

By-law 59-2024

THE CORPORATION OF THE MUNICIPALITY OF WEST PERTH

Being a By-law to control, license, register and regulate Dogs and Kennels within the Municipality of West Perth, and to regulate the Disposal of Domestic Pets

Whereas s.8 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereinafter called "the Act") authorizes a municipality to provide for a system of Licenses with respect to Dogs and Dog kennels; and

Whereas s.9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and

Whereas s.11(2) paragraph 6 and 8 and s.11(3) of the Act authorizes a municipality to pass a by-law respecting Dogs and the health, safety and well-being of persons and the protection of persons and property; and

Whereas s.23.1 of the Act authorizes a municipality to delegate its powers and duties; and

Whereas s.103(1) of the Act provides that a municipality may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animal being at large or trespassing contrary to the by-law; and

Whereas s.105 of the Act provides that a municipality may require a Dog to be muzzled and Council may exempt a Dog from a muzzle order; and

Whereas s.391 of the Act authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas s.425 of the Act, authorizes a municipality to pass By-laws providing that a person who contravenes a By-law of the municipality is guilty of an offence; and

Whereas s.436 of the Act, provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with the By-law, direction, order or condition of a License; and

Whereas S.444 of the Act, authorizes the municipality to make orders if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

Whereas S.445 of the Act, provides that if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the By-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

Whereas S.446 of the Act, authorizes the municipality through a By-law to require, in default of required matter or thing being done, that the work may be done by the municipality at the expense of the person required to do it and the cost may be added to the tax rolls and collected in the same manner as taxes; and

Whereas s.12 of the Dog Owners' Liability Act, R.S.O. 1990, c. d.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purpose of enforcing the Act;

Now therefore be it resolved that the Council of the Corporation of the Municipality of West Perth enacts as follows:

PART I – TITLE, INTERPRETATION & SEVERABILITY

1. This By-law may be cited as the “Animal Control By-law”.
2. This By-law shall apply throughout the whole of the Municipality of West Perth, hereinafter called “the Municipality”.
3. This By-law does not apply to any livestock or other domestic pet in agricultural fairs, shows or exhibits.
4. The purpose of this By-law is to protect and promote the health, safety, comfort, convenience and general welfare of the public and of Dogs within the Municipality of West Perth.
5. Where there is a conflict between a provision of this By-law and a provision in any other By-law of the Municipality, it shall be at the discretion of the Officer to determine which By-law shall apply. Any provincial or federal legislation or regulation that imposes a higher standard shall supersede this By-law.
6. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

PART II – DEFINITIONS

7. Definitions

- 7.1 **Animal Clinic** shall mean a building where Dogs are diagnosed and treated for illness by a registered veterinarian, and where such Dogs can be temporarily Housed within the clinic, and includes accessory services such as grooming, but does not include a commercial Kennel as defined in the Municipality’s Zoning By-law as may be amended from time to time;
- 7.2 **Boarding** shall mean the taking in of domestic Dogs for capital gain;
- 7.3 **Boarding Kennel** shall mean any Kennel, or part thereof, used for the Boarding (for hire), grooming, showing, training or temporary housing of more than one (1) Dog;
- 7.4 **Breeding** shall mean the generating of canine offspring;
- 7.5 **Breeding Kennel** shall mean any Kennel, or part thereof:
 - a. Where more than two (2) Dogs are Kept for the purposes of Breeding, Housing or selling;
 - b. Where Dogs are Kept for Breeding, Housing or selling purposes;
 - c. Where the Owner of the Kennel may or may not own the Dogs which will be bred, housed or sold from the facility.
- 7.6 **Clerk** shall mean the Clerk for the Municipality, or any person designated by the Clerk;
- 7.7 **Council** shall mean the Council of The Corporation of the Municipality of West Perth;
- 7.8 **Dog** shall mean any member of the species canis familiaris or hybrid thereof and shall include a male or female, spayed, neutered or intact Dog (of any age or breed);
- 7.9 **Dangerous Dog** shall mean:
 - a. A Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a Person, anywhere within the Municipality, or has demonstrated a propensity, tendency or disposition to do so;
 - b. A Dog that, in the absent of any Mitigating Factor, has injured an animal,

anywhere within the Municipality; or

- c. 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.

