

BY-LAW 2018-062

A by-law of the Township of Russell regulating the care and control of animals

OFFICE CONSOLIDATION

THIS CONSOLIDATED BYLAW WAS LAST UPDATED: JUNE 4, 2019

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Office Consolidation of By-law 31-2004 as amended by the following approved by-laws: 2019-086

**CORPORATION OF THE TOWNSHIP OF RUSSELL**

**BY-LAW # 2018-062**

Being a by-law of the Township of Russell respecting animal care and control.

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**WHEREAS** the Municipal Act 2001, S.O. 2001, c25, section 11(3)9, assigns the sphere of jurisdiction of Animals to lower-tier municipalities; and

**WHEREAS** the Municipal Act 2001, S.O. 2001, c25, Section 8(3), provides that a by-law under section 11 respecting a matter may:

- a) Regulate or prohibit respecting the matter;
- b) Require persons to do things respecting the matter; and,
- c) Provide for system of licenses respecting the matter; and,

**WHEREAS** the Animals for Research Act, R.S.O., 1990, section 20, provides for rules and regulations that must be followed for the keeping of dogs in a municipal pound; and

**WHEREAS** the Pounds Act, R.S.O., 1990, c. P. 17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals; and

**WHEREAS** the Health Protection and Promotion Act, R.S.O., 1990, c.H.7, Section 19, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense; and

**WHEREAS** the Dog Owners Liability Act R.S.O., 1990, Chap. D 16, provides for rules and regulations that must be followed for the keeping of dogs; and

**WHEREAS** it is considered desirable to pass a by-law relating to animal control within the Township of Russell; now therefore be it

**RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RUSSELL ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this by-law:

“animal” means any member of the animal kingdom, other than a human; without limitations. Animal shall include mammals, birds and reptiles.

“Animal Control Tribunal” means the person appointed by Council holding the position of chair for the purpose of animal control tribunal hearings;

“at large” means found in a place other than a property owned or occupied by its owner and not under control of any competent person and not leashed in accordance with the provisions of this by-law;

“attack” means,

- (a) a menacing behavior or apparent attitude of attack including but not limited to growling or snarling toward a person or a domestic animal;
- (b) an assault resulting in bleeding, bone breakage, sprains, scratches or bruising, or
- (c) aggressive behaviour resulting in physical contact and damage to clothing worn by the person or domestic animal; or,
- (d) behavior that poses a menace to the safety of persons or domestic animals; and,

“attacked” or “attacking” have a corresponding meaning.

“bite” means wound to the skin causing it to bruise, puncture or break;

“cat” means a female or a male domesticated cat, whether spayed or neutered;

“Corporation” means the Corporation of the Township of Russell;

“Council” means the Council of the Township of Russell;

“Director” means the person occupying the position of Director of Public Safety and Enforcement of the Township of Russell or authorised assistants;

“dog” means a canine of any breed of domesticated dog, or cross breed domesticated dog ; female or male whether spayed or neutered;

“domestic animal” includes a dog, cat or similar animal kept as a pet which is generally understood to be domesticated and is typically kept indoors at a dwelling unit;

“dwelling unit” shall mean a residential unit located in a building or structure, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“fenced yard” means a yard which is completely enclosed by a fence provided the walls of a continuously occupied building are considered as portions of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when the vicious dog is inside the fenced yard;

“finish grade” shall mean:

- i. When used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building;
- ii. When used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;
- iii. When used with reference to a street, road or highway, the elevation of the street, road or highway established by the Corporation or other designated authority.

“keep” means to have temporary or permanent control or possession of an animal, and the words “kept” or “keeping” have a similar meaning;

“licence” shall mean a licence issued under this by-law;

“livestock” includes any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowls, etc.), fur-bearing animals, horses, donkeys, mules, bulls, oxen, cows or other cattle, goats, swine, sheep, llamas, minks, foxes, emus or ostriches, or the young, or any other exotic birds;

“Medical Officer of Health” means the Medical Officer of Health for Eastern Ontario or authorised assistants or persons acting under his or her authority;

“microchip” means an approved ‘Canadian Standard’ encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central data base;

“Municipality” means either the Corporation of the Township of Russell or the Township of Russell;

“Municipal Law Enforcement Officer” means a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

“muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting and the words “muzzled” and “muzzling” have corresponding meanings;

“operator of the livestock pound” means any one of the livestock handlers appointed by by-law,

“owner” means any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and the word “owns” has a similar meaning;

“park and recreation area” means any parcel of land owned, rented or maintained by the Corporation of the Township of Russell, the South Nation River Conservation Authority and any land designated and used as a playground, sports center, foot path, pathway, splash pad or for any type of active or passive public recreation;

“pet store” means a place of business where live animals are sold or kept for sale as pets;

“petting zoo” means a collection of animals that children may pet and feed and that are not prohibited animals;

“play structure” means a swing, slide, spring-mounted riding toy, climbing equipment, play house, sand box or teeter-totter, and the sand-filled area maintained under the play structure, if any.

