

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BYLAW NUMBER 2025-14

A Bylaw of The Corporation of the Municipality of Powassan to regulate and govern animals including exotic animals within the Municipality

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 10 (2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws respecting matters including animals;

AND WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS, the Council of The Corporation of the Municipality of Powassan deems it expedient to enact a bylaw to license, regulate and govern animals, including exotic animals within the Municipality;

NOW THEREFORE, the Council of The Corporation of the Municipality of Powassan enacts as follows:

1. DEFINITIONS

For the purpose of this Bylaw:

1.1. "AGGRESSIVE DOG" - means a dog which, in the opinion of the Municipal Law Enforcement Officer or their designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition causing concern for public safety.

1.2. "ANIMAL" - means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit an urban centre, a park, environmentally protected land or open space.

1.3. "COMPETENT PERSON" - means a person having the strength and capacity to securely control a dog to not permit or allow unwanted contact with another person or animal.

1.4. "DOG" - means any member of the species *Canis Familiaris*.

1.5. "DOG OFF LEASH RECREATION AREA" – means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow their dog to run at large and is not required to leash such dog.

1.6. "DOMESTIC CAT" - shall mean a feline which would customarily share human habitat, and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered wild.

1.7. "DOMESTIC FOWL" – means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not be limited to hens, chickens, ducks, geese, turkeys but shall not include pigeons, songbirds or vertebrates commonly kept as domestic pets such as parrots, budgies, cockatiels etc.

1.8. "GRANDFATHERED" – means the lawful keeping of any animal, currently prohibited under the provisions of this Bylaw, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.

1.9. "HERDING DOG" – means a dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock.

1.10. "IMPOUND" – means to confiscate, confine, hold or take possession.

1.11. "KENNEL" – means a place or confine where pure breed dogs are bred and/or raised and registered in the register for the Canadian Kennel Club but may include the boarding or temporary housing of domestic animals.

1.12. "LIVESTOCK GUARDIAN DOG" (LGD) – means a dog that works with domestic farm animals for protection from predators and is used exclusively for that purpose.

1.13. "MUNICIPALITY" – means The Corporation of the Municipality of Powassan.

1.14. "MUNICIPAL LAW ENFORCEMENT OFFICER" – means a person appointed under the authority of the Police Services Act for the purpose of enforcing bylaws.

1.15. "OWNER" – means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal.

1.16. "PHYSICALLY DISABLED PERSON" – means a person with any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or

visual impediment, or physical reliance on a dog guide or other animal or in a wheelchair or other remedial appliance or device including but not limited to crutches or braces.

1.17. "POLICE WORK DOG" – means a dog trained to aid law enforcement officers and is being used for police work purposes.

1.18. "POUND" – means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this Bylaw.

1.19. "POUNDKEEPER" – means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound.

1.20. "PROOF" – means documentation signed by a qualified veterinarian attesting to the age and breed of the animal together with vaccination history, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, all documentation submitted shall be to the satisfaction of the Municipality.

1.21. "PUREBRED DOG" – means a breed of dog officially recognized by the Canadian Kennel Club or other competent authority.

1.22. "REGISTER / REGISTRATION" – means to register your dog or cat pursuant to the requirements in this Bylaw.

1.23. "REGISTRATION FEE" – means a fee charged by the Municipality for a dog or cat tag where such dog or cat has not previously been registered by the current owner in the Municipality of Powassan.

1.24. "RESIDENTIAL DWELLING UNIT" – means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

1.25. "RUNNING AT LARGE" – means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash.

1.26. "SECURE FENCING" – means a fencing of adequate height, size, gauge, and maintained in order to prevent the intended animal from exiting the property, either from jumping over, digging under, or any other means. Gates must be equipped with self-closing and self-latching devices, and locks should be located outside or inside the gate at the owner's discretion.

1.27. "SERVICE DOG" – means a dog that has been certified by a nationally recognized organization or association in aiding a person by means of, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

1.28. "SOCIETY" – means the Ontario Society for the Prevention of Cruelty to Animals

1.29. "UNINTERRUPTED" – means that the animal has not been sold, has not expired, has not been given away, has not been away from the applicant owner within the limits of

the Municipality, or has not resided together with the applicant owner or otherwise outside the limits of the Municipality for a period of time exceeding 60 days.

