



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2018-006

A by-law to regulate the keeping of animals in the Town of Oakville, including provisions for animal identification, and to repeal by-law 2010-157, as amended

WHEREAS subsection 11(2) of the *Municipal Act, 2001*, 2001, c.25, as amended, (the "Municipal Act") authorizes The Corporation of the Town of Oakville to pass by-laws regarding animals;

WHEREAS subsection 105(1) of the *Municipal Act* provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement;

WHEREAS subsection 105(2) of the *Municipal Act* further provides that an exemption may be granted subject to such conditions as Council considers appropriate;

WHEREAS subsection 105(3) of the *Municipal Act* further provides that the powers of Council under section 105 may be delegated to a committee of Council or an Animal Control Officer of the municipality;

WHEREAS pursuant to subsection 151(1)(g) of the *Municipal Act*, Council considers it desirable to provide for a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

WHEREAS the Council of the Corporation of the Town of Oakville deems it advisable to enact such a by-law,

**COUNCIL ENACTS AS FOLLOWS:**

**1. Definitions**

In this by-law, the term,

**“Aggressive Behaviour”** means growling, snarling, lunging, biting or chasing any person or domestic animal;

**“Animal”** means all species of fauna excluding humans, fish and aquatic invertebrates;

**“Animal Control Officer”** means a person or class of person designated by by-law of the Town to enforce Town by-laws respecting animals and includes an animal control officer employed by the Humane Society;

**“At large”** means to be found in any place other than the owner’s property and not under the control of any person;

**“Attack”** means the act or action of aggressive behaviour;

**“Bite”** means the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog and “bitten” has a corresponding meaning;

**“Biting dog”** means a dog that, in the absence of a mitigating factor, has attacked, bitten, or caused physical injury to a person or a domestic animal, or a dog that has been declared vicious or a biting dog in another municipality in Ontario;

**“Cat”** means a feline of any breed of domesticated cat or cross-breed domesticated cat, but does not include felines less than six weeks of age;

**“Committee”** means the Oakville Appeals Committee;

**“Distress”** means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain, suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;

**“Dog”** means a canine of any breed of domesticated dog or cross-breed domesticated dog;

**“Domestic animal”** means any animal kept by a person as a pet;

**“Dwelling unit”** means one or more habitable rooms designed for use by, and containing separate kitchen and bathroom facilities for the private use of, one family or person as a single non-profit housekeeping unit;

**“Fee”** means as set out in the Town of Oakville Annual Rates and Fees Schedule, which is not prorated and is non-refundable;

**“Hearings Officer”** means a person from time to time appointed by Council pursuant to the Hearings Officer By-law;

**“Humane Society”** means the Oakville & Milton Humane Society or any successor organization thereto;

**“Keep”** means to own, possess or harbour or to have custody of an animal, and “keeper” has a corresponding meaning;

**“Leash”** means a line, rope, chain or similar device for the leading or restraining of an animal, attached to the collar or harness worn by an animal and of sufficient strength to lead or restrain the animal;

**“Licensing By-law”** means By-law No. 2015-075, being a by-law to provide for the licensing and regulation of various business in the Town of Oakville;

**“Lot”** means an open space unobstructed except for lofts or cages upon which animals are kept;

**“Microchip”** means an approved Canadian standard encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal;

**“Mitigating factor”** means a circumstance that may excuse aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- a) the dog was, at the time of the aggressive behaviour, acting in defence of an attack by a person or aggressive animal; or
- b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing without permission or colour of right on the property of its owner;
- c) the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;

**“Muzzle”** means a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog, that fits over the mouth of the dog and cannot be removed by the dog, so as to prevent the dog from biting;

**“Oakville identification tag”** means a tag issued by the Town, or the Humane Society on behalf of the Town, bearing the name, address and phone number of the Humane Society and a unique identification number assigned to an animal;

**“Officer”** means any person authorized by the Corporation of the Town of Oakville to enforce by-laws and includes Animal Control Officers, Municipal Law Enforcement Officers, Provincial offences officer and Halton Regional Police Officers;

**“OSPCA”** means the Ontario Society for the Prevention of Cruelty to Animals;

**“OSPCA Act”** means *The Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O. 36;

**“Owner”** means a person or persons who keeps an animal, and where the owner is a minor, the person responsible for the custody of the minor;

**“Owner’s property”** means the property owned or occupied by the owner of a dog, and where the owner has exclusive possession of part of a building or property, that portion of the property of which the owner has exclusive possession;

