

THE CORPORATION OF THE  
TOWN OF WASAGA BEACH

By-Law #2002-63

A BY-LAW TO REGULATE AND CONTROL  
ANIMALS WITHIN THE TOWN OF WASAGA BEACH

WHEREAS the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, L.24, The Animals for Research Act, R.S.O. 1990, A.22, The Pounds Act, R.S.O. 1990, P.17, The Dog Owner's Liability Act, R.S.O. 1990, D.16, The Health Protection and Promotion Act, R.S.O. 1990, H.7, and The Municipal Act, R.S.O. 1990, M.45, contains certain provisions enabling municipalities to pass By-Laws;

AND WHEREAS it is considered desirable to pass a by-law to provide for the licensing, regulation, registration and prohibition of certain types of animals within the Town of Wasaga Beach;

NOW THEREFORE, the Council of the Corporation of the Town of Wasaga Beach enacts as follows:

**1.0 TITLE:**

1.1 This By-Law may be referred to as "The Animal Control By-Law".

**2.0 DEFINITIONS:**

2.1 **"Animal"** means any member of the animal kingdom of living beings, excluding humans, without limitation, "Animal" shall include mammals, dogs, cats, birds and reptiles.

2.2 **"Animal Control Officer"** includes the person(s), society, or association appointed by and/or who have entered into a contract with the Corporation of the Town of Wasaga Beach to enforce this By-Law and any such servant or agent of such person(s), society, or association employed for such purpose.

2.3 **"Corporation"** means the Corporation of the Town of Wasaga Beach.

2.4 **"Dog"** means any member of the species Canis Familiaris.

2.5 **"Domestic Cat"** shall mean a feline of the species Felis Catus which would customarily share human habitat and which would normally be considered dependant on humans for food and shelter. It shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.

2.6 **"Kennel"** means a place or confine, other than a Veterinary Hospital or Pet Shop as defined herein, where:

2.6.1 purebred dogs are kept, bred or raised and registered with the Canadian Kennel Club, or,

2.6.2 purebred cats are kept, bred or raised and registered with the Canadian Cat Association or the Cat Fanciers Association, or,

2.6.3 dogs or cats are kept, bred or raised but are not recognized as purebred in accordance with the aforesaid mentioned Clubs;

- 2.7 **“Licence”** for the purpose of this By-Law, shall be deemed to be the receipt issued by the Treasurer of the Town of Wasaga Beach or his authorized agent, upon payment of the appropriate licence fee;
- 2.8 **“Owner”** shall include any person who owns, possesses, harbours, or has custody of an animal, and where the owner of the animal is a minor, the person responsible for the custody of the minor. “own”, “owns” and “owned” shall have corresponding meanings;
- 2.9 **“Person”** includes an individual, a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- 2.10 **“Pet Shop”** means any establishment or premises maintained for the purchase, sale or exchange of domestic pets of any type.
- 2.11 **“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, including the investigation of crime and the apprehension of law violators;
- 2.12 **“Pound”** shall mean such premises and facilities designated by the Town of Wasaga Beach as a Town Pound;
- 2.13 **“Poundkeeper”** includes the person(s), society, or association appointed by and/or who have entered into a contract with the Corporation of the Town of Wasaga to maintain a pound, and any such servant or agent of such person(s), society, or association employed for such purpose;
- 2.14 **“Prohibited Animal”** is any living animal listed in Schedule “B” attached hereto and forming part of this By-Law.
- 2.15 **“Purebred”** means a dog or cat registered or eligible for registration with the Canadian Kennel Club, Canadian Cat Association, or the Cat Fanciers Association.
- 2.16 **“Society”** or **“Humane Society”** means the branch of the Ontario Humane Society (Ontario Society for the Prevention of Cruelty to Animals).
- 2.17 **“Tag”** means a marking device issued by the Corporation of the Town of Wasaga Beach or its authorized agent.
- 2.18 **“Veterinary Hospital”** means any establishment or premises operated under the supervision of a duly licenced veterinarian for medical treatment of domestic animals or pets.
- 2.19 **“Wasaga Sports Park”** shall be legally described as Concession 14 North Part Lot 9, RP51R26002 Parts 1 TO 4.

