

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 2819-13

A By-law to regulate Animal Control and Responsible Ownership in the Town of Hanover.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, Section 11(3)9, assigns the sphere of jurisdiction of "Animals" to lower-tier municipalities;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, 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 *Ontario Society for the Prevention of Cruelty to Animals Act* R.S.O., 1990, Chap.0.36, provides special powers to help animals in distress;

AND WHEREAS the *Dog Owners' Liability Act*, R.S.O., 1990 Chap. D 16, provides for the 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 and Responsible Ownership within the Corporation of the Town of Hanover.

NOW THEREFORE the Council of the Corporation of the Town of Hanover hereby enacts as follows:

1. **SHORT TITLE** – This By-law may be cited as the "Animal Control and Responsible Ownership By-law".

2. DEFINITIONS

"**animal**" means any member of the animal kingdom, other than a human.

"**at large**" means where an animal is found in a place other than the property of the owner of the animal and not under the control of the owner of the animal or their authorized representative, except where the owner of the property permits the animal to be on their property and an animal shall not be deemed to be under the control of any person unless accompanied by an attendant, under leash, who shall exercise control over the animal at all times.

"**cat**" means a domestic cat (*Felis silvestris catus*).

"**certify**" means to confirm formally as true, accurate, or genuine by swearing or confirming the declaration to be true.

"**control**" includes care and custody.

"**Council**" means the Council of The Corporation of the Town of Hanover.

"**competent person**" means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

"**confined space**" means a fully or partially enclosed space.

"**distress**" means 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.

"**dog**" means a domestic dog, (*Canis lupus familiaris*).

"**dog off-leash recreation area**" means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow their dog to run at large, and is not required to leash such dog.

"**impound**" means to confiscate, confine, hold or take possession.

"**kennel**" means an establishment for the breeding or boarding of dogs.

"**licence**" means a dog tag issued pursuant to the requirements of this by-law.

"**livestock**" means cattle, horses, poultry, and similar animals kept for domestic use but not as pets, especially on a farm or ranch.

"**lot**" means a parcel of land which can be legally conveyed pursuant to the *Planning Act*.

"**microchip**" means an approved Canadian standard encoded identification device implanted into an animal that 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 database accessible to the Officer.

"**municipal law enforcement officer**" means a person appointed under the authority of the *Police Services Act* for the purpose of enforcing by-laws.

"**neutered male**" means a dog or cat which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered.

"**officer**" means a Municipal Law Enforcement Officer or a Police Officer.

"**owner**" means a person who:

- a) has the care, charge, custody or control of an animal;
- b) owns or who claims proprietary interest in an animal;
- c) harbours, suffers or permits an animal to be present on any property owned, occupied or leased by them or which is otherwise under their control;
- d) claims and receives an animal from the custody of the animal shelter or an Officer; or
- e) a person to whom a licence was issued for an animal in accordance with this bylaw.

Where an owner is a minor, the person responsible for the custody of the minor is deemed to be the owner.

"**police work dog**" means a dog trained to aid law enforcement officers and is actually being used for police work purposes.

"**pound**" means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law.

"**poundkeeper**" means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound.

"**proof**" means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. The records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the Town at such time.

"**property**" means any interest, present or future, vested or contingent, in real or personal property.

"**residential dwelling unit**" means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

"**service dog**" means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person. This includes, but not limited to, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment [autism, seizure dog etc.].

"**spayed female**" means any female dog or cat which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed.

"Town" means the Corporation of the Town of Hanover.

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle.

"visually impaired" means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in their better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

"Zoning By-law" means any by-law administered by the Town passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990 c.P13* or a predecessor or successor thereof, as may be amended from time to time;

3. GENERAL PROVISIONS

- 3.1. This by-law pertains to animals being housed, harboured, kept or owned by any person in the Town of Hanover.

4. RESPONSIBLE & HUMANE CARE OF ANIMALS

Animal owners and those with an animal in their care or custody are to provide the basic requirements for the animal and shall comply with the following:

- 4.1. Any person who keeps an animal within the Town shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.
- 4.2. No person shall keep an animal outside of a residence for extended periods of time unless the animal is provided with outside shelter that:
 - 4.2.1. Provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - 4.2.2. Ensures protection from heat, cold, water, and water vapour that is appropriate to the animal's weight and type of coat and provides sufficient space to allow the animal the ability to turn about freely and to easily stand, sit, and lie in a normal position
- 4.3. Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.
- 4.4. Any person keeping an animal within the Town shall do so under sanitary conditions.
- 4.5. For the purposes of Section 4.4 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 4.6. No person shall:
 - 4.6.1. Tease, torment, annoy, or abuse any animal; or
 - 4.6.2. untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- 4.7. Where an officer has reasonable and probable grounds to believe that an animal is in distress or is likely to be in distress, an officer may require the owner to cause the animal to be examined and treated by a Veterinarian at the owner's expense.
- 4.8. In addition to any other remedy, an officer may give to an animal's owner a verbal or written order where the officer has reason to believe that the owner has failed to comply with any part of this section.
- 4.9. An order shall include the following information:
 - 4.9.1. particulars of the reasons for which the order was given; and,
 - 4.9.2. particulars of the things the owner is required to do to remedy the issue.
- 4.10. An owner to whom or to which an order is given shall forthwith comply with the order.
- 4.11. No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or

other confined space if the weather conditions are not suitable for containment of an animal.

