

CORPORATION OF THE TOWN OF PRESCOTT

BY-LAW 23-94

Being a by-law to prohibit and regulate the keeping of animals within Prescott

WHEREAS Subsection 210(1) of the *Municipal Act, R.S.O. 1990, Chapter M.45* authorizes councils of local municipalities to pass by-law to prohibit or regulate the keeping of animals or any class thereof within the municipality, the number of animals or any class thereof that may be kept by any person, or that may be kept in or about any dwelling unit or class of dwelling unit as defined in the by-law;

AND WHEREAS the Council of the Corporation of the Town of Prescott passed By-Law 61-81 being a by-law to provide for the control of animals within Prescott;

AND WHEREAS Council wishes to update the by-law and deems it expedient to enact a new animal control by-law

NOW THEREFORE the Council of the Corporation of the Town of Prescott enacts as follows:

1. Definitions

- 1.1 "Animal" means any live non-human vertebrate or invertebrate, including a bird or reptile, and without limiting the generality of the foregoing, includes a domestic animal, an animal raised for commercial purposes, an animal kept as a working animal, a pet, or for hobby purposes such as breeding, showing, or sporting.
- 1.2 "Animal Control Officer" means any person appointed by the Council of the Corporation of the Town of Prescott or municipal law enforcement officer appointed by the Prescott Police Services Board.
- 1.3 "Cat" means any cat or cats, male or female, member of the species *felis domestica*.
- 1.4 "Clerk" means the Clerk of the Corporation of the Town of Prescott or his/her designate.
- 1.5 "Control" means, for the purposes of Section 2 of this by-law, having at all times the ability to manage, direct, restrict and restrain the movements of

the animal.

- 1.6 "Corporation" means the Corporation of the Town of Prescott.
- 1.7 "Dog" means any dog or dogs, male or female, member of the species *canis familiaris* over the age of sixteen weeks.
- 1.8 "Dwelling Unit" means one or more rooms connected together as a separate unit and constituting an independent housekeeping unit for residential occupancy by humans and the lands owned or used in conjunction therewith.
- 1.9. "Exotic Animal" means an animal not indigenous to Canada and not commonly kept as a household pet in Canada, whether or not such animal is a "wild animal" as defined herein.
- 1.10 "Guide Dog" means a dog trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the *Blind Person's Rights Act*, and shall include a dog trained as a guide dog for other physically disabled persons.
- 1.11 "Owner" includes any person who possesses or harbours an animal and shall include a person who is temporarily the keeper or in control of an animal and owns and owned shall have a corresponding meaning.
- 1.12 "Pet Shop" shall mean a shop or place where animals or birds for use as pets are sold and kept for sale.
- 1.13 "Pound" shall mean such premises and facilities designated by the Council of the Corporation of the Town of Prescott as the Town's pound.
- 1.14 "Wild Animal" means an animal of a wild nature or disposition (*ferae naturae*).

2. General

- 2.1 No person shall keep, or cause to be kept within the Town of Prescott:
- (a) any cattle, horses, ponies, mules, donkeys, goats, sheep, swine,

raccoons, mink, fox, or domestic fowl; and

- (b) any wild animal unless such animal is under releasable age, injured and unable to fend for itself and the facilities for keeping the animal are such that there is no danger or nuisance to people and to other animals; and
- (c) any snake, reptile, insect, spider, guinea pig, or white rate, not otherwise prohibited by this by-law unless they are housed in an escape-proof enclosure.

2.2 The owner shall cause his or her animal to be:

- (a) treated in a humane manner; and
- (b) kept so that the transfer of pathogenic agents is minimized and there are no offensive odours or odours which may attract other animals.

2.3 Every person who presently owns or becomes the owner of any animal immediately thereupon assumes the responsibility of ensuring that such animal receives the necessary food, water, housing and attention.