### **3.0 Dog Registration, Licensing, and Tagging:**

- 3.1 No owner of a dog shall fail to register, describe, and licence a dog, within ten (10) days of the dog coming into his possession, or where applicable, the dog has attained the age of three (3) months, with the Corporation or its authorized agent and thereafter shall annually licence said dog on or before the 15<sup>th</sup> day of February of each and every calendar year. The applicable Licence Fee to be paid by the owner is shown on Schedule “A” attached hereto and forming part of this By-Law.

- 3.2 If a person acquires a dog after February 15, and licences the dog under Section 3.1 within 10 days of acquiring said dog, the owner may pay the on or before February 15 Licence Fee shown on Schedule "A".
- 3.3 If the owner of a dog becomes a new resident within the Town of Wasaga Beach after February 15, and licences the dog under Section 3.1 within 10 days, the owner may pay the on or before February 15 Licence Fee shown on Schedule "A".
- 3.4 No person applying for a dog license shall fail to produce to the Corporation or its authorized agent, on demand, evidence that the dog has been inoculated with an anti-rabies vaccine within a period of twelve (12) months of the date of the application for a dog license.
- 3.5 No person applying for a dog license for a spayed female dog or a neutered male dog shall fail to produce to the Corporation or its authorized agent, on demand, a certificate of a veterinary surgeon that such female dog has been spayed or that such male dog has been neutered.
- 3.6 No person shall register an unspayed female dog as a spayed dog.
- 3.7 No person shall register an unneutered male dog as a neutered male dog.
- 3.8 On payment of the license fee shown on the attached Schedule "A", the Corporation or its authorized agent shall issue for each dog so registered, a serial-numbered tag and shall cause the name of the owner, his or her address, and the number of his or her tag to be entered in the municipal records.
- 3.9 No owner shall fail to affix to his or her dog the tag issued, in accordance with Subsection 3.8 of this Section, and shall keep such tag affixed on the dog at all times until a tag for the next year is purchased and affixed.
- 3.10 No license, tag or registration under this Section shall be transferable, and the license and tag shall expire and become void upon the sale, death or other disposal of the dog.
- 3.11 Every license and tag issued under this Section shall expire on the 31<sup>st</sup> day of December next following the date of issue, if not earlier invalidated under Subsection 3.10 above.
- 3.12 No person other than the owner or his agent shall remove the tag from a dog.
- 3.13 No owner shall display a tag upon a dog other than the dog for which said tag was registered too.
- 3.14 No owner of any dog licensed under this By-Law shall fail to notify the Corporation within ten (10) days of the owners change of address or residence.
- 3.15 The replacement fee for a lost or stolen tag is set out in Schedule "A" to this By-Law.

- 3.16 Every person who owns a dog as a seeing eye dog, or a hearing ear dog, shall not be required to pay the licencing fee stipulated in Schedule “A” upon presentation of the applicable certificate from either the Canadian National Institute for the Blind stating the dog is being used as a seeing eye dog, or from the Hearing Ear Dogs of Canada stating the dog is being used as a hearing ear dog. Notwithstanding this exemption from paying the licence fee, all seeing eye dogs and hearing ear dogs, must be registered under Section 3.1.

#### **4.0 Kennels:**

- 4.1 No person shall operate a kennel, as defined in Section 1, until they have been granted a licence by the Corporation authorizing them to operate a kennel and thereafter shall annually licence said kennel on or before the 15th day of February of each and every calendar year.
- 4.2 Prior to being granted a kennel licence, the applicant shall pay the licence fee shown on Schedule “A” attached hereto.
- 4.3 The applicant shall provide, at the Corporations request, written verification that the kennel has been inspected and approved by the Zoning, Building and Fire Department or any other agency deemed necessary to establish compliance with all applicable laws.
- 4.4 Every license and tag issued under this Section shall expire on the 31<sup>st</sup> day of December next following the date of issue.