“pound” means the premises of the Township Russell, which is used for the temporary housing and care of animals that have been impounded pursuant to this by-law or provincial Act;

“pound operator” means any of the Municipal Law Enforcement officers of the Township of Russell;

“premises” means a building or part of a building or a place;

“premises of the owner” includes premises where a dog is habitually harboured or fed;

“prohibited animals” means the animals identified in Schedule A;

“property” means a parcel of land and any buildings or structures on the land;

“protective care” means the temporary, time-limited keeping of an animal by the Township of Russell as a result of an eviction, incarceration or fire or medical emergency;

“redemption period” means the period of time within which the owner of a dog which has been impounded pursuant to this by-law has the right to redeem it.

“running at large” shall mean found in any place other than the property of the owner of the dog or on the property of a person who has consented to it being on his land and not under the control of any competent person and not leashed in accordance with the provisions of this by-law;

“rural area” shall mean an area of land outside the village boundaries as identified in the official plan of the Township of Russell as amended, or undeveloped areas within village boundaries;

“service animal” means an animal trained by a recognised school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-

impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognised organisation for that purpose;

“splash pad” means a splash pad, used for children play, whether or not there is water and includes the concrete or asphalt decking;

“sterilised” in respect to a dog or cat means being either spayed or neutered;

“tether” means a rope or chain or similar restraining device that prevents an animal from moving away from a localised area and the words “tethered” and “tethering” have a similar meaning;

“Township” means all lands contained within the geographical boundaries of the Corporation;

“trespass” means, in the case of an animal, to enter or remain on a privately-owned property other than a property owned or occupied by its owner without the express permission of the owner or occupant of that property, and “trespassing” has a corresponding meaning;

“under control of its owner” means, in the case of an animal, being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another competent person acting on the owner’s behalf”

“urban area” means and includes the villages of Embrun, Russell, Limoges and Marionville, delimited as per the Township of Russell official plan as amended;

“vicious dog” means:

- i. any dog with a known propensity, tendency or disposition to attack without provocation a person or a domestic animal; or
- ii. any dog which has bitten another domestic animal or person without provocation

“wading pool” means a wading pool, used for children play, whether or not there is water and includes the concrete or asphalt decking;

“working dog” means a dog that is trained specifically to assist police and other law enforcement personnel in their work.

“without provocation” means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

## **INTERPRETATION**

2. (a) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- (b) Where a situation arises, that is not covered by a specific regulation or where two or more regulations are equally applicable, all provisions shall be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions shall prevail.

## **CARE OF ANIMALS**

### **RESPONSIBILITY TO CARE FOR ANIMALS**

3. Every person who keeps an animal within the Township 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, shelter, veterinary care and opportunity for physical activity, as may be required to meet the needs of the species.
- (c) a shelter that is adequate and appropriate for its size and breed, is waterproof and protects it from exposure to the elements.

#### TETHER

- 4. (a) No person shall keep an animal tethered on a rope, chain or similar restraining device unless:
  - (i) the tether is of appropriate length for the species tethered,
  - (ii) the animal has unrestricted movement within the range of such tether, and
  - (iii) the animal has access to water, food and shelter while tethered
  - (iv) the animal cannot injure itself as a result of the tethering,
- (b) Despite clause (i) of subsection (a), in the case of dogs, the tether shall be a minimum of three (3) meters in length provided that the tether does not permit the animal to go beyond the limits of the person's property.
- (c) Despite subsection (a), no person shall keep an animal tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

#### KEEPING ANIMALS UNDER SANITARY CONDITIONS

- 5. (a) Every person who keeps an animal within the Township of Russell shall ensure that such animal is not kept under conditions where an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal.
- (b) Subsection (a) does not apply to livestock kept in accordance with the provisions of section 54 of this by-law.