1.30. “VISUALLY IMPAIRED” - means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in their better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

2. DOG TAG REGISTRATION

2.1. Every owner of a dog over the age of six (6) months shall make application to register the dog with the Municipality, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog.

2.2. Every owner of a dog shall pay to the Municipality a registration fee in accordance with the fees established and set out in the Municipality’s Fees Bylaw.

2.3. Every owner of a dog shall, upon application to register a dog, or as otherwise required by the Municipality, produce proof that the dog has current inoculation with a rabies vaccine at the time of application for such dog tag or certify at the time of application that the dog has current inoculation with a rabies vaccine.

2.4. The Municipality shall not issue a dog tag until the applicable registration fee has been paid in full and proof or owners’ certification of inoculation with a rabies vaccine has been provided to the satisfaction of the Municipality.

2.5. Where proof or owner’s certification of inoculation has been provided, the registration fee has been paid and necessary application information has been received for the registration of such dog, the Municipality shall issue for each dog, a serially numbered tag and shall cause such information, as provided, to be recorded.

2.6. Every owner shall affix to their dog a valid tag issued by the Municipality in accordance with this Bylaw and shall keep such tag affixed on the dog at all times when the dog is not on the owner’s property.

2.7. No tag or registration shall be transferable, and the tag shall become void upon the sale, death or other means of disposal of the dog so registered, including but not limited to relocating the dog’s home outside the geographical boundaries of the Municipality.

2.8. Every tag issued by the Municipality shall be renewed annually before the first day of January.

3. REPLACEMENT DOG TAG

3.1. Every owner of a dog, having lost the dog’s registration tag shall immediately make application to the Municipality and pay to the Municipality a replacement fee in accordance with the fees established and set out in the Municipality’s Fees Bylaw for the replacement of such tag, and shall, upon request, provide any information as may be required by the Municipality.

4. NUMBER OF DOGS

4.1. No owner shall have more than three (3) dogs in any residential dwelling unit, or any structure used for commercial, industrial or institutional purposes within the Municipality.

Section 4 (1) does not apply to:

- a) the operation of a kennel licensed under the provisions of this Bylaw and operated for the purposes of breeding or boarding animals;
- b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
- c) a pet store licensed in accordance with the provisions of municipal bylaws;
- d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals or local Humane Society;
- e) dogs under the age of six (6) months; or
- f) A bona fide farmer to a maximum of six (6) Herding Dogs and/or Livestock Guardian Dogs on an operating farm property.

5. CONTROL OF DOGS

5.1. No owner of a dog shall allow their dog to run at large.

5.2. Notwithstanding Article subsection 5.1, no owner of any dog shall allow their dog to run at large in a Dog Off Leash Recreational Area as defined in this Bylaw, unless:

- a) a Municipality of Powassan dog tag is affixed to the dog, and,
- b) a current rabies vaccination tag is affixed to the dog.

5.3. No owner of a dog shall allow their dog to trespass on private property even when on a leash.

5.4. No person shall allow a leash to extend beyond a length of six (6) feet and such leash must be held or restrained by a competent person who can reasonably control the dog.

5.5. No owner shall leave a dog unattended within any permitted public park area.

5.6. A dog shall not be considered running at large if it is:

- a) a police dog as defined in this Bylaw
- b) is a Herding or Livestock Guardian Dog actively engaged in the performance of their trained duty; or,
- c) for training under the full control of its owner or designate and does not pose a threat to public safety.

5.7. Any dog found running at large pursuant to the provisions of this Bylaw may be impounded by any Municipal Law Enforcement Officer or other duly appointed officer and delivered to the Pound.

5.8. Any person may capture any dog running at large on their property and deliver the same to a Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said dog.

5.9. A Municipal Law Enforcement Officer or other duly appointed officer may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this Bylaw.

5.10. Every owner of a dog shall immediately remove any excrement left by such dog on public or private lands not being the property of the dog owner, within the Municipality, and shall dispose of such excrement in a sanitary manner.

5.11. Notwithstanding Section 5.10., proof that the owner is either a visually impaired person or a physically disabled person shall constitute a defense to the prosecution of such an offence.

6. CONTROL OF AGGRESSIVE DOGS

6.1. Where a dog has been declared an aggressive dog by the Municipal Law Enforcement Officer or a Court of a competent jurisdiction the owner of the dog shall restrain the dog at all times.

