

**THE CORPORATION OF THE TOWN OF PRESCOTT
ANIMAL CONTROL BY-LAW NO. 2021-__**

**BEING A BY-LAW A BY-LAW TO PROVIDE FOR THE LICENSING AND
REGISTERING OF DOGS AND PROHIBITING THEIR RUNNING AT LARGE, FOR
REGULATING KENNELS AND TO REGULATE THE KEEPING OF ANIMALS IN THE
TOWN OF PRESCOTT**

WHEREAS the *Municipal Act*, R.S.O. 2001, c. M25, Section 11, authorized the Councils of municipalities to pass by-laws with respect to animals;

AND WHEREAS the Council of the Corporation of the Town of Prescott deems it necessary to pass such a by-law.

AND WHEREAS the Council of the Corporation of the Town of Prescott passed By-law 23-94 that was last amended by By-law 01-2006 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:

DEFINITIONS

For the purpose of the Policy,

"Animal" means any living non-human species that is kept as regardless of whether it is domesticated, raised for commercial purposes, used for work or hobby such as breeding, showing or sporting or as a pet.

"Animal Care" means a home occupation which meets the requirements of the Zoning By-law of Prescott in which a residence is used to provide services to animals including grooming, walking or supervising in which the control of the animal is not the owner of the animal but the animals involved shall never exceed the numbers allowed under the animal control by-law.

"Animal Control Officer" shall mean a person or person appointed by the Corporation of the Town of Prescott to enforce the By-law provisions.

"Animal Hospital" shall mean a building or part of a building that is used solely by veterinarians, their staff and their patients for the purpose of consultation, diagnosis and office treatment.

"Clerk" shall mean the Clerk for the Corporation of the Town of Prescott.

"Control" shall include care and custody, and having at all times the ability to manage, direct, restrict and restrain the movements of the animal.

"Dog" means a male / female dog of this species *canis familiaris*.

"Dwelling Unit" means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

"General Fees and Rates By-law" means the current General Fees and Rates for Various Services provided by the Municipality By-law as adopted by the Council of the Town of Prescott.

"Guide Dog" shall mean a dog trained and certified as a guide for the blind, hearing impaired or other handicap, and used as such.

"Keep" means to have temporary or permanent custody or control of an animal and **"keeps" and "kept"** have corresponding meanings.

"Kennel" shall mean:

- i. A place or confine where purebred dogs are bred and raised and registered in the Register for the Canadian Kennel Club Incorporated, or;
- ii. A place or confine where dogs are bred or raised as a recognized class, or as a class designated as "purebred" in the Regulations of the aforesaid Club, or;
- iii. A place where Working Dogs are kept, or;
- iv. An establishment or premises other than a Veterinary Hospital or pet shop where four (4) or more dogs are kept for commercial purposes including, but not limited to, boarding, propagation and treatment.

"Licence" for the purpose of this By-law shall be deemed to be the receipt issued by the Town or its authorized agent on payment of the appropriate licence fee.

"Livestock" for the purpose of this By-law shall be cattle, goats, swine, mink, fox, sheep, nutria, horses, donkeys, ponies, mules, chickens, llamas and other similar animals.

"Minor" means a person who has not attained the age of eighteen years.

"Muzzle" means to place a humane fastening or covering device over the mouth of a dog that is of adequate strength to prevent it from biting, and **"muzzled"** has corresponding meanings.

"Owner" shall include any person, organization or corporation who possesses or harbours a dog and where the owner is a minor, shall include the person responsible for the custody of the minor. Owns or owned shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of dogs through animal care use.

"Outside Dog" shall mean a dog which is kept as a pet on residential property and is regularly kept outside the residence and associated out buildings on a full-time basis.

"Person" shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.

"Pet Enclosure" a place, confine or structure, constructed of appropriate material to prevent the dog from running at large.

"Police Work Dog" shall mean a dog trained to aid law enforcement officers and is actually being used for Police work purposes for the protection of the public, and can mean the investigation of crime and the apprehension of law violators.