**“Police work dog”** means a dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer;

**“Potentially dangerous dog”** means a dog that, in the absence of a mitigating factor, approaches or chases any person or domestic animal anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but not limited to aggressive behaviour such as growling or snarling, or a dog that has otherwise demonstrated a propensity or disposition to attack without provocation, persons or domestic animals;

**“Pound”** means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality or the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16, but does not include any premises or part thereof, that are not used;

**“Protective Care”** means the temporary keeping of an animal as a result of an eviction, incarceration, medical or fire emergency, or any other situation that the Director of Municipal Enforcement Services or his designate deems appropriate for the health and safety of the animal;

**“Restricted Animal”** means an animal of the type listed in Schedule “B”;

**“Screening Decision”** means a decision made by a Screening Officer;

**“Screening Officer”** means a person from time to time appointed by Council pursuant to the Screening Officer By-law;

**“Self-sustaining captive population”** means an animal population that is viable in captivity without further genetic influence from the wild;

**“Service animal”** means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing-impaired, or special skills dog for other persons with a disability;

**“Shelter”** means a structure or apparatus that will provide protection from sun, heat, cold, wet and wind that is appropriate to the animal’s size and breed allowing the animal to turn around freely and lie in a normal position;

**“Therapy animal”** means an animal used in therapy, as confirmed by a medical practitioner; and

**“Town”** means The Corporation of the Town of Oakville.

## **2. KEEPING ANIMALS**

- 1) Every person who keeps one or more animals shall be responsible to see that the lands and premises upon which the animal or animals are kept are maintained in a sanitary condition and that droppings are not allowed to accumulate and are disposed of in a fashion, which will not create a nuisance or a health hazard. This provision is in addition to further requirements relating to specific types of animals contained elsewhere in this by-law.
- 2) Every person, including those licensed under the provisions of the Licensing By-law, who keeps one or more animals within the Town shall comply with the provisions of this by-law and the standards of care prescribed under OSPCA Act and the regulations thereunder.

### **3. LICENCES**

- 1) A person shall apply for a dog licence and pay the fee within 7 days of the later of:
  - a) becoming an owner of a dog required to be licensed under this by-law,  
or
  - b) becoming a resident of the Town if already an owner of a dog required to be licensed under this by-law.
- 2) Licences shall be good for one year (12 Month – not calendar year) from the date of issuance and must be renewed annually before expiration.
- 3) Where an owner obtains a licence for a dog under this by-law, the owner will be issued an Oakville identification tag. Every dog licensed under this by-law shall have their Oakville identification tag securely attached to the dog at all times.
- 4) No person shall place an Oakville identification tag upon any dog other than the dog for which it was obtained.
- 5) Every owner shall notify the Humane Society upon licensing of any order placed upon their dog in any other municipality.
- 6) No owner of a dog shall provide any false information to the Town in obtaining or renewing a dog licence.

### **4. DOGS & CATS - GENERAL**

- 1) The owner of every dog shall cause the dog to be licensed under this by-law.
- 2) Notwithstanding section 4 (3), no person shall keep or permit to be kept on any one premises owned or occupied by them more than three (3) dogs of an age in excess of six (6) months.
- 3) No person shall keep or permit to be kept on any one premises owned or occupied by them more than any combination of six (6) dogs of an age in excess of six (6) months or cats in excess of three (3) months. This restriction does not apply to:
  - a) the operator of a pet shop licensed under the Licensing By-law;

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- b) the operator of a boarding kennel licensed under the Licensing By-law;
  - c) a person approved by the Humane Society or the Lions Foundation/Guide Dogs Canada as the owner of a foster home wherein one or more dogs or cats may be temporarily fostered; or
  - d) an educational facility where animals are being kept for study, research or teaching purposes in conjunction with and under the direct sponsorship of a school board or the Ministry of Education
- 4) Every owner of a cat shall ensure his or her cat is identified by:
- a) a collar on which the owner's name and address are permanently inscribed;
  - b) a Microchip; or
  - c) a Humane Society cat tag.

