

**THE COPROATION OF THE
MUNICIPALITY OF WAWA**

BY-LAW NO. 2512-11

BEING A BY-LAW to repeal By-Law No. 1003-95, and its amendments, and to licence, regulate and control dogs within the Municipality of Wawa.

WHEREAS the Municipal Act 2001, S.O. 2001, Chapter 25, Section 11 (3) (9), provides that municipalities may pass by-laws respecting animals;

AND WHEREAS the Municipality of Wawa considered desirable to licence, regulate and control dogs within the Municipality of Wawa;

NOWHEREFORE the Council of The Corporation of the Municipality of Wawa enacts the following as a By-Law:

DEFINITIONS

1. In this By-Law:

- (a) "animal" means any member of the animal kingdom, other than a human;
- (b) "Animal Control Officer" means the person appointed by Council to uphold the provision of this By-Law or his or her designate;
- (c) "animal control tribunal" means the committee of council known as the Animal Control Tribunal Committee;
- (d) "attack" means an assault resulting in bleeding, bone breakage, sprains, or serious bruising;
- (e) "bite" means wound to the skin causing it to puncture or break;
- (f) "Clerk" means the Municipal Clerk for the Corporation of the Municipality of Wawa or persons acting under his or her authority;
- (g) "dog" means a female or a male dog;
- (h) "dwelling unit" means a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;
- (i) "humane society" means an organization devoted to promoting humane and kind treatment of animals, and includes the local group known as the Wawa Humane Society;
- (j) "keep" means to have temporary or permanent control or possession of an animal, and the words "kept" or "keeping" have a similar meaning;

- (k) “kennel” means a licensed enterprise dealing with the breeding, buying, selling or boarding of dogs and/or cats;
- (l) “Medical Officer of Health” means the Medical Officer of Health for the Algoma Public Health or authorized persons acting under his or her authority;
- (m) “Municipality” means the Corporation of the Municipality of Wawa;
- (n) “muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the words “muzzled” and “muzzling” have a similar meaning;
- (o) “owner” means any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word “owns” has a similar meaning;
- (p) “parkland” means land owned or leased by the Municipality and set aside for park purposes;
- (q) “play structure” means a swing, slide, spring-mounted riding toy, climbing equipment, play house, sand box, or teeter-totter, and the sand-filled area maintained under the play structure, if any;
- (r) “Police” means the Ontario Provincial Police;
- (s) “pound” means the part of the premises used by the Municipality of Wawa or other such facility designed by the Municipality, which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law;
- (t) “premises” means a building or part of a building or a place;
- (u) “premises of the owner” premises where a dog is habitually harboured or fed;
- (v) “prohibited animals” means the undomesticated animals, including but not limited to: wolf, fox, coyote, hyaena, dingo, jackal, raccoon dog, bush dog, and any other hybrid offspring of a wild dog and domesticated dog;
- (w) “protective care” means the temporary, time-limited keeping of an animal by the Municipality as a result of an eviction, incarceration or fire or medical emergency;
- (x) “redemption period” means the period of time within which the owner of a dog which has been impounded pursuant to this by-law has the right to

redeem it.

- (y) “service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;
- (z) “spray pad” means a spray pad whether or not there is water and includes the concrete or asphalt decking;
- (aa) “sterilized” in respect of a dog means either spayed or neutered;
- (bb) “tether” means a rope or chain or similar restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a similar meaning;
- (cc) “vicious” in respect of a dog means a dog that has bitten or attacked without provocation a person or a domestic animal;
- (dd) “wading pool” means a wading pool whether or not there is water and includes the concrete or asphalt decking.

INTERPRETATION

- 2.1 This by-law includes the Scheduled annexed hereto and the Schedules are hereby declared to form part of this by-law.
- 2.2 It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

CARE OF ANIMALS

RESPONSIBILITY TO CARE FOR ANIMALS

- 3.1 Every person who keeps an animal within the Municipality shall ensure that such animal is provided with:
 - (a) a clean and sanitary environment free from an accumulation of fecal matter,
 - (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity.
- 3.2 Subsection 3.1 shall be enforced by an animal control officer, inspector or agent, authorized by the Municipality of Wawa.