- 7.10 **Domestic Pet** shall mean an animal which is normally kept inside a dwelling. Domestic pets include, Dogs, cats, birds, and similar-sized animals, but does not include livestock;
- 7.11 **Dwelling Unit** shall mean one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodation are provided for the exclusive use of such person or persons.
- 7.12 **Good Standing** shall mean a Kennel that complies with all requirements of this By-law and all other Municipal By-laws, has up to date License, and has resolved any outstanding verified complaints at the time of License application;
- 7.13 **Harbour or Harboring** shall include Keeping or possessing for any period of time, whether temporary or not;
- 7.14 **Herding Dog** shall mean a Dog that has been trained and is actively being used in a bonafide farming operation for the purpose of controlling livestock on the farm.
- 7.15 **Hunting/Sporting/Sled Dog Kennel** shall mean any Kennel where Dogs are Kept solely to hunt or routinely enter Dog sled or other sporting events.
- 7.16 **Keep or Kept** shall include Harboring or possessing for any period of time, whether temporary or not;
- 7.17 **Kennel** shall mean any building, structure, Dog run or facility or part thereof where more than four (4) Dogs are housed, groomed, Bred, Boarded, trained or sold, and includes a BOARDING KENNEL, BREEDING KENNEL, HUNTING/SPORTING/SLED DOG KENNEL, and RETIRING KENNEL, but does not include an Animal Clinic;
- 7.18 **Leash** shall mean a rope, chain, cord, leather strip or other physical tether which is used to restrain a Dog. The maximum Leash length shall be 2.4m (8 feet).
- 7.19 **License** shall mean a License issued by the Municipality permitting an Owner to operate a Kennel;
- 7.20 **Licensee** shall mean a Person issued a Kennel License pursuant to this By-law;
- 7.21 **Livestock** shall mean the same as defined in the West Perth Zoning By-law;
- 7.22 **Livestock Guardian Dog** shall mean a Dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose;
- 7.23 **Mitigating Factor** shall mean a circumstance which excuses aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
 - a. the Dog was, at the time of the aggressive behaviour, acting in defence to an attack by a Person or Animal;
 - b. the Dog was, at the time of the aggressive behaviour, acting in defence of its young;
 - c. the Dog was, at the time of the aggressive behaviour, acting in defence of a person or animal trespassing on the Property of its Owner; or
 - d. the Dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

- 7.24 **Municipal Law Enforcement Officer** (or “MLEO”) shall mean a person appointed by the Municipality to enforce the By-laws;
- 7.25 **Municipality** shall mean the Corporation of the Municipality of West Perth;
- 7.26 **Muzzle** shall mean a humane fastening or covering device of adequate strength, placed over the mouth of a Dog to prevent it from biting;
- 7.27 **Off-Leash Area** shall mean an area of land designated in this By-law for which signs are posted, indicating that Dogs are permitted to run at large;
- 7.28 **Offence** shall mean an offence under an Act of the Legislature under a regulation or By-law made under the authority of an Act of the Legislature.
- 7.29 **Officer** shall mean a Municipal Law Enforcement Officer, Animal Welfare Inspectors appointed under the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13, police officer, or other Person appointed by the Municipality to enforce the provisions of this By-law;
- 7.30 **Owners** shall mean the Person who owns, Keeps, possesses, Harbours or acts as a guardian of a Dog for any length of time, whether or not that Person has a Tag for the Dog, or the Owner of a Kennel. Where the Owner is a minor, the Person responsible for the custody of the minor shall be deemed to be the Owner;
- 7.31 **Park** shall mean a large green area, playground, pavilion, playing field, ball diamond, sports field, trail, the lands surrounding a recreation centre, community building, recreation complex, municipal administration site, including outdoor theatre space, square, plaza, garden, water, pedestrian walkway or any other area owned, leased or used by the Municipality and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;
- 7.32 **Person** shall include an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;
- 7.33 **Pet Shop** shall mean a shop or place where animals for use as pets are sold for retail or kept for sale, as defined in the Municipality’s Zoning By-law;
- 7.34 **Police Work Dog** shall mean a Dog trained, or training, for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;
- 7.35 **Potentially Dangerous Dog** shall mean a Dog that, in the absence of any Mitigating Factor, chases or approaches any Person or animal, anywhere in the Municipality, in a menacing fashion or apparent attitude of attack, including but not limited to behaviour such as growling or snarling;
- 7.36 **Pound** shall mean any premise or facility, or part thereof used by the Municipality for the temporary housing or boarding of Dogs that have been held under the provisions of this By-law;
- 7.37 **Pound Keeper** shall mean any Person or organization retained by the Municipality to provide Pound services;
- 7.38 **Property** shall mean a parcel of land which is capable of being legally conveyed;
- 7.39 **Purebred** shall mean a Dog registered or eligible for registration with an Association incorporated under the Animal Pedigree Act (R.S.C., 1985, c. 8 (4th Supp.));
- 7.40 **Registration or Registered** shall mean a record of ownership and of the Keeping of a Dog pursuant to this By-law;

