

**THE CORPORATION OF THE
TOWN OF PRESCOTT**

BY-LAW NO. 05-2021

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

Being a by-law to provide for the licensing and registering of animals 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 By-law,

"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, 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.

"Cat" means a male/female cat of this species felis catus,

"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" "Service Dog" shall mean a dog trained and certified as a guide for the blind, hearing impaired or disabled, 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 recorded 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 pet 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 pets 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 pet 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 animals.

"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 an animal found in any place other than the premises of the owner of the animal 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 animal for which it has been issued by the Town.

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

"Under Control" an animal is not under control of a person unless it is on a leash or lead.

"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 four (4) cats with a combined household maximum of five (5) 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 animals 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. ANIMAL LICENSING RESTRICTIONS AND REGULATIONS

- a. The Owner of any dog or cat shall, on the first day of January in each year, or as soon thereafter as such dog or cat shall attain the age of three (3) months, cause the dog or cat 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.
- 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.
- c. Guide Dogs and Police Working Dogs are exempt from the fees as outlined in this bylaw, but must be registered.
- d. Each Owner, upon the registration of a dog or cat and application for a dog or cat licence, shall be furnished with a tag. The tag shall be kept securely fixed on the pet at all times until the tag is replaced.
- e. A licence fee per dog or cat, as detailed in this 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, cats or pets shall be scanned for micro-chips. However, this does not eliminate the requirement for a required "tag" by an owner.

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 cat 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. ANIMALS THAT ARE A PUBLIC NUISANCE AND / OR RUNNING AT LARGE

- a. No person who owns, harbours or possesses any animal shall allow the animal to run at large.
- b. No person who owns, harbours or possesses any animal shall allow the animal to trespass on private property even when on a leash.
- c. Any person who owns, harbours or possess any animal shall maintain the animal under control and on a leash at all times when not on the owner's property.
- d. Section 5 a. & c. above, do not apply to Guide Dogs, Police Work Dogs and Working Dogs while lawfully engaged in their work.
- e. In addition, no owner, possessor or harbourer of a vicious animal shall permit the animal 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 animal is muzzled to prevent it from biting another animal or human. This shall not apply to a vicious dog while that dog in attendance at an event sanctioned by the Canadian Kennel Club.
- f. No person(s) shall permit an animal to become a public nuisance

- g. An animal shall be considered a public nuisance if,
 - i. the animal persistently barks or howls, screams or meows to the point that the animal interferes with the normal enjoyment of another person's property, or;
 - ii. the animal causes damage to public or private property, including injury to humans, other domestic pets, wildlife, or;
 - iii. the animal interferes with or dumps or scatters garbage, or;
 - iv. the animal persistently attacks at or chases persons(s) using public or private property, or;
 - v. the animal swims at a public beach, or;
 - iv. the animal is in a public park and is not on a leash.
- h. Every owner, possessor or harbourer of a vicious animal shall, at all times while the animal is on the premises owned or controlled by such person, keep the animal 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 animal 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 when off the owner's property. A cat may be ordered to be caged when off owner's property if it is alleged to have bitten or attacked a person or animal, requiring the owner to cage the cat when off the owner's property.
- j. An owner may appeal an Order to Muzzle his or her dog or to cage his or her cat to the Chief Administrative Officer, but an appeal shall not act as a stay of the muzzling or caging order.
- 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. No owner shall allow their animal 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.
- m. An Animal Control Officer or other duly appointed officer may enter on private property for the purpose of catching any animal running at large contrary to the provisions of the By-law.
- n. An animal which is found running at large may be seized and impounded or returned to its owner by the Animal Control Officer.
- o. The Animal Control/By-law Officer is hereby authorized, in the course of his/her duties of seizing and impounding animals running at large contrary to this Bylaw, to

use such reasonable means at their disposal to seize and impound such animals as may be required by the circumstances.

- p. Where, in the opinion of the Animal Control/By-Law Officer, an animal seized, is injured or should be destroyed without delay for humane reasons, the Animal Control Officer/By-Law Officer may have the animal 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.
- q. Any person may capture any animal running at large and trespassing on their property and deliver the same to the Animal Control/By-law Officer, who shall impound said animal.