TETHERS

- 4.1 No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
- (a) the tether is of appropriate length for the species tethered,
 - (b) the animal has unrestricted movement within the range of such tether, and
 - (c) the animal cannot injure itself as a result of the tethering,
- 4.2 Despite clause (a) of subsection 4.1, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person's property.
- 4.3 Despite subsection 4.1, no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

KEEPING ANIMALS UNDER SANITARY CONDITIONS

- 5.1 Every person who keeps an animal within the Municipality shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
- 5.2 Subsection 5.1 shall be enforced by an animal control officer, inspector or agent, authorized by the Municipality of Wawa.

PROTECTIVE CARE

6. The Animal Control Officer is authorized to:
- (a) receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Animal Control Officer deems appropriate,
 - (b) temporarily keep such animals for a maximum of five (5) days,
 - (c) charge the owner the current per diem sheltering fee and all costs for required veterinary medical care, when the animals are redeemed, and
 - (d) at the end of the five (5) day protective care period, unless other arrangements are agreed to between the owner and the Municipality, treat such animals as day-one impounded animals.

DOGS**REGISTRATION**

7.1 Every owner of a dog shall:

- (a) register the dog with the Municipality in accordance with Section 8 and pay an annual tag and registration fee in accordance with the Municipality's Schedule of Fees,
- (b) obtain and renew such registration annually no later than April 30th of each year,
- (c) keep the dog identification tag, issued by the Municipality as part of the registration, securely affixed on the collar or harness on the dog at all times, and
- (d) obtain a replacement tag, and pay the fee in accordance with the Municipality's Schedule of Fees, in the event that such tag is lost.

7.2 Where an original application for the tag and registration is filed after the expiry of the first seven months of the registration period, the owner shall pay at the time of issuance of the dog identification tag one-half of the fee set out in the Municipality's Schedule of Fees.

8.1 Every applicant for dog registration shall provide to the Municipality the following information:

- (a) name, address, telephone number of the dog owner,
- (b) name, age, gender, breed, and colour of the dog,
- (c) proof of sterilization from a qualified veterinarian, if applicable, and
- (d) proof of a breed from a qualified veterinarian, if applicable.

8.2 Despite subsection 8.1, where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilization procedure, the Clerk may issue a tag and register the dog at the same fee as that for a sterilized dog.

8.3 The owner of a dog shall notify the Clerk of any change in information provided in subsection 8 or of the sale or death of the dog, as applicable.

8.4 The Clerk shall:

- (a) keep a complete registry of all dogs in respect of which tags are issued, and
- (b) provide each registrant with a numbered tag and a sticker for each dog in respect of which the tag is issued.

8.5 The identification tag issued by the Municipality in respect of a dog is not transferable.

RUNNING AT LARGE

9. For the purposes of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
10. No owner of a dog shall permit the dog to run at large in the Municipality.
11. Every owner of a dog shall ensure that the dog is kept on a leash and under the control of some person when the dog is on any land in the Municipality unless:
 - (a) the land is the premises of the owner of the dog,
 - (b) the land is owned by a person who has given prior consent to the dog being off the leash, or
 - (c) the land is parkland that is:
 - (i) owned by the Municipality, and
 - (ii) not designated by sign as an area where dogs are prohibited.
12. Despite clause (c) of Section 11 in the case of parkland that is,
 - (a) owned by the Municipality, and
 - (b) designated by sign as an area where dogs are required to be kept on the leash, every owner of a dog shall ensure that the dog is kept on a leash and under the control of some person when the dog is in the area designated by sign.
13. No owner of a dog shall permit the dog to be off leash in contravention of Section 11 and 12.
14. No owner of a dog shall use on a dog a leash that exceeds three metres (3 m) in length.
15. No owner of a dog shall control a dog by means of a leash that:
 - (a) is not held by the person in his or her hand, or
 - (b) is not securely affixed to some immovable structure from which the dog cannot escape.
16. Sections 7 to 15 inclusive shall not apply to police working dogs, during the course of fulfilling their duties.