"Pound" shall mean such premises and facilities designated by the Town for the keeping and impounding of dogs.

"Pound Keeper" shall mean a person, persons, Association or Society appointed by the Town to maintain and administer the pound.

"Purebred" shall mean

- i. Registered or eligible for registration in the register of The Canadian Kennel Club Incorporated, or;
- ii. Of a class designated as purebred in the regulations.

"Running At Large" is a dog found in any place other than the premises of the owner of the dog and not under control of any person.

"Society or Humane Society" means the Branch or Affiliate of the Ontario Humane Society (Ontario Society for the Prevention of Cruelty to Animals (OSPCA)).

"Tag" means a metal disc bearing a registration number for the dog/pet for which it has been issued by the Town.

"Town" means The Corporation of the Town of Prescott.

"Under Control" a dog is not under control of a person unless it is on a leash or lead of not more than .

"Vicious Dog" means any dog known to have a propensity, tendency or disposition to attack domestic animals or humans, without provocation, or any dog which has bitten another domestic animal or human without provocation.

"Wild Animal" means a living creature that is not a plant, and is untamed or domesticated, in a natural state.

1. SUPERVISION

- a. Not more than a total of three (3) dogs or three (3) cats with a combined household maximum of 3 dogs and cats, shall be kept in or about any dwelling unit in an urban area. This section does not apply to:
 - i. The operation of a kennel for the purpose of breeding or boarding animals which complies with the Municipal Zoning By-law;
 - ii. An animal Hospital owned and operated by a Veterinarian licensed by the Ontario Veterinarian Association;
 - iii. Pet Store;
 - iv. An Ontario Humane Society Shelter, or a Pound, which complies with the Town's Zoning By-laws;
 - v. This Section does not apply to dogs under the age of three (3) months.
 - b. Any person who is so required by the Town, or its authorized agent, shall forthwith deliver to the Town, or its authorized agent, a statement in writing showing the number of dogs and cats owned by such person or habitually kept upon the premises for which such person is assessed as owner or otherwise.
 - c. Any concerns in regards to any dog or cats health and care shall be referred to the Town.
-

2. DOG/PET LICENSING RESTRICTIONS AND REGULATIONS

- a. The Owner of any dog shall, on the first day of January in each year, or as soon thereafter as such dog shall attain the age of three (3) months, cause the dog to be registered, numbered, described and licensed by the Municipal Offices in the Town or at such other place as Council may from time to time designate. The deadline for registration and licensing of a dog shall be as per the General Fees and Rates By-law.
- b. Any owner of another domestic pet can purchase a pet tag for their animal which will be sold to them at the same rate as a dog.
- c. Guide Dogs and Police Working Dogs are exempt from the fees as outlined in the General Fees and Rates By-law, but must be registered.
- d. Each Owner, upon the registration of a dog and application for a dog licence, shall be furnished with a tag. The dog tag shall be kept securely fixed on the dog at all times until the tag is replaced.
- e. A licence fee per dog, as detailed in the General Fees and Rates By-law to the By-law, shall be paid regardless of the number owned.
- f. Each tag shall bear a registration number for/and in the year in which it was issued. A record shall be kept by the Animal Control Officer for the purpose of showing the name and address of the owner and the registration number of the tag. The replacement fee for lost tag is as set out in the Town's General Fees and Rates By-law to this By-law.
- g. All dogs shall be scanned for micro-chips. However, this does not eliminate the requirement for any required "tag".

3. KENNEL / COMMERCIAL KENNEL LICENCE AND REGULATIONS

- a. Any new applicant for a Kennel Licence for a Kennel / Commercial Kennel not previously licenced must first obtain confirmation that the property location of such Kennel complies with the requirements of the Town's Zoning By-laws. Failure to obtain a Kennel Licence will result in a charge under the *Provincial Offences Act*.
- b. The owner of a Kennel / Commercial Kennel, shall pay the annual licence fee as detailed in the General Fees and Rates By-law to the Town as a licence for all dogs composing such Kennel provided that the owner of such Kennel / Commercial Kennel holds a current Kennel licence issued by the Clerk of the Town. Failure to renew a Kennel Licence while continuing to operate a Kennel will result in a charge under the *Provincial Offences Act*.
- c. All Kennel Licences shall be due on the first day of January in each year. The deadline for renewing a licence shall be as per the Town's General Fees and Rates By-law.
- d. Where the owner of a Kennel keeps dogs outside of a commercial unit, they shall be kept in a pet enclosure.
- e. It shall be unlawful for any person to keep, use or maintain within the Town any Kennel / Commercial Kennel in such a manner that the same is found by the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) to