## **5. STANDARDS OF CARE**

- 1) No owner shall;
- a) fail to provide adequate shelter if an animal other than a domestic farm animal is kept outside of the owner's premises;
  - b) cause distress to an animal;
  - c) permit an animal to be kept in a cage, tank or pen where the animal is not able to:
    - i. stand, sit and lie in a fully extended position
  - d) keep an animal tethered on a rope, chain, cord or similar device unless:
    - i. the tether is a minimum of three (3) meters in length;
    - ii. the animal has unrestricted movement within the range of such tether;
    - iii. the animal has access to water and shelter while tethered; and
    - iv. the animal cannot injure itself as a result of the tethering.
- 2) Every owner shall provide an animal with adequate and appropriate;
- a) space to enable the animal to move naturally and to exercise;
  - b) protection from the elements, including harmful temperatures;
  - c) food;
  - d) water;
  - e) sanitary conditions;
  - f) care necessary for its general welfare;
  - g) ventilation when in an enclosed space; and
  - h) light.

## **6. ANIMALS AT LARGE /TRESPASS**

- 1) No owner of an animal shall allow his/her animal to be at large in the Town.
- 2) When not on the Owner's property, or when in a public place or on private property without the consent of the property owner, every owner shall ensure that a dog is on a leash and under the control of a person who has sufficient strength and ability to maintain control of the dog at all times.
- 3) A dog shall not be considered to be at large if the dog is within a designated "leash free zone" within the Town and the owner or keeper of the dog has accompanied the dog to the 'leash free zone".
- 4) No person shall bring more than two (2) dogs into a designated "leash free zone" at the same time.
- 5) An Animal Control Officer may capture and take into custody an animal that is at large or trespassing upon the property.
- 6) Any person may humanely capture an animal found:
  - a) running at large and trespassing on his or her property, or
  - b) running at large on public property,and deliver the animal to the custody of an Animal Control Officer.

## **7. DOGS – FOULING OF PROPERTY**

- 1) The owner and keeper of every dog shall forthwith remove, or cause to be removed, any excrement left by the dog on land within the Town of Oakville. The owner or keeper shall dispose of the excrement in a proper refuse receptacle.
- 2) Every person who owns or keeps a dog shall remove from his or her premises, in a timely manner, excrement left by such dog so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.
- 3) Section 7 (1) does not apply to:



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a) a handler of a service dog, where the handler is unable to remove the excrement left by such dog due to physical disability or impediment;  
or

b) a blind or visually impaired handler of a service dog if the excrement was left while the dog was off the premises.

## **8. PROTECTIVE CARE**

- 1) An Animal Control Officer may receive an animal for the purpose of providing protective care at any time, when it has been deemed necessary to provide protective care to the animal.
- 2) The Humane Society shall keep a record of every animal taken into protective care, including;
  - a) the date and reason the animal was taken into protective care;
  - b) a description of the animal;
  - c) if applicable, the particulars of the Oakville identification tag for the animal;
  - d) the date of disposition; and
  - e) the disposition made with respect to the animal.
- 3) Any animal seized for the purpose of providing protective care shall be sheltered for a maximum period of ten (10) days, exclusive of the day the animal was taken into protective care, statutory holidays and Sundays, unless the animal is redeemed during this period or is euthanized for humane reasons.
- 4) Where an animal is sheltered for protective care the following shall be paid to the Humane Society prior to the release of the animal;
  - i. a per diem sheltering fee; and
  - ii. veterinarian costs incurred with respect to the animal.
- 5) A protective care notice shall be posted at least 48 hours prior to the sale or disposal or euthanasia of an animal unless for humane reasons.
- 6) The Humane Society shall contact 3 separate rescue organizations as practicable to shelter an animal prior to the euthanasia of such animal other than for humane reasons.

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- 7) Where the animal is not claimed by its owner at the end of the ten (10) day protective care period, in accordance with section 8(4), the animal may be sold forthwith, disposed of, or euthanized.
  - 8) No person shall retrieve an animal in protective care without payment of the expenses in full referred to in section 8(4).

## **9. PROHIBITED ANIMALS**

- 1) The keeping, either on a temporary or permanent basis, of any animal of a kind listed in Schedule "A" to this by-law anywhere in the Town is hereby prohibited.
- 2) Except pursuant to section 14, no person shall keep any domestic fowl anywhere within the Town.
- 3) Subject to the provisions of this by-law, animals of kinds not listed in Schedule "A" may be kept within the Town.
- 4) Subsection 9(1) does not apply to a therapy animal.

