



KapusKasing

**THE CORPORATION OF THE TOWN OF
KAPUSKASING**

ANMAL CONTROL BY-LAW

OFFICE CONSOLIDATED

By-Law No. 2981, as amended by By-Law Nos. 3285,
3333, 3391, 4013 and 4067.

REVISED FEBRUARY 2016

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 2891

Being a by-law to provide for the regulating and licencing of dogs, cats and animals in the Town of Kapuskasing and to repeal By-law No. 2591.

WHEREAS the Council of the Corporation of the Town of Kapuskasing deems it expedient to require the owners of dogs, cats and animals within the Town of Kapuskasing to register same, to regulate and to provide for the imposition of a licence fee in respect thereof;

AND WHEREAS the Council of the Corporation of the Town of Kapuskasing deems it expedient to provide for the disposal of impounded dogs and cats;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING ENACTS AS FOLLOWS:

1. That Schedule "A", as attached, forms part of this By-Law and is hereby adopted.
2. That By-Law No. 2591 is hereby repealed.
3. This By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST AND SECOND TIME THIS 17TH DAY OF JULY, 2006.

READ A THIRD TIME AND PASSED THIS 17TH DAY OF JULY, 2006.

UNDER THE SEAL OF THE CORPORATION OF THE TOWN OF KAPUSKASING.

Mayor

Clerk

SCHEDULE "A" To By-Law No. 2891

- (a) **"Animal"** means a live non-human vertebrae which includes dogs, cats, birds and reptiles.
- (b) **"Apartment Suite"** means where there is more than one dwelling unit on a parcel of land.
- (c) **"At Large"** means when an animal is found in any place other than the premises of the owner of the animal and not under the direct control of a competent person in such a manner as to prevent escape, meaning by means of physical attachment between the person and the animal (ie: leash).
- (d) **"Animal Control Officer"** means the person or persons appointed by the Corporation to enforce this by-law.
- (e) **"Animal Shelter"** means the premises designated by the Corporation for the purpose of impounding and caring for animals picked up by agents of the Corporation in violation of this by-law.
- (f) **"Blind Person"** means a blind person within the meaning of the Blind Persons' Rights Act.
- (g) **"Cat"** means a male or female feline species from the time of weaning of any breed of domesticated cat or crossbreed domesticated cat.
A female cat which has been operated on by a licensed veterinarian to prevent conception shall be considered a spayed cat for the purpose of this by-law.
A male cat which has been operated on by a licensed veterinarian to prevent fertilization shall be considered a neutered cat for the purpose of this by-law.
- (h) **"Corporation"** means the Corporation of the Town of Kapuskasing.
- (i) **"Dangerous Dog"** means a dog which without provocation has bitten or has attacked or has made a real and substantial threat of attack on a person or a domestic animal, provided that a dog shall not be deemed to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
- (j) **"Dog"** shall mean any male or female of the domesticated canine species.
A female dog which has been operated on by a licensed veterinarian to prevent conception shall be considered a spayed dog for the purpose of this by-law.
A male dog which has been operated on by a licensed veterinarian to prevent fertilization shall be considered a neutered dog for the purpose of this by-law.
- (k) **"Dog Bite"** means a wound to the skin causing it to puncture or break.
- (l) **"Dwelling"** means a single family dwelling unit.
- (m) **"Guide Dog"** means a guide dog within the meaning of the Blind Persons Rights Act.