- 7.41 **Retiring Kennel** shall mean a former Licensed Breeding Kennel that meets the criteria in Sections 18.3 of this By-law
- 7.42 **Rural Zone** shall mean lands that are located outside of an Urban Area and located within the “Agricultural Zone (A)”, “Agricultural Commercial/Industrial Zone (ACM)”, “Mineral Aggregate Resources Zone (MAR)”, “Institutional Zone (I)”, or “Park and Recreation Zone (PR)” or combination thereof, as defined in the Municipal Zoning By-law, as amended;
- 7.43 **Schedule of Fees** shall mean the Municipality’s User Fees and Charges By-Law, as amended from time to time;
- 7.44 **Service Animal** as defined in Section 1(2) of the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13, as amended, means when the animal is required by a Person with a disability for assistance; and
- a. the Person has documentation from one of the following regulated health professionals confirming that the Person requires the animal for reasons relating to their disability:
 - i. A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
 - ii. A member of the College of Chiropractors of Ontario.
 - iii. A member of the College of Nurses of Ontario.
 - iv. A member of the College of Occupational Therapists of Ontario.
 - v. A member of the College of Optometrists of Ontario.
 - vi. A member of the College of Physicians and Surgeons of Ontario.
 - vii. A member of the College of Physiotherapists of Ontario.
 - viii. A member of the College of Psychologists of Ontario.
 - ix. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.
- 7.45 **Set Fine** shall mean the amount of fine set by the Chief Justice of the Ontario Court of Justice for an offence for the purpose of proceedings commenced under Part I or Part II of the Provincial Offences Act, 1990, as amended.
- 7.46 **Tag** shall mean a Tag issued by the Municipality permitting the Keeping or Harboring of a Dog within the Municipality;
- 7.47 **Treasurer** shall mean the Treasurer of the Municipality, or any person designated by the Treasurer;
- 7.48 **Urban Zone** shall mean lands that are located within an Urban Area and located within the “Hamlet/Village Residential Zone (HVR)”, “Mitchell Residential Low Density Zone One (R1)”, “Mitchell Residential Low Density Zone Two (R2)”, “Mitchell Residential Medium Density Zone Three (R3)”, “Mitchell Residential High Density Zone Four (R4)”, “Mobile Home/Modular Home Zone (MH)”, “Core Area Commercial Zone (C1)”, “Hamlet/Village Commercial Zone (C2)”, “Highway Commercial Zone (C3)”, “Secondary Commercial Zone (C4)”, “Light Industrial Zone One (M1)”, “General Industrial Zone Two (M2)”, “Mineral Aggregate Resources Zone (MAR)”, “Institutional Zone (I)”, “Future Development Zone (FD)”, or “Park and Recreation Zone (PR)” or combination thereof, as defined in the Municipal Zoning By-law, as amended;
- 7.49 **Wildlife Exhibit** shall mean a place where Animals are kept in captivity, or regular or occasional display, to persons, for any purpose, and where the animals and such persons are physically segregated from each other by fixed barriers, whether or not an admission fee is charged or donated are accepted;
- 7.50 **Zone** shall mean a land use designation as indicated in the Municipality’s Zoning By-law(s) passed pursuant to the provisions of the Planning Act.

PART III – REGULATION OF DOGS

8. Limit Number of Dogs

- 8.1 No Person shall Keep or Harbour or permit to be Kept or Harboured at any one time, more than three (3) Dogs per Dwelling Unit in an Urban Zone and four (4) Dogs per Dwelling Unit in a Rural Zone, that have surpassed twelve (12) weeks of age.
- 8.2 Section 8.1 does not apply:
- a. To a Pound; or
 - b. To the Owner of:
 - i. A Kennel with a valid License issued pursuant to this By-law;
 - ii. An Animal Clinic;
 - iii. A shelter operated by a branch or affiliate of the Humane Society; and
 - iv. A facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A.22, as amended; or
 - v. A Pet Shop, if in accordance with the Municipality's Zoning By-law
 - c. In the event that:
 - i. The Dog is a Livestock Guardian Dog(s) and/or Herding Dog(s), and the Owner is keeping livestock on the same Property; and
 - ii. The Property is within a Rural Zone; and
 - iii. The Livestock Guardian and Herding Dogs are Licensed annually in accordance with this By-law; and
 - iv. The Owner of the Livestock Guardian and/or Herding Dogs provide proof of compliance satisfactory to the Officer.

9. Licensing and Registration of Dogs

- 9.1 Licensing and Registration – General Provisions
- a. The Clerk or their designate is hereby authorized to issue Tags in accordance with the provisions of this By-law.
 - b. The Municipality may appoint a licensing agent to act on behalf of the Municipality to sell Tags.
 - c. A Tag issued by the Municipality shall automatically expire:
 - i. Annually, at the end of the calendar year; or
 - ii. Upon the sale, death or other disposal of a Dog to which a Tag applies.
 - d. No Person shall own or Keep or Harbour a Dog without a current, valid Tag.
 - e. Every Owner shall, within ten (10) days of acquiring such Dog, over the age of eight (8) weeks, obtain a current, valid Tag.
 - f. An Owner of a Dog shall at all times keep a valid Tag, issued by the Municipality, securely fixed on the Dog for which it was issued.
 - g. Sections 9.1.4, 9.1.5 and 9.1.6 do not apply to a Service Animal with appropriate documentation.
 - h. An Owner shall notify the Municipality of the change of ownership or death of a Dog that has been issued a Tag.
 - i. No Person shall:
 - i. Affix a Tag to any Dog other than the Dog for which the Tag was issued.
 - ii. Remove a Tag except to replace it with another valid Tag or unless the Dog is actively engaged in Livestock Guardian/Herding work, hunting, showing or Dog trials.
 - j. A Tag issued by the Municipality is non-refundable.
- 9.2 Application for Dog Tag
- a. An Owner of a Dog making an application for a Tag shall:
 - i. Submit a complete application in the form provided by the Clerk or designate; and
 - ii. Submit the required Tag fee in accordance with the Municipality's User Fees and Charges By-Law, as amended from time to time.