## **10. RESTRICTED ANIMALS**

- 1) No person shall keep more than two restricted animals within the Town.
- 2) No person shall keep, or permit to be kept, more than two restricted animals in or about any dwelling unit within the Town.
- 3) No person shall keep any restricted animal unless:
  - a) every restricted animal is housed in a separate cage, unless of the same gender and compatible;
  - b) each cage is tamper-proof and escape-proof; in the case of a rabbit or ferret, the floor of each cage is galvanized wire mesh which shall be smooth and free of protrusions and the grid of which is small enough to prevent the animal's feet from falling through the openings;
  - c) in the case of a rabbit or ferret, the floor of each cage is galvanized wire mesh which shall be smooth and free of protrusions and the grid of which is small enough to prevent the animal's feet from falling through the openings;
  - d) in the case of a rabbit or ferret, each cage allows at least 0.557 m<sup>2</sup> (6 square feet) of space for the animal;
  - e) each cage is protected from the elements;

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- f) each cage is kept in a clean and sanitary condition and animal droppings are not allowed to accumulate and are removed promptly; and
  - g) every adult female ferret is spayed and every adult male ferret is neutered.

## **11. Impounded Animals**

- 1) The Humane Society is appointed as pound keeper for the purposes of this by-law.
- 2) Where an Animal Control Officer captures and takes into custody an animal running at large or has a captured animal delivered to him or her, the Animal Control Officers may in his or her discretion:
  - a) deliver the animal to the Humane Society; or
  - b) release the animal to its owner; or
  - c) if the animal is diseased, injured or vicious, euthanize the animal.
- 3) The Humane Society shall keep a record of every animal impounded, including:
  - a) the date it was impounded;
  - b) a description of the animal;
  - c) if applicable, the particulars of the Oakville identification tag for the animal;
  - d) the date of disposition; and
  - e) the disposition made with respect to the animal.
- 4) Where an animal is impounded for being at large or trespassing upon property, the owner of the animal shall pay to the Humane Society reimbursement of its expenses with respect to the animal including:
  - a) the fee of taking the animal into custody,
  - b) the fee for daily expenses of the Humane Society for the care of the animal;
  - c) veterinarian costs incurred with respect to the animal; and
  - d) costs incurred under section 11(9) for having the animal spayed, neutered or implanted with a microchip.
- 5) No person shall retrieve an impounded animal from the Humane Society without payment of the expenses in full referred to in section 11(4).

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- 6) Every owner shall retrieve the impounded animal from the Humane Society within three (3) days of the day on which the animal was impounded, excluding the day of impounding and any statutory holidays.
  - 7) Where an animal is not claimed by its owner in accordance with section 11(6) the animal may be sold forthwith or disposed of or euthanized.
  - 8) Notwithstanding sections 11(6) and 11(7), where an animal bears identification in accordance with this by-law, the Humane Society shall make at least one attempt to contact the owner in accordance with the information provided prior to selling or otherwise disposing of the animal.
  - 9) Upon becoming entitled to sell or dispose of an animal, the Humane Society may, in its discretion, arrange to have the animal spayed or neutered and/or identified by means of a microchip and the cost of these services shall be added to the costs recoverable from the owner pursuant to section 11(4).
  - 10) Where an animal is injured or diseased before or after being taken into custody such that in the opinion of the Humane Society it should be euthanized without delay for humane reasons or for reasons of safety to persons or animals, the Humane Society may euthanize the animal in a humane manner without giving notice to the owner or permitting any person to reclaim the animal or offering it for sale.
  - 11) Where a dog has been impounded and it has been alleged that the dog has bitten or attacked a person or domestic animal and proceedings have been commenced against the owner of the dog under the *Dog Owners' Liability Act*, the Humane Society may hold the dog until the matter has been finally disposed of and will release the dog only in such manner and to such person as will ensure that the decision, if any, with respect to such matters will be complied with. Where the final disposition results in a court order under the *Dog Owners' Liability Act*, the owner of the dog shall pay the costs set out in this by-law for the time for which the dog has been impounded regardless of whether or not the dog is released to the owner.
  - 12) An impounded animal not wearing an Oakville identification tag for the current year may be given an inoculation to provide temporary immunization against common diseases, at the owner's expense.
  - 13) Where the Humane Society is entitled to sell or dispose of an animal and receives proceeds for the disposition, the proceeds of disposition shall be applied as follows:

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- a) to the fee of taking the animal into custody;
  - b) the fee for daily expenses of the Humane Society for the care of the animal;
  - c) veterinarian costs incurred with respect to the animal;
  - d) costs incurred under section 11(9) for having the animal spayed, neutered or implanted with a microchip;
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- e) the costs of any damage caused by the animal in trespassing or being at large on the property of someone other than the owner; and
  - f) the residue, if any, to the owner if known, otherwise to the Treasurer of the Town to be added to the general revenue of the Town.