6. ANIMALS SEIZED AND IMPOUNDED

- a. A pound shall be established for the impounding of all animals, 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 an animal is impounded pursuant to the provisions of the By-law, the operator of the pound may and shall confine the animal subject to the provisions of the *Animals for Research Act* R.S.O. 1990 Chapter A. 22.
- c. Where an animal is seized and impounded and 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 within a reasonable amount of time and cite the section or sections of this By-law, which have been violated and shall indicate the location of the animal pound. Notwithstanding any other provisions of this By-law no animal shall be sold or adopted out until all reasonable actions have been taken by the town to notify the owner.
- d. Where an animal is seized under the provisions of this By-law is called for within five (5) clear days from the time of being seized and impounded, the animal shall be released to the owner upon payment of an animal licence as required in Section 2 a., and pound fees.
- e. Any animal seized and impounded and not called for by the owner thereof within five (5) clear days from the time of acknowledged notification, may be sold or adopted through the pound keeper or through a rescue shelter.
- f. Any animal 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 animal. A bill of sale and receipt for payment of same shall vest title of any such animal 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 relates to animals within the Town of Prescott.
- b. Fees and Rates 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 OFF LEASH 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 off leash 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 and By-Law 01-2006 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.

READ AND PASSED, SIGNED AND SEALED THE 1st DAY OF FEBRUARY 2021.

Original Signed By:

Original Signed By:

Mayor

Clerk

The Corporation of the Town of Prescott

BY-LAW NO. 05-2021

ORDER TO MUZZLE OR CAGE

| | |
|---|---------------------|
| Date: | |
| Order Issued to: | |
| Address 1: | |
| Address 2: | |
| Town/Postal Code: | |
| Description of Dog/Cat: | |
| Name of Dog/Cat: | |
| Breed: | |
| Colouring: | |
| Tag Number: | Year of 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/cat 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. 05-2021, you are hereby ordered to restrain your dog/cat as follows:

Date

By-law Enforcement Officer

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

THE CORPORATION OF THE TOWN OF PRESCOTT

Part I *Provincial Offences Act*

BY-LAW NO. 05-2021: Dogs and Kennels

Schedule of Set Fines

| Item | Short Form Wording | Provision Creating | Set Fine |
|-------------|---|---------------------------|-----------------|
| 1. | Keeping more than the stipulated number of cats and/or dogs per household | 1(a) | \$110.00 |
| 2. | Failure to provide information on the number of dog and cats at a premise | 1(b) | \$110.00 |
| 3. | Failure to obtain a licence | 2(a) | \$110.00 |
| 4. | Failure to maintain tag on a dog or cat | 2(d) | \$110.00 |
| 5. | Operating a Kennel without permission | 3(b) | \$210.00 |
| 6. | Permitting an animal to run at large | 5(a) | \$110.00 |
| 7. | Failure to meet other By-law Provisions | | \$110.00 |
| 8. | Failure to provide adequate protection while harbouring a vicious dog/cat | 5(h) | \$210.00 |
| 9. | Permitting an animal to become a public nuisance | 5(f) | \$210.00 |
| 10. | Animal defecating on other than the owners private property | 5(l) | \$210.00 |

**Set Fine Orders for By-law No. 05-2021
effective on passage of this By-law**

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. 05-2021 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.

**THE CORPORATION OF THE TOWN OF PRESCOTT
BY-LAW NO. 05-2021**

SCHEDULE OF ANIMAL LICENSE AND TAG FEES

| | Dog Mandatory | Cat Mandatory | Other Optional |
|--|--------------------------|--------------------------|---------------------------|
| First Time License and Tag | \$20.00 | \$20.00 | \$20.00 |
| 2 nd and subsequent License (no tag) | \$18.00 | \$18.00 | \$18.00 |
| Replacement Tags | \$5.00 | \$5.00 | \$5.00 |
| | | | |
| Frequency of License | Yearly | Yearly | Yearly |
| | | | |

**SCHEDULE B TO BY-LAW NO. 05-2021
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.
- p. Any animal referred to in this by-law under Section 5. h. or i. or any animal that has been deemed vicious or an animal subject to an order to muzzle, will not be permitted at the public dog park.