10. Dangerous Dog Designation

- 10.1 An Officer may issue an order designating a Dog as:
- a. A Dangerous Dog where, in the opinion of the Officer and in the absence of any Mitigating Factor, there is sufficient evidence that:
 - i. The Dog has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
 - ii. The Dog has injured an animal; or
 - b. A Potentially Dangerous Dog where, in the opinion of the Officer and in the absence of any Mitigating Factor, there is sufficient evidence that:
 - i. The Dog chases or approaches any Person or animal in a menacing fashion or apparent attitude of attack including, but not limited to, behavior such as growling or snarling; or
 - ii. The Dog has been impounded or the Dog's Owner has been fined for the Dog being at large in the Township on three or more occasions.
- 10.2 An Order designating a Dog as a Dangerous Dog, or a Potentially Dangerous Dog may contain any of the following requirements to the satisfaction of the Officer:
- a. Muzzling the Dog when the Dog is not confined to the Owner's Property by means of an enclosure, fence or Leash;
 - b. Confining the Dog to its Owner's property by means of an enclosure of sufficient size and construction to provide humane shelter for the Dog as set out in the most recent edition of "A Code of Practice for Canadian Kennel Operations" or a fence;
 - c. Restraining the Dog by means of a Leash under effective control of an adult Person;
 - d. Implanting a microchip in the Dog for the purposes of identifying the Dog;
 - e. Posting warning signs on the Dog Owner's property;
 - f. Pay an annual special license fee as set out in the Municipality's User Fees and Charges By-law, as amended from time to time;
 - g. Notify the Municipality immediately upon discovering that the Dog is running at large, attacks or bites any Person or animal.
 - h. Any other requirement the Officer believes necessary to protect the health, safety or well-being of a Person or animal, including an inspection by an Officer to confirm that all requirements have been met.
- 10.3 An Order designating a Dog as a Dangerous Dog, or a Potentially Dangerous Dog shall:
- a. Be issued to the Owner in accordance with this By-law; and
 - b. Shall include the following information:
 - i. A statement that the Officer has deemed the Dog to be a Dangerous Dog or Potentially Dangerous Dog, as the case may be; and
 - ii. The requirements that the Owner must comply with and when such requirements take effect; and
 - iii. A statement that the Owner is entitled to an appeal hearing before Council by making a request for appeal in writing within thirty (30) calendar days of receipt of the Officer's Order; and
 - iv. A statement that the appeal hearing shall be held within forty-five (45) calendar days of the Municipality's receive of the request in writing; and
 - v. A statement that an appeal heading shall not act as a delay or stay of any requirement stated in the Order.
- 10.4 Notice of the appeal hearing shall be served in accordance with this By-law to:
- a. The Owner or Person who requested the appeal hearing; and
 - b. Any Person(s) who submitted a complaint that resulted in the Order designating the Dog as Dangerous Dog or Potentially Dangerous Dog.
- 10.5 During the appeal hearing, Council shall follow the procedures set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended, and any other rules governing the practice and procedures established by Council.

- 10.6 On hearing an appeal, Council may:
- a. Confirm or rescind the designation of the Dog;
 - b. Substitute its own designation of the Dog as a Dangerous Dog or Potentially Dangerous Dog;
 - c. Substitute its own requirements of the Owner or Dog, including requirements Council may tailor to the specific circumstances before it; and/or
 - d. Allow for the Owner to apply to Council for a review of the requirements of the Order at a later date which is not longer than two (2) years after Council hears the appeal.
- 10.7 The Owner shall, at all times, comply with all provisions of an Order designating a Dog as a Dangerous Dog or a Potentially Dangerous Dog requirement stated in the Order.
- 10.8 The Owner shall notify the Officer if the Dog has been relocated during the course of the investigation. For clarity, failing to do so shall be considered a hinderance or obstruction of the investigation.
- 10.9 Where the Owner has requested a hearing and does not appear at the appointed time, Council may dismiss the hearing as abandoned or may, where it has cause to believe it would be beneficial to adjourn the hearing, do so to allow the Owner an opportunity to be present.
- 10.10 If the hearing is dismissed as abandoned by Council, the designation and requirements set out by the Officer in the Order shall be considered confirmed by Council.
- 10.11 An Order designating a Dog as a Dangerous Dog, or a Potentially Dangerous Dog shall remain in effect until:
- a. The death of the Dog; or
 - b. The Order is amended or rescinded by Council.

11. Animal Excrement

- 11.1 Every Person who Keeps or Harbours an animal shall immediately remove and sanitarly dispose of excrement left by the animal from any Property within the boundary of the Municipality. This section shall not apply to a working animal.