## 12.

### **DOGS - BITING**

- 1) No person shall permit a dog to bite or attack any person or domestic animal.
- 2) Where an Animal Control Officer has reason to believe that a dog is a biting dog, the Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a biting dog.
- 3) An Animal Control Order declaring a dog to be a biting dog shall set out such measures as are required by the owner of the dog to take in respect of such dog, which shall include the following requirements:
  - a) The owner shall, when the dog is not securely inside the owner's dwelling but is otherwise on the owner's property, at all times keep the dog securely restrained in one of the following manners so as to prevent the dog from escaping and to prevent the dog from biting or causing injury to any person or domestic animal entering onto the owner's property:
    - i. The dog shall be located within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the dog from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
    - ii. The dog shall be located in a rear or side yard within a fully enclosed pen or run of sufficient dimension, design and strength to be humane and to prevent the dog from digging its way out of or otherwise escaping from the enclosed pen or run; or

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- iii. The dog shall be muzzled so as to prevent it from biting a person or domestic animal and securely restrained within a rear or side yard by means of a leash or chain to prevent the dog from escaping from the yard.
  - b) The dog shall not be kept in the front yard of the owner's property.
  - c) The owner shall securely attach a muzzle to the dog at all times when the dog is in any place other than the owner's property.
  - d) The owner shall keep the dog under the physical control of a person eighteen (18) years of age or older by means of a non-retractable leash with a maximum length of two (2) metres held by the said person at all times when the dog is in any place other than the owner's property.
  - e) The owner shall at the owner's expense have a microchip implanted in the dog, and proof of the implantation shall be supplied in writing to the Animal Control Officer within thirty (30) days of the issuance of the Animal Control Order, or on appeal, within thirty (30) days of the date of the Committee's decision, unless the Committee exempts the owner of this requirement.
  - f) The owner shall provide to the Animal Control Officer a copy of all immunization records of the dog within forty-eight (48) hours of service of the Animal Control Order.
  - g) The owner shall notify the Animal Control Officer within forty-eight (48) hours of any changes to the residency or ownership of the Dog.
  - h) The owner shall notify the Animal Control Officer within forty-eight (48) hours of the death of the Dog.
  - i) The owner shall affix a biting dog identification tag provided by the Humane Society to the collar of the biting dog at all times.
- 4) Where an Animal Control Officer has reason to believe that a dog is a potentially dangerous dog, the Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a potentially dangerous dog.
  - 5) An Animal Control Order declaring a dog to be a potentially dangerous dog shall set out such measures as are required by the owner of the dog to take in respect of such dog, which may include all or some of the requirements set out in section 3.

- 6) Every Animal Control Order shall include a statement advising the owner of the dog of the ability to make application for a hearing before the Committee in accordance with the provisions of this by-law.
- 7) Unless varied by the Committee on an appeal, a requirement of an Animal Control Order is that the owner shall keep the dog leashed at all times when the dog is any place other than the owner's property. This shall apply to and be deemed to include all areas in the Town that may, from time to time, be designated as leash-free zones.
- 8) An Animal Control Order may be served on the owner personally by handing it to the owner, but where the Animal Control Order cannot be given or served by reason of the owner's absence from the owner's property or by reason of evasion of service, the Animal Control Order may be given or served:
  - a) by handing it to an apparently adult person on the owner's property;
  - b) by posting it in a conspicuous place upon some part of the owner's property and by sending a copy by ordinary mail; or
  - c) by sending it by prepaid registered mail to the owner at the address where he or she resides.
- 9) An owner of a dog may apply for and is entitled to a hearing before the Committee in respect of an Animal Control Order, provided the application for a hearing is made in writing and delivered to the Town Clerk within thirty (30) days after the Animal Control Order has been served.
- 10) An Animal Control Order takes effect when it is served on the person to whom it is directed, and remains fully in effect unless it has been varied by the Committee.
- 11) An application by the owner of a dog for a hearing under this by-law does not act as a stay of any requirement imposed by an Animal Control Order.
- 12) Upon receipt of an application for a hearing pursuant to the provisions of this by-law, the Town Clerk shall convene a meeting of the Committee and shall give the owner of the dog at least seven (7) days written notice of the hearing.
- 13) The Committee may:

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- a) confirm, vary, or reverse the declaration in an Animal Control Order that the subject Dog is a Biting dog or a potentially dangerous dog, as the case may be; or
  - b) confirm or vary any of the requirements of an Animal Control Order as the Committee considers appropriate; or
  - c) exempt the owner of the Dog in whole or in part from any of the requirements of an Animal Control Order, subject to such terms and conditions as the Committee considers appropriate; or
  - d) Impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order; or
  - e) combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as the Committee considers appropriate.
- 14) Any notice or document that has been served pursuant to the provisions of this by-law by prepaid registered mail shall be deemed to have been received by the person to whom it is addressed on the fifth (5th) day after the day it is mailed.
- 15) No person shall:
- a) fail to comply with an Animal Control Order;
  - b) fail to restrain a dog that is required to be restrained pursuant to an Animal Control Order;
  - c) fail to muzzle a dog that is required to be muzzled pursuant to an Animal Control Order;
  - d) fail to leash a dog that is required to be leashed pursuant to an Animal Control Order;
  - e) fail to microchip a dog that is required to be microchipped pursuant to an Animal Control Order;
- 16) Any dog that has been deemed a vicious or biting dog under a previous by-law of the Town, even where such by-law has been repealed, shall be deemed to be a biting dog under this by-law and shall continue to be subject to the terms of any restraining or control order in effect at the time of the passing of this by-law.

### **13. PIGEONS**



- 1) No person shall keep more than one pigeon unless the person provides or maintains suitable lofts or cages and unless the person is a member in good standing of a recognized pigeon club which club has, as its sole objects, racing or showing pigeons.
- 2) No person shall keep pigeons for consumption as food.
- 3) No person shall keep more pigeons than would be permitted by the most restrictive of the following provisions:
  - a) one pigeon for every 0.185 m<sup>2</sup> (2 sq ft) of loft area;
  - b) one pigeon for every 0.093 m<sup>2</sup> (1 sq ft) of cage area;
  - c) one pigeon for every 9.290 m<sup>2</sup> (100 sq ft) of lot area; or
  - d) sixty pigeons in total.
- 4) No owner or keeper of pigeons and no person upon whose land pigeons are kept shall permit the pigeons owned or kept to perch, nest, stray or feed upon any land other than the owner's land, but nothing in this section prohibits the exercising or racing of pigeons if done under the control of a competent person.
- 5) Every person who keeps pigeons shall be responsible to have suspected infectious diseases diagnosed promptly by a qualified veterinarian, and, if the presence of infectious disease is confirmed, to forthwith notify the Halton Health Unit.
- 6) Every loft and cage and every building and structure used for keeping pigeons shall be so constructed as to be airy, dry and light. Every such building and structure shall be lime washed or painted on the inside at least once every year and the exterior shall be maintained in compliance with the regulations for structures set out in the Town of Oakville Property Standards By-law 2007-100.

## **14. EXEMPTIONS**

- 1) Nothing in this by-law shall apply to prohibit the keeping of an animal in the following places or circumstances:
  - a) in a veterinary hospital under the care of a licensed veterinarian;
  - b) in a public pound;
  - c) by the OSPCA; or
  - d) by the Humane Society.

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- e) within educational facilities where animals are being kept for study, research or teaching purposes in conjunction with and under the direct sponsorship of a school board or the Ministry of Education.
  - 2) This by-law does not apply to a police work dog actually engaged in law enforcement for the Halton Regional Police Services or other law enforcement agency.
  - 3) This by-law does not apply to a service animal with the exception of Section 5 Humane Care.
  - 4) Sections 9(1) (insofar as it applies to artiodactyla, perissodactyla, anseriformes, galliformes and struthioniformes) and 9(2) do not apply to an agricultural use within an agricultural zone as established by the Town of Oakville Zoning By-laws.
  - 5) Provided that the person is in compliance with all terms and conditions of his or her licence under the Licensing By-law, persons licensed under the Animals for Entertainment provisions of the Licensing By-law may own or keep animals prohibited by section 9 of this by-law. The other provisions of this by-law apply, if applicable, to the owning and keeping of such animals within the Town.