- (n) **“Kennel”** means a licensed kennel dealing with the breeding, buying, selling or boarding of dogs and cats as approved by the Corporation.
- (o) **“Leash”** includes any form of lead or restraint, not to exceed two (2) meters in length and of adequate strength to restrain the animal.
- (p) **“Muzzled”** means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
- (q) **“OSPCA”** means the Ontario Society for the Prevention of Cruelty to Animals.
- (r) **“Owner”** includes a person who possesses, harbours or *is in control of* a dog or a cat, “owns” and “owned” have a corresponding meaning and where the owner is a minor, the person responsible for the custody of the minor.
- (s) **“Pit Bull”** means a dog, in accordance with Ontario Regulation 157/05 and any subsequent amendments, and in accordance with regulations of the Dog Owner’s Liability Act and any subsequent amendments and prohibits anyone from owning, breeding, transferring, importing, fighting or abandoning such a dog. Pit bull includes a pit bull terrier; a Staffordshire bull terrier; an American pit bull terrier and a dog that has an appearance and physical characteristics that are substantially similar to those dogs referred to.
- (t) **“Police Constable”** means any police officer for the Ontario Provincial Police.
- (u) **“Police Work Dog”** means a dog trained for and actually engaged in law enforcement for a federal, provincial or municipal police force.
- (v) **“Protective Care”** shall mean the temporary, time limited keeping of an animal by the Corporation as a result of an eviction, incarceration or fire or medical emergency.
- (w) **“Restrained”** means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.
- (x) **“Running at Large”** means when a dog or cat is found in any place other than the premises of the owner of the dog or cat and not under the direct control of a competent person.
- (y) **“Treasurer”** means the Treasurer for the Town of Kapuskasing or any person designated by the Council of the Corporation in his/her stead.

2. **LICENCING**

- (1) Every owner of a dog and/or cat shall register, on or before the 15th day of February of every year, each and every dog and/or cat that he/she owns in the Town of Kapuskasing and then pay the Treasurer the licence fee prescribed in this by-law.
- (2)
 - (a) Every person who becomes the owner of a dog and/or cat on or after the 15th day of February in any year, and before the first day of October in such year, shall register same and pay the licence fee therefor, as provided in this by-law, within fifteen days after acquiring or otherwise becoming the owner of the dog and/or cat.
 - (b) Where a person who is the owner of a dog and/or cat becomes

resident of the Town of Kapuskasing during a licence year and is in possession of a valid dog/cat licence issued by another municipality, application shall be made to the Corporation for a licence pursuant to this by-law and a replacement licence shall be issued upon the following conditions:

- i) payment of a fee of five dollars (\$5.00) for each licence replaced;
- ii) surrender of the licence issued by the other municipality.

- (3) Every owner of a dog and/or cat shall place on the collar of each dog and/or cat, a tag which shall be purchased from the Corporation.

3. **LICENCE FEES**

Every applicant for a licence shall, at the time of making application, pay to the Treasurer the fees prescribed in Schedule "B" attached hereto and forming part of this by-law.

4. **AT LARGE**

- (1) No owner of dog or cat shall allow or permit said dog or cat to be running at large in the Town of Kapuskasing.
- (2) No owner of a dog or cat shall his dog or cat to trespass on private property whether on a leash or not unless permission for said trespass is first obtained in writing from the owner of the property.
- (3) No owner of a female dog shall allow or permit the said dog to be running at large when in heat.
- (4) Every owner of dog or cat or having the care and custody of a dog or cat shall maintain effective control of the animal by means of a leash, while not on the property of the owner. Effective control means a physical attachment (ie: leash between the person and the animal).

5. **IMPOUNDING**

- (1) Any dog or cat found running at large in the Town of Kapuskasing, contrary to the provisions of this by-law, may be impounded in the Animal Shelter by any Police Officer with the Ontario Provincial Police or by the Animal Control Officer, and may be disposed of at any time beyond 72 hours of being impounded, excluding the day of pickup, weekends and holidays.
- (2) Immediately upon the impoundment of dog or cat, the Animal Control Officer shall make every possible effort to notify the owner(s) of such dog or cat impounded, and inform such owner(s) of the conditions whereby they may regain possession of such dog or cat.
- (3) Any dog or cat impounded under the provisions of this By-Law and not reclaimed by its owner shall become the property of the Corporation after three (3) days and may be disposed of in a humane manner.
- (4) Any dog or cat impounded under Section 5(1) hereof, may be redeemed within 72 hours from the time it was impounded, excluding the day of pickup, weekends and holidays, by the owner upon payment of the following sums and fulfilment of the following conditions:
 - (a) All impounded dogs/cats prior to being released shall be required to be registered and licenced for the current year.
 - (b) A licensed impounded dog/cat shall be released upon payment of fine(s) which are approved annually by the Corporation for the first offence; for the second offence; for the third offence and for the fourth offence.
 - (c) Payment of the sheltering fee, which is approved annually by the Corporation, per night for each and every night more than 72 hours.