6.2. Where a dog has been declared aggressive as per Section 6.1, and that dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a) the dog is secured so as to meet its environmental needs and in such a manner with secured fencing, as to prevent the dog from leaving the owners property; and,
- b) such fencing prevents the dog from having contact with any person who has not consented to being in contact with the dog.

6.3. Where a dog has been declared aggressive as per Section 6.1 and that dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a) the dog is leashed and muzzled in accordance with the provisions of this Bylaw; and,
- b) the dog is under the control of the owner at all times so as to prevent the dog from having any contact with any person who has not consented to being in contact with the dog.

7. DOG BITES OR ATTACKS

7.1. Where a dog has bitten or attacked any person or domestic animal or is alleged to have bitten or attacked any person or domestic animal, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.

7.2. Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Municipality against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 and any amendments thereto.

8. UNSANITARY CONDITIONS PROHIBITED

No Person shall keep an Animal in an unsanitary condition within the Town. Conditions shall be considered unsanitary where the keeping of the Animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the Animal or any Person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any Person in or about any dwelling, office, hospital or commercial establishment.

9. SEIZING AND IMPOUNDING

9.1. A Pound shall be established which complies with the Animals for Research Act, R.S.O. 1990, c. A.22, the Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36, 59/09, 60/09 as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Pound keeper, whose duty it shall be to impound all dogs found running at large contrary to this Bylaw which have not been returned to their owner and brought to them and to dispose of the same in accordance with the Animals for Research Act. The Pound keeper shall keep a record and report as required to the Municipal Clerk of all dogs impounded, how they were disposed, the amount collected for impound fees, and the proceeds of sales.

9.2. It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise detain all dogs running at large pursuant to this Bylaw and,

- a) impound the dog and then return the dog to the owner, if known; or,
- b) impound the dog, subject to the right of the owner to redeem the dog.

9.3. The owner or agent of the owner may:

- a) redeem the dog upon payment of any registration fee and/or other applicable fees; or,
- b) redeem the dog from the pound within five (5) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay all applicable registration fees, impound fees, animal control service fees and maintenance fees as established and set out in the Municipality's Fees Bylaw and all other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.

9.4. If the dog is not redeemed from the pound within the time set out in Section 8.3, the dog shall become the property of the pound keeper who may sell the dog or dispose of it as the pound keeper deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.

9.5. It shall be the duty of the Pound keeper to care for all animals after they have been impounded pursuant to the Animals for Research Act, R.S.O 1990, c. A.22 or any other applicable Act, as may be amended.

9.6. All impound fees and maintenance fees shall be retained by the Pound keeper or as prescribed under contract.

9.7. All registration fees and animal control services fees collected on behalf of the Municipality by any authorized agent shall be remitted to the Municipality monthly, along with any monthly reports.

9.8. Any unpaid fees or charges, included interest on the unpaid balance will be added to the dog owner's property tax roll as per the User Fees Bylaw.

10. DOGS RUNNING AT LARGE - INJURED

10.1. Where an injured dog is detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal Law Enforcement Officer or other duly appointed officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise detaining the dog as they think fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.

If the injured dog is not claimed by the owner or their agent, the dog will be placed in an animal rescue or fostering facility.

11. KENNELS

11.1. All new kennels subsequent to the passage of this Bylaw must comply with the regulations outlined in this Schedule prior to getting a license. Existing, non-conforming licensed kennels are 'grandfathered'.

11.2. Any new applicant for a kennel license, not previously issued, must first obtain confirmation that the property location of such kennel complies with the requirements of the Municipality's Zoning Bylaw. Kennels are only a permitted use in rural zones within the municipality. Notice of the application shall be given to all assessed owners of property lying within a 2.2 km radius of the applicant's proposed kennel location. Property owners within this defined area shall be given the opportunity to comment on the granting of a kennel license. The granting of the license will be determined by Council, in conjunction with the Municipal Law Enforcement Officer or other duly appointed officer. All kennels shall also be governed by the Code of Practice for Canadian Kennel Operators.

11.3. No kennel shall operate within the Municipality without a Municipal Kennel License and all dogs in a kennel must have some form of id (i.e. microchip, tattoo or a license/tag) and proof of their rabies vaccination.

