

The Corporation of the Township of North Frontenac

By-law #68-22

Being a By-law to Regulate Animals in the Township of North Frontenac and Repeal By-law #39-20, as amended

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Act”) provides that powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

And Whereas Section 11 (1) of the Act provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And Whereas Section 11 (2) of the Act provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; Protection of persons and property;

Whereas Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws respecting Animals;

And Whereas Section 103 of the Municipal Act provides that if a municipality passes a by-law with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals;

And Whereas Section 128 provides that, without limiting Sections 9, 10, and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and in the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

And Whereas Section 425 of the Act establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

And Whereas Section 444 of the Act provides that a municipality may make an order requiring a person who contravened a By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas Section 446 (3) of the Act provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

Now Therefore the Council of The Corporation of the Township of North Frontenac enacts as follows:

1. Short Title

This by-law shall be known as the Animal Control By-law.

2. Definitions

For the purpose of this By-law:

“Agricultural Use” means the use of land, building(s) or structure(s) for Animal husbandry including the raising, boarding, and keeping of all forms of livestock, and all related activities such as breeding, training, feeding, manure storage and grazing.

“Animal” means any member of the Animal kingdom other than a human, excluding cats and rabbits.

“Backyard Chickens” means female chickens kept on a residential property.

“By-law Enforcement Officer” means a person appointed as a By-law Enforcement Officer for the Township of North Frontenac.

“Dog” means a domesticated canine Animal of the species *canis familiaris*, male or female.

“Impound” means the Animal is taken into custody and transported. In the case of dogs, they are held in accordance with the Agreement between the Township and the service provider contracted by the Township for that purpose.

“Kennel” means a premise, building or structure where dogs, cats or other similar domestic Animals are kept, and intended for commercial purposes such as breeding, boarding, training or sale. Dogs kept as household pets, for livestock herding (where Agricultural Uses are permitted), and for hunting and working service Dogs/police Dogs shall not be classed as a Kennel.

“Livestock” means any domestic fowl (including hens, geese, ducks, turkeys, guinea fowl, etc.) horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, emu or ostrich or similar Animal.

“Owner” means any person or corporation who possesses, keeps or harbours an Animal.

“Public Nuisance” means an act which unreasonably interferes with the health, property or comfort of the public or obstructs the public in the exercise or enjoyment of rights common to all.

“Running at Large” means an Animal that is in a place other than the property owned or, occupied by the Owner, where the Animal is not restrained or controlled by means of a leash, bridle, halter, rope or other physical restraint.

“Township” means The Corporation of the Township of North Frontenac.

3. General Restrictions

- a) No Owner shall permit an Animal to become a public nuisance.
- b) An Animal shall be considered a public nuisance in the following circumstances:
 - i) It makes noise that is likely to annoy or disturb an ordinary person;
 - ii) It causes damage to public or private property;
 - iii) It interferes with or dumps or scatters garbage;
 - iv) It chases, threatens, or interferes with persons using public or private property in the area where the Animal is harboured;
 - v) It swims at a public beach;
 - vi) It is in a public park and not restrained or controlled by means of a leash, bridle, halter, rope or other physical restraint;
 - vii) When running at large, is likely to obstruct the free flow of traffic or is likely to interfere with the ability to provide emergency services.
- c) No Owner shall allow an Animal on any Township public beach.
- d) No Owner shall leave any excrement left by their Animal on any property, other than the property of the Owner or other property by permission. The excrement shall be removed immediately and disposed of in a sanitary manner.

4. Prohibited Animals

- a) No person shall possess or display in public the following prohibited animals:
 - Reptiles:
 - Crocodilians (such as alligators, crocodiles, Gavials)
 - All snakes which reach an adult length greater than three (3) metres
 - All lizards which reach an adult length greater than two (2) metres
 - Other:
 - All venomous and poisonous animals (includes but is not limited to snakes, frogs, lizards or insects)
- b) No person shall keep an Animal that is prohibited by or under any Federal or Provincial legislation.
- c) These provisions do not apply to the following:
 - i. A licensed establishment designed to handle the otherwise prohibited Animals, reptiles or insects;
 - ii. A recognized zoo;

- iii. A person who is a licensed herpetologist or person working under their direction.
- iv. Honey bee keepers and apiaries.

