

The Corporation of the
Township of Selwyn

By-law 2019-104
Animal By-law



Being a By-law to Regulate Animal Control and Ensure
Responsible Pet Ownership in the Township of Selwyn

Whereas subsection 10(2) of the **Municipal Act, 2001**, as amended, authorizes the Corporation of the Township of Selwyn to pass By-laws concerning the health, safety and well-being of persons; and

Whereas subsection 10(2) of the **Municipal Act, 2001**, as amended, authorizes the Corporation of the Township of Selwyn to pass By-laws regarding animals; and

Whereas subsection 103(1) of the **Municipal Act, 2001** provides that if a municipality passes a By-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such By-law; and

Whereas subsection 105(1) of the **Municipal Act, 2001** 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; and

Whereas the Council of the Corporation of the Township of Selwyn deems it advisable to enact such a By-law to encourage responsible pet ownership;

Now Therefore the Corporation of the Township of Selwyn enacts as follows:

Article 1 – Definitions

1.1 **Agricultural Zone** means a property:

- i. zoned to permit agricultural uses pursuant to the Township's current Zoning By-law; or
- ii. for which an agricultural use is a legal non-conforming use pursuant to the Planning Act;

1.2 **Animal** includes any member of the animal kingdom, other than a human;

1.3 **Animal Control Officer** means a person so appointed by the Council of the Corporation of the Township of Selwyn to enforce Township By-laws respecting animals and includes an Animal Control Officer employed by the Humane Society, a police officer, and a By-law enforcement officer appointed by Council;

1.4 **Animal Control Order** means an order declaring a dog to be a biting dog, served on the owner, issued by an Animal Control Officer;

1.5 **At Large** means to be found in any place other than the owner's property and not under control of any person;

- 1.6 **Bite** includes 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;
- 1.7 **Biting Dog** includes a dog that:
- i. in the absence of a mitigating factor, has attacked, bitten, or caused physical injury to a person or a domestic animal;
 - ii. in the opinion of an Animal Control Officer, is likely to attack, bite or cause physical injury to a person or domestic animal; or
 - iii. a dog that has been declared vicious or a biting dog in another municipality in Ontario;
- 1.8 **Clerk** means the corporate secretary of the Township and also means their designate;
- 1.9 **Commercial Event** includes an event where a fee is charged for entrance or participation, or goods or services are displayed for sale and the person, group or corporation conducting the event is for-profit;
- 1.10 **Committee** means the Township of Selwyn Appeals Committee as may be appointed by Township Council from time to time;
- 1.11 **Distress** includes the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;
- 1.12 **Dog** includes a canine of any breed of domesticated dog or cross-breed domesticated dog, but does not include canines less than four months of age;
- 1.13 **Domestic or Domesticated Animal** includes any animal kept by a person as a pet and includes a service animal, but does not include any animal not listed as an exception;
- 1.14 **Dwelling** includes one or more connecting rooms used, or intended for use, as a housekeeping unit containing cooking, eating, sleeping, and sanitary facilities;
- 1.15 **Enclosure** includes the structure, cage or apparatus utilized to keep the animal confined for safekeeping;
- 1.16 **Grandfathered** means the lawful keeping of any animal, deemed to be prohibited under the provisions of this By-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition;
- 1.17 **Humane Society** means the Peterborough Humane Society or any successor organization thereto;
- 1.18 **Keep** means to own, or possess or harbour or to have custody of an animal, and "keeps" and "keeper" have a corresponding meaning;
- 1.19 **Kennel** includes any building, structure or other facility or part thereof, where greater than 3:
- i. dogs are kept for breeding or show purposes;