2.4 Every cage, tank or pen used for the housing of an animal when kept as a pet or for hobby purposes shall be so constructed and maintained that:

- (a) the animal in the cage, tank or pen may comfortably extend its legs to their full extent, stand, sit, lie down in a fully extended position, and be provided with adequate space for exercise purposes;
- (b) in the case of fish and snakes kept in a cage, tank or pen, shall have adequate room for its health, welfare and comfort;
- (c) it is not likely to harm any animal therein;
- (d) every animal therein may be readily observed unless the natural habits of the animal otherwise require;
- (e) any animal therein cannot escape; and

- (f) it may be readily sanitized.
- 2.5 The provisions of subsection 2.4 of this by-law do not apply to a veterinary hospital, clinic, boarding kennel or premises operated as a public pound.
- 2.6 No owner shall keep any fierce, dangerous or vicious animal within the Town of Prescott.
- 2.7 All waste material shall be disposed of in a proper manner and no refuse or waste material shall be burned.
- 2.8 If there is reasonable grounds for believing that an animal is being ill-treated or neglected, any police officer of the Prescott Police Services shall have and may exercise any other powers of an Inspector or agent of the Ontario Society for the Prevention of Cruelty to Animals as provided by the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, Chapter O.36*.
- 2.9 Any animal, wild or domestic, that is observed behaving in an unnatural or aggressive manner or is suspected of having rabies shall be reported to the Prescott Police Services and the animal control officer or a municipal law enforcement officer may destroy the animal or cause to have the animal destroyed and shall forthwith notify the Medical Officer of Health of the Leeds, Grenville and Lanark District Health Unit.

Noise and Public Nuisance

- 2.10 No person shall keep, own or harbour domestic animals or birds which make or cause noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
- (a) of the neighbourhood; or
 - (b) of persons who inhabit any dwelling, apartment or other type of residence in the vicinity; or
 - (c) of persons in the vicinity.

- 2.11 No person shall keep, own or harbour domestic animals or birds which make or cause a public nuisance.
- 2.12 Domestic animals shall be considered making or causing a public nuisance when:
- (a) in the case of a dog, barks or howls persistently or chases vehicles or pedestrians; and
 - (b) the animal causes damage to public or private property other than that of the owner or harbourer; and
 - (c) the animal dumps, scatters or disturbs garbage or trash; and
 - (d) the animal persistently inhabits, or remains on, property other than that of its owner or harbourer.

3. Dogs

- 3.1 No owner of a dog shall allow the dog to run at large within the limits of the Town of Prescott.
- 3.2 For the purposes of subsection 3.1 of this by-law, a dog shall be deemed to be running at large when found unsupervised in any place other than the premises of the owner of the dog and not under the control of any person.
- 3.3 When the owner of a dog is not known and/or cannot be located, animal control officer may seize any dog found running at large in the Town of Prescott and cause such dog to be delivered to the Town's pound or other appropriate place.
- 3.4 The owner of any dog so impounded may redeem the same upon payment of the applicable poundage fees to the pound keeper. All dogs impounded shall be kept in accordance with the *Animals for Research Act, R.S.O. 1990, Chapter A.22* and the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, Chapter O.36* or other applicable legislation.

- 3.5 No person shall keep, harbour, cause to be kept, or do any thing which may cause to be kept, more than two dogs on any lot or any lands zoned "residential", or where the zoning permits residential use, within the Town of Prescott

Stoop and Scoop

- 3.6 No person who harbours or controls a dog shall leave its excrement anywhere within the limits of the Town of Prescott.
- 3.7 Notwithstanding subsection 2.4 of this by-law, every owner shall be responsible to clean up the excrement or fouling of the owner's animal on public property including all parks, boulevards, sidewalks, streets and similar areas, as well as private property.
- 3.8 Subsection 2.4 of this by-law does not apply to any person who is visually impaired and whose dog is a Guide Dog.

Identification

- 3.9 No person shall keep a dog in the Town of Prescott who has not obtained a licence in respect thereof and who has not registered the dog under the provisions of this by-law.
- 3.10 Upon application made in accordance with the provisions of this by-law, every application for a dog licence shall furnish the Clerk with the name, address and telephone number of the dog owner.
- 3.11 The Clerk shall have charge of the granting of licences and it shall be his/her duty:
- (a) to keep a complete register of all dogs in respect of which licences are issued;
 - (b) to keep an accurate account of all monies paid to the Clerk's Department as licence fees and pay the same over to the Treasurer daily;
 - (c) to furnish each licensee with a numbered metal tag to be securely

fixed to each dog in respect of which the licence is issued.