#### **5.0 PROHIBITED ANIMALS**

- 5.1 No person shall keep, possess or harbour a Prohibited Animal, as defined in Section 2.14 of this By-Law, on any land within the Town of Wasaga Beach.
- 5.2 Notwithstanding Section 5.1, the prohibition shall not apply to:
- 5.2.1 A Veterinary Hospital;
- 5.2.2 An Ontario Humane Society shelter or the animal control pound which complies with the Town of Wasaga Beach Zoning By-Law;
- 5.2.3 Any animal being displayed or exhibited for a set period of time in a municipally sanctioned event, which is operated in accordance with the municipalities conditions.
- 5.2.4 A bona fide farming operation for the keeping of any cattle, horse, goat, sheep, swine or chickens as permitted under the Town of Wasaga Beach Zoning By-Law.
- 5.2.5 A riding stable licenced by the corporation for the keeping of any number of horses as permitted under the Town of Wasaga Beach Zoning By-Law.
- 5.2.6 Any Municipal, Provincial or Federal Government agency.
- 5.3 No person shall control, possess, or keep a dog on the land known municipally as the “Wasaga Sports Park”.

**6.0 Restrictions:**

- 6.1 No person shall own, control, possess, board or harbour more than two (2) dogs on any property within the Town of Wasaga Beach.
- 6.2 No person shall own, control, possess, board or harbour more than six (6) domestic cats on any property within the Town of Wasaga Beach.
- 6.3 No person shall own, control, possess, board or harbour more than six (6) domestic Rabbits on any property within the Town of Wasaga Beach.
- 6.4 No person shall own, control, possess, board or harbour more than six (6) domestic Ferrets on any property within the Town of Wasaga Beach.
- 6.5 No person shall own, control, possess, board or harbour more than six (6) domestic Guinea Pigs or Hamsters on any property within the Town of Wasaga Beach.
- 6.6 Section 6.0 does not apply to:
- 6.6.1 the operation of a kennel licenced under the provisions of Section 4.0;
- 6.6.2 a Veterinary Hospital;
- 6.6.3 a pet store;
- 6.6.4 a Ontario Humane Society shelter or the Animal Control Pound which complies with the Town of Wasaga Beach Zoning By-Law;
- 6.6.5 dogs under the age of three (3) months;
- 6.6.6 domestic cats under the age of six (6) months.
- 6.7 Any person who is so required by the Corporation of the Town of Wasaga Beach or its authorized agent shall forthwith deliver to the Corporation its authorized agent, a written statement showing the number of dog(s), cat(s) or other animals which are habitually kept upon the premises for which such person is assessed as owner or otherwise.

**7.0 CONTROL OF DOGS:**

- 7.1 No owner of a dog shall allow his dog to run at large.
- 7.2 No owner of a dog shall allow his dog to trespass on private property when under the control of the owner.
- 7.3 A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
- 7.4 For the purposes of this Section "Under Control" shall mean the dog must be on a leash or chain, that must be held by the person accompanying the dog, and that person must be physically able to control the dog with the leash or chain.
- 7.5 No person accompanying a dog shall use a leash or chain greater than 2 metres in length.