IMPOUNDMENT

17. The Animal Control Officer, inspector or agent, authorized by the Municipality of Wawa, may seize any dog which is found running at large in the Municipality and may cause such dog to be delivered to the pound.
18. Any person may seize any dog which is found running at large in the Municipality of Wawa and may cause such dog to be delivered to the pound.
19. A dog seized pursuant to Section 17 or 18 shall be considered impounded at the time and place when it comes under the control of the Animal Control Officer or person.
20. The operator of the pound to which any dog seized or found pursuant to this by-law has been delivered shall:
 - (a) impound such dog, and
 - (b) make reasonable efforts to determine the identity of the owner of such dog and to inform such person that the dog has been impounded.
21. The operator of the pound shall keep any impounded dog for a redemption period of three (3) days, excluding:
 - (a) the day on which the dog is impounded,
 - (b) statutory holidays, and
 - (c) days on which the pound is not open.
- 22.1 During the redemption period, the operator of the pound may:
 - (a) provide such care for an injured or ill impounded dog as may be necessary to sustain its life, and
 - (b) be entitled to recover from the owner, the cost of veterinary care provided while the dog was impounded, in addition to any other fees due the Municipality for redemption of the dog,
- 22.2 During the redemption period, the operator of the pound may euthanize an impounded and seriously injured or ill dog without delay, when in the opinion of the operator of the pound such actions are warranted for humane reasons.
23. During the redemption period, the owner of a dog impounded pursuant to this by-law may obtain release of such dog provided that the owner:
 - (a) pays the redemption fee, as set out in the Municipality's Schedule of Fees;
 - (b) provides evidence that the dog is registered with the Municipality pursuant

to Section 7 of this by-law or, if not, obtains such registration and pays the registration fee, as set out in the Municipality's Schedule of Fees prior to release of the dog, and

- (c) takes such other action as the operator of the pound or the Municipality may direct.
24. After the expiration of the redemption period, the operator of the pound where a dog has been impounded pursuant to this by-law may:
- (a) release the dog to its owner upon compliance with the requirements for release prescribed in Section 23,
 - (b) release the dog to the humane society for placement of public adoption, or
 - (c) keep, sell or dispose of the dog, subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. A.22, as amended.
25. Whenever a dog impounded pursuant to this by-law is released to its owner pursuant to Section 23 or Section 24, a record of such release shall be kept by the operator of the pound and made available upon request to the Police or the Clerk.

DOG BITES

26. No owner of a dog shall permit the dog to bite or attack without provocation a person or domestic animal.
27. Where the Clerk is informed upon complaint and confirms that a dog is vicious, the Clerk shall serve notice upon the owner of the vicious dog requiring the owner to comply with any or all of the requirements set out in Sections 28 and 29 of the by-law upon receipt of such notice to comply.
28. Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but, otherwise within the boundaries of the owner's premises, ensure that:
- (a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal, and
 - (b) the vicious dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands, and
 - (c) the vicious dog is contained within an enclosed area, including a fence of an appropriate height for the breed of dog, or in a manner such that the vicious dog is unable to come into contact with persons or other animals.

