

THE CORPORATION OF TOWN OF PETROLIA

BY-LAW NO. 10 of 2009

Being a By-law to Provide Regulation, Restriction and Prohibition of Dogs and Animals In the Town of Petrolia.

WHEREAS paragraphs 1, 8, 9, 11 and 13 of Section 210 of the Municipal Act, R.S.O. 1990, c. M. 45, as amended from time to time, provide that all by-laws may be passed by councils of municipalities for the licensing, keeping and regulating of dogs and animals;

THEREFORE the Council of the Corporation of the Town of Petrolia enacts as follows:

PART 1

DEFINITIONS

1.1 Definitions.

In this by-law:

(a) Animal Control Officer – defined

"Animal Control Officer" shall mean a person(s) appointed by the Town, whose duties include the enforcement of this by-law.

(b) Council – defined

"Council" shall mean the Council of the Town of Petrolia

(c) Dangerous Dog – defined

"Dangerous Dog" means any dog:

- (i) that has bitten or injured a human being or domestic animal; or
- (ii) That has been threatening or aggressive towards a human being or domestic animal.
- (iii) Pit bulls - Rottweiler's

(d) Dog – defined

"Dog" shall mean a male or female dog over the age of three (3) months.

(e) Dwelling Unit – defined

"Dwelling Unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.

(f) Guard Dog – defined

"Guard Dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.

(g) Hunting – defined

"Hunting" shall mean lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, and does not include trapping.

(h) Kennel – defined

"Kennel" shall mean a lot, building, structure or establishment in which three (3) or more dogs are housed, boarded or bred.

(i) License agent – defined

"License agent" shall mean a person appointed by Council to issue dog licenses.

(j) License issuer – defined

"License issuer" shall mean the Licensing Officer for the Town of Petrolia

(k) Municipality – defined

"Municipality" shall mean the Town of Petrolia

(l) Owner – defined

"Owner" includes a person who keeps, possesses or harbors a dog and where the owner is a minor the person responsible for the custody of the minor.

(m) Person – defined

"Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.

(n) Pet Shop – defined

"Pet Shop" shall mean an establishment engaged in the retail sale of animals.

(o) Pet Shopkeeper – defined

"Pet Shopkeeper" shall mean a person who has the charge, care or ownership of a pet shop.

(p) Pound – defined

"Pound" means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals that have to be impounded pursuant to this by-law.

(q) Pound keeper – defined

"Pound keeper" shall mean a person appointed by Town of Petrolia to act in the capacity of Pound keeper.

(r) Premises – defined

"Premises" includes the entire lot on which a building may or may not be situated.

(s) **Restrained - defined (Dangerous Dog)**

"Restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and secure so as to prevent a dog from coming in contact with or making a real and substantial threat of attack on a person other than the owner of the dog, or invitee of the owner, and includes keeping such dog securely on a leash of not more than 2 meters in length when outside of such building, house or enclosed pen.

(t) **Running at large – defined**

"Running at large" shall mean to be found in any place other than the premises of the owner of the dog and not either under the physical control of any person on a leash.

(u) **Reptile or Wild Animal (Exotic)**

"Wild Animal" means any animal or reptile which is wild by nature whether born in captivity or free and which is kept for any purpose.

(v) **Municipal Law Enforcement Officer – defined**

"Municipal Law Enforcement Officer" means any person employed as By-Law Enforcement Officer, OPP or by the Humane Society of Ontario.

PART 2
EXEMPTIONS

2.1 Animal hospital-clinic-kennel-registered

This by-law shall not apply to an animal hospital, clinic or kennel, lawfully operated for the exclusive purpose of treating sick or injured animals, and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.2 Ontario Society for the Prevention of Cruelty to Animals

This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.

2.3 Pound

This by-law shall not apply to a pound.

2.4 Pet Shop

This by-law shall not apply to pet shops.

2.5 Zoos-fair-exhibitions-circuses-authorized

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.

2.6 Service Dogs

This by-law shall not apply to police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial, or municipal agency.

2.7 Research Facility – registered

This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.

PART 3 KEEPING OF DOGS

3.1 Maximum - 2 per premises

No person shall keep more than 2 dogs in any one dwelling unit or on any premises.

3.2 More than 2 dogs per premise

Notwithstanding Section 3.1 any person owning more than two (2) dogs on the day prior to this by-law coming into effect is permitted to maintain those dogs with proof of ownership in the form of a license provided that if the dogs should be sold or otherwise go out of the owners possession, they are not permitted to be replaced beyond a limit of two (2) dogs per dwelling unit.