#### PROTECTIVE CARE

- 6. The Director is authorised to:
  - (a) receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Director deems appropriate,
  - (b) temporarily keep such animals for a maximum of five (5) days,
  - (c) charge the owner the current release fees in accordance with the Township of Russell fees and charges by-law as amended from time to time and all costs for required veterinary medical care, when the animals are redeemed, and
  - (d) at the end of the five (5) day protective care period, unless other arrangements are agreed to between the owner and the Township, treat such animals as day-one impounded animals.

#### DOGS

## REGISTRATION

7. Every owner of a dog shall:
  - (i) register the dog with the Township of Russell in accordance with Section 8 and pay an annual tag and registration fee, as set out in the Township of Russell fees and charges by-law as amended;
  - (ii) obtain a dog tag within 7 days of becoming an owner and renew such registration annually no later than March 31<sup>st</sup> of each year, after which date, the owner shall pay a late renewal fee as set out in the township of Russell fees and charges by-law, as amended;
  - (iii) keep the dog identification tag, issued by the Township of Russell as part of the registration, securely affixed on the collar or harness on the dog at all times. The tag may be removed while a dog is being lawfully used for hunting, herding or other similar activity, and
  - (iv) obtain a replacement tag, and pay the fee as set out in the Township of Russell fees and charges by-law as amended in the event that such tag is lost.
  
8.
  - (a) Every applicant for dog registration shall provide to the Director the following information:
    - (i) name, address, telephone number of the dog owner,
    - (ii) name, age, gender, breed, and colour of the dog,
    - (iii) declaration of sterilized or unsterilized status, and
    - (iv) declaration that the animal has current immunization against rabies.
    - (v) declare if the animal as previously been declared vicious.
  
  - (b) Despite subsection (a) where the applicant provides certification from a qualified veterinarian that the dog is a poor surgical risk and should not undergo the sterilisation procedure, the Director may issue a tag and register the dog at the same fee as that for a sterilized dog.
  
  - (c) The owner of a dog shall notify the Director of any change in information provided in subsection (a) or of the sale or death of the dog, as applicable.
  
  - (d) The Director shall:
    - (i) keep a complete registry of all dogs in respect of which tags are issued, and
    - (ii) provide each registrant with a numbered tag for each dog in respect of which the tag is issued.
  
  - (e) The identification tag issued by the Township of Russell in respect of a dog is not transferable.

## ANIMALS IN VEHICLES

9. No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
  
10. Notwithstanding section 9, a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck if the animal is:
  - a) in a fully enclosed trailer, provided with ventilation;
  - b) in a topper enclosing the bed area of a truck provided with ventilation;
  - c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.

- 10.1 a) No person shall leave an animal in a vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.
- b) An officer who has reasonable grounds to believe that an animal left in a vehicle is in imminent danger may take steps to remove the animal from the vehicle. *(amended by bylaw 2019-086 on June 4, 2019)*

#### RUNNING AT LARGE

11. For the purposes of this by-law, a dog shall be deemed to be running at large if it is found not under control of the owner unless the dog is on the lands of its owner or a person who has consented to it being on his land.
12. No owner of a dog shall permit the dog to run at large in the Township of Russell.
13. Every owner of a dog shall ensure that the dog is kept on a leash having a length of not more than 2.4 meters and under the direct physical control of a person when the dog is on any land in the Township of Russell unless:
- (a) the land is the premises of the owner of the dog,
  - (b) the land is owned by a person who has given prior consent to the dog being off the leash, or
  - (c) the land is parkland that is:
    - (i) owned by the Township of Russell, and designated as an off-leash dog park;
    - (ii) not designated by sign as an area where dogs are prohibited.  
*(amended by by-law 2019-086 on June 4, 2019)*
14. No owner of a dog shall control a dog by means of a leash that:
- (a) is not held by the person in his or her hand, or
  - (b) is not securely affixed to some immovable structure from which the dog cannot escape.
15. Sections 7, 8, 11, 12, 13 and 14 inclusive shall not apply to police working dogs, during the course of fulfilling their duties.

#### IMPOUNDMENT

16. A Municipal Law Enforcement Officer may seize any dog that is found running at large in the Township of Russell and may cause such dog to be delivered to the pound.
17. A Municipal Law Enforcement Officer, or any person or agency acting under his authority, may use necessary force to stop a dog that is running at large if:
- (a) he reasonably believes the dog is likely to cause imminent harm to any person or animal; or
  - (b) the dog is injured or should be destroyed without delay for humane reasons, and no damages or compensation shall be recovered on account of such disposition.
18. Any person may seize any dog that is found trespassing or running at large in the Township of Russell and shall surrender such dog to the Township Public Safety and Enforcement department.
19. A dog seized pursuant to Section 16 or 18 shall be considered impounded at the time and place when it comes under the control of the Municipal Enforcement



Officer or person.