5. Animals Running at Large

- a) All Animals shall be restrained or controlled by means of a leash, bridle, halter, rope or other physical restraint and be under the control of a person when the Animal is on any land in the Township other than land owned by the Owner, unless prior consent is given by the person owning the land on which the Animal is found.
- b) Any Animal which is found, with or without a tag in the case of a Dog, Running at Large in contravention of this By-law may be seized and impounded by the By-law Enforcement Officer. The Owner shall be responsible for the payment of any fines and fees incurred.
- c) The Owner is responsible to provide fencing and other measures to prevent Livestock from Running at Large.
- d) If Livestock is found to be Running at Large, the Owner shall be liable for all damages caused and for the expenses, if any, incurred by the Township to respond to the incident.
- e) The Township shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner within a reasonable time. All reasonable efforts would be made to contain the Animal(s).
- f) If a Dog seized and impounded bares a tag issued by the Township, the By-law Enforcement Officer shall search the register kept for that purpose and notify the registered Owner within a reasonable time frame. The sections of the By-law which have been contravened will be provided to the registered Owners and the Officer shall indicate the location of the pound.
- g) In the case of a Dog seized and impounded and claimed within five clear days, the Dog shall be released to the Owner upon the payment of the costs for the Pound Fee to seize and deliver the Dog to the Pound Operator. The Owner is responsible for all fees payable to the Pound Operator, including administrative costs, boarding and veterinary services upon the Owner claiming such Animal in accordance with the Pound Operator's contract. Any Dog not claimed within the five clear days will be dealt with in accordance with the Agreement between the Township and the Pound Operator.
- h) Any Animal found Running at Large in contravention of this By-law that is gravely injured or that is exhibiting the characteristics of viciousness to such an extent that the By-law Enforcement Officer attending the Animal fears for their own health and safety, or the health and safety of others in the vicinity, may be destroyed at the Officer's discretion.

6. Backyard Chickens

- a) On residential properties, hens may be kept and housed in an enclosed, roofed coop or structure in accordance with the Township's Zoning By-law and based on the following:

Lot Size	Number of Hens Permitted	Maximum Coop Area	Maximum Coop Height
0.2 hectares to 1.2 hectares	Maximum six (6) Hens	Maximum 3 metre square	Maximum 4.5 metres
Over 1.2 hectares to 4 hectares	Maximum twelve (12) Hens	Maximum 10 square metres	Maximum 4.5 metres
Over 4 hectares	Maximum twenty-five (25) Hens	Maximum 15 square metres	Maximum 4.5 metres

- b) Hen coops must be constructed to fully enclose a hen to prevent it from escaping; to prevent other Animals from entering the hen coop; and with lockable roofs and doors.
- c) The keeping of roosters is prohibited.
- d) Hens must be kept in an enclosed/fenced hen run when not in their coop.
- e) Hen coops and runs shall be located a minimum distance of 7 metres from the rear and interior side lot lines and are not permitted in any exterior side yard or front yard.
- f) Hen coops and runs shall be maintained in a clean condition and kept free from obnoxious odours, substances and vermin; and be designed to ensure proper ventilation and sufficient space for the hens.
- g) Stored manure shall be kept in an enclosed structure, such as a compost bin.
- h) No hens, hen runs/yards or coops shall be located within 30 metres of any water body.
- i) No person shall have more than one hen coop on a property except for property used for Agriculture Use.

7. Licensing of Dogs

- a) Every dog within North Frontenac owned by a permanent or seasonal resident must be licenced with the Township of North Frontenac.
- b) Every Owner of a Dog that has reached the age of 6 months shall make application to licence the Dog with the Township within 30 days of acquisition of the Dog, or the

dog attaining 6 months, whichever event occurs first. Licences are available annually or for the lifetime of the Dog.

- c) A licence fee as set out in the Township's Fees and Charges By-law shall be included with the application. All licence fees are non-refundable.
- d) Upon licencing, the Owner shall be furnished with a Dog tag which shall be kept securely fixed on the Dog at all times until the tag is renewed or replaced.
- e) The annual licence of the Dog expires on December 31st of every calendar year. A Lifetime Dog Tag is no longer valid upon the passing of the licenced dog or a change of ownership of the licenced dog.
- f) The annual licence of a Dog shall be purchased by March 31st in each year. After March 31st, the cost of the annual licence shall increase.
- g) Each Dog tag shall have a serial number and the year in which it was issued, in the case of the annual Dog tags. A record shall be kept by the Treasury Department for the purpose of showing the name and address of the Owner and the serial number of the tag.
- h) No tag shall be transferred to or displayed on any Dog other than the Dog for which it was issued.
- i) An Owner of a Dog may obtain a replacement for a tag that has been lost or destroyed by paying the prescribed fee as set out in the Township's Fees and Charges By-law.