12. Dogs at Large and Public Park Restrictions

- 12.1 No Owner shall permit a Domestic Animal to be at large in the Municipality.
- 12.2 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; or
 - 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 a designated Off Leash Area defined in Section 14; or
 - d. The Dog is a Police Work Dog, Service Animal or a hunting dog while performing their respective work/services.
- 12.3 Despite Section 12.2, a Dog is permitted in any of the following outdoor spaces owned by the Municipality, provided the Dog is kept on a Leash held by a Person who has the Dog under control:
- a. Highways, including sidewalks; and
 - b. A Park, as defined in this By-law.
- 12.4 Despite Section 12.3, no Owner or Person shall permit any Dog under their control to be within:
- a. A Park, or part thereof, designated by a Sign indicating that Dogs are prohibited; or
 - b. A five meter (5m) radius of any playground, pavilion, pool or splash pad located

within a Park; or\

- c. A five-meter (5m) radius of any spectator viewing area, stand or picnic area located within a Park; or
- d. An artificial turf fields, hard surfaces or sports courts including but not limited to tennis, pickleball, skateboard, hockey and basketball courts, including any spectator viewing areas.

- 12.5 No Owner or Person shall permit any Domestic Animal under their control to:
- a. Capture, kill, take, injure or harass any bird or animal in any Park;
 - b. Destroy, take or disturb an egg of any bird or animal in any Park;
 - c. Damage, destroy, remove or disturb a nest or shelter of any bird or animal in any Park.

- 12.6 Despite Section 12.2, at the discretion of the Director of Community Services, the Municipality may permit a Dog(s) to be brought into a restricted area for a specific event if the Owner of the Dog(s) or event organizer submits a written request indicating the time, date, place and purpose, together with any additional information requested by the Director of Community Services.

13. Seizure and Impounding

- 13.1 Any Domestic Animal may be seized and/or Impounded by an Officer if it is:
- a. Running at large; or
 - b. A Dangerous or Potentially Dangerous Dog if it is determined by the Officer to be in violation of any requirements of this By-law;
 - c. Is alleged or suspected to have bitten, attacked or threatened any Person or animal or poses a threat to itself or public safety.
- 13.2 Any Domestic Animal found running at large contrary to this By-law may be seized by any Person, where the Dog or cat is running at large on their Property or on public Property and delivered to an Officer.
- 13.3 An Officer may enter onto any public or private Property without the consent of the owner or tenant of the Property, and into a structure on private Property with the consent of the owner or occupant, for the purpose of apprehending a Domestic Animal in violation of any part of this By-law.
- 13.4 Where the Owner of the impounded Domestic Animal is known, an Officer shall make every reasonable effort to notify the Owner that the Domestic Animal has been impounded.
- 13.5 The Owner of the impounded Domestic Animal shall be entitled to redeem the Domestic Animal within three (3) days (exclusive of the day which the Domestic Animal is seized, Saturdays, Sundays and statutory holidays) of the seizure date, provided that:
- a. The Domestic Animal can be lawfully returned; and
 - b. Any applicable Tag or Licensing fees are paid; and
 - c. Any municipal administration fees set out in the Municipality's User Fees and Charges By-Law are paid; and
 - d. Any boarding and veterinary expenses are paid.

14. Designated Off-Leash Areas

- 14.1 Off-Leash Areas are established on those lands outlined in Schedule "A" of this By-law;
- 14.2 Owners of Dogs deemed by the Municipality to be a Dangerous Dog, or Potentially Dangerous Dog may not permit the Dog to run at large in an Off-Leash Area.
- 14.3 No Person shall permit a Dog to run at large pursuant to Section 14.2 unless that Person is in the area signed to permit the running at large of Dogs and is within sight

of the Dog at all times.

- 14.4 No Owner of a Dog shall utilize the Off-Leash Area without the following:
- a. The Dog being sterilized; and
 - b. Up to date rabies vaccinations for the Dog; and
 - c. A valid and current Dog Tag for the Dog; and
 - d. A Leash on the Dog while entering and exiting the Off-Leash Area; and
 - e. Removing any Dog excrement left by their Dog; and
 - f. Ensuring that the Dog does not chase wildlife within the Off-Leash Area; and
- 14.5 No Person shall bring puppies under the age of six (6) months, female Dogs in heat, sick Dogs or aggressive Dogs into the Off-Leash Area.
- 14.6 No Person shall bring glass containers, food or toys into the Off-Leash Area.
- 14.7 No Person shall permit a child to remain in the Off-Leash Area unless they are under the supervision of an adult.