29. 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 a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2 m) metres in length, and
 - (b) keep the vicious dog muzzled.
30. Every owner of a vicious dog shall notify the Clerk within two (2) working days of any change in ownership or residence of the vicious dog and provide the Clerk with the new address and telephone number of the owner.
31. Where the owner of a vicious dog is informed that he or she must comply with Sections 28 and 29 of the by-law, the owner is entitled to a hearing by the Animal Control Tribunal Committee who may exempt the owner from the muzzling or leashing requirement, or both such requirements.
32. Where the owner of a vicious dog requests in writing to the Clerk a hearing by the Animal Control Tribunal Committee:
- (a) within fourteen (14) days of receiving the notice to comply, or
 - (b) at any time after the Animal Control Tribunal Committee has confirmed the muzzling or leashing requirement, or both, if the circumstances respecting the vicious dog have changed, the Clerk shall advise the Animal Control Tribunal Committee of the request for a hearing and obtain a hearing date.
33. Upon determination of the hearing date, the Clerk shall give notice in writing to the owner of the vicious dog, said notice to:
- (a) include a statement,
 - (i) as to the time, date, place and purpose of the hearing, and
 - (ii) that if the owner of a vicious dog does not attend the hearing the Tribunal may proceed in his or her absence and he or she will not be entitled to any further notice, and
 - (b) be served personally or by registered mail to the owner of a vicious dog at his or her address last on file with the Clerk.
- 34.1 The Animal Control Tribunal Committee shall hold the hearing pursuant to the provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22*, as amended at the time, date and place set out in the notice to comply.
- 34.2 The Municipality shall be represented at the hearing by either the Clerk, or the

Assistant who is entitled to adduce evidence and submit argument.

- 34.3 The owner of the vicious dog may, at the hearing,
- (a) be represented by counsel or an agent,
 - (b) call and examine witnesses and present his or her arguments and submissions, and
 - (c) conduct cross-examination of witnesses reasonably required for a full and fair disclosure.
- 34.4 The Animal Control Tribunal Committee may:
- (a) exempt the owner of the vicious dog from the muzzling or leashing requirement, or both, or
 - (b) confirm the muzzling or leashing requirement, or both.
- 34.5 The Animal Control Tribunal Committee shall give its decision in writing to the Clerk within seven (7) days of the date of the completion of the hearing.
- 34.6 The Clerk, in receipt of the decision referred to in subsection 34.5, shall forthwith notify the owner of the vicious dog of the decision by serving a copy personally or by registered mail to:
- (a) the owner of the vicious dog at the address last known to the Clerk, or
 - (b) the counsel or agent of the owner of the vicious dog, if any, at his or her address as stated to the Animal Control Tribunal Committee.
- 34.7 All hearings shall be public hearings unless the owner of a vicious dog requests that the hearing be held in-camera and the Animal Control Tribunal Committee may approve the request by a simple majority.
- 34.8 The Animal Control Tribunal Committee's decision shall be final and binding.
35. Sections 26 to 34 inclusive shall not apply to police working dogs during the course of fulfilling their duties.

STOOP AND SCOOP

36. Every owner of a dog shall immediately remove any feces left by the dog in the Municipality:
- (a) on a highway or roadway,
 - (b) on any public property, or
 - (c) on any private property other than the property of,

- (i) the owner of the dog, or
- (ii) the person having care, custody or control of the dog.

37. Every owner of a dog shall dispose of any feces removed pursuant to Section 36.
38. Every owner of a dog shall remove from his or her premises, in a timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.
39. Section 36 does not apply to a handler of a service dog, where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.
40. Section 37 does not apply to a blind or visually impaired handler of a service dog if the feces was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

DOGS IN PARKS

41. No owner of a dog shall have a dog on parkland, or any part thereof, that is designated by sign as an area where dogs are prohibited.
42. No owner of a dog shall have a dog on parkland, or any part thereof, where the dog is within five (5 m) meters of:
 - (a) a play structure,
 - (b) a wading pool, or
 - (c) a spray pad.
43. Despite Section 43, a owner of a dog may have a dog that is kept on a leash on an asphalt path on part of parkland that is within five (5 m) metres of a play structure, a wading pool, or a spray pad provided that the parkland is not designated by sign as an area where dogs are prohibited and the owner moves along the asphalt path without stopping.
44. No owner of dog shall keep an unleashed dog on parkland, or any part thereof, unless such parkland is designated such that dogs may be kept off-leash, providing that the person in control of such dog shall keep such dog in sight and under voice control at all times, and shall promptly leash such dog when confrontations with humans or other animals may potentially develop.
45. Every owner of a dog that takes a dog onto parkland or a part thereof or has a dog on parkland or a part thereof that is not designated by sign as an area where dogs are prohibited shall comply with the by-laws of the Municipality including

this by-law.