- 1.20 Leash** includes a leash attached to the collar or harness worn by a dog or cat and of sufficient strength to restrain the dog or cat;
- 1.21 Microchip** includes 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;
- 1.22 Minor** is a person who has not achieved the age of 18 years of age;
- 1.23 Mitigating Factor** includes a circumstance that may excuse aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
- i. the dog was, at the time of the aggressive behaviour, acting in defense of an attack by a person or aggressive animal; or
 - ii. the dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing without permission or colour of right on the property of its owner; or
 - iii. the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;
- 1.24 Muzzle** includes 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;
- 1.25 OSPCA** means the Ontario Society for the Prevention of Cruelty to Animals;
- 1.26 OSPCA Act** means the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O. 36, as amended or replaced from time to time;
- 1.27 Owner** means a person or persons who keeps an animal, and where the owner is a minor, the person responsible for the minor;
- 1.28 Owner's Property** includes the property, building or dwelling owned or occupied by the owner of an animal, or any portion thereof;
- 1.29 Police Dog** includes a dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer;
- 1.30 Possession or Harboring** of an animal shall be deemed to occur when:
- a. a person permits an animal to remain at or about the property or dwelling which s/he owns or occupies; or
 - b. an animal is habitually kept in the occupier's dwelling or on the owner's property;
- 1.31 Pound** includes premises that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to an agreement between the Township and the Humane Society or the Dog Owners' Liability Act;
- 1.32 Prohibited Animal** includes an animal of the type listed in Schedule "A", and includes animals whose ownership is prohibited under existing Provincial and Federal legislation;

1.33 Public Property means any property owned by:

- i. the Township ;
- ii. any local board as defined in the Municipal Affairs Act;
- iii. the federal, provincial or county government;

1.34 Residential Zone means a property:

- i. zoned to permit residential uses pursuant to the Township's current Zoning By-law; or
- ii. for which a residential use is a legal non-conforming use pursuant to the **Planning Act**;

1.35 Safekeeping of an animal means the provision of such security in order to prevent an animal from attacking or injuring a person or another animal, or exposing such person or animal to infection or disease, and also includes the provision of an environment wherein the animal cannot be injured or infected by the enclosure, and in addition, the said enclosure shall not cause psychological or mental harm to the animal, which shall be ascertained by the distress caused to the animal in the said enclosure, so determined by a veterinarian or other animal expert;

1.36 Self-sustaining Captive Population means an animal population that is viable in captivity without further genetic influence from the wild;

1.37 Service Animal includes an animal if:

- i. it has been trained to provide assistance to a person with a disability that relates to a person's disability; and
- ii. it is readily identifiable that the animal is used by the person for reasons relating to his or her disability; or
- iii. the person provides a letter from a regulated health professional confirming that the person requires the animal for reasons relating to the disability; and
- iv. where an Article in this By-law sets out a maximum number of animals allowed to be kept, a Service Animal shall not be included in the calculation;

1.38 Township means the Corporation of the Township of Selwyn or the geographical boundary of the municipality, as the case may be;

1.39 Under Control means having the animal kept secure and in the possession of the keeper by means of a leash, chain or tether, or confined in a safe and secure enclosure in the possession of the keeper.

Article 2 – Prohibited Animals

2.1 Schedule A – Prohibited Animals are described by species. Examples of these species are provided and shall not be construed as limiting the generality of the group.

2.2 The keeping, harbouring, or possession, on a temporary or permanent basis, or the selling or offer of selling of any animal of any kind listed in Schedule "A" to this By-law anywhere in the Township is hereby prohibited.

- 2.3 Article 2.2 does not apply to animals listed as exceptions in Schedule "A".
- 2.4 No person shall keep an animal within the Township which animal is on the list of the Convention on International Trade and Endangered Species (CITES) without the prerequisite permit in accordance with CITES.
- 2.5 No person shall keep an animal whose ownership is prohibited under existing Provincial and Federal legislation.

Article 3 – Grandfathering

Animals – General

- 3.1 Any person, may seek grandfathered status for such prohibited animals within 6 months of the passing of this by-law by making application and providing proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the preceding conditions have been met, the Clerk or their designate may deem the animal to be grandfathered and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.
- 3.2 **Dogs**
- i) Any person who kept 4 dogs as was permitted in the preceding animal control by-law as evidenced by the purchase of 4 dog tags will be permitted to keep 4 dogs until one dog dies at which time the person comes into compliance with the limit of 3 dogs.
 - ii) The provisions of this by-law as they relate to keeping no more than 3 dogs will apply throughout the Township after 10 years subsequent to the passage of this By-law with the exception of dogs that are grandfathered as per section 3.2 i).
- 3.3 Where the grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health and safety of any individual, the grandfathered status of the animal may be revoked by the Clerk or designate.