PART IV – REGULATION OF KENNELS

15. Licensing of Kennels – General Provisions & Exemptions

- 15.1 The MLEO or their designate is hereby authorized to issue Kennel Licenses in accordance with the provisions of this By-law;
- 15.2 The Municipality may appoint a licensing agent to act on behalf of the Municipality to issue Kennel Licenses;
- 15.3 A Kennel License issued by the Municipality will automatically expire:
- a. Annually, at the end of the calendar year; or
 - b. Upon the change of ownership of the Property on which the Kennel is located; or
 - c. Upon notification, by the Owner, to the Municipality, that the Kennel operation has ceased.
- 15.4 No Person shall own, operate, manage, control or supervise a Kennel on any Property within the Municipality without a current, valid Kennel License.
- 15.5 No Person shall own, operate, manage, control or supervise a Kennel on a Property within the Municipality unless the Kennel is permitted in accordance with the Municipality's Zoning By-law and the Ontario Building Code, as amended from time to time.
- 15.6 No Person shall own, operate, manage, control or supervise a Kennel which Keeps or Harbours more than twenty (20) Dogs at any one time.
- 15.7 No Kennel Owner shall change or otherwise alter a Licensed Kennel without first submitting an amended Kennel License Application under Section 16 of this By-law. An amended Kennel License Application is subject to Section 17 of this By-law.
- 15.8 A Kennel Owner shall record, maintain and provide proof upon request, of the following minimum information:
- a. All Dogs currently being Kept at the Kennel, indicating the age and breed; and
 - b. Dog Owner names and contact information; and
 - c. Date of arrival and departure of all individual Dogs; and
 - d. Breeding records of all whelping Dogs and stud Dogs and resulting litters; and
 - e. Name and contact information for any purchasers of individual Dogs; and
 - f. Proof of vaccination for any Dog over four (4) months of age; and
 - g. Veterinary records for individual Dogs, other than those Dogs Kept in a Boarding Kennel.

- 15.9 A Kennel Owner shall supply any record required under this By-law to the MLEO forthwith upon request from the MLEO.
- 15.10 Section 15.1 to 15.9, Section 16 and Section 18 of this By-law do not apply to:
- a. An Owner of a Livestock Guardian Dog or Herding Dog; or
 - b. An Animal Clinic; or
 - c. A Pet Store; or
 - d. The Wildlife Exhibit owned, permitted, licensed or operated by the Municipality; or
 - e. A Pound designated by the Municipality.

16. Kennel License Application Requirements

- 16.1 An Owner applying for a License shall, on or before December 31st annually:
- a. Submit a complete application in the form provided by the Clerk or designate; and
 - b. Submit the required Kennel License fee in accordance with Municipality's User Fees and Charges By-Law, as amended from time to time; and
 - c. Submit written clearance from the MLEO, or designate, verified by an on-site inspection, assuring compliance with the Kennel License application and all sections of this By-law; and
 - d. Submit, upon an initial application for a License, or where any change is proposed to an existing Kennel, a site plan drawn to scale showing the location of all buildings, structures, Dog runs or facilities, or parts thereof, to be used for Kennel purposes. The site plan must specify all property lines, distance between all buildings, structures, Dog runs or facilities, including any dwellings situated on adjacent properties; and
 - e. Submit, upon initial application for License, or where any change is proposed to an existing Kennel, a floor plan drawn to scale for any building, structure, Dog runs, or facility being used for Kennel purposes. The floor plan must indicate any area that will house Dogs, including but not limited to enclosures, Dog runs, walkways, exits, fire extinguishers, etc.; and
 - f. Submit a plan demonstrating how Dog excrement will be handled and disposed of; and
 - g. Submit, upon initial application for License, clearance from the Municipality of West Perth Building Department, which is responsible for septic/sewage system approvals; and
 - h. Submit, proof of Kennel records required under Section 15.8 of this By-law; and
 - i. Submit, in the case of a **Breeding Kennel**, proof that all Dogs are, or able to be, registered as pure-bred Dogs and Owner must provide proof of active membership in the Canadian Kennel Club or any other Association incorporated under the Animal Pedigree Act (R.S.C., 1985, c. 8 (4th Supp.)); and
 - j. Submit, in the case of a **Hunting/Sporting Kennel** for sled Dogs, proof of active participation or registration in races or competitions within the previous or upcoming twelve (12) months as may be deemed acceptable by the Municipality; and
 - k. Submit, in the case of **Hunting/Sporting Kennel** for all other hunting and sporting related Dogs, proof of active membership in an Association incorporated under the Animal Pedigree Act (R.S.C., 1985, c. 8 (4th Supp.)), as amended, for registered Hunting Dogs or proof of active membership in an Association for the purpose of hunting Dog training or trialing, or proof of a hunting Dog license issued by the Ontario Ministry of Natural Resources within the previous twelve (12) months, or such other proof of active participation or registration in hunting activities within the previous or upcoming twelve (12) months as may be deemed acceptable by the Municipality; and
 - l. Submit, proof of insurance by way of a Certificate of Insurance showing a minimum limit of two million dollars (\$2,000,000) in Commercial Liability Insurance; and
 - m. Submit a sworn declaration by the Owner that they have never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty or an offence under the Ontario Society for the Prevention of Cruelty to Animals Act, the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13 or the Dog

Owner's Liability Act.