11.4. Only one Registered Commercial Kennel license will be issued per location.

11.5. Where an existing Kennel ceases to exist for a period of one (1) year, or the owner fails to pay the licensing fee as per Schedule "A" of this Bylaw, the use will be deemed to have been discontinued. Refunds for partial year operations will not be issued.

11.6. If the ownership of the property of an existing Kennel changes, the new owner must apply for a new Kennel licence. If the property was non-conforming and 'grandfathered in' the new applicant must follow proper procedure to meet the Municipality's Zoning Bylaw which may include an application for a Zoning Amendment.

11.7. Every person operating a Kennel which has been approved by the Municipal Law Enforcement Officer or other duly appointed officer for the Municipality of Powassan, shall annually and not later than April 1st in each year apply to obtain a license from the municipality to operate a Kennel and shall pay the license application fee set out in Schedule "A" to this Bylaw. An inspection by the Municipal Law Enforcement Officer and/or designate shall be made as required, but at a minimum of every year. Upon a successful inspection being done, a kennel license will be issued and tags issued for each dog who is not micro chipped or tattooed.

11.8. No new Kennels shall be permitted to operate or be licensed within the Municipality of Powassan unless they are situated in a Rural (RU) Zone on a lot of five (5) acres or greater and conform to all the regulations outlined in this Bylaw and any other applicable building or zoning bylaws of the Municipality.

11.9. A Kennel shall be constructed in such a manner that:

- a) the building shall conform to the Ontario Building Code Act that was in place at the time of construction, and be maintained in such a manner as to be free from damage;
- b) the building shall be separated and enclosed and shall not be attached to a dwelling unit or any other building which is or can be used for human habitation;
- c) the building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned daily, or more often if necessary;
- d) the building shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odors;
- e) outside runs and inside pens must be provided for each canine housed;
- f) outdoor facilities must include a securely fenced area of sufficient size for the breed(s) and number of dogs on the premises to run in and must include areas of shade and shelter;
- g) Secure Fencing shall be of a design that will reasonably deter children from climbing it to gain access to the fenced in area and that will secure the enclosed dog from digging or jumping its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate(s) which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and located at the top of the gate(s). Locks shall be located outside or inside of the gate(s) at the owner's discretion;
- h) feces/waste may be disposed of either on-site, in a manner that does not attract vermin or flies, which may be a contributing factor to illness with dogs, or alternatively at the Municipal Landfill. Disposal at the Landfill must follow Waste Management Bylaw 2023-17;
- i) the building shall have windows that may be opened for proper ventilation OR have a mechanical ventilation device in working order which changes the air at least two (2) times each hour;
- j) in-house kennels must have sufficient indoor and outdoor facilities to ensure that the dogs can be provided with appropriate exercise and socialization;

11.10 All canines shall be:

- a) maintained in secure, sanitary, well-bedded, well-ventilated, naturally clean quarters which are maintained and kept at a healthful temperature at all times;
- b) kept in appropriate, adequately sized pens/cages, when crated for periods of time or overnight, that allow the animal to extend its legs to their full extent, to stand or sit, to turn around or lie down in a fully extended position; and, constructed solely of metal, wire, wood, and concrete blocks with impermeable concrete floors; and,

c) adequately fed and watered periodically each day and kept in a clean and healthy condition free from vermin and disease;

d) alleyways and service aisles between pens and cages must be wide enough to permit safe and efficient movement of people, animals, and equipment;

e) the base of any outside pen shall be covered with a minimum three (3) to (4) inches of suitable stone or constructed of impermeable concrete. The perimeter and dividing individual runs of such an area shall be constructed with a galvanized chain link or welded mesh fence having a minimum height of six (6) feet and shall be deemed part of the building. All fences must comply with the regulations set out in Section 1.24 of this Bylaw. Outside runs will be no less than four (4) feet in width and no less than ten (10) feet in length and shall be fenced.

11.11. For safety purposes, an evacuation plan should be posted on site, and in all in-house kennels. All kennels should be able to be evacuated quickly in an emergency. The number of dogs kept should be limited to that which can easily and safely be transported for any emergency evacuation by the people on site.