- 4.12. No person shall transport an animal in a vehicle other than in accordance with the Ontario Highway Traffic Act.
- 4.13. No person shall abandon or cause to be abandoned, any animal within the municipality.
- 4.14. No person shall offer for sale or offer free of charge, or otherwise discard of or dispose of any dog, cat, pup, kitten or other animal on any highway, vacant land, boulevard, parking lot or public place within the municipality.

5. DOG LICENSING AND REGISTRATION

- 5.1. Every owner of a dog over the age of three (3) months shall, on or before the 31st day of March in each and every year, make application to licence and register the dog with the Town, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog, and shall further make application and provide such information as may be necessary to the Town.
- 5.2. Every owner of a dog shall pay annually to the Town a licence fee in accordance with the Table of Fees as established and set out in Schedule 'A' of this by-law or as amended in the Rates & Fees By-law.
- 5.3. No person shall provide or give false information when applying for a licence pursuant to this By-law.
- 5.4. Every owner of a dog, upon application for a dog licence, shall produce a certificate signed by a practicing veterinarian which clearly identifies the dog and shows that they are currently vaccinated against rabies. The certificate shall identify the animal, as in breed, colour, weight, etc., plus indicate the name of the licensed rabies vaccine used (trade name), serial number and duration of validity (up to 3 years). If a validity date does not appear on the certificate, then it will be considered a one year vaccine. A veterinarian may also certify that a vaccination is currently effective based on antibody titre tests that show the dog has effective immunity.
- 5.5. The Town shall not issue a dog licence until the applicable licence fee has been paid in full and evidence of inoculation and the reproductive status has been provided to the satisfaction of the Town.
- 5.6. When the requirements for licensing have been met and necessary application information has been received for the registration of such dog, the Town shall issue for each dog, a serially numbered licence tag and shall cause such information, as provided, to be recorded.
- 5.7. At all times when the dog is not on the owner's property, the owner shall cause it to wear a current licence tag issued by the Town, and the licence shall be securely attached by means of a collar, harness or other means.
- 5.8. No licence tag or registration shall be transferable and the licence tag shall expire and become void upon the sale, death or other means of disposal of the dog so registered and licensed.
- 5.9. Every licence tag issued by the Town shall expire on the 31st day of December in the year for which it was issued.
- 5.10. No person other than the owner or their agent shall remove a licence tag from a dog.
- 5.11. An owner of a dog shall register and obtain a licence tag from the Town for the dog within ten (10) business days from the date the owner took up residence in the Town of Hanover or the owner acquires a dog that is required to be licensed.
- 5.12. An owner of a dog shall forthwith notify the Town of any changes with respect to any information provided in an application for a licence under this By-law. This includes but is not limited to, the owner's address and phone number.

- 5.13. A licence tag shall be issued at no charge to any owner of a service dog, such as a seeing eye dog, or a hearing ear dog or other specialized needs dog or with respect to any police work dog trained for and actually engaged in law enforcement by any federal, provincial or municipal government agency.

6. REPLACEMENT DOG LICENCE TAG

- 6.1. Every owner of a dog, having lost the dog licence tag for the current year, shall immediately make application to the Town for the replacement of such tag, and shall, upon request provide any information as may be required by the Town. The replacement fee for a replacement licence tag shall be in accordance with the Table of Fees established and set out in Schedule 'A' of this by-law or as amended in the Rates & Fees By-law.

7. NUMBER OF DOGS

- 7.1. No owner shall have more than three (3) dogs in any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the Town.
- 7.2. Section 7.1 does not apply to:
 - 7.2.1. the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals;
 - 7.2.2. an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
 - 7.2.3. a pet store licensed in accordance with the provisions of municipal by-laws;
 - 7.2.4. a shelter or pound of a municipally owned and/or operated pound; or
 - 7.2.5. dogs under the age of three (3) months.