be nauseous, foul or offensive or a public nuisance, and upon such a finding any licence therefore may be revoked by the Municipal Council.

- f. **If**, in the opinion of the Manager of By-law of the Town, a Kennel becomes a public nuisance then the Kennel / Commercial Kennel licence may be revoked.

4. PET ENCLOSURES

- a. A pet enclosure shall be constructed in such a manner as to prevent a dog or dogs from running at large.
- b. The location of a pet enclosure shall comply with the accessory structure requirements of the Town's Zoning By-law.

5. DOGS THAT ARE A PUBLIC NUISANCE AND / OR RUNNING AT LARGE

- a. No person who owns, harbours or possesses any dog shall allow the dog to run at large.
- b. No person who owns, harbours or possesses any dog shall allow the dog to trespass on private property even when on a leash.
- c. Any person who owns, harbours or possess any dog shall maintain the dog under control at all times while in a public place.
- d. Section 5 a. & c., does not apply to Guide Dogs, Police Work Dogs and Working Dogs while lawfully engaged in their work.
- e. In addition to the requirement of subsection 5 a., b., c., no owner possessor or harbourer of a vicious dog shall permit the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or human.
- f. No person(s) shall permit a dog to become a public nuisance
- g. A dog shall be considered a public nuisance if,
 - i. the dog persistently barks or howls and interferes with the normal enjoyment of another person's property, or;
 - ii. the dog causes damage to public or private property, including injury to humans, other domestic pets, wildlife.
 - iii. the dog interferes with or dumps or scatters garbage, or;
 - iv. the dog persistently barks at or chases persons(s) using public or private property, or;
 - v. the dog swims at a public beach, or;
 - iv. the dog is in a public park and is not on a leash.
- h. Every owner, possessor or harbourer of a vicious dog shall, at all times ~~while the dog is on the premises owned or controlled by such person, keep~~ the dog securely confined either indoors or in an enclosed pen or other

structure capable of preventing the entry of any children and adequately constructed to prevent the dog from escaping.

- i. An Animal Control Officer may issue an Order to Muzzle to an owner whose dog is alleged to have bitten or attacked a person or animal, requiring the owner to muzzle the dog.
- j. An owner may appeal an Order to Muzzle his or her dog to the Chief Administrative Officer, but an appeal shall not act as a stay of the muzzling order.

Town of Prescott Consolidated By-law No. 2021-___
FOR INFORMATION PURPOSES ONLY
Page 5 of 10

- k. Where a proceeding has been commenced by the Town under the Dog Owner's Liability Act against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog until a determination of the matter has been made by the court.
- l. The provisions of subsection 5 e., shall not apply to a vicious dog while that dog in attendance at an event sanctioned by the Canadian Kennel Club.
- m. No owner shall allow his dog to defecate on any property, including a public park, other than the property of its owner or other private property by permission, UNLESS the droppings are forthwith cleaned up.
- n. An Animal Control Officer or other duly appointed officer may enter on private property for the purpose of catching any dog running at large contrary to the provisions of the By-law.
- o. A dog which is found running at large may be seized and impounded or returned to its owner by the Animal Control Officer.
- p. The Animal Control/By-law Officer is hereby authorized, in the course of his/her duties of seizing and impounding dogs running at large contrary to this Bylaw, to use such reasonable means at their disposal to seize and impound such dogs as may be required by the circumstances.
- q. Where, in the opinion of the Animal Control/By-Law Officer, a dog seized under subsection 5 p., is injured or should be destroyed without delay for humane reasons, the Animal Control Officer may have the dog euthanized by a qualified veterinarian as soon after seizure as they think fit and; no damages or compensation shall be recovered on account of its killing.
- r. Any person may capture any dog running at large and trespassing on his property and deliver the same to the Animal Control/By-law Officer, who shall impound the said dog.
- s. No damage or compensation shall be recovered for the killing of a dog under this Section.