20. The operator of the pound to which any dog seized or found pursuant to this by-law has been delivered shall:
  - (a) impound such dog, and
  - (b) make reasonable efforts to determine the identity of the owner of such dog and to inform such person that the dog has been impounded.
21. The operator of the pound shall keep any impounded dog for a redemption period of three (3) days, excluding:
  - (a) the day on which the dog is impounded,
  - (b) statutory holidays, and
  - (c) days on which the pound is not open.
22. (a) During the redemption period, the operator of the pound shall:
  - (i) provide such veterinary care for an injured or ill impounded dog as may be necessary to sustain its life, and
  - (ii) be entitled to recover from the owner, the cost of veterinary care provided while the dog was impounded, in addition to any other fees due to the Township for redemption of the dog,
  - (b) During the redemption period, the operator of the pound may euthanize an impounded seriously injured or ill dog without delay, when in the opinion of the operator of the pound and/or veterinarian, such actions are warranted for humane reasons.
23. During the redemption period, the owner of a dog impounded pursuant to this By-Law may obtain release of such dog provided that the owner:
  - (a) pays the redemption fee, as set out in the Township of Russell fees and charges by-law, as amended,
  - (b) provides evidence that the dog is registered with the Township of Russell pursuant to Section 7 of this by-law or, if not, obtains such registration and pays the registration fee, as set out in the Township of Russell fees and charges by-law as amended, prior to release of the dog, and
24. After the expiration of the redemption period, the operator of the pound, where a dog has been impounded pursuant to this by-law, may:
  - (a) release the dog to its owner upon compliance with the requirements for release, prescribed in Section 23, or
  - (b) keep, sell or dispose of the dog, subject to the provisions of the *Animals for Research Act*, R.S.O. 1990, Chap. A.22, as amended.
25. Whenever a dog impounded pursuant to this by-law is released to its owner pursuant to Section 23 or Section 24, a record of such release shall be kept by the operator of the pound.

#### DOG BITES

26. No owner of a dog shall permit his dog to bite or attack without provocation, a person, a domestic animal, domestic bird or livestock.
27. Where a Municipal Law Enforcement Officer is informed upon complaint and confirms that a dog is vicious, the Officer shall serve notice upon the owner of the

vicious dog, requiring the owner to comply with any or all of the requirements set out in Sections 28 and 29 of the by-law.

28. Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit but otherwise within the boundaries of the owner's land, ensure that:
  - (a) the vicious dog is muzzled so as to prevent it from biting a person or domestic animal, and;
  - (b) the vicious dog is securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 meters (8 feet) in length;
  - (c) the vicious dog is contained within an enclosed area, including a fence of an appropriate height for the breed of that dog, or in a manner such that the vicious dog is unable to come into contact with persons or other animals. Gates in such an enclosure shall be locked at all times when the dog is in the enclosure.
29. Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's lands,
  - (a) keep the vicious dog under the effective control of a person sixteen (16) years of age or older and under leash, such leash not to exceed two (2 m) metres in length, and
  - (b) keep the vicious dog muzzled.
30. Every owner of a vicious dog shall notify a Municipal Law Enforcement Officer within two (2) working days of any change in ownership or residence of the vicious dog and provide the Officer with the new address and telephone number of the owner.

#### APPEALS

31. Where the owner of a vicious dog is informed that he or she must comply with sections 28 and 29 of the by-law, the owner is entitled to a hearing by the Animal Control Tribunal who may exempt the owner from the muzzling or leashing requirement or both such requirements.
32. Where the owner of a vicious dog requests in writing to the Director of Public Safety and Enforcement a hearing by the Animal Control Tribunal, the request must be provided:
  - (a) within fourteen (14) days of receiving the notice to comply, or
  - (b) at any time after the Animal Control Tribunal has confirmed the muzzling or keeping requirement, or both, if the circumstances respecting the vicious dog have changed, the Director of Public Safety and Enforcement shall advise the Chair to the Animal Control Tribunal of the request for a hearing and obtain a hearing date.
33. Upon determination of the hearing date, the Director of Public Safety and Enforcement shall give notice in writing to the owner of the vicious dog, said notice to:
  - (a) include a statement,
    - (i) as to the time, date, place and purpose of the hearing, and
    - (ii) that if the owner of a vicious dog does not attend the hearing, the Tribunal may proceed in his or her absence and he or she will not be entitled to any further notice, and