## **15. ORDERS**

- 1) Where an Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may serve an order on the Owner setting out:
  - a) reasonable particulars of the contravention adequate to identify the contravention;
  - b) the location on the land on which the contravention occurred;
  - c) compliance within a specified timeframe.
- 2) Any Person who contravenes an order under section 15(1) of this by-law is guilty of an offence.
- 3) An order under section 15(1) of this by-law may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

## **16. ADMINISTRATIVE PENALTIES**

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- 1) Each person who contravenes any provision of this by-law, including any provision of the Schedules, shall, upon issuance of a penalty notice be liable to pay to the Town an administrative penalty in the amount of \$300 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
  - 2) An Officer who finds or has any reasonable cause to believe that a person has contravened any provision of this by-law, including any provision of its Schedules, may issue a penalty notice addressed to the person.
  - 3) The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
    - a) date of the penalty notice;
    - b) the penalty notice number;
    - c) particulars of the contravention;
    - d) the amount of the administrative penalty;
    - e) information respecting the process by which the person may exercise the person's right to request a review of the administrative penalty; and
    - f) a statement advising that an administrative penalty will, unless cancelled or reduced pursuant to the review process, constitute a debt of the person to the Town.
  - 4) No Officer may accept payment of an administrative penalty.
  - 5) Any person who is served a penalty notice may request a review by a Screening Officer within 15 days after the penalty notice date.
  - 6) Any person may request that the Screening Officer extend the time to request a review within 45 days after the penalty notice date, failing which, the administrative penalty shall be deemed to be affirmed.
  - 7) The Screening Officer may extend the time to request a review of the administrative penalty when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
  - 8) On a review of the administrative penalty, the Screening Officer may affirm the administrative penalty, or may cancel, reduce or extend the time for payment of the administrative penalty, including any additional administrative fees, on the following grounds:

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- a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
  - b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including any administrative fees, is necessary to reduce hardship.
- 9) Every person who has a review by the Screening Officer shall receive a Screening Decision and may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- 10) Where the person fails to appear at the time and place scheduled for a review of the Screening Officer:
- a) the person shall be deemed to have abandoned the review;
  - b) the administrative penalty shall be deemed to be affirmed;
  - c) the administrative penalty shall not be subject to review; and
  - d) the person shall pay the applicable fee.
- 11) Any person who has received a Screening Decision may request a review of the Screening Decision by a Hearing Officer within 15 days after the Screening Decision was issued.
- 12) Any person may request that the Hearing Officer extend the time to request a review within 45 days after the Screening Decision was issued, at which time the Screening Decision shall be deemed to be affirmed.
- 13) The Hearing Officer may extend the time to request a review of the Screening Decision when the person requesting the extension demonstrates extenuating circumstances that warrant the extension of time.
- 14) The person shall be issued or served notice of the date, time and place of the review by the Hearing Officer.
- 15) On a review of the Screening Decision, the Hearing Officer may affirm the Screening Decision, or may cancel, reduce or extend the time for payment of the administrative penalty, including any administrative fees, on the following grounds:
- a) where the person establishes, on a balance of probabilities that the person did not commit the act as described in the penalty notice; or
  - b) the cancellation, reduction or extension of the time for payment of the administrative penalty, including additional administrative fees, is necessary to reduce hardship.

- 16) Where a person fails to request a review of the Screening Decision or extension of time before the Hearing Officer in accordance with this by-law:
- a) the person shall be deemed to have waived the right to a hearing;
  - b) the Screening Decision and the administrative penalty shall be deemed to be affirmed; and
  - c) the Screening Decision and the administrative penalty shall not be subject to any further review.
- 17) Where a person fails to appear at the time and place scheduled for a review by the Hearing Officer:
- a) the person shall be deemed to have abandoned the hearing;
  - b) the Screening Decision and administrative penalty shall be deemed to be affirmed;
  - c) the Screening Decision and administrative penalty and associated fees shall not be the subject of any further review; and
  - d) the person shall pay to the Town a fee in the amount of \$100 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- 18) Where an administrative penalty and any applicable administrative fees are not paid within 15 days after the date that it becomes due and payable, each person to whom the penalty notice was issued or served shall pay to the Town a fee in the amount of \$50 or as revised in the rates and fee schedule approved by Council as part of the annual budget approval process.
- 19) A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person and the Town an opportunity to be heard.
- 20) The decision of a Hearing Officer is final.
- 21) The Screening Officer and the Hearing Officer have no jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.

## **17. SERVICE OF NOTICE AND ORDERS**

- 1) Any penalty notice or any other notice or order pursuant to this by-law may be given in writing in any of the following ways and is effective:

- a) on the date on which a copy is delivered to the person to whom it is addressed;
  - b) on the fifth day after a copy is sent by mail to the person's last known address;
  - c) upon the conclusion of the transmission of a copy by facsimile transmission to the person's last known facsimile transmission number;
  - d) upon the sending of a copy by e-mail transmission to the person's last known e-mail address; or
  - e) upon the posting of a copy on the last known address of the animal's owner.
- 2) For the purpose of subsection (1), the person's last known address, last known facsimile transmission number and last known e-mail address shall be deemed to include those provided pursuant to Section 3 of this by-law.