17. Refusal or Revocation of License

- 17.1 The MLEO shall refuse to issue a Kennel License where:
- a. All submission requirements under Section 16 have not been met;
 - b. Any other requirement(s) of this By-law has not been met;
 - c. The Owner has been convicted on an offence pursuant to a provincial statute or an offence pursuant to this By-law;
 - d. In the case of an existing Kennel, the Owner is not in Good Standing under this By-law or any other Municipal By-law.
- 17.2 The decision of the MLEO to refuse to issue a Kennel License in accordance with Section 17.1 of this By-law is final.
- 17.3 The MLEO has the authority to revoke a Kennel License for any contravention of the provisions of this By-law.
- 17.4 A Notice that a Kennel License has been revoked shall include:
- a. A statement that the MLEO has revoked a Kennel License; and
 - b. The reasons for the decision to revoke.

18. Kennel Facilities - Minimum Standards

- 18.1 Minimum Standards for all Kennels
- a. No Kennel shall be located within any part of or attached to any Dwelling Unit. No part of any building or structure enclosing a Kennel shall be used for human habitation.
 - b. A Kennel Owner shall remain in compliance with the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13, as amended.
 - c. A Kennel Owner shall have regard for the most recent edition of "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association. This Code of Practice is used to establish best practices and requirements relating to the physical building, safety, housing (indoor, outdoor, isolation, whelping area, etc.), sanitary standards of the Kennel. This Code of Practice is used to establish best practices and requirements for food/water, animal well-being and husbandry practices of the Kennel.
 - d. Every Kennel structure shall have walls and floors made of concrete or other impermeable materials allowing immediate and proper drainage. Wire floors are not permitted.
 - e. Every outdoor run or play area shall be enclosed by a secure fence, satisfactory to the Municipality, with a minimum height of two (2) metres.
 - f. No Kennel Owner shall Keep a Dog in an unsanitary condition, or in a Kennel with inadequate natural light, inadequate heating or cooling, shelter from the elements, offensive odours, poor ventilation, disease or rodent/pest infestations.
 - g. No Kennel Owner shall Keep a Dog without accessible, fresh water and suitable, adequate food served in clean and properly sized containers made of stainless steel.
 - h. A Kennel Owner shall provide for the well-being of a Dog by monitoring health, keeping medical and vaccination records, providing necessary veterinary care and regular exercise under appropriate control.
 - i. No Kennel Owner shall keep a Dog in a space with insufficient space to allow a Dog to stand erect, turn around easily, lie down in a fully extended position or without the following minimum enclosure space. The "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association shall be the standard used when determining the size of enclosures housing a Dog.
- 18.2 Minimum Standards for Breeding Kennels
- a. No Owner shall maintain a Breeding Kennel without:

- i. Keeping a whelping Dog in a separate accommodation, constructed with four (4) sides and a floor made from impermeable materials;
- ii. Increasing the enclosed space of a whelping Dog with nursing puppies as established by the “Code of Practice for Canadian Kennel Operations” of the Canadian Veterinary Medical Association shall be the standard used when determining the size of enclosures housing a Dog;
- iii. Providing adequate supplemental heat or cooling at all times;
- iv. Providing sufficient, designated space for the proper enrichment and socializing of the whelped Dog and their puppies.

18.3 Minimum Standards for Retiring Breeding Kennels

- a. Where the Owner of a Breeding Kennel wishes to wind down operations, they may be eligible to apply for a Retiring Kennel License if they can demonstrate to the Municipality that:
 - i. The Owner previously held a current, valid Breeding Kennel License immediately prior to applying for a Retiring Kennel License; and
 - ii. That all commercial activities (including boarding, breeding, training, etc.) have ceased; and
 - iii. That the number of Dogs Kept on the Property shall not increase, which shall be demonstrated by a sworn declaration to that effect.
- b. The requirement of Section 16.1 of this By-law do not apply to a Retiring Breeding Kennel.

PART V – DISPOSAL OF DOMESTIC PETS

19. Disposal of Domestic Pets – Private Residential Property in Urban Zone

- 19.1 One cremated “Domestic Pet” may be disposed of per Property located in an Urban Zone, by the registered owner of the Property;
- 19.2 Individuals who rent or lease Property are prohibited from burying a Domestic Pet on any Property in the Municipality;
- 19.3 The Owner shall ensure that the grave for the Domestic Pet:
- a. has no less than one metre (1m) of packed soils covering the remains and no less than 0.3 metres of soil crowns above the ground level; and
 - b. Is an excavated site sufficient to hold the dead Pet; and
 - c. Is at least thirty meters (30m) from a water source or water course; and
 - d. It is at least one meter (1m) above the seasonal high groundwater table.

20. Burial of Domestic Pets – Private Property in Rural Zone

- 20.1 The registered owner of Property in a Rural Zone is permitted to bury no more than five Domestic Pets on the Property;
- 20.2 Where more than five (5) Domestic Pets are buried on a Property, the site may become a Pet Cemetery (or Cemetery) as defined in the Municipal Zoning By-law;
- 20.3 The Owner shall comply with Section 19.3 of this By-law when burying a Domestic Pet in a Rural Zone.
- 20.4 Parcels utilized for agricultural activities are exempt from these requirements. Dead animals may be buried or not; however, if they are to be buried, the Owner shall comply with any provincial legislation relating to the disposal of animals.