- (b) be served personally or by registered mail to the owner of the vicious dog at his or her address last on file with the Director of Public Safety and Enforcement.
- 34.
- (a) The Animal Control Tribunal shall hold the hearing pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, as amended at the time, date and place set out in the notice to comply.
  - (b) The Township shall be represented at the hearing by either the Director of Public Safety and Enforcement or Township Solicitor, or the assistant who is entitled to adduce evidence and submit arguments.
  - (c) The owner of the vicious dog may, at the hearing,
    - (i) be represented by counsel or an agent,
    - (ii) call and examine witnesses and present his or her arguments and submissions, and
    - (iii) conduct cross-examination of witnesses reasonably required for a full and fair disclosure.
  - (d) The Animal Control Tribunal may:
    - (i) exempt the owner of the vicious dog from the muzzling or keeping requirements, or both, or
    - (ii) confirm the muzzling or keeping requirement, or both, or
    - (iii) vary the muzzling and /or keeping requirements
  - (e) The Animal Control Tribunal shall give its decision in writing to the Director of Public Safety and Enforcement within seven (7) days of the date of the completion of the hearing.
  - (f) The Director of Public Safety and Enforcement, in receipt of the decision referred to in subsection (e), shall forthwith notify the owner of the vicious dog of the decision by serving a copy personally or by registered mail to:
    - (i) the owner of the vicious dog at the address last known by the Director of Public Safety and Enforcement, or
    - (ii) the counsel or agent of the owner of the vicious dog, if any, at his or her address as stated to the Animal Control Tribunal .
  - (g) All Hearings shall be public hearings unless the owner of a vicious dog requests that the hearing be held in camera.
  - (h) The Animal Control Tribunal`s decision shall be final and binding.
  - (i) A request from the owner of a dog for a hearing under this section does not act as a stay of the muzzling requirements.
35. Sections 26 to 30 inclusive shall not apply to police working dogs during the course of fulfilling their duties.

#### STOOP AND SCOOP

36. Every owner of a dog shall immediately remove any feces left by the dog in the Township of Russell:
- (a) on a highway or roadway,
  - (b) in a public park, recreation area, or conservation area
  - (c) on any public property, or

- (d) on any private property other than the property of,
  - (i) the owner of the dog, or
  - (ii) the person having care, custody or control of the dog.
- 37. Every owner of a dog shall dispose of any faeces removed pursuant to Section 36 on his or her premises.
- 38. Every owner of a dog shall remove from his or her property, in a timely manner, feces left by such dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.
- 39. Section 36 does not apply to a handler of a working dog, while engaged in a work activity or to a service animal where the handler is unable to remove the excrement left by such dog due to a physical disability or impediment.
- 40. Section 36 does not apply to a blind or visually impaired handler of a service animal/working dog if the feces were left while the dog was off the premises of the handler and during the course of fulfilling its duties.

#### DOGS IN PARKS

- 41. No owner of a dog shall have a dog on park or recreation area, or any part thereof that is designated by sign as an area where dogs are prohibited.
- 42. No owner of a dog shall have a dog on park or recreation area, or any part thereof, where the dog is within five (5 m) meters of:
  - (a) a play structure,
  - (b) a wading pool, or
  - (c) a splash pad.
- 43. Despite Section 42, an owner of a dog may have a dog that is kept on a leash on an asphalt path on part of a park or recreation area that is within five (5) meters of a play structure, a wading pool, or a splash pad provided that the park or recreation area is not designated by sign as an area where dogs are prohibited and the owner moves along the asphalt path without stopping.
- 44. The owner of a dog shall keep a dog on a leash while on park or recreation area, or any part thereof, unless such park or recreation area is designated such that dogs may be kept off-leash, providing that the person in control of such dog shall keep such dog in sight and under voice control at all times, and shall promptly leash such dog when confrontations with humans or other animals may potentially develop.
- 45. Sections 41 to 44 inclusive shall not apply to a service animal/working dog when accompanied by its handler.