6. DOGS SEIZED AND IMPOUNDED

- a. A pound shall be established for the impounding of all dogs, pursuant to the provisions of this By-law. The establishment, maintenance and operation of a pound shall comply with the *Animals for Research Act* R.S.O. 1990 Chapter A. 22, and the regulations made thereunder.
-

- b. Where a dog is impounded pursuant to the provisions of the By-law, the operator of the pound may and shall confine the dog subject to the provisions of the *Animals for Research Act* R.S.O. 1990 Chapter A. 22.
- c. Where a dog or pet seized and impounded bears a tag issued by the Town, the Animal Control/By-law Officer shall search the register kept for that purpose and notify the registered owner thereof with a reasonable time and cite the section or sections of this By-law, which have been violated and shall indicate the location of the dog pound. Notwithstanding any other provisions of this By-law no dog/pet shall be destroyed or sold until the expiration of 72 hours.

Town of Prescott Consolidated By-law No. 2021-____
FOR INFORMATION PURPOSES ONLY
Page 6 of 10

- d. Where a dog/pet seized under the provisions of this By-law is called for within three (3) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of a dog licence as required in Section 2 a., pound fees as detailed in the Town's General Fees and Rates By-law.
- e. Any dog/pet seized and impounded and not called for by the owner thereof within three (3) clear days from the time of such seizure and impounding, may be sold by the Poundkeeper or may be destroyed in a humane manner, by a designated Veterinarian.
- f. Any dog/pet sold as referred to in subsection 6 e., shall be properly licenced and registered, the licence fee paid and the tag securely fixed on the dog. A bill of sale and receipt for payment of same shall vest title of any such dog to the new owner.

7. PROHIBITION — WILD ANIMALS/EXOTIC ANIMALS

No person shall keep any wild or exotic animals within the limits of the Town of Prescott.

8. DOMESTIC FOWL, PIGEONS AND OTHER SPECIES OF BIRDS

No domestic fowl or pigeons shall be kept within the Town of Prescott. All domestic pet birds shall be kept in enclosed and ventilated cages within a dwelling unit. The Animal Control/By-law Officer may, upon the complaint of the owner or occupant of any premises, enter upon such dwelling premises to inspect such conditions.

9. LIVESTOCK

- a. Livestock shall not be kept in the Town unless part of a licensed special event.
- b. Notwithstanding Section 9 a., livestock shall not apply to dogs, cats, rabbits, domestic pet birds, chinchillas, mice, rats, gerbils, guinea pigs, potbellied pigs, hamsters, indigenous non-venomous snakes or fish kept as pets.

10. ENFORCEMENT

- a. The Town shall be responsible for the administration and enforcement of this By-law, and any person(s) appointed by the Town, under an Agreement for Services as Animal Control Officer(s)/By-law officer, shall

be designated as a Provincial Offences Officer for the enforcement of this By-law and for the enforcement of the Town of Prescott By-laws, as it related to barking dogs.

- b. The Town's General Fees and Rates By-law for this By-law may be changed by the Corporation of the Town of Prescott, by Council resolution at any time, after the appropriate public meeting and notices have been published in accordance with the *Municipal Act* 2001, Chapter 25, Section 150(4).