- 7.6 A dog shall not be considered to be running at large if it is a police work dog, or if it is a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in hunting or training for hunting, on unposted land or on posted land, with the permission of the owner of the said land.
- 7.7 Any dog running at large contrary to the provisions of this By-Law, may be captured by the Animal Control Officer or the Municipal Law Enforcement Officer and said dog may delivered to the Poundkeeper in charge of the Pound or returned to the owner.
- 7.8 Any person may capture any dog running at large and shall deliver same to the Animal Control Officer, forthwith, who may deliver the said dog to the Poundkeeper or return to the owner.
- 7.9 An Animal Control Officer or Municipal Law Enforcement Officer may enter onto private property, with the consent of the owner or tenant of that property, for the purpose of catching any dog running at large contrary to the provisions of this By-Law.
- 7.10 Any dog running at large contrary to the provisions of this By-Law may be impounded and may be sold as hereinafter provided.
- 7.11 It shall be the duty of the Animal Control Officer to capture all dogs running at large contrary to the provisions of this By-Law, and make all reasonable efforts to contact the owner. If the owner can be located within the Town of Wasaga Beach, The Animal Control Officer shall return the dog to the owner or impound same.
- 7.12 The Animal Control Officer or other duly appointed officer, without notifying any person or without permitting any person to reclaim the animal or without offering it for sale, shall have the right to kill any animal, in a humane manner, where:
- 7.12.1 In the officers opinion, the animal is injured or should be destroyed without delay for humane reasons, or;
- 7.12.2 The animal is believed to be a danger or threat to the safety of any person or animal.
- 7.13 No damages or compensation shall be recovered on account of an animal being killed under the provisions of this By-Law.
- 7.14 In addition to any other fees or penalties which may be imposed under this By-Law, if a person, within a period of six (6) months, is convicted on more than three (3) separate occasions of a breach of this By-Law, the Convicting Authority may cancel all licenses held by such person under the provisions of this By-Law, and upon cancellation of a license, such person shall not be issued a further license for a period of twelve (12) months from the date of such cancellation.
- 7.15 Any dog which has a propensity to bite any person, or has bitten any person, shall be controlled at all times.

- 7.16 Where it is alleged that a dog has bitten or attacked a person or domestic animal, such dog, may at the discretion of the Police Officer, Municipal Law Enforcement Officer, or the Animal Control Officer, be seized, impounded and held by the Poundkeeper until the proceedings referred to in The Dog Owner's Liability Act, R.S.O. 1990, D.16, have been followed, providing that no dog shall be impounded for a period in excess of twenty-one (21) days, unless otherwise ordered by the Court. Any costs of such seizure and impoundment shall be the responsibility of the owner of said dog.
- 7.17 Where it is alleged that a dog has bitten or attacked a person or domestic animal, the Animal Control Officer shall notify the Medical Officer of Health as soon as practical.
- 7.18 The Medical Officer of Health shall be notified of any dog known to have rabies or is suspected of having rabies as soon as practical.
- 7.19 It shall be the duty of the Poundkeeper to care for all animals after they have been impounded, in accordance with the regulations made pursuant to The Animals for Research Act, R.S.O. 1990, A.22, and The Pounds Act, R.S.O. 1990, P.17 and any other applicable legislation.
- 7.20 No person who owns, harbours or possesses any dog shall allow the dog to defecate anywhere on a property other than that of the owner, unless the owner ensures that the excreta is removed and disposed of in a sanitary manner.

## **8.0 WHERE DOGS ARE SEIZED AND IMPOUNDED:**

- 8.1 The Animal Control Officer or Poundkeeper shall restore possession of the dog to the owner thereof where:
- 8.1.1 the owner claims possession of the dog within three (3) days (exclusive of statutory holidays and Sundays) after the date of seizure, and
- 8.1.2 the owner registers and licences the dog which was not registered and licensed in the current calendar year, and
- 8.1.3 the owner pays the pick-up fee, pound fee, maintenance fee and all other fees associated with the seizure and impoundment of the dog.
- 8.2 A pound shall be established which complies with all applicable Provincial Legislation, and under the care and control of a Poundkeeper. It shall be the duty of the Poundkeeper to impound all dogs brought to him which have been found to be running at large, and which have not been returned to their owner, and to dispose of same as hereinafter provided.
- 8.3 The Poundkeeper shall also keep a record of all dogs impounded and how they were disposed of, and shall report as required to the Corporation or its authorized agent, the number of dogs impounded, how disposed of, and the amount collected for the poundage fees and proceeds of sale.
- 8.4 In the event a dog has been impounded and has not been redeemed within three (3) days (exclusive of statutory holidays and Sundays), the dog shall become the property of the Poundkeeper, who may sell the dog or dispose of it as he deems fit, and in either event aforesaid, no damages or compensation shall be recovered on account of its killing or its disposition.