21. Burial of Dogs – Kennels

- 21.1 Kennel Owners shall comply with Section 19.3 of this By-law and shall have regard for the most recent edition of “A Code of Practice for Canadian Kennel Operations” of the Canadian Veterinary Medical Association as it relates to disposal of remains.

PART VI – ENFORCEMENT

22. Authority

- 22.1 This By-law shall be administered by the Clerk or any such Person appointed by the Municipality for that purpose.
- 22.2 This By-law may be enforced by a Municipal Law Enforcement Officer (MLEO) or any other Person appointed by the Municipality for that purpose.
- 22.3 The Municipality may, at any time, request the assistance of a Person possessing special or expert knowledge to enforce any part of this By-law.
- 22.4 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a. This By-law;
 - b. A direction or order to the Municipality made under the Act, or a By-law of the Municipality passed under the Act; and
 - c. A condition of a License issued by the Municipality.
- 22.5 For the purpose of enforcing this By-law, a MLEO may, alone or in conjunction with a Person possessing special or expert knowledge:
- a. Require the production of documents or things relevant to an inspection;
 - b. Inspect and remove documents or things relevant to an inspection for the purpose of making copies;
 - c. Require information from any Person concerning a matter related to an inspection; and
 - d. Make examinations, take tests or samples or photographs necessary for the purpose of the inspection.

23. Orders

- 23.1 Where the Municipality is satisfied that a contravention of this By-law has occurred, the Municipality may make an Order requiring the Person who contravened this By-law, or caused or permitted the contravention, or Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity or to do work to correct the contravention.
- 23.2 An order under this By-law shall set out:
- a. Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b. The date by which there must be compliance with the Order.
 - c. The work to be done and the date by which the work must be done.
- 23.3 Any Person who contravenes an Order under Section 23.2 of this By-law is guilty of an offence.
- 23.4 If a Person fails to do a matter or thing, including comply with an Order under this By-law, as directed or required by this By-law, the Municipality may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Municipality may recover the cost of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same matter as municipal taxes.

24. Service of Orders, Notice and Decisions

- 24.1 An order, notice of decision under this By-law shall be served personally or by registered mail. A copy of the order, notice or decision may also be:
- a. Emailed to the last known email address of the Person to whom the order, notice or decision is directed;

- b. Deposited in a mailbox or mail slot of the Person to whom the order, notice or decision is directed;
- c. Sent by pre-paid regular mail to the last known address of the Person to whom the order, notice or decision is directed.

24.2 Where service is made by:

- a. Registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- b. Personal service shall be deemed to be made on the day the order, notice or decision served was delivered.

25. General Offence Provisions

25.1 No Person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

25.2 No Person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, An Officer, employee and/or agent of the Municipality in the lawful exercise of a power under this By-law.

25.3 Every Person shall comply with any order or notice issued under the authority of this By-law.

26. General Penalty Provision

26.1 Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provinces Offences Act, 1990*, as amended.

26.2 Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the Act, as amended.

27. This By-law shall come into full force and effect on January 13, 2025 and will repeal and replace By-law 17-2017 Regulate and Licence the Keeping of Dogs.

Read a first and second time this 18th day of November 2024.

Read a third and final time and finally passed this 18th day of November 2024.



Mayor Walter McKenzie



Clerk Daniel Hobson



Schedule "A"
Municipality of West Perth
By-law 59-2024: Animal Control By-law

Municipality of West Perth Off-Leash Areas:

1. 3879 Wellington Street, Mitchell

Schedule "B"
Municipality of West Perth
Part I Provincial Offences Act
By-law 59-2024: Animal Control By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Keep more than 3 Domestic Dogs in an Urban Zone	s. 8.1	\$ 200.00
2	Keep more than 4 Dogs in a Rural Zone	s. 8.1	\$ 200.00
3	Keep a Dog without a valid Tag	s. 9.1(d)	\$ 150.00
4	Fail to Comply with an Order Designating as a Dangerous or Potentially Dangerous Dog	s. 10.7	\$ 300.00
5	Fail to remove excrement	s. 11.1	\$ 150.00
6	Permit Domestic Animal to run at large	s. 12.1	\$ 300.00
7	Fail to Keep Dog on a leash in a Park area signed as prohibited	s. 12.4(a)	\$ 300.00
8	Permit Dangerous Dog in an Off-Leash Area	s. 14.2	\$ 300.00
9	Permit a sick or aggressive Dog in an Off-Leash Area	s. 14.5	\$ 200.00
10	Operate a Kennel without a valid License	s. 15.4	\$ 500.00
11	Fail to maintain Kennel records	s. 15.8	\$ 300.00
12	Keep Dogs in a Kennel in unsanitary condition	s. 18.1(f)	\$ 300.00
13	Provide false information to an officer	s. 25.1	\$ 500.00
14	Hinder/Obstruct and officer	s. 25.2	\$ 500.00
15	Fail to comply with an order	s. 25.3	\$ 500.00

"NOTE: the penalty provision for the offences indicated above is section 26.1 of By-law No. 59-2024, a certified copy of which has been filed".