11. DESIGNATED PUBLIC DOG PARK

- a. A designated public dog park location(s) maybe set by the Town of Prescott.
 - b. Notwithstanding Subsection 5 a. and c., any dog may run at large without a leash within a designated public dog park.
 - c. The rules and regulations of a public dog park shall also apply, as per Schedule B.
- 12.** If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that on or more provisions thereof shall have been declared to be invalid.
- 13.** That By-law No. 23-94 is hereby repealed.
- 14.** That any person who contravenes a section of this By-law shall be guilty of an offence, and upon conviction be liable to a penalty as provided for under the *Provincial Offences Act*, 1990.
- 15.** The Set Fines to this By-law shall come into force and take effect on the date of the approval by the Senior Justice, Ontario Court of Justice, Province of Ontario.
-

Town of Prescott Consolidated By-law No. 2021-___
FOR INFORMATION PURPOSES ONLY
Page 8 of 10

**The Corporation of the Town of
Prescott**

**SCHEDULE A TO BY-LAW NO. 2021-___
ORDER TO MUZZLE**

--

Date:	
Order Issued to:	
Address 1:	
Address 2:	

Town/Postal Code:	
Description of Dog:	
Name of Dog:	
Breed:	
Colouring:	
Dog Tag Number:	Year of Dog Tag Issued:
Rabies Tag Number: (include the year and veterinary's office)	Tattoo Number:
Microchip Number:	

_____ , being the Animal

Control Officer declare the following:

1. The above dog described did on the _____ day of _____, 20____ bit and punctured the skin of a person or a domestic animal.
2. That in accordance with Section 5 i., of By-law No. 2021-__ you are hereby ordered to restrain your dog as follows:

Date

By-law Enforcement Officer

This Order to Muzzle will be on file at the Municipal Offices of the Corporation of the Town of Prescott.

Town of Prescott Consolidated By-law No. 2021-__
FOR INFORMATION PURPOSES ONLY
Page 9 of 10

THE CORPORATION OF THE TOWN OF PRESCOTT

Part I Provincial Offences Act

BY-LAW NO. 2021-__: Dogs and Kennels

Schedule of Set Fines

Item	Short Form Wording	Provision Creating Offence	Set Fine
1.	Keeping more than three (3) combined total of dogs and cats in or about any dwelling unit in an urban area	1(a)	\$55.00
2.	Failure to provide information on the number of dog and cats at a premise	1(b)	\$55.00
3.	Failure to obtain a licence	2(a)	\$55.00
4.	Failure to maintain tag on dog	2(d)	\$55.00
5.	Operating a Kennel without permission	3(b)	\$105.00
6.	Permitting dog to run at large	5(a)	\$55.00
7.	Failure to meet other By-law Provisions		\$55.00

8.	Failure to provide adequate protection while harbouring a vicious dog	5(h)	\$105.00
9.	Permitting dog to become a public nuisance	5(f)	\$105.00
10.	Dog defecating on other than the owners private property	5(m)	\$105.00

Set Fine Orders for By-law No. 2021-__ effective on passage of this bylaw

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-__ of the Corporation of the Town of Prescott Ontario, attached hereto is the set fine for that offence. This Order is to take effect _____, 2021.

DRAFT

SCHEDULE B TO BY-LAW NO. 2021-__
RULES OF A PUBLIC DOG PARK

- a. Dog waste clean-up by the owner is mandatory.
- b. Dog park use is at your own risk, owners assume all risks related to off-leash area usage.
- c. Hours of operation 8:00 am — sunset.
- d. Dogs must be licenced, vaccinated for rabies and wear appropriate collar with tags.
- e. Dogs must be leashed coming in and out of the park.
- f. Dogs must be removed from the park at the first sign of aggression.
- g. Dogs in heat are not permitted.
- h. Excessive barking is not permitted.
- i. No more than two (2) dogs may be brought into the off-leash dog area by any individual at the same time.
- j. All children under 12 years of age must be supervised by an adult attendant while inside the off-leash dog area; Children under the age of 6 are not permitted.
- k. No food (including dog treats) is permitted in the off-leash dog area.
- l. Off-leash areas are smoke-free areas.
- m. Owners must remain with their dogs at all times.
- n. Non-compliance with the rules can result in fines and/or banning from the park.
- o. Dog owners are subject to Ontario Dog Owner's Liability Act and the Town of Prescott's Animal Control By-law.

DRAFT