- 3.12 Each licence shall be in force for one year and shall expire in each year on December 31st.
- 3.13 The licence fee for each dog required to be licensed under the provisions of this by-law shall be the amount set forth in Schedule "A" attached hereto and shall be remitted to the Corporation of the Town of Prescott.
- 3.14 There shall be no licence fee required from the owner or person in possession of a Guide Dog.
- 3.15 The licence fee referred to in subsection 3.9 of this by-law shall not be reduced or prorated.
- 3.16 No person shall register a female dog as a male dog or a spayed female dog.

Bites - Dogs

- 3.17 No person shall allow his or her dog to bite a person or domestic animal
- 3.18 The owner of a dog that has bitten a person or domestic animal shall ensure that:
- (a) it does not bite, chase or attack a person or other domestic animal whether on the property of the owner or not;
 - (b) when it is on the property of the owner, it is confined in an enclosed area or in a fenced yard, on a chain capable of restraining the dog;
 - (c) when it is off the property with the owner:
 - (i) it is securely leashed and muzzled in a manner that prevents it from biting, chasing or attacking a person or other domestic animal;
 - (ii) it is under the control of a person over the age of eighteen

years of age.

- 3.19 Any owner of a dog that has bitten a person or domestic animal shall be notified in writing by the Municipal Law Enforcement Officer that the owner must comply with the provisions of subsection 3.17 of this by-law.
- 3.20 The owner of the dog that has bitten a person or other domestic animal after having been notified in writing to comply with the provisions of this by-law, may request, and is entitled to, a hearing by Council which may exempt the owner from complying with some or all of the provisions of subsection 3.17 of this by-law.
- 3.21 Subsection 3.16 of this by-law shall not apply to a police working dog while on duty.

4. Cats

- 4.1 No person shall keep, harbour, cause to be kept, or do any thing which may cause to be kept, more than three cats on any lot or any lands zoned "residential", or where the zoning permits residential use, within the Town of Prescott
- 4.2 When the owner of a cat is not known and/or cannot be located, a municipal law enforcement officer may seize any cat found running at large in the Town of Prescott and cause such cat to be delivered to the Town's pound or other appropriate place.
- 4.3 The owner of any cat so impounded may redeem the same upon payment of the applicable poundage fees to the pound keeper. All cats impounded shall be kept in accordance with the *Animals for Research Act, R.S.O. 1990, Chapter A.22* and the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, Chapter O.36* or other applicable legislation.

5. Exceptions

- 5.1 This by-law shall not apply to the following:
- (a) animal or fowl maintained in zoological gardens or a zoo operated by the municipality or other government authority or when being

placed on display by means of a travelling circus or road show licensed to do so;

- (b) animals offered for sale in shops whose business includes the sale of pets and are licensed as such;
- (c) animals kept by educational institutions within school buildings; and
- (d) any association or society incorporated for the purpose of the protection and humane treatment of animals.

6. Penalty and Enforcement

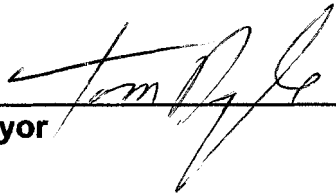
- 6.1 Any person who contravenes any provision of this by-law is guilty of an offence and subject to a fine as provided by the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*.
- 6.2 This by-law shall be enforced by the Town's animal control officer or any municipal law enforcement officer appointed by Council or the Prescott Police Services Board.
- 6.3 Where a provision of this by-law conflicts with a provision of another by-law in force in the Town of Prescott, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.

7. Other

- 7.1 For the purposes of this by-law, words in the singular number include the plural and words in the plural include the singular number.
- 7.2 By-Law 61-81 and By-Law 57-89 are hereby repealed.
- 7.3 This by-law shall come into force and take effect on the date of final passage.

**READ A FIRST, SECOND AND THIRD TIME AND
FINALLY PASSED THIS 19th DAY OF SEPTEMBER,
1994**

Mayor

A handwritten signature in cursive script, appearing to read "Tom Dyle", written over a horizontal line.

Clerk

A handwritten signature in cursive script, appearing to read "A. B.", written over a horizontal line.