3.3 Kennels-registered

No Kennels are permitted within the Town of Petrolia Limits

3.4 Guard Dogs-industrial-commercial premises

Notwithstanding section 3.1 of this by-law, more than two (2) guard dogs may be licensed for lawfully used industrial or commercial premises.

3.5 Excrement-removal-disposal-sanitary-immediate

Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Town of Petrolia.

3.6 Trespassing-without consent-by dog-prohibited

No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

3.7 Running at large-prohibited

No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large.

3.8 Keeping of Dangerous Dogs

- (i) When a dangerous dog is off its owner's property the owner shall:
 - (a) ensure the dog is muzzled in a humane manner at all times
 - (b) ensure the dog is on a leash not longer than one (1) meter; and
 - (c) ensure the dog is under the control of a person over the age of eighteen.
- (ii) When a dangerous dog is on its owner's property the owner shall:
 - (a) ensure the dog is securely confined indoors or in a locked pen that meets the following standards:

1. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
2. The pen must have minimum dimensions of two (2) meters and must have secure sides and secure top.
3. If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimeters deep.
4. The pen shall also provide protection from the elements for the dog.
5. The pen shall not be within three (3) meters of the property line or within three (3) meters of a neighbouring dwelling unit.

3.9 Dangerous Dogs

- Any dog that has bitten a person or domestic animal must be kept in quarantine for 14 days at the Veterinarian, Humane Society or the Animal Control Shelter in Glencoe, all at the owner's expense.
- The Municipality may humanely destroy the impounded dangerous dog if it determined by an official/Veterinarian to be in the interest of public Safety and Health.
- No person shall keep the following dogs within the limits of the Town of Petrolia:
Pit bulls – Rottweiler's
or any dog that has bitten a person or domestic animal.
- All dogs of Pit-bull or Rot wilier breed that reside within the Town of Petrolia before the inception date will be grandfathered. But will have to abide by section 3.8 of this by-law for the keeping of a dangerous dog.

3.10 Owner's Responsibilities

- (i) No owner of a dog shall fail to prevent his or her dog from:
 - (a) threatening, biting, or attacking any person;
 - (b) threatening, biting, or attacking any domestic animal; or
 - (c) damaging public or private property.
- (ii) No owner of a dog shall use a chain as a means of confinement.

PART 4 LICENSING

4.1 Licensing Agent-appointed-authorized

The Council shall appoint a licensing agent or agents for the Municipality and every such license shall be executed on behalf of the Municipality.

4.2 Registration-information-requirements

The license agent shall keep a record showing the following dog license registration information:

- (a) name any address of dog owner;
- (b) serial number of tag;
- (c) date of registration;
- (d) description of dog;
- (e) amount of fee paid upon registration.

4.3 Application-license-description-fee

Every license application shall be accompanied by the following:

- (a) description of dog including color, breed and name;
- (b) applicable fee.

4.4 License-annually

Every owner shall cause his/her dog to be licensed annually and every owner shall re-new the license annually.

4.5 Expiry-annual-December 31

Every license issued by the license agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.

4.6 a) Tag-serial number-issued-upon payment of fee

Upon payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued.

b) Tag-affixed-securely-to dog-at all times

The tag shall be fixed securely on the dog for which it was issued at all time until such time as the tag is renewed or replaced.

c) Tag-replacement-where lost

Where a tag has been lost, an application shall be made to the license agent for a replacement tag.

d) Tag-replacement-proof of payment-plus fee

The application shall be accompanied by proof that the current year's license fee has been paid and the applicable replacement tag fee.

e) Tag-removal

No person shall, within the Town of Petrolia, unlawfully remove a dog tag from a licensed dog.

f) Ownership-change in-failure to notify

Every owner shall notify the license agent upon the change in ownership of a licensed dog.

PART 5

KENNELS

- 5.1** No person shall keep a dog kennel within the Town of Petrolia. If a person is found to have a kennel within the Town of Petrolia, the kennel shall be closed immediately by the municipality and the owner can face fines under this by-law.

PART 6

REPTILE AND WILD ANIMALS (EXOTIC) - KEEPING

- 6.1** No person shall keep any venomous snake or venomous reptile, wild animal or exotic pet outlined below within the limits of the Town of Petrolia:

| | | |
|------------|----------|--------------|
| Alligators | Cougars | Coral Snakes |
| Crocodiles | Jaguars | Bobcats |
| Boas | Leopards | Ocelots |
| Pythons | Lions | Tigers |

PART 7
FEES**7.1 Fees**

The license fees to be paid to the Town of Petrolia shall be as set out in Appendix "B" attached hereto to this By-law.