Article 4 – Keeping Animals

- 4.1 Every person who keeps one or more animals shall be responsible to ensure that the owner's property upon which the animal or animals are kept are maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle 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.
- 4.2 No person shall keep an animal incidental to a farm or agricultural use, except in an agricultural zone. A farm use shall be deemed to occur when the animal(s) is/are used to produce or generate food for human or animal consumption.
- 4.3 No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
- i. the tether is a minimum of 3 metres;
 - ii. the animal has unrestricted movement within the range of such tether;

- iii. the animal is not tethered for longer than 10 consecutive hours in a 24-hour period;
 - iv. the animal has access to water and shelter while tethered; and
 - v. the animal cannot injure itself as a result of the tethering.
- 4.4 Every person who keeps an animal in the Township shall ensure that the standards of care set out in the Regulations under the Ontario Society for the Prevention of Cruelty to Animals Act are provided for the animal.
- 4.5 Nothing under this article requires the Township to assume responsibility concerning distress or care of an animal, which is the obligation of the OSPCA.

Article 5 – Animals At Large

- 5.1 No owner of an animal shall permit his/her animal to be at large in the Township.
- 5.2 No owner of an animal shall cause or permit an animal to be at large on the lands of any other person, provided, however, that this clause does not apply if the owner or the keeper have not intentionally or deliberately caused or permitted the animal to be at large and the owner or keeper has proceeded with proper dispatch to recover the animal according to law.
- 5.3 An Animal Control Officer may capture and take into custody an animal that is at large upon any property.
- 5.4 Any person may humanely capture an animal found:
- i. at large on his or her property; or
 - ii. at large on public property, and deliver the animal to the custody of an Animal Control Officer or the Humane Society.

Article 6 – Impounded Animals

- 6.1 The Humane Society is appointed as pound keeper for the purposes of this Bylaw.
- 6.2 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 Officer may in his or her discretion:
- i. deliver the animal to the Humane Society;
 - ii. release the animal to its owner;
 - iii. if the animal is sick or injured, deliver the animal to a licensed veterinarian;
 - iv. if the animal is severely sick, injured or vicious, destroy the animal.
- 6.3 The Humane Society shall keep a record of every animal impounded, including:
- i. the date it was impounded;
 - ii. a description of the animal;

- iii. a description of any identification;
 - iv. the disposition made with respect to the animal.
- 6.4 Where an animal is impounded for being at large, the owner of the animal shall pay to the Humane Society reimbursement of its expenses with respect to the animal including:
- i. the cost of taking the animal into custody, (impound fee) fixed at the amount set by the Humane Society;
 - ii. the daily boarding fees of the Humane Society for the care of the animal fixed in the amount set by the Humane Society;
 - iii. actual veterinarian fees incurred with respect to the animal.
- 6.5 No person shall retrieve an impounded animal from the Humane Society without payment of the expenses in full referred to Section 6.4.
- 6.6 Every owner shall retrieve the impounded animal from the Humane Society within 5 calendar days of the day of impound, excluding the day of impound and any statutory holidays.
- 6.7 Where an animal is not claimed by its owner within 5 calendar days, the animal may be sold or disposed of or destroyed in a humane manner.
- 6.8 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.
- 6.9 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 destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Humane Society may destroy 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.
- 6.10 An impounded animal not wearing an identification tag for the current year, or which has not been microchipped may be given an inoculation to provide temporary immunization against common diseases.
- 6.11 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 in accordance with the Society's applicable fees and charges:
- i. to the costs of taking the animal into custody, (impound fee).
 - ii. the daily boarding fee of the Humane Society for the care of the animal.
 - iii. actual veterinary fees incurred with respect to the animal;
 - iv. 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
 - v. the residue, if any, to the owner if known, otherwise to be provided to the Township .