## **18. ENFORCEMENT**

- 1) This by-law may be enforced by officers and an inspector or agent authorized by the OSPCA under the provisions of the *OSPCA Act*.
- 2) No person shall hinder, obstruct, delay, or attempt to hinder, obstruct or delay any officer or person who is exercising a power or performing a duty under this by-law.

## **19. PENALTIES**

- 1) Every person who contravenes any of the provisions of this by-law, including those contained in any of the Schedules and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for the first offence and \$50,000 for any subsequent offence.
- 2) Where a corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

## **20. REPEAL**

- 1) The following by-laws as may have been amended, are repealed on the day this by-law comes in to force and effect: 2010-157, 2013-109 and 2012-091.

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- 2) Any reference to a by-law number repealed by this by-law in any document shall be deemed to be a reference to this by-law.
  - 3) Any order or charge issued under by-law 2010-157 shall remain in full force and effect, notwithstanding that by-law 2010-157 is hereby repealed, and all such orders or charges may be enforced or acted upon by the Town as if they were made under this by-law

## **21. MISCELLANEOUS**

- 1) References in this by-law to any legislation or by-law means as may be amended or replaced from time to time, and include any regulations thereunder.
- 2) The schedules attached to this by-law shall form part of the by-law.
- 3) This by-law comes into force and effect on June 4<sup>th</sup>, 2018.

## **22. SEVERABILITY**

In the event any provision of this by-law is deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect unless the court makes an order to the contrary.

## **23. TITLE**

This by-law may be known as the “Animal Control By-law.”

PASSED this 3<sup>rd</sup> day of April, 2018.

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Rob Burton

MAYOR

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Vicki Tytaneck

CLERK

## SCHEDULE “A” PROHIBITED ANIMALS

CLASSs	ORDER	COMMON NAMES
<b>MAMMALS</b>	Artiodactyla	Such as cattle, goats, sheep, pigs, deer, elk
	Canidae	Such as coyotes, wolves, foxes, hybrid wolf dogs <b>(except dogs)</b>
	Chiroptera	Such as bats, fruit bats, myotis, flying foxes
	Edentates	Such as anteaters, sloths, armadillos
	Felidae	Such as tigers, leopards, cougars, lions, lynx <b>(except domestic cats)</b>
	Hyaenidae	Such as hyaenas
	Lagomorpha	Such as hares, pikas <b>(except domestic rabbits)</b>
	Marsupialia	Such as koalas, kangaroos, possums, wallabies <b>(except sugar gliders derived from self-sustaining captive population)</b>
	Mustelidae	Such as mink, skunks, weasels, otters, badgers <b>(except ferrets)</b>
	Primates	Such as chimpanzees, gorillas, monkeys, lemurs
	Perissodactyla	Such as horses, donkeys, jackasses, mules, zebras, ponies
	Proboscidea	Such as elephants, rhinoceros, hippopotamus
	Procyonidae	Such as coatimundi, cacomistles, raccoons
	Rodentia	Such as porcupines, prairie dogs, nutria, <b>(except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)</b>
	Ursidae	Such as bears
	Viverridae	Such as mongoose, civets, genets
<b>REPTILES</b>	Crocodylia	Such as alligators, crocodiles, gavials, caimans
	Squamata	Lizards that are venomous or that reach an adult length larger than 2 metres (6.56 feet) Snakes that are venomous Snakes that reach an adult length greater than 3 metres (9.84 ft)
	Testudines	Such as terrapins, tortoises, turtles (except turtles derived from a self-sustaining captive population)
<b>BIRDS</b>	Anseriformes	Such as ducks, geese, swans, screamers
	Galliformes	Such as pheasants, grouse, guinea fowl, turkeys, chickens, pea fowl
	Struthioniformes	Such as ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Such as eagles, hawks, falcons, owls



**OTHER**

All venomous or poisonous insects and amphibians

**SCHEDULE "B"**  
**RESTRICTED ANIMALS**

The following are restricted animals for purposes of this by-law:

- (a) mice;
- (b) rabbits;
- (c) gerbils;
- (d) ferrets;
- (e) hamsters;
- (f) guinea pigs; and
- (g) other rodentia which do not exceed 1500 grams and are derived from a self-sustaining captive population