11.12. The Municipality of Powassan may suspend or revoke a kennel license issued to any individual/licensee who:

a) has past breaches of this Bylaw, or

b) has failed to comply with the requirements of:

(i) this Bylaw or other applicable bylaws of the Municipality of Powassan; or,

(ii) any other Municipal Corporation or of any statute, order-in-Council or Regulation of the Legislature of the Province of Ontario; or,

(iii) the Parliament of Canada or any Agency, Board or Commission thereof, in, upon or in connection with the operation of a Kennel or in relation to which such license was issued; or,

(iv) has any outstanding fines imposed under the Provincial Offences Act R.S.O. 1990 Chapter P.33, as amended, for the contravention of any provision of this Bylaw or any other Municipal bylaw or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with the Kennel.

12. ANIMAL CONTROL SERVICE FEES

12.1. Where a Municipal Law Enforcement Officer or other duly appointed officer impounds or otherwise detains a dog found running at large, contrary to the provisions of this Bylaw, and the owner of such dog is known, the Municipal Law Enforcement Officer or other duly appointed officer may return the dog to the owner.

12.2. Where the dog is returned to the owner, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Animal Control Services Fee to the owner of the dog and the owner of the dog shall pay such fee as established and set out in the

Municipality's User Fees Bylaw. Such fee shall be paid to the Municipality within seven (7) days of the return of the dog to the owner.

12.3 Unpaid Fees and Charges, including any interest on the unpaid balance will be added to the tax roll of the owner as per the User Fees Bylaw.

13. RABIES

13.1. Where any animal is suspected of rabies, the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and any amendments shall apply.

13.2. Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.

13.3. Where an animal other than a dog, is, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

14. CAT REGISTRATION

14.1. An owner of a cat over the age of six (6) months may make application to register the cat with the Municipality or its agent. An owner of a cat choosing to make application shall provide particulars pertaining to the cat and its owner in order to facilitate the registration of such cat.

14.2. The owner of a cat choosing to make application to register a cat shall pay to the Municipality a registration fee in accordance with the fees established and set out in the Municipality's User Fees Bylaw.

14.3. An owner of a cat shall, upon choosing to make application for a cat tag, or as otherwise required by the Municipality, produce proof that the cat has current inoculation

with a rabies vaccine at the time of application for such cat tag or certify at the time of application that the cat has current inoculation with a rabies vaccine.

14.4. The Municipality shall not issue a cat tag until the applicable fees have been paid in full and proof or owners' certification of inoculation with a rabies vaccine has been provided to the satisfaction of the Municipality.

14.5. Where proof or owner's certification of inoculation with a rabies vaccine has been provided, all applicable fees have been paid, and the necessary application information has been received for the registration of such cat, the Municipality shall issue for each cat, a serially numbered tag and shall cause such information, as provided, to be recorded.

14.6. Every owner of a cat, who has obtained a tag from the Municipality, should affix such tag to their cat and should keep such tag affixed on their cat at all times when the cat is not on the owner's property.

14.7. No tag or registration shall be transferable, and the tag shall become void upon the sale, death or other means of disposal of the cat so registered including but not limited to relocating the cat's home outside of the geographical boundaries of the Municipality.

15. REPLACEMENT CAT TAG

15.1. Every owner of a cat who has chosen to obtain a cat tag and having lost the cat tag can make application to the Municipality and pay to the Municipality a replacement fee in accordance with the fees established and set out in the Municipality's User Fees Bylaw for the replacement of such tag, and shall, upon request, provide any information as may be required by the Municipality.

16. NUMBER OF DOMESTIC CATS

16.1. No person shall have more than six (6) cats in any residential dwelling unit within the Municipality.

16.2. Section 16.1. does not apply to:

- (a) a premises licensed under the provisions of municipal bylaw and operated for the purpose of breeding or boarding;
- (b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
- (c) a pet store licensed in accordance with the provisions of municipal bylaws;
- (d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals or local Humane Society; or,
- (e) cats under the age of six (6) months.

17. CONTROL OF CATS

17.1. No owner of a cat shall allow their cat to run at large.

17.2. No owner of a cat shall allow their cat to trespass on private property even when on a leash.

17.3. No owner of a cat shall allow a leash to extend beyond a length of six (6) feet and such leash must be held or restrained by a competent person who can reasonably control the cat.

17.4. Any person may capture any cat running at large on their property and may contain such cat for delivery to the Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said cat.

17.5. For the purpose of this section “contain” shall include but not be limited to the cat being held within a container such as a cat carrier or a small room in the home not occupied by obstructions so as to prevent the Municipal Law Enforcement Officer or duly appointed officer from retrieving the cat.