46. No person shall, without authority from the Clerk erect, alter, move, remove or deface or in any manner interfere with any sign designating an area where dogs are prohibited.
47. Sections 41 to 46 inclusive shall not apply to a service dog when accompanied by its handler.

NUMBER OF DOGS RESTRICTED

48. No person shall keep, in or about a dwelling unit in the Municipality, more than three (3) dogs over twenty (20) weeks of age, unless such premises are:
 - (a) licensed by the Municipality as a kennel or a pet shop,
 - (b) registered with Municipality as premises where dogs are receiving temporary foster care, or
 - (c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act, R.S.O. 1990, Chapter V.3*, as amended.
- 49.1 Despite Section 48, any person who owns more than the permitted number of dogs on the date this by-law comes into force shall be permitted to keep those dogs provided that such dogs are registered with the Municipality in accordance with Sections 6 and 7 within ninety (90) days of the date that the by-law comes into force.
- 49.2 The burden of proving the exemption from Section 49 is upon the person making the assertion, of which registration with the Municipality as provided in subsection 49.1 shall be sufficient proof thereof.
- 49.3 The exemption provided for in subsection 49.1 shall be for the life of the dog.
50. The Clerk shall maintain a list of all dogs registered pursuant to Section 49.

RABIES IMMUNIZATION

51. Every owner of a dog three (3) months of age or over shall ensure that the dog is immunized against rabies and that the immunization is current.
52. Section 51 shall be enforced by the Medical Officer of Health pursuant to the provisions of the *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7*, as amended.

RABIES SUSPECTS

53. Every owner of a dog in the Municipality, which is suspected of having been exposed to rabies, or which has bitten, scratched or had other contact which may result in rabies in a person, shall on demand, surrender such animal to the Algoma Public Health to be held by the Algoma Public Health in quarantine, without cost to the owner, for ten (10) days, and such animal shall not be released from such quarantine without permission from the Medical Officer of Health.
54. Despite Section 53, at the discretion of the Medical Officer of Health, an animal may be held in quarantine on the premises of the owner, or at the owner's expense in a veterinary hospital or licensed kennel of the owner's choice.
55. Sections 53 and 54 shall be enforced by the Medical Officer of Health pursuant to the provisions of the *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7*, as amended.

NOISE FROM ANIMALS

56. Every owner of a dog shall ensure that the dog does not causes noises that disturbs or is likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
- (a) any person in any dwelling, apartment, or other type of residence in the neighbourhood,
 - (b) any person in the vicinity, or
 - (c) the neighbourhood.

OFFENCES AND PENALTIES

OFFENCES

57. Any person who contravenes any provisions of this by-law is guilty of an offence.

FINES

58. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*, as amended.

PROHIBITION ORDER

59. When a person has been convicted of an offence under this by-law:
- (a) the Ontario Court of Justice, or
 - (b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the

continuation or repetition of the offence by the person convicted.

ADMINISTRATION

ENFORCEMENT

60. Unless otherwise provided in the by-law, the By-law shall be enforced by a Peace Officer in the Municipality.


SHORT TITLE

61. This by-law may be referred to as the "Animal Care and Control By-law".

REPEAL BY-LAWS

62. THAT Municipality of Wawa By-Nos. 1003-95, 1107-97, and 1121-97 be and are hereby repealed.

READ a first and second time this 1st day of November, 2011.




RON RODY, DEPUTY MAYOR



CATHY CYR, DEPUTY CLERK

READ a third time and finally passed this 1st day of November, 2011.



RON RODY, DEPUTY MAYOR



CATHY CYR, DEPUTY CLERK