8. Kennels

- a) No person shall operate a Kennel in the Township for commercial purposes such as breeding, boarding, training or sale unless such operation is licenced with the Township.
- b) The Owner of a Kennel shall pay an annual licence fee as set out in the Township's Fees and Charges By-law. As well as a licence fee, in the case of Dogs, for all individual Dogs at the Kennel during the year.
- c) The annual licence expires on December 31st of every calendar year.
- d) The annual licence fee for a Kennel shall be purchased by March 31st in each year. After March 31st, the cost of the annual licence shall increase.
- e) The Kennel shall be in compliance with the Township's Zoning By-law and all other applicable legislation and Township By-laws.
- f) A person submitting an application for a Kennel licence shall provide the following:
 - i. A complete application in the form provided by the Township;

- ii. An accurate plan of the property showing:
 - The location of the buildings, structures, septic system and well in relation to the property lines;
 - The location of runs, waste containment, training areas and any other facilities to be used for Kennel purposes in relation to the property lines;
 - The distance between buildings and their existing uses situated on the adjacent properties.

- g) Where permitted, a Kennel shall be subject to the following provisions:
 - No part of any kennel shall be located less than 70 metres from an abutting or neighbouring lot occupied by a sensitive land use or a lot Zoned for residential use. The measurement shall be taken as the shortest horizontal distance between the kennel and the nearest lot line of the sensitive land use or the lot Zoned for a residential use;
 - No part of any kennel shall be located within 30 metres of any lot line;
 - No part of any kennel shall be located within a front yard or exterior side yard;
 - Provisions of the Zone in the lot in which the Kennel is located shall apply for lot coverage;
 - The maximum height for a kennel shall be 6 metres
 - No part of any kennel shall be located within 100 metres of the high water mark of water body; and
 - Site Plan Control shall apply.

9. Enforcement

- a) The By-law Enforcement Officer shall enforce this By-law and keep records of all calls and Animals seized and impounded.

- b) The By-law Enforcement Officer is hereby authorized, in the course of their duties of seizing and Impounding Animals Running at Large contrary to this By-law, to use such reasonable means at their disposal to seize and impound such Animals as may be required by the circumstances.

- c) If the By-law Enforcement Officer is satisfied a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or Occupier of the land on the which the contravention occurred to discontinue the contravention,

- d) An order under this section shall identify:
 - i. The location where the contravention occurred;
 - ii. The reasonable particulars of the contravention; and
 - iii. The date and time by which there must be compliance with the order.

e) If a person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by the By-law, the Township may, in default of it being done by the person directed or required to do it, do the mater or thing at the person's expense. All costs incurred by the Township may be recovered from the owner and/or Licence holder by action or placed on the tax roll for the property where the contravention occurred and collected in the same manner as municipal property taxes.

10. Offences

- a) Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to payment of a fine or other penalty as provided by the Provincial Offences Act.

- b) If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

11. Application

- a) Any section, subsection or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.

- b) This By-law shall come into force and take effect immediately upon the date of passing.

- c) By-law #39-20, as amended is hereby repealed.

Read a first and second time this 23rd day of September, 2022.

Read a third time and passed this 23rd day of September, 2022.

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

By-law #68-22: Animal Control

PART 1 *Provincial Offences Act*

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Permit an animal to become a Public Nuisance	Section #3 a)	\$100.00
2	Allow an animal on any Township public beach	Section #3 c)	\$100.00
3	Fail to clean up excrement left by animal	Section #3 d)	\$150.00
4	Possess or Display in Public a Prohibited Animal	Section #4 a)	\$150.00
5	Fail to licence dog.	Section #7	\$150.00
6	Fail to affix tag securely on dog.	Section # 7 d)	\$150.00
7	Fail to pay annual kennel licence fee	Section #8 b)	\$150.00

NOTE: The penalty provision for the offences indicated above is section 61 of the *Provincial Offence Act* R.S.O. 1990, c. P.33, as amended.

The fine amounts listed above have been approved by the Regional Senior Justice. Dated: October 25, 2022.

Electronic Signature: *W. Vincent Clifford*

W. Vincent Clifford, Regional Senior Justice, Ontario Court of Justice - East Region