Article 7 – Licenses

- 7.1 The owner of every dog shall cause the dog to be licensed under this By-law in accordance with the annual license fee as set out in the Township's Tariff of Fees By-law.
- 7.2 Within 7 calendar days of the later of becoming:
- i. an owner of a dog required to be licensed under this By-law; or
 - ii. a resident of the Township if already an owner of a dog required to be licensed under this By-law;
- every person shall obtain a license and pay the fee prescribed by the Township's Tariff of Fees By-law.
- 7.3 Every service animal shall be registered/licensed and receive a tag, but at no cost to the owner.
- 7.4 No person shall operate a kennel without obtaining a license and paying the fee prescribed in the Township's Tariff of Fees By-law.
- 7.5 All licenses shall be valid for one calendar year (January 1st – December 31st) annually.
- 7.6 A record shall be kept by the Township and the Humane Society, showing the name and address of the owner of the dog and the serial number of the tag provided to the person.
- 7.7 Where an owner obtains a license for a dog under this By-law, the owner will be issued a Selwyn Township identification tag. Every dog licensed under this By-law shall have their Selwyn Township identification tag securely attached to a breakaway collar and attached to the animal at all times unless the dog:
- i. is receiving veterinary treatment;
 - ii. is being cleaned;
 - iii. otherwise cannot have the tag affixed because it would represent a danger to the animal;
 - iv. the dog is being lawfully used for hunting.
- 7.8 No person shall place a Selwyn Township identification tag upon any dog other than the dog for which it was obtained.
- 7.9 Tags which are lost may be replaced by providing sufficient proof that the license for the dog has been issued for the current year, and paying to the Township the applicable fee for each lost tag as prescribed in the Township's Tariff of Fees By-law.

Article 8 – Dogs - General

- 8.1 The owner of every dog shall cause the dog to be licensed under this By-law in accordance with the annual license fee outlined in Schedule "B" prescribed in the Township's Tariff of Fees By-law, and the owner of such dog shall provide proof of current rabies immunization.

- 8.2 No person shall keep, or permit to be kept, in or about an owner's property in the Township, more than 3 dogs at any one time, with the exception of:
- i. a registered and licensed shelter or pound;
 - ii. a kennel;
 - iii. dogs under the age of four months.
- 8.3 No owner of a dog shall permit the dog to be at large in the Township. A dog shall be deemed to be at large if it is found in any place other than the owner's property.
- 8.4 Every owner of a dog shall ensure that the dog is kept on a leash and under the control of a person when the dog is on any land in the Township unless:
- i. the land is the premises of the owner of the animal;
 - ii. the land is owned by a person who has given prior consent to the dog being off the leash (e.g. leash free zone);
- 8.5 The owner of a dog shall forthwith remove, or cause to be removed, any excrement left by the animal on land within the Township. The owner shall dispose of the excrement in a proper refuse receptacle.
- 8.6 Every person who owns a dog shall remove from his or her premises, in a timely manner, excrement left by the animal.
- 8.7 Article 8.6 does not apply to:
- i. a handler of a service animal, where the handler is unable to remove the excrement left by such dog due to physical disability or impediment; or
 - ii. a blind or visually impaired handler of a service animal if the excrement was left while the dog was off the premises of the handler and during the course of fulfilling its duties.

Article 9 – Dogs – Biting

- 9.1 No owner shall permit a dog to bite or attack a person or a domestic animal.
- 9.2 Where an Animal Control Officer has reason to believe that a dog is a biting dog, an Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a biting dog.
- 9.3 A Committee shall be established to conduct a hearing related to appeals to determine whether or not to exempt the owner in whole or in part from the Animal Control Order.
- 9.4 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 may include the following requirements:
- i. 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:

- a. 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
 - b. 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
 - c. 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; and
 - d. the dog shall not be kept in the front yard of the owner's property.
- ii. 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;
 - iii. the owner shall keep the dog under the physical control of a person 18 years of age or older by means of a non-retractable leash with a maximum length of 3 metres held by the said person at all times when the dog is in any place other than the owner's property;
 - iv. the owner shall have a microchip implanted in the dog, and proof of the implantation shall be supplied in writing to the Animal Control Officer within 30 calendar days of the issuance of the Animal Control Order, or on appeal, within 30 calendar days of the date of the Committee's decision, unless the Committee exempts the owner of this requirement;
 - v. the owner shall provide to the Animal Control Officer a copy of all immunization records of the dog within 48 hours of service of the Animal Control Order;
 - vi. the owner shall notify the Animal Control Officer within 48 hours of any changes to the residency or ownership of the dog;
 - vii. the owner shall notify the Animal Control Officer within 48 hours of the death of the dog.
- 9.5** 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.
- 9.6** Unless varied by the Committee on an appeal, a requirement of an Animal Control Order that the owner shall keep the dog leashed at all times when the dog is any place other than the owner's property shall apply to and be deemed to include all areas in the Township that may, from time to time, be designated as leashfree zones.
- 9.7** 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, by:
- i. leaving it at the owner's last known or usual place of abode with an occupant thereof who appeared at least 16 years of age; or

- ii. posting it in a conspicuous place upon some part of the owner's property and by sending a copy by regular mail; or
 - iii. sending it by prepaid registered mail to the owner at the address where he or she resides.
- 9.8 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 Clerk within 15 calendar days after the Animal Control Order has been served.
- 9.9 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.
- 9.10 In accordance with subsection 105(4) of the **Municipal Act, 2001**, 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.
- 9.11 Upon receipt of an application for a hearing pursuant to the provisions of this Bylaw, the Clerk shall convene a meeting of the Committee and shall give the owner of the dog at least 7 calendar days written notice of the hearing.