#### NUMBER OF DOGS RESTRICTED

- 46. No person shall keep, in or about a dwelling unit within the boundaries of the villages (Embrun, Russell, Marionville and Limoges), more than two (2) dogs over twenty (20) weeks of age unless such premises are:
  - (a) licensed by the Township as a boarding kennel, in home breeding kennel, recreational kennel or pet shop (See Kennel By-law);
  - (b) registered with the Township as premises where dogs are receiving temporary foster care, or

- (c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.
47. No person shall keep, in all other areas of the Township of Russell, more than three (3) dogs over twenty (20) weeks of age, unless such premises are:
- (a) licensed by the Township as a boarding kennel, in home breeding kennel, recreational kennel or pet shop (See Kennel By-law);
  - (b) registered with the Township as a premises where dogs are receiving temporary foster care, or
  - (c) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.

#### DOGS BARKING

48. No person shall permit a dog to bark in a persistent manner so as to disturb the peace or quiet of any residence or any person in the vicinity

#### CATS

49. A Municipal Law Enforcement Officer may euthanize a seriously injured or ill cat without delay, when in the opinion of a veterinarian such action is warranted for humane reasons.

#### RABIES

##### RABIES IMMUNIZATION

50. Every owner of a dog or cat three (3) months of age or over shall ensure that the dog or cat is duly immunized against rabies and that the immunization is current.
51. Section 50 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.

##### RABIES SUSPECTS

52. Every owner of a dog or cat in the Township which is suspected of having been exposed to rabies, or which has bitten, scratched or had other contact which may result in rabies in a person shall, 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 licensed kennel of the owner's choice.
53. Section 52 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.

#### LIVESTOCK

54. (a) No person shall keep livestock in any area of the Township unless the area is zoned for that purpose or on land which is lawfully used for that purpose.

- (b) Subsection (a) shall not apply to the areas known as:
  - (i) the property of the Township of Russell where the pound is located;
  - (ii) the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act* R.S.O. 1990, Chapter V.3, as amended;
  - (iii) any area lawfully used for a travelling show, petting zoo, or other like shows;
  - (iv) any area lawfully used as a zoo; and
  - (v) any premises lawfully used as a slaughterhouse or abattoir.
- 55. (a) 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 owner of the livestock and not under the control of any person.
- (b) No owner of livestock shall permit any livestock to run at large in the Township.
- 56. The operator of the livestock pound shall, at the Township's request, seize and confine any livestock running at large in the Township.
- 57. Any livestock in the care of the operator of the livestock pound shall be retained, released and, where appropriate, sold in accordance with the *Pounds Act*, R.S.O. 1990, Chapter P.17, as amended.
- 58. The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses, if any incurred by the operator of the livestock pound.

#### PIGEONS

- 59. No person shall keep pigeons or doves or both (hereinafter referred to in this Section as "birds" within the boundaries of the Villages of Embrun, Russell, Marionville or Limoges, or any lands zoned "Rural Residential (RR)" in the Township of Russell Zoning by-law.
- 60. (a) Despite Section 59, a person who is keeping pigeons or doves(birds) on the date this by-law comes into force, shall be permitted to keep such bird provided that:
  - (i) the bird is kept in an environment which is appropriate for the species, and
  - (ii) the owner shall provide his or her name, address and phone number within ninety (90) days of the date that the by-law comes into force.
  - (iii) the information provided will be maintained on the Roll file at the Township of Russell.
- (b) The burden of proving the exemption from Section 59 is upon the person making the assertion, of which written notice to the Director as provided in subsection (a) shall be sufficient proof.
- 61. Pigeons or doves or both shall be kept only in Agricultural zones except properties used primarily for residential purposes unless
  - (a) the owner of the birds is a member of a recognized racing or homing pigeon club, which is affiliated with a national pigeon association,
  - (b) the birds are not kept in, upon, or under any building used for human habitation,
  - (c) the birds are kept in a loft of sufficient size to house all birds, which shall provide a minimum space of 1.0 square meters of loft space for every ten (10) birds, and be so constructed as to prevent escape by the birds,

- (d) the birds' loft is located at a distance of not less than seven (7) meters from any adjoining lot line,
- (e) the maximum number of birds kept by any person on any lot is thirty (30) adult birds,
- (f) each bird wears a metal or plastic leg band that shall identify the owner of the bird,
- (g) none of the birds are permitted to stray, perch, roost, nest or rest upon any premises other than on the premises of the owner,
- (h) any bird afflicted with an infectious or contagious disease is not kept, except in a licensed animal hospital or under conditions of isolation and quarantine approved by the Medical Officer of Health, as applicable, and
- (i) 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.