- 8.5 Where a dog is impounded, the owners, if known, and whether or not the dog is claimed from the Pound, shall be liable for the pound and maintenance fees prescribed, and shall pay all fees on demand by the Animal Control Officer, or other designated agent of the Corporation.
- 8.6 In the event a dog is seized and impounded is injured and requires the services of a veterinary surgeon, and in addition or alternatively must be destroyed, the owner of such dog thereof shall be liable to pay all costs.

### **9.0 Voluntary Disposal:**

- 9.1 Any owner who requests the assistance of the Animal Control Officer for the transportation of any pet to the Poundkeeper for disposal shall, complete and sign the required form and pay the applicable fee allowing for the disposal of the pet, and the Animal Control Officer shall receive the pet to be disposed of or destroyed. (see Schedule "C" for the required form)

### **10.0 OFFENCES:**

- 10.1 Every owner or other person who contravenes any provision of this By-Law is guilty of an offence and upon conviction, shall be liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs, as provided for in the Provincial Offences Act, R.S.O.1990, Chapter P33, as Amended.
- 10.2 Every owner or other person who contravenes Section 7.1 or 7.2 of this By-Law and issued a Voluntary Payment Offence Notice, may, within seven (7) days of the date the ticket was issued, report to the Town of Wasaga Beach Municipal Office and make voluntary payment, in full satisfaction of the alleged offence, in the amount of:
- |                |   |                      |            |
|----------------|---|----------------------|------------|
| First Offence  | - | Fifty Dollars        | (\$50.00)  |
| Second Offence | - | Seventy-Five Dollars | (\$75.00)  |
| Third Offence  | - | One Hundred Dollars  | (\$100.00) |
- 10.3 Each day that a breach of this By-Law is committed, caused or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder.
- 10.4 If any Court of competent jurisdiction declares that any provision of this By-Law are ultra vires or invalid such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-Law.

### **11.0 RECIND BY-LAWS:**

- 11.1 By-Law #98-24, passed by Council on the 14<sup>th</sup> day of April, 1998, and By-Law #99-30, passed by Council on the 13<sup>th</sup> day of April, 1999, are hereby rescinded.



**12.0 EFFECTIVE DATE:**

12.1 This By-Law shall come into force and effect from the date of its final passing hereof.

Read a first and second time this the

12th day of November 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK-TREASURER/ADMINISTRATOR

Read a third and finally passed this the

12th day of November 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK-TREASURER/ADMINISTRATOR

**Schedule "A"**  
**Town of Wasaga Beach By-Law #2002-63**

**Dog Licensing Fees:**

1.0 For the purposes of this By-Law, the following Fees shall apply:

1.1 **Dog Licence Fees on or before the 15th day of February**

Each Male or Female, not neutered or spayed	\$20.00
Each Neutered Male or Spayed Female	\$15.00
Senior Citizens – First dog	\$10.00
Senior Citizens – Second dog	Regular Fee

1.2 **Dog Licence Fees after the 15th day of February**

Each Male or Female, not neutered or spayed	\$25.00
Each Neutered Male or Spayed Female	\$20.00
Senior Citizens – First dog	\$15.00
Senior Citizens – Second dog	Regular Fee

**Other Fees:**

2.0 For the purposes of this By-Law, the following Fees shall apply:

2.1 Voluntary Disposal of dog	\$100.00
2.2 Pick-up Fee	\$25.00
2.3 Kennel Licence Fee	\$50.00
2.4 Replacement fee for lost or stolen tag	\$2.00