17.6 Every person capturing a cat running at large on their property shall, following the capture of the cat for delivery to the Municipal Law Enforcement Officer or other duly appointed officer, ensure that the cat is provided with the necessities of life including but not limited to food, water and shelter until such time as the animal is received by the Municipal Law Enforcement Officer or other duly appointed officer.

18. SEIZING AND IMPOUNDING OF CATS

18.1. A Pound shall be established which complies with the Animals for Research Act, the Ontario S.P.C.A. Act as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Pound keeper, whose duty it shall be to impound all cats delivered found to be running at large contrary to this bylaw which are brought to him and which have not been returned to their owner, to dispose of the cats in accordance with the Animals for Research Act. The Pound keeper shall also keep a record and make return as required to the Municipal Clerk of all cats impounded and how disposed of the amount collected for impound fees and the proceeds of sales.

18.2. It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise dispose of all cats found running at large pursuant to Section 18.1. by:

- (a) impound the cat and then return the cat to the owner, if known; or,
- (b) impounding the cat, subject to the right of the owner to redeem the cat.

18.3. The owner may:

- (a) redeem the cat and upon return of the cat to the owner, make payment of any applicable fees; or,

(b) redeem the cat from the pound within five (5) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a cat from the pound shall pay all applicable impound fees and maintenance fees as established and set out in the Municipality's User Fees Bylaw and all other fees associated with the impounding of the cat, prior to the release of such cat.

18.4. If the cat is not redeemed from the pound within the time set out in Section 17.3., the cat shall become the property of the Pound keeper who may sell the cat or dispose of it as they deem fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the cat.

18.5. Any unpaid fees or charges, included interest on the unpaid balance will be added to the cat owner's property tax roll as per User Fees Bylaw.

19. EXOTIC ANIMALS

19.1. No person shall own, harbour, possess, keep, sell, or offer for sale any animal listed below as a pet or for any other purpose or for any period of time:

- (a) all non-human primates (such as gorillas and monkeys);
- (b) all felids, except the domestic cat;
- (c) all canids, except the domestic dog;
- (d) all mustelids (including but not limited to skunks, weasels, otters, badgers, etc. but not including the domestic ferret);
- (e) all procyonidae (including but not limited to raccoons);
- (f) all marsupials (including but not limited to kangaroos and opossums);
- (g) all bats;
- (h) all ursids (bear);
- (i) all hyaenas;
- (j) all snapping turtles;
- (k) all elephants;
- (l) all snakes of the families pythonidae and boidae;
- (m) all poisonous or venomous snakes;
- (n) all poisonous or venomous arachnids (including but not limited to spiders);
- (o) all poisonous or venomous lizards;
- (p) all crocodilians (including but not limited to alligators and crocodiles);or,
- (1) any endangered species as defined by the Canadian Wildlife Service. 17.2.0.0.0

19.2. Notwithstanding subsection 19.1., the prohibition shall not apply to:

- (a) circuses;
- (b) premises operated by the Ontario S.P.C.A. or local Humane Society;
- (c) a veterinary hospital under the control of a licensed veterinarian;
- (d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- (e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all bylaws of the municipality; or,
- (f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended.

20. ANIMALS - OTHER

20.1. No person shall keep any fox(es) within the limits of the Municipality, except in a licensed zoological park or menagerie.

20.2. No person shall keep any mink within the limits of the Municipality, except in a licensed zoological park or menagerie.

20.3. Domestic animals, not including dogs, cats, and domestic fowl as defined by this Bylaw, must be contained, when not kept indoors, within the owner's property by means of Secure Fencing or other reasonable method including but not limited to pens and flight cages so as to not disturb or hinder any neighbouring properties from the enjoyment of such property.

21. EXEMPTIONS

21.1. The Municipal Law Enforcement Officer or the Clerk of The Corporation of the Municipality of Powassan may grant an exemption to any person from any provision of this Bylaw and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this Bylaw.

22. ENFORCEMENT

22.1. A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this Bylaw.

22.2. No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this Bylaw.

22.3. If a Municipal Law Enforcement Officer is satisfied that this Bylaw has been contravened, the Officer may make an order known as an Order to Discontinue Activity, requiring the person who contravened the Bylaw, or who caused or permitted the contravention, to discontinue the contravention. An Order to Discontinue Activity shall set out:

- (a) the address of the property on which the contravention occurred;
- (b) the date of the contravention;
- (c) the reasonable particulars of the contravention of the Bylaw; and,
- (d) the date by which there must be compliance with the order.