- (d) Costs of veterinary care for an injured or ill dog or cat, as was necessary to sustain its life and was provided while the dog/cat was impounded.
- (5) Prior to the release of a dog or cat, the owner of a dog or cat shall pay the sheltering fee of \$25 per night for each day the dog or cat is impounded for biting and the Corporation is required by any Act to impound or detain a dog or cat for a determined period.
- (6) During the redemption period, the operator of the pound may euthanize an impounded and/or seriously injured or ill dog/cat without delay, when in the opinion of the veterinarian such actions are warranted for humane reasons.

6. **ADOPTION**

An impounded, unclaimed dog can be adopted for a fee of \$31 and an impounded, unclaimed cat can be adopted for a fee of \$16, subject to said dog and/or cat being registered and licenced.

7. **ANIMAL DEFECATION**

Any person who owns, harbours or possesses or is in control of a dog or a cat shall be responsible for the removal and sanitary disposition of any excrement of the said dog and/or cat forthwith, with the exception of a blind person with a guide dog.

8. **LIMITED NUMBER**

- (1) No owner, tenant or occupant of any dwelling unit in the Town of Kapuskasing shall keep therein more than a total of four (4) dogs, or four (4) cats, or combination thereof.
- (2) No owner, tenant or occupant of any apartment suite in the Town of Kapuskasing shall keep therein more than a total of two (2) dogs, or two (2) cats, or combination thereof.
- (3) This by-law shall not apply
 - i) to the owner of a kennel;
 - ii) to a litter of pups or kittens for up to three (3) months after the date of their birth.
- (4) Individuals fostering cats and/or dogs in homes under the authority of Animal Rescue of Kapuskasing (ARK) and as per the approved list provided on a regular basis by ARK to the Corporation are exempt from Section 8 (1).

9. **DANGEROUS DOGS**

- (1) Every person who keeps a dangerous dog shall license the dog as a dangerous dog and pay an annual fee of \$100.
- (2) Every person who keeps a dangerous dog shall confine the dangerous dog within a building or secure enclosure so as to not permit the dog from escaping and shall not take such dog out of such building or secure enclosure unless such dog is securely restrained by means of a leash at all times with the said leash being no more than 2 meters in length and is muzzled.
- (3) Every person who keeps a dangerous dog shall immediately advise the Municipality of the transfer of ownership of the dog advising of the name of the new owner, address and telephone number.
- (4) No person shall keep a dangerous dog in the Town of Kapuskasing if the dog has been found not muzzled when off the premises of the owner of the dangerous dog or running at large in the Town, or not restrained when on the premises of the owner of the dangerous dog.
- (5) Sections 9(1) to 9(3) inclusive do not apply to a police work dog.

10. **DOG BITES**

- (1) No owner of a dog shall permit the dog to bite or attack without provocation a person or domestic animal.
- (2) Where the Animal Control Officer is informed upon written complaint and confirms that a dog is dangerous, the Corporation shall first serve notice in writing upon the owner of the dangerous dog requiring that the owner comply with all of the requirements set forth as follows:
 - (a) The dangerous dog is to be muzzled at all times;
 - (b) The dangerous dog is to be restrained, as per the by-law definition, upon the dog owner's property;
 - (c) The owner of the dangerous dog must abide in accordance with this by-law and Section 9, Dangerous Dogs.
 - (d) The dangerous dog must be under the control of the owner or a person sixteen (16) years of age or older.

11. **RESPONSIBILITY TO CARE FOR ANIMALS**

- (1) Every owner of an animal within the Municipality shall ensure that such animal is provided with:
 - (a) A clean and sanitary environment free from an accumulation of fecal matter.
 - (b) Adequate and appropriate care, food, water and shelter and opportunity for physical activity.
- (2) Subsection (1) shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of The Ontario Society for the Prevention of Cruelty to Animals, R.S.O. 1990, c. O. 36, as amended.
- (3) No person shall feed or leave out food for any wild or abandoned animal.