### **RABBITS**

62. No person shall keep rabbits in an area of the Township where the zoning permits residential land use unless:
- (a) no more than three (3) rabbits over the age of seven (7) weeks are kept on the lot 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, 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.
63. Section 62 shall not apply to a person keeping rabbits where such person resides on lands where the livestock facility complies to the zoning by-law as amended.  
*(amended by by-law 2019-062 on June 4, 2019)*

### **PROHIBITED ANIMALS**

64. No person shall keep in the Township, either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "A".
65. (a) Despite Section 64, a person who is keeping a prohibited animal on the date this by-law comes into force, shall be permitted to keep such animal provided that:
- (i) the animal is kept in an environment which is appropriate for the species, and
  - (ii) the owner has advised the Director in writing of the number of each species of each animal and his or her name, the approximate age with a clear identification or photograph of each animal.
  - (iii) the owner shall provide his or her name, address and phone number within ninety (90) days of the date that the by-law comes into force.
  - (iv) the information provided will be maintained on the property file at the Township of Russell.

- (b) The burden of proving the exemption from Section 64 is upon the person making the assertion, of which written notice to the Director as provided in subsection (a) shall be sufficient proof.
  - (c) The exemption provided for in subsection (a) is for the life of the animal.
66. Notwithstanding section 65, no exemption shall apply to the keeping of livestock, and no exemption for livestock shall be available. The provisions of section 54 of this By-law shall apply to all livestock, including livestock, which is being kept on the date this By-law comes into force.
67. Section 64 shall not apply to:
- (a) the premises of the Township's pound;
  - (b) the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended;
  - (c) the premises of any licensed zoo or exhibit, permanently located in the Township;
  - (d) premises or facilities accredited by the Canadian Association of Zoos and Aquaria (CAZA);
  - (e) the areas of the Township in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually conducted, provided that such programs are limited to three days at any one location;
  - (f) premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990.c.A.22;
  - (g) premises where wildlife rehabilitation is being undertaken in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, Chapter 41, as amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources; or
  - (h) premises fostering rescued animals under the auspices of organizations, which are exempted under the by-law, are recognized rescue organizations, and provide an educational function as part of their mandate.

### **NOISE FROM ANIMALS**

68. (a) No person shall keep, own, or harbour in the Township any animal which makes or causes persistent noises that disturb or are likely to disturb the peace, quiet, rest, enjoyment, or comfort of:
- (i) any person in the vicinity, or
  - (ii) the neighborhood.
- (b) Subsection (a) shall not apply to livestock kept in accordance with Section 54 of this by-law.

### **OFFENCES AND PENALTIES**

#### **OFFENCES AND PENALTY**



69. Any person who contravenes or causes or permits any contraventions of any of the provisions 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 or any successor.
70. In addition to any penalty imposed and any other remedy, the court in which the conviction had been entered and any court of competent jurisdiction thereafter, may make an order
- (a) prohibiting the continuation or repetition of the violation by the person convicted; and,
  - (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

#### RIGHT OF ENTRY

71. Every person enforcing this By-law shall have the right of entry on any property or into any building not actually being used as a dwelling for the purpose of carrying out an inspection to determine whether this by-law is being complied with and for the enforcement of this by-law pursuant to section 436 of the Municipal Act, 2001, S.O. 2001,c. 25, as amended from time to time.

#### OBSTRUCTION

72. No person shall obstruct, hinder or interfere with the Director of Public Safety and Enforcement or his designate in the lawful performance of his duties.

### ADMINISTRATION

#### ENFORCEMENT

73. Unless otherwise provided in the by-law, the By-law shall be enforced by the Municipal Law Enforcement Officers of the Township.

#### VALIDITY AND SEVERABILITY

74. (a) Every provision of this by-law is severable and if any provisions of this by-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that the remaining provisions shall remain in full force and effect.
- (b) Where a provision of this by-law conflicts with the provision of another by-law in force within the Township of Russell, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.
- (c) Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of the Township of Russell.

#### SHORT TITLE

75. This by-law may be referred to as the "Animal Care and Control By-law".

**REPEAL**

76. By-law No. 69-1990, 55-1998, 73-1998 of the Corporation of the Township of Russell will be repealed at the time this by-law comes in effect.

EFFECTIVE DATE

77. This By-law shall come into force and take effect on **March 1<sup>st</sup>, 2019**.

READ A FIRST TIME THIS 22<sup>nd</sup> DAY OF MAY 2018.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF DECEMBER 2018.

