalities to pass by-laws to regulate animals;

AND WHEREAS Section 8(3) of the Municipal Act, 2001, S.O. 2001, Chapter 25, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and,
- (c) provide for a system of licences respecting the matter.

AND WHEREAS the Animals for Research Act, R.S.O. 1990, Chapter A.22, Section 20, provides for rules and regulations that must be followed for the keeping of Dogs in a municipal pound;

AND WHEREAS Regulation 557 of the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.7, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O., 1990, Chapter O.36, provides special powers to help animals in distress;

AND WHEREAS Section 103 (1), of the Municipal Act, 2001, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws with respect to the being at large or trespassing of animals and the seizure, impounding and sale of such at large or trespassing animals within the municipality;

AND WHEREAS Section 11 of the Dog Owners' Liability Act, R.S.O. 1990, Chapter D.16, provides for rules and regulations that must be followed for the keeping of Dogs;

AND WHEREAS Section 12 of the Dog Owners' Liability Act, R.S.O. 1990, Chapter D.16, names municipal law enforcement officers as Peace Officers under the Act;

AND WHEREAS it is considered desirable to make amendments to the by-law relating to animal control within the Township of Wilmot.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. THAT the existing Section 1.9 – Definition of Dangerous Dog be amended to be revised as follows:

1.9 Dangerous Dog – means:

- (i) a Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person, anywhere within the Township, or has demonstrated a propensity, tendency or disposition to do so;
- (ii) a Dog that, in the absence of any Mitigating Factor, has injured a domestic animal, anywhere within the Township; or;
- (iii) a Dog, previously designated as a Potentially Dangerous Dog, that is kept, or permitted to be kept, by its Owner in violation of the requirements for such Dog.

2. THAT the existing Section 1.31 – Definition of Potentially Dangerous Dog be amended to be revised as follows:

1.31 Potentially Dangerous Dog – means a Dog that, in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere within the Township, in a menacing fashion or apparent attitude of attack, including, but not limited to behaviour such as growling or snarling;

3. THAT this By-Law shall come into force and effect on the date of final passage.

READ a first and second time in Open Council this 24th day of June, 2024.

READ a third time and finally passed in Open Council this 24th day of June, 2024.



Mayor



Clerk