12. **PROTECTIVE CARE**

The Animal Control Officer is authorized to:

- (1) Receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Animal Control Officer deems appropriate.
- (2) Temporarily keep such animals for a maximum of five (5) days.
- (3) Charge the owner the current daily sheltering fee and all costs for required veterinary medical care, when the animal(s) are redeemed.
- (4) At the end of the five (5) day period, unless other arrangements are agreed to in writing between the owner of the animal and the Corporation, treat such animals as day one impounded animals.

13. **DISTURBANCES**

No owner of a dog/cat shall permit such dog/cat to cause damage or otherwise create a nuisance or disturbance to another person or another person's property.

14. **RABIES IMMUNIZATION AND SUSPECTS**

- (1) Every owner of a dog or cat three (3) months of age or over shall ensure that the dog is duly immunized against rabies and the immunization is current.
- (2) Every owner of a dog or cat in the Municipality which is suspected of having been exposed to rabies, or which bitten, scratched or had other contact which may result in rabies in a person, shall on demand, surrender such animal to the Animal Control Officer to be held in quarantine for 10 days and such animal shall not be released from quarantine without the permission of the Medical officer of Health.

- (3) Despite Section 1, at the discretion of the Medical Officer of Health, an animal may be held in quarantine on the premises of the owner, or at the owner's expense in a veterinary hospital or kennel of the owner's choice.
- (4) Sections 2 and 3 shall be enforced by the Medical Officer of Health pursuant to the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

15. **LIVESTOCK**

- (1) No person shall keep livestock in any area of the Municipality unless the area is zoned for that purpose or is lawfully used for that purpose.
- (2) For the purposes of this by-law, livestock shall be deemed to be running at large if found in any place other than the premises of the owner of the livestock and not under the control of any person.
- (3) No owner of livestock shall permit any livestock to run at large in the Municipality.

16. **PIGEONS**

- (1) No person shall keep pigeons and/or doves (hereinafter referred to as birds) in an area of the Municipality where zoning permits residential land unless:
 - (a) The birds are not kept in, upon, or under any building used for human habitation.
 - (b) The birds are kept in a loft of sufficient size to house all birds, which shall provide a minimum space of 1.0 square meter of loft space for every ten (10) birds and be so constructed as to prevent escape by the birds.
 - (c) The birds' loft is located at a distance of not less than seven (7) meters from any dwelling, shop or apartment building and at a distance of not less than three (3) meters from any adjoining property line.
 - (d) The maximum number of birds kept by any person on any property in an area of the Municipality where the zoning permits residential land use is then (10) adult birds,
 - (e) none of the birds are permitted to stray, perch, roost, nest or rest upon any premises other than on the premises of the owner,
 - (f) all lands and premises where the birds are kept, are kept and maintained in a sanitary condition at all times, and all waste materials from said lands and premises are disposed of in a manner that will not create a public nuisance or health hazard.
- (2) Section 1 does not apply to a person keeping pigeons and / or doves where such person resides in a Rural (RU) Zone.

RABBITS

- (1) No person shall keep rabbits in the Municipality where the zoning permits residential land use unless:
 - (a) no more than two (2) rabbits over the age of seven (7) weeks are kept on the property of any dwelling unit,
 - (b) the rabbits are kept as pets only,
 - (c) the rabbits, if routinely kept outside, are kept in a properly constructed hutch or cage that is so constructed as to prevent escape by the rabbit(s), and
 - (d) all lands and premises where rabbits are kept, are kept in a sanitary condition at all times, and all waste materials are disposed of in a manner that will not create a public nuisance or health hazard.

- (2) Section 1 does not apply to a person keeping rabbits where such person resides in a Rural (RU) Zone.

17. FINE

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, as amended, and all the provisions of the said Act shall apply to any offence under the provisions of this by-law. Each day that a contravention continues it may be deemed to be a separate offence.

18. INTERFERENCE

No person shall interfere with, hinder or molest any agent of the Corporation in the performance of any duty of such agent or seek to release any animal in the custody of the Corporation or its agents, except as provided herein.

- 19.** By-law No. 2591 is hereby repealed.