8. KENNEL

- 8.1. A kennel may only be licensed if they are located on a lot/property where kennels are permitted by the applicable Zoning By-law.
- 8.2. No person shall own, operate, manage, control or supervise a kennel without a licence.
- 8.3. The Town Clerk or their designate may approve or refuse any licence application, and may impose any conditions upon an approval as he/she determines to be appropriate.
- 8.4. A kennel operator with a kennel licence is not required to apply for a licence pursuant to Section 5.1 in respect of dogs harboured in the kennel.
- 8.5. A Kennel Licence Application shall be submitted with the applicable fee as set out in accordance with the Table of Fees established in Schedule 'A' of this by-law or as amended in the Rates & Fees By-law prior to the 31st day of December for the following year.
- 8.6. Every person who holds a kennel licence or is applying for a kennel licence shall comply with the following requirements:
 - 8.6.1. The kennel building shall have a floor of concrete or other impermeable material and shall have drain openings constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often when necessary.
 - 8.6.2. The kennel shall be in a separate building.
 - 8.6.3. The kennel building shall have electric lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.

Where dogs are permitted to use an outside area, there shall be constructed around such area a fence having a height of at least four feet (4'); the wall of an adjacent building may be included as a part of such fenced in area.
 - 8.6.5. While the licence is in force, it shall be continuously exposed in a conspicuous place in the interior of the premises for which the licence is obtained.

- 8.6.6. At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odors.
- 8.6.7. The operator shall keep the dogs in sanitary, well bedded, well ventilated, clean quarters with natural light at a healthful temperature at all times.
- 8.6.8. The operator shall feed and give water to the dogs periodically each day and keep same in a clean, health condition, free from vermin and disease.
- 8.6.9. An Officer and any other person authorized by the Corporation of the Town of Hanover may inspect at a reasonable hour, any place where dogs are kept, pursuant to this by-law.
- 8.6.10. If the kennel is found not to conform, under the requirements set out herein, an Officer for the Town of Hanover may direct that the dogs be seized and impounded by an Officer and may revoke the licence issued to the kennel.
- 8.6.11. In addition to every other requirement imposed by this by-law, every licence is issued subject to the condition that all federal, provincial and municipal laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to the operation of the kennel must be complied with.

9. CONTROL OF DOGS

- 9.1. No owner of a dog shall allow their dog to run at large. For the purpose of this Section, a dog shall be deemed to be running at large if found on any lands, public or private, within the boundaries of the Town of Hanover other than the premises of the owner of the dog and when so found it is not under the control of a competent person by means of a leash.
- 9.2. No owner of any dog shall allow their dog to run at large in a dog off-leash recreational area as defined in this by-law, unless a current municipal dog licence tag is affixed to the dog's choke chain, collar or harness worn by the dog.
- 9.3. No owner of a dog shall allow their dog to trespass on private property even when on a leash.
- 9.4. No person shall allow a leash to extend beyond a point where the owner cannot reasonably control the dog.
- 9.5. A dog shall not be considered to be running at large if it is a police work dog as defined in this by-law.
- 9.6. Any dog found running at large pursuant to the provisions of this by-law may be impounded by an Officer or other duly appointed officer and delivered to the Pound.
- 9.7. Any person may capture any dog running at large on their property in the Town and deliver the same to an Officer or other duly appointed officer, who may impound the said dog.
- 9.8. An Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise restraining and detaining any dog found running at large pursuant to the provisions of this by-law.
- 9.9. Every owner of a dog shall immediately remove any excrement left by such dog on public or private lands not being the property of the dog owner, within the Town, and shall dispose of such excrement in a sanitary manner in an appropriate waste refuse container, or other means as to not litter on public or private property.
- 9.10. Notwithstanding Section 9.9, proof that the owner is either a person with a visual impairment or a physical disability shall constitute a defense to the prosecution of such an offence.
- 9.11. Every person having care or control of a dog, including a person or persons responsible for the temporary boarding of an animal at the request of the owner, upon realizing that the animal is missing or has escaped, shall immediately notify the Town.

10. DOG BITES OR ATTACKS/DANGEROUS DOGS

- 10.1. For the purposes of this Bylaw, a “Dangerous Dog” shall be defined as a dog that:
 - 10.1.1. has attacked or seriously injured a person;
 - 10.1.2. has attacked or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
 - 10.1.3. an Officer has reasonable grounds to believe is likely to attack or seriously injure a person.
- 10.2. The Officer or other duly appointed officer shall be empowered to declare that a dog is dangerous and may issue an Order to the owner of the dog requiring that the dog be kept muzzled and any other conditions deemed expedient by the Officer at such times as are set out in the Order. Such Order shall set out the conditions and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the *Dog Owners' Liability Act* has concluded or until it is deemed by the Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.
- 10.3. Where a dog has been declared dangerous by the Officer, pursuant to the provision of this by-Law, the owner of the dog may apply to the Dangerous Dog Appeal Committee for a Hearing in respect of such Order to Muzzle.
- 10.4. An Application for Hearing under Subsection 10.3 with respect to the Order to Muzzle shall be in the form attached hereto as Schedule ‘D’, stating the reasons for the Appeal. This Appeal form shall be delivered to the Clerk by Registered