The Committee may:

- i. confirm, vary, or reverse the declaration in an Animal Control Order that the subject dog is a biting dog, as the case may be;
 - ii. confirm or vary any of the requirements of an Animal Control Order as the Committee considers appropriate;
 - iii. 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;
 - iv. 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
 - v. combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as the Committee considers appropriate.
- 9.12 Any notice or document that has been served pursuant to the provisions of this By-law by prepaid registered or regular mail shall be deemed to have been received by the person to whom it is addressed on the 5th day after the day it is mailed.
- 9.13 No person shall:
- i. fail to comply with an Animal Control Order;
 - ii. fail to restrain a dog that is required to be restrained pursuant to an Animal Control Order;
 - iii. fail to muzzle a dog that is required to be muzzled pursuant to an Animal Control Order; or
 - iv. fail to leash a dog that is required to be leashed pursuant to an Animal Control Order.

Article 10 – Exemptions

10.2 Nothing in this By-law shall apply to prohibit the keeping of an animal in the following places or circumstances:

- i. in a veterinary clinic or hospital under the care of a licensed veterinarian;
- ii. by the OSPCA;
- iii. by a non-profit animal rescue organization such as Lakefield Animal Welfare Society (LAWS), the Animal Rescue Krew and the Kawartha Turtle Trauma Centre.
- iv. by the Humane Society;
- v. in a retail pet shop, in relation to the keeping for sale or display of those animals specified as an exception in Schedule "A";
- vi. at an Agricultural Society event;
- vii. by anyone licensed by the Provincial or Federal Government which permits the keeping of animals under certain conditions;
- viii. within educational facilities where animals are being kept for study, research or teaching purposes;
- ix. on the premises of a licensed circus, non-profit exhibition or commercial event, or authorized parade or procession and during such parade or procession if kept under control.

10.2 This By-law does not apply to a police dog actually engaged in law enforcement.

Article 11 – Enforcement

11.1 This By-law may be enforced by a person or class of persons designated by Bylaw of the Council of the Township to enforce Township By-laws respecting animals and includes an Animal Control Officer employed by the Humane Society and an inspector or agent, authorized by the OSPCA under the provisions of the OSPCA Act, a police officer or a By-law enforcement officer.

Article 12 – Offences

12.1 Every individual who contravenes any provision of this By-law, including those contained in any of the Schedules, is guilty of an offence and on conviction liable to a fine of not more than \$5,000.00, exclusive of costs, under the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended; and

12.2 That any person who contravenes any provision of this By-law will be responsible for the inspection fees or costs incurred by the Township related to the administration and enforcement of this By-law in accordance with the Township's current Tariff of Fees By-law.

12.3 That any person who has unpaid fees/fines, if such amounts remain unpaid sixty (60) days following notification of the amounts owing, the Township has the right to collect any unpaid costs, including interest, as authorized by this By-law by adding such charges to the tax roll where they may be collected in a like manner as municipal taxes, all of which is in accordance with Section 398 of the Municipal Act, 2001, c. 25, as amended

Article 13 – Power of Entry

13.1 Pursuant to Section 436 of the **Municipal Act, 2001**, an Animal Control Officer, and anyone under the Officer's direction, may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of the Animal By-law are being complied with.

Article 14 – Duty to Identify

14.1 Where an Animal Control Officer has reasonable grounds to believe that an offence has been committed by a person, the Animal Control Officer may require the name, address and proof of identity of that person and the person shall supply the required information. A failure by the person to supply the required information constitutes a hindrance or obstruction of the Animal Control Officer.

Article 15 – Severability

15.1 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.