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Pierre Leroux  
Mayor

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Joanne Camiré Laflamme  
Clerk

**SCHEDULE “A”  
PROHIBITED ANIMALS**

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule, and the animal is kept in accordance with this by-law and the Township of Russell zoning by-law
2. All venomous or poisonous animals.
3. The animals listed within the brackets below are included for the purpose of providing common names of some of the animals within the stated order and do not in any way limit the prohibition of all animals within the stated order.

<u>CLASS</u>	<u>ORDER</u>	<u>COMMON NAMES</u>
Mammals	Artiodactyla	All species purely or partially of the order Artiodactyla (even toed ungulates) (cattles, goat, sheep, pigs, deer, elk hippopotamus, etc.)  <b>Except where the animals are kept as agricultural livestock</b>
	Carnivora	All species purely or partially of the order Carnivora (panda, otter, wolves, bears, seals, walruses, coyotes, foxes, hybrid, wolf dogs, tigers, leopards, cougars, lions, lynx, hyaenas, minks, skunks, weasels, otters, badgers, mongoose, civets, genets, coatimundi, cacomistles, raccoons, African wildcats, savannah cat, jungle cat, serval cat, European wildcat, Chinese mountain cat, sand cat, etc.)  <b>Except common domestic dogs, common domestic cats and ferrets</b>
	Chiroptera	All species purely or partially of the order chiroptera (bats, myotis, flying fox, etc.)
	Edentates	All species purely or partially of the order Edentates (anteaters, sloths, armadillos, etc.)
	Lagomorpha	All species purely or partially of the order Lagomorpha (hares, pikas, etc.)  <b>Except domestic rabbits</b>
	Marsupialia	All species purely or partially of the order of Marsupialia (Koala, kangaroo, possum, wallabies, etc.)
	Perissodactyla	All species purely or partially of the order or Perissodactyla (odd-toes ungulates) (horses, donkeys, jackasses, mules, zebras, ponies, rhinoceros, etc.)  <b>Except where the animals are kept as agricultural livestock</b>
	Primates	All species purely or partially of the order Primates (chimpanzees, gorillas, monkeys, lemurs, etc.)
	Proboscidea	All species purely or partially of the order Proboscidea (elephants, etc.)

	Rodentia	All species purely or partially of the order Rodentia (Porcupines, prairie dogs, etc.)  <b>Except rodents which do not exceed 1,550 grams and are derived from self- sustaining captive populations and are kept as household pets</b>
<u>Reptiles</u>	Crocodylia	All species purely or partially of the order Crocodylia (alligators, crocodiles, gaviel, caymans, etc.)
	Squamata (scaled reptiles)	All snakes which are venomous; All snakes, which reach an adult length larger than two (2) meters. All venomous lizards or lizards which reach an adult length larger than two (2) meters, measured from snout to tip of tail.
	Testudine	All snapping turtle, alligator snapping turtle but odes not include red eared sliders, box turtles, painted turtles reeves turtles, or wood turtles that are kept as house hold pets.
<u>Birds</u>	Anseriformed	All species purely or partially of the order Anseriformes (ducks, geese, swans, screamers, etc.)  <b>Except where the animals are kept as agricultural livestock.</b>
	Galliformes	All species purely or partially of the order Galliformed (pheasant, grouse, Guinea fowls, turkeys, chickens, peafowl, etc.)  <b>Except where the animals are kept as agricultural livestock</b>
	Struthioniformes	All species purely or partially of the order Struthioniformes (ostriches, rheas, cassowaries, emus, kiwis, etc.)  <b>Except where the animals are kept as agricultural livestock</b>
	Falconiformes	All species purely or partially of the order Falconiforms or Raptors (Eagles, hawks, falcons – except those owned by falconers licensed by the Ontario Ministry of Natural Resources, owls, etc.)
<u>Arachnida</u>	Arachnid and Chilopoda	All venomous animals within the class of Arachnids or Chilopoda including but not limited to Tarantula, black widow, solifugid, scorpion and all venomous arthropods including but not limited to the centipede.
<u>Other</u>		All poisonous insects, reptiles and amphibians

**SCHEDULE "B"**  
**LIVESTOCK POUNDS/POUND KEEPER**

1. Livestock Pound  
Leo's Livestock Exchange Ltd.  
R.R. #3  
Greely, Ontario
  
2. Pound Keeper  
Pierre Moss  
565 Notre Dame Street  
Embrun Ontario