



THE CORPORATION OF THE TOWNSHIP OF HILLIARD

BY-LAW 2024-04

BEING A BY-LAW TO REGULATE THE KEEPING OF ANIMALS WITHIN THE TOWNSHIP OF HILLIARD.

WHEREAS the Council of the Corporation of the Township of Hilliard deems it necessary and expedient to pass a By-Law to regulate the keeping of animals within the Township of Hilliard;

AND WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS under Section 10 (2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS Section 10. (2) paragraph 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality may pass by-laws respecting animals;

AND WHEREAS Section 425(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a bylaw of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429(1) of the Municipal Act, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

NOW THEREFORE the Council for the Corporation of the Township of Hilliard hereby enacts the following as a By-Law:

1 DEFINITIONS

1.1 **By-Law Officer** means the person or persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing the Town's By-Law.

1.2 **At Large** means a dog, cat, or any other animal being in a place other than a property owned or occupied by its owner and not under the effective control of a responsible person acting on behalf of the owner.

1.3 **By-law Enforcement Officer** means the person or persons duly appointed by Council as Municipal Law Enforcement Officers for the purpose of enforcing regulatory by-laws of the Town.

1.4 **Effective control** means to be in the care and custody of a Responsible Person.

1.5 **Harbour** means living with, having care and control of, feeding, leaving food in a manner that is likely to attract a dog, cat or animal to a property, and shall also specifically include a situation in which any person provides food to any dog, cat or animal whether domesticated or feral.

1.6 **Herding Dog** means a dog that has been trained and is actively being used in a bona fide farming operation for the purposed of controlling livestock on the farm.

1.7 **Keeps / Keeping** means to own, keep, harbour, maintain or feed a cat, dog, or animal.

1.8 **Leash** means a restraining device, by which a dog, cat or other animal is held in check.

1.9 **Leashed** shall mean restrained by a leash securely attached to the dog or cat and a person or object.

1.10 **Livestock Guardian Dog** means a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.

1.11 **Owner** when used in relation to a dog or cat, or animal, includes a person who possesses or harbours the dog or cat, or animal where the owner is a minor, the person responsible for the custody of the minor and "owns" has a corresponding meaning

1.12 **Kennel** means premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate fostering program for dogs, cats or animals under the authority of a Society, in which the predominant activity consists of: breeding dogs, cats or animals, raising dogs, cats or animals, boarding dogs, cats or

animals, and/ or, harbouring more than the maximum allowable number of dogs, cats or animals.

1.13 **Kennel License** means a permit granted by Council to operate a kennel.

2 GENERAL PROVISIONS

2.1 No person shall keep or permit in or about any dwelling unit or premises more than five (5) dogs over twelve (12) weeks of age at any one location unless a kennel license has been issued to that person for that location.

2.1.1 No person shall keep or permit in or about any dwelling unit or premises more than five (5) cats.

2.1.2 This requirement shall not apply to owners of Livestock Guardian Dogs and Herding Dogs while such dogs are kept in an area which is zoned "agricultural" pursuant to the Zoning By-Law and said dogs are kept for agricultural uses in accordance with their defined function.

2.2 No owner of a dog, cat, or any other animal shall cause, allow or permit the animal he or she owns to be at large within the limits of the Township.

2.2.1 When not within the dwelling unit or on the premises of its owner or on private property with the consent of the owner of that private property all dogs and cats shall be:

- a) on a leash of not more than two (2) meters in length;
- b) on a leash held under the effective control of a responsible person.

2.3 No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not.

2.4 No person or owner shall permit any noise made by any dog, cat, bird, or any other animal kept or used for any purpose, which is likely to disturb the peace or comfort of any individual in any location beyond the Lot Line of the property on which such dog, cat, bird or other animal is located.

2.4.1 Livestock Guardian Dogs and Herding Dogs shall be exempt from the foregoing provision while actively engaged in guarding livestock against predators.

2.5 No owner shall permit his or her dog, cat or animal to attack or to bite a person, dog, cat, or animal.

2.6 The owner of a kennel shall not possess more than 12 dogs on the property at any one time.

2.7 The owner of a kennel shall pay annually to the Township, or its authorized agent, on or before the 1st day of January in each year, a license fee for his or her

kennel in accordance with Appendix "1", and shall receive a kennel license for the current year.