Article 16 – Transitional Provision

16.1 Notwithstanding the repeal of By-law 2001-2, and any amendments thereto, that By-law shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

Article 17 – Short Title

17.1 This By-law may be known as the "Animal By-law."

Article 18 – Interpretation

18.1 Whether any word, phrase or term defined in this By-law is capitalized or not, the use of that word, phrase or term is a reference to the defined word, phrase or term. Where the context requires, the plural shall mean the singular and vice versa.

Article 19 – Reference to Legislation

19.1 Reference to any legislation shall include any and all amendments made thereto.

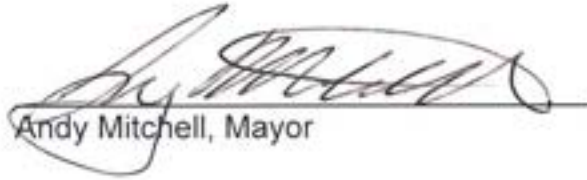
19.2 Reference in any document to a By-law repealed by this By-law shall be deemed to be reference to this By-law.

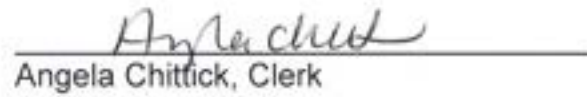
Article 20 – Effective Date and Repeal

20.1 This By-law and the attached Schedules come into effect on the day it receives third reading.

20.2 By-law 2001-2, 2005-0132, 2009-093, By-laws for licencing and requiring the registration of dogs and for prohibiting and regulating the running at large of dogs is repealed on the date this Bylaw receives third reading.

By-law read a first, second and third time this 10th day of December, 2019


Andy Mitchell, Mayor


Angela Chittick, Clerk

Corporate Seal

Schedule "A" Prohibited Animals

Species	Specifics
Animals whose ownership is prohibited under existing Provincial and Federal legislation	
Anseriformes	Including but not limited to ducks, geese, swans, screamers (unless kept in agricultural zones)
Artiodactyla	Including but not limited to camels, giraffe, deer, elk (except goats, sheep, pigs or cattle which must be kept in agricultural zones and except Pot-bellied pigs, Vietnamese pot-bellied pigs and Kune Kune pigs)
Canidae	Except the domestic dog, but including hybrid wolf dog or hybrid coyote dog
Chiroptera	Including but not limited to bats, myotis, flying foxes
Columbidae	Including pigeons, doves
Crocodylia	Including but not limited to alligators, crocodiles, gavials, caiman
Edentate	Including but not limited to anteaters, sloths, armadillos
Erinacidae	Except African pygmy hedgehogs
Felidae	Except the domestic cat
Galliformes	Including but not limited to chickens, turkeys, grouse, peacock (except chickens and turkeys kept in agricultural zones)
Hyaenidae	Hyenas
Hyracoidea	Hyrax

Species	Specifics
Lagomorpha	Including but not limited to hares, pikas (except domestic rabbits)
Lizards which reach an adult length larger than 2 meters	From snout to the tip of the tail
Marsupialia	Including but not limited to kangaroos, possums and sugar gliders (except sugar gliders derived from self-sustaining captive population)
Mustelidae	Including but not limited to skunks, weasels, otters, badgers (except domestic ferrets derived from self-sustaining captive population)(except descended domestic skunks)
Perissiodactyla	Including but not limited to zebra, tapir (except horses, donkey or asses kept in agricultural zones)
Pholidota	Pangolin
Pinnipedia	Including but not limited to seals, sea lions, walruses
Poisonous or venomous animals	Including but not limited to spiders, snakes, lizards, insects
Primates	Including but not limited to gorillas, monkeys, lemurs, apes
Proboscidae	Including but not limited to elephants, rhinoceros, hippopotamus
Procyonidae	Including but not limited to raccoon, panda, coatimundi
Raptors	Including but not limited to hawks, eagles, kites, harriers, osprey, owls, vultures, buzzards

Species	Specifics
Rodents	Including but not limited to porcupines, prairie dogs, nutria (except rodents which do not exceed 1500 grams and are derived from self-sustaining captive populations such as chinchillas, hamsters, gerbils, mice, rats, guinea pigs)
Sciuridae	Squirrels, flying squirrels, red squirrels
Snakes which reach an adult length larger than 3 metres	From snout to the tip of the tail, including but not limited to Green Anaconda, Yellow Anaconda, Reticulated Python, African Rock Python, Burmese Python, Indian Python, Amethyst Python.
Struthioniformes	Including but not limited to cassowaries, rhea, ostrich, emu, kiwi
Ursidae	Bears
Viverridae	Including but not limited to mongoose, civet, genet
Wild animals brought captive	