7.2 Guide dogs-hearing ear dogs-handicap-aid dogs-police service dogs exempted

Guide dogs within the meaning of the Blind Persons' Rights Act, hearing ear dogs, handicap-aid dogs and police service dogs, are exempt from the payment of all license fees applicable pursuant to this by-law.

7.3 Pound fees-payment-proof of ownership-required

Where a dog is claimed from the Pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

PART 8
IMPOUNDING**8.1 Seizure – impounding**

The Pound keeper shall impound any dog seized by him or delivered to him by a police officer or Animal Control Officer.

8.2 Claim - within 72 hours-release

The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog with 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

8.3 Owner to claim dog - before disposal

The owner of a dog that has been impounded may, upon application to the Pound keeper, claim the dog before the Pound keeper is entitled to dispose of the dog according to the provisions of section 8.4 of this by-law.

8.4 Disposal - dog - not claimed - Pound keeper – discretion

Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Pound keeper may retain the dog for such further time as he may consider proper and during that time the Pound keeper may:

- (a) sell the dog for such price as he may consider proper;
- (b) euthanize the dog;
- (c) dispose of the dog in accordance with the Animals for Research Act.

8.5 Euthanasia - for humane/safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the Pound keeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Pound keeper, may euthanize the dog in a humane

manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

8.6 Euthanasia - dangerous dog - running at large

In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

8.7 Veterinary services-required-payable by owner

Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Pound keeper, the Town of Petrolia shall pay to the Pound keeper all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.

8.8 Compensation - to dog owner – prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- (a) recovered by any owner or other person; or
- (b) paid by the Town of Petrolia.

PART 9 ENFORCEMENT

9.1 Penalty

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, as amended from time to time, and all such penalties and costs may be recovered under the Provincial Offences Act, as per Appendix “A” attached hereto to this By-law.

PART 10 TRANSITION

- 10.1** Every license issued pursuant to By-law 10 of 2009 shall be deemed to be a license issued under this by-law and every such license shall continue to be valid until its normal date of expiry.
- 10.2** Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.
- 10.3** If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

PART 11
REPEAL-ENACTMENT

11.1 Where the provision of any other By-Law, resolution or action of Council are inconsistent with provisions of this By-Law, the provisions of this By-Law shall prevail.

This By-Law shall come into force and effect on the final passing thereof.

By-Law Read a First, Second and Third Time and Finally Passed this 9th day of February, 2009.

Mayor

Chief Administrative Officer

TOWN OF PETROLIA
Appendix “A” to By-law 10 of 2009

SET FINE SCHEDULE

PART 1 Provincial Offences Act

**Being a By-law to Provide Regulation, Restriction and
Prohibition of Dogs and Animals
In the Town of Petrolia.**

| Item | COLUMN 1 Short Form Wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|------|---|---|----------------------|
| 1. | Having more than two dogs per residence | Section 3.1 | \$250.00 |
| 2. | Failure to remove dog excrement from municipal property | Section 3.5 | \$150.00 |
| 3. | Permitting a dog to run at large | Section 3.7 | \$250.00 |
| 4. | Failure to ensure dog is muzzled in a humane manner at all times | Section 3.8 (i) (a) | \$500.00 |
| 5. | Failure to ensure dog is on a leash not longer than one (1) meter | Section 3.8 (i) (b) | \$500.00 |
| 6. | Failure to ensure dog is under the control of a person over the age of eighteen | Section 3.8 (i) (c) | \$500.00 |
| 7. | Failure to ensure the dog when on its owner’s property is confined indoors or in a locked pen | Section 3.8 (ii) (a) | \$500.00 |
| 8. | Failure to prevent or allow a dog to bite or attack a person | Section 3.10 (i) (a) | \$500.00 |
| 9. | Failure to prevent or allow a dog to bite or attack a animal | Section 3.10 (i) (b) | \$500.00 |

| | | | |
|-----|---|-------------|----------|
| 10. | Failure to renew dog license | Section 4.4 | \$250.00 |
| 11. | Failure to register a dog for a license | Section 4.4 | \$350.00 |
| 12. | Keep Kennel in the Town of Petrolia | Section 5.1 | \$500.00 |
| 13. | Keep Reptile and/or Wild Animal | Section 6.1 | \$500.00 |

Penalty provision for the offences indicated above as s. 9.1 of By-Law 10 of 2009; a certified copy of which has been filed.