3 OBSTRUCTION

3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

3.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

4 POWER OF OFFICER

4.1 A By-Law Officer may enter on any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this By-law and to enforce its provisions, without a search warrant, provided he or she is in active pursuit of a dog, cat, or animal.

4.2 In no instance shall a By-Law Officer enter into any dwelling unit situated on private property without a Search Warrant authorizing such entry.

5 SEIZE AND IMPOUND

5.1 The By-Law Officer may seize and impound any dog, cat, or animal found at large.

5.2 Any dog, cat or animal seized by a By-Law Officer under this By-law shall be impounded for 5 days from the time of its impoundment, exclusive of the day on which the dog, cat or animal was impounded, and days on which the pound facility is closed.

5.3 Notwithstanding Section 5.2 where in the opinion of a veterinarian, a dog, cat or animal seized under Section 5.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons, dogs, cats or animals, the By-Law Officer may kill the dog, cat or animal in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog, cat or animal without offering it for sale and no person shall be entitled to recover damages or compensation on account of its killing

5.4 Any person may capture any dog, cat or animal at large and trespassing on his or her property and, upon doing so, shall report capture of the dog, cat or animal to the By-Law Officer who may impound the dog, cat or animal.

5.5 During the impound period referred to in Section 5.2, the owner of the dog, cat, or animal shall be entitled to reclaim the dog, cat or animal upon:

- a) payment of the impound fees and the board fees in the amount as set out in Appendix "1" attached to and forming part of this By-law;
- b) payment of any veterinarian fees incurred for the well-being of the dog, cat, or animal;

5.6 If the dog, cat or animal is not redeemed within the time frame specified in subsection 5.2, the By-Law Officer may dispose of the dog, cat or animal as he or she sees fit without liability to any person for the disposition of the dog, cat, or animal or the manner thereof.

6 PENALTY

6.1 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

6.2 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any permit or order issued pursuant thereto, commits an offence and except where specifically set out in Appendix "2" attached to and forming part of this By-law, shall be liable to a fine of not more than \$5,000.00. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

7 FINE

Item	COLUMN 1 Short form wording	COLUMN 2 Offence creating provision or Defining offence	COLUMN 3 Set fine
1	<i>Owner</i> possess more than the allowable number of <i>dogs</i> .	Section 2.1	\$100
2	<i>Owner</i> possess more than the allowable number of <i>cats</i> .	Section 2.1	\$100
3	Allow a <i>dog, cat or animal</i> to be <i>at large</i> .	Section 2.2	\$100
4	Allow a <i>dog, cat or animal</i> to be <i>at large</i> on <i>private property</i> .	Section 2.3	\$100
5	Failure to ensure that a <i>dog, cat or animal</i> is on a <i>leash</i> .	Section 2.2.1 (a)	\$50
6	Failure to ensure that a <i>dog, cat or animal</i> is on a <i>leash</i> of not more than two (2) meters in length	Section 2.2.1 (b)	\$50
7	Failure to ensure that a <i>dog, cat or animal</i> is on a <i>leash</i> held by a <i>responsible person</i> .	Section 2.2.1 (c)	\$50
8	Allow <i>dog, cat or animal</i> to make <i>noise</i> .	Section 2.4	\$100
9	Allow <i>dog, cat or animal</i> to attack or bite.	Section 2.5	\$500

READ A FIRST, SECOND AND THIRD TIME in Open Council and finally passed under the hands of Reeve, Clerk and Seal of the Corporation on this 26th day of March, 2024.

Reeve

Clerk

Appendix "1"
To Animal Control By-Law No. 2024-04

IMPOUNDMENT, DETAINED OR LICENSE	Fee
Impoundment Fee	\$65.00
Daily Boarding Fee	\$65.00
Quarantined Animal Daily Boarding Fee	\$150.00
Euthanized Services Fee up to a maximum of 100lbs	\$140.00
Euthanized Services Fee above 100lbs	\$190.00
Disposal of Non-Impounded Animal Fee up to a maximum of 100lbs	\$195.00
Disposal of Non-Impounded Animal Fee above 100lbs	\$315.00
Kennel License Fee	\$100.00