Schedule "B"

Township of Selwyn Appeals Committee – Animal Control Orders Terms of Reference

Recitals

- a. Dog Owners who receive an Animal Control Order, issued under the authority of the Township of Selwyn Animal Control By-law, may appeal that Order to the Selwyn Appeals Committee.
- b. The purpose of the Township of Selwyn Appeals Committee is to provide a timely and final determination concerning the content of Animal Control Orders.
- c. The members appointed to the Township's Property Standards Committee shall act as the Selwyn Appeals Committee with respect to Animal Control Orders.

1.0 Purpose of the Committee

- 1.1 The Township of Selwyn Appeals Committee (the "Committee") has the responsibility to hear and determine all appeals of Animal Control Orders in the Township of Selwyn under the provisions of the **Municipal Act, 2001** and By-law 19-104 (the "Animal By-law").
- 1.2 On an appeal, the Committee has the authority to do any of the following things if, in the Committee's opinion, it would be reasonable to do so based on its assessment of the evidence presented:
 - a. confirm, vary or reverse the declaration in an Animal Control Order that the subject dog is a biting dog;
 - b. confirm or vary any of the requirements of an Animal Control Order;
 - 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;
 - 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.

2.0 Operation of the Committee

- 2.1 Hearings by the Committee are attended by Committee members, Animal Control Officers, witnesses, and applicants and/or their representatives.
- 2.2 The Committee shall establish its own rules and of practice and procedure and the Committee may accept and weigh evidence in such manner as it deems fair, reasonable and expeditious.
- 2.3 The written decision of the Committee is final.

- 2.4 The decision of the Committee need not be unanimous, and in the event of a split decision, the majority decision shall be the Committee's final decision.
- 2.5 No appeal shall be heard and determined unless at least 3 Committee members are present for the entire hearing.
- 2.6 In the event that a majority of Committee is satisfied that the appellant and/or the Animal Control Officers were provided with reasonable notice of the hearing, and if one or more of the appellant or the Animal Control Officer is not present at the hearing, the Committee may:
- a. Adjourn the hearing to another date; or
 - b. Confirm the existing Animal Control Order.
- 2.7 Only in extraordinary circumstances, which are within the Committee's discretion to determine, shall more than one adjournment be granted to an appellant.

3.0 Term of Office

- 3.1 The appointed members of the Committee shall hold office for a term concurrent with the term of Council, but every member shall continue in office until his/her successor is appointed.
- 3.2 Any member of the Committee whose term of office has expired is eligible for reappointment.
- 3.3 When a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the unexpired portion of the term.

4.0 Composition of the Committee

- 4.1 The Committee shall consist of at least 3 members.
- 4.2 The Committee will select a Chair. A designated Township member shall act as Secretary.

5.0 Role of Committee Members

- 5.1 It is the duty of the Chair to:
- a. preside at all hearings of the Committee;
 - b. call the hearing to order;
 - c. swear in the Animal Control Officer, appellant and all witnesses; and
 - d. determine in conjunction with the other Committee members the Committee's procedure.
- 5.2 It is the duty of the Secretary to:
- a. ensure that the appellant and the Animal Control Officer who issued the Animal Control Order are informed of the hearing date at least 7 calendar days prior to the hearing.
 - b. keep records of all official business of the Committee, including records of all appeals and copies of all decisions respecting each appeal;
 - c. issue the Committee's decision within a reasonable time period; and

- d. concurrent with the issuance of the Committee's decision, inform the dog owner and the Peterborough Humane Society, or any successor organization thereto, of the Committee's decision.

6.0 Remuneration

- 6.1 Members of the Committee shall be remunerated in accordance with the Township's remuneration policies.

7.0 Meetings

- 7.1 The Committee shall meet as required to consider appeals that have been filed with the Township.
- 7.2 Meetings of the Committee shall be held at Township Municipal Office or such other location within the Township, as the Committee deems advisable.

8.0 Conflict of Interest

- 8.1 Members of the Committee shall exercise their duties ethically and identify and/or avoid potential conflicts of interest.

1. Repeals By-laws By-law 2001-2, 2005-0132, 2009-093