22.4. The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.

22.5. Pursuant to section 436 of the Municipal Act, 2001, an Officer may enter onto Land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) this Bylaw is being complied with;
- (b) a direction or order of the Municipality made pursuant to the Municipal Act, 2001 or any successor thereof or made pursuant to a bylaw of the Municipality is being complied with; or
- (c) an order made pursuant to Section 431 of the Municipal Act, 2001 which prohibits the continuation of repetition of an offence is being complied with.

23. SEVERABILITY

23.1. Should any section of this Bylaw be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out.

24. PENALTIES

24.1. Every person who contravenes any provision of this Bylaw is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

24.2. When a person has been convicted of an offence under this Bylaw:

(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.

25. REPEAL

That Bylaw 2020-14 regarding dogs be repealed.

That Bylaw 2013-27 regarding large animals be repealed.

That Bylaw 2006-34 regarding cats be repealed.

26. FORCE AND EFFECT

THAT this Bylaw shall come into force and take effect immediately upon passing.

READ a **FIRST** and **SECOND** time on the 20th day of May 2025 and to be **READ** a **THIRD** and **FINAL** time and considered passed as such in open Council on the 3rd day of June 2025.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN



MAYOR



CLERK

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

SCHEDULE "A"

Animal Control Fees

| | |
|---------------------------------------|----------|
| Spayed/Neutered, First Dog: | \$ 16.00 |
| Spayed/Neutered, Each Additional Dog: | \$ 21.00 |
| Unaltered, First Dog: | \$ 26.00 |
| Unaltered, Each Additional Dog: | \$ 37.00 |
| Spayed/Neutered, First Cat: | \$16.00 |
| Spayed/Neutered, Each Additional Cat: | \$21.00 |
| Unaltered, First Cat: | \$26.00 |
| Unaltered, Each Additional Cat: | \$37.00 |
| Kennel Licence (fewer than 10 dogs): | \$160.00 |
| Kennel Licence (11 or more dogs): | \$260.00 |
| Replacement of lost tag: | \$ 5.00 |
| Bail – First Offence: | \$ 30.00 |
| Second Offence: | \$ 50.00 |
| Third and Subsequent Offences: | \$ 75.00 |
| Impound Fees (per day): | \$ 25.00 |

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

SCHEDULE "B"

Provincial Offences Fines

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining the Offence | COLUMN 3 Set Fine |
|------|--|--|----------------------|
| 1 | Owner fails to purchase required dog licence | 2.1 | \$100 |
| 2 | Owner possess more than three dogs per household | 4.1 | \$100 |
| 4 | Owner permit dog to be at large | 5.1 | \$100 |
| 5 | Owner permit dog to trespass on private or public property | 5.3 | \$100 |
| 6 | Owner fails to leash dog on public property/roadway | 5.4 | \$100 |
| 7 | Owner fails to pick up excrement forthwith | 5.10 | \$100 |
| 8 | Owner of a restricted dog fail to confine dog/prevent escape of restricted dog | 6.2(a)(b) | \$300 |
| 9 | Owner permit dog to attack person /domestic animal | 7.1 | \$500 |
| 10 | Owner fails to keep dog in sanitary conditions | 8.0 | \$500 |
| 12 | Owner possess more than six cats per household | 16.1 | \$100 |
| 13 | Owner permit cat to be at large | 17.1 | \$100 |
| 14 | Owner permit cat to trespass on private or public property | 17.2 | \$100 |
| 15 | Own/harbour/possess/keep/sell/offer for sale any animal listed | 19.1 | \$500 |
| 16 | Keep fox(es) within the limits of the Municipality | 20.1 | \$100 |
| 17 | Keep mink(s) within the limits of the Municipality | 20.2 | \$100 |
| 18 | Owner fails to secure any domestic animals, not including dogs, cats, domestic fowl | 20.3 | \$100 |
| 19 | Interfere/Obstruct Municipal Law Enforcement Officer/Provincial Offences Officer/Police Officer or other appointed agent | 22.2 | \$500 |
| 20 | Owner fail to comply with an order issued | 22.3 | \$500 |