Schedule "A"

to

By-Law 23-94

<u>Description</u>	<u>Fee</u>	<u>Expiry</u>
Dog Licence:		
1st neutered/spayed	\$10.00	Dec 31st
2nd neutered/spayed	\$15.00	Dec 31st
1st female/male	\$20.00	Dec 31st
2nd female/male	\$25.00	Dec 31st
Replacement Tag	\$5.00	n/a

Enforcement Policy

The Animal Control Officer responds primarily to complaint-based information. Unless circumstances otherwise warrant and subject to the exceptions set out below, the general enforcement policy of the Corporation with respect to animal control is as follows:

1. The Animal Control Officer, or his or her designate, will act on a complaint basis, unless the animal poses a threat to the health, safety and welfare of any person or other domestic animal. This does not prohibit the animal control officer or his or her designate to act in enforcing the by-law at any other time.
2. Before a complaint is registered, the complainant will be encouraged to talk with the owner of the problem pet. The Animal Control Officer, or his or her designate, will provide information on pet care and maintenance to assist the complainant.
3. First complaint - the owner is warned.
4. Second or subsequent complaint - charges may be laid provided there is evidence to substantiate it.
5. The Animal Control Officer, or his or her designate, will pick up all cats being held. Cats which can be identified will be returned to their owners.
6. A dog owner may be charged on the first offence if his/her dog has bitten a person or domestic animal.
7. A dog owner may be charged on a first offence if he or she fails to "stoop and scoop" after his/her dog.
8. Traps will not be loaned out. The Animal Control Officer, or his or her designate, will only trap an animal if the animal is a threat to the health and safety of the general public or a public nuisance.

Dispatch and Call-Out Policies for the Animal Control Officer

1. The animal control officer may be contacted by telephoning either the Prescott Police Services (925-2812) for dispatching or the Prescott Public Works (925-4312) during normal working hours.
2. All after-hour calls for animal control will be directed to the Prescott Police Services. An after-hour call is a call outside the animal control officer's normal working hours which are currently 7:00 a.m. to 3:30 p.m., Monday through Friday inclusive.
3. Upon receiving a call, the dispatcher shall inform the caller that the animal control officer's hours of work are 7:00 a.m. to 3:30 p.m., Monday through Friday inclusive.
4. The after-hour caller shall be informed that the animal control officer will respond to the call the following morning, or in the case of a weekend or statutory holiday, the next morning of his or her regular working day.
5. In the case of an emergency only, the police officer in charge shall determine whether the animal control officer shall be called out or not.
6. Generally, the animal control officer shall be responsible for domestic animals only within the provisions of the animal control by-law.
7. In the case of a call regarding a non-domestic animal, the caller shall be informed that he or she must either contact the local Ontario Humane Society or a private firm dealing with animal control.

Town of Prescott

Set Fines for use under Part I of the *Provincial Offences Act*

<u>By-Law No.</u>	<u>Description</u>	<u>Page</u>
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Item	Column 1 Description of Offence	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Keeping (cattle, horses, ponies, donkeys, etc.) in unlawful manner	Subsection 2.1(a)	\$55.00
2.	Keeping wild animal without authorizations	Subsection 2.1(b)	\$55.00
3.	Keeping (snake, reptile, insect, etc) without escape-proof enclosure	Subsection 2.1(c)	\$55.00
4.	Inhumane treatment of animals	Subsection 2.2(a)	\$105.00
5.	Keeping fierce, dangerous or vicious animal	Subsection 2.6	\$105.00
6.	Keeping or harbouring animal that causes public nuisance	Subsection 2.11	\$105.00
7.	Keeping or harbouring animal causing disturbing noise or sounds	Subsection 2.10	\$105.00
8.	Permitting dog to run at large	Subsection 3.1	\$55.00
9.	Failing to stoop and scoop dog excrement	Subsection 3.6	\$105.00
10.	Failing to purchase annual licence	Subsection 3.9	\$55.00
11.	Improperly registering a female dog	Subsection 3.16	\$55.00

Note: The penalty provisions for the offences indicated above are found in Section 6 of By-Law 23-94, a certified copy of which has been filed.

Item	Column 1 Description of Offence	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
13.	Permitting dog to bite person or domestic animal	Subsection 3.17	\$105.00
14.	Keeping or harbouring more than 2 dogs	Subsection 3.5	\$55.00
15.	Keeping or harbouring more than 3 cats	Subsection 4.1	\$55.00

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3.	Keeping (snake, reptile, insect, etc) without escape-proof enclosure	Subsection 2.1(c)	
4.	Inhumane treatment of animals	Subsection 2.2(a)	
5.	Keeping fierce, dangerous or vicious animal	Subsection 2.6	
6.	Keeping or harbouring animal that causes public nuisance	Subsection 2.11	
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