**Schedule "B"**  
**Town of Wasaga Beach By-Law #2002-63**  
**(PAGE 1)**

- All Marsupialia (such as Kangaroos, Opossums, Koala, Cusus)
- All non-human Primates (such as Monkeys, Apes, Chimpanzees, Lemurs,)
- All Canidae (such as Wolf, Coyote, Fox,)(except Domestic Dog)
- All Felidae (such as Lion, Tiger, Leopard, Panther, Lynx,)(except Domestic Cat)
- All Mustelidae (such as Weasels, Ferret, Wolverine, Mink, Badger)  
(except Domestic Ferret)
- All Ursidae (such as Bear, Panda)
- All Hyaenidae (such as Hyena)
- All Procyonidae (such as Racoon, Panda, Coatimundi, Skunk, Otter)
- All Viverridae (such as Mongoose, Civet, Genet)
- All Pinnipedia (such as Seals, Sea Lions, Walruses)
- All Perissodactyla (such as Horse, Ass, Zebra, Mule, Tapir, Rhinoceros)
- All Artiodactyla (such as Pigs, Hippopotamus, Camel, Giraffe, Sheep, Goat,  
cattle, Llama,)
- All Edentata (such as Anteaters, Sloths, Armadillos)
- All Proboscidea (such as Elephants)
- All Chiroptera (such as Bats)
- All Sirenia (such as Manattees, Dugongs)
- All Mysticeti (such as White Whales, Grey Whales)
- All Odontoceti (such as Dolphins, Sperm Whales)
- All Monotremata (such as Platypuses, Echidnas)
- All Lagomorpha (such as Rabbit, Hare, Pike)(except Domestic Rabbits)
- All Insectivora (such as Mole, Hedgehog, Solenodon)
- All Rodentia (such as Porcupine, Squirrel, Chincillia, Beaver, Wood Chuck)  
(except Domestic Guinea Pig or Hamsters)
- All Crocodilia (such as Crocodiles, Alligators, Caimans, Gavials)
- All Chelydridae (such as Snapping Turtle)
- All Boidae (such as Anacondas, Pythons, Boa)

**Schedule "B"**  
**Town of Wasaga Beach By-Law #2002-63**  
**(PAGE 2)**

All Elapidae (such as Kraits, Coral snake, Cobra)

All Viperidae (such as Vipers, Rattlesnake, Pit Viper, Adder)

All Crotalidae (such as Pit Viper, Water Moccasin, Bushmaster, Fer-De-Lance)

All Hydrophiidae (such as Sea Snake)

All Acrochordidae (such as File Snake)

All Helodermatidae (such as Gila Monster, Beaded Lizard)

All Arachnids (such as Tarantulas, Spiders)

All Cassuariformes (such as Emus, Cassowaries)

All Struthioniformes (such as Rhea, Ostrich, Pampas)

All Apterygiformes (such as Kiwis)

All Falconiformes (such as Hawks, Eagles, Kites, Harriers, Osprey)

All Strigiformes (such as Owls, Vultures, Buzzards)

All Galliformes (such as Chicken, Turkey, Grouse, Peacock,)

All Charadriiformes (such as Woodcock, Snipe, Auk, Puffin, Penguin)

All Columbiformes (such as Doves, Pigeons)

All Anseriformes (such as Ducks, Geese, Swans)

All venomous insects, except bees as defined in the Bees Act, R.S.O. 1990, B.6

**Schedule "C"**  
**Town of Wasaga Beach By-Law #2002-63**

**As referred to in Section 9.0, Of this By-Law  
Form to be used for Voluntary Disposal of an Animal**

**REQUEST FOR THE DISPOSAL OF AN ANIMAL**

Date:\_\_\_\_\_ Time:\_\_\_\_\_ Case No.\_\_\_\_\_

*For humane reasons, I hereby consent to and request the Animal Control Officer for the Town of Wasaga Beach to dispose of the animal described below.*

*To the best of my knowledge and belief, this animal has not bitten any person during the fifteen days preceding this date.*

Owner:\_\_\_\_\_

Street Address:\_\_\_\_\_

Telephone Number:\_\_\_\_\_

**Details of Animal:**

Identification:\_\_\_\_\_

Species:\_\_\_\_\_ Breed:\_\_\_\_\_

Sex:\_\_\_\_\_ Color:\_\_\_\_\_ Age:\_\_\_\_\_

Remarks:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Owner/Agent:\_\_\_\_\_

Received By:\_\_\_\_\_

(Animal Control Officer)

Date Disposal Fee Paid:\_\_\_\_\_ Amount Paid:\_\_\_\_\_

The above-described animal was disposed of on:\_\_\_\_\_

By (Adoption/Euthanasia) Refer to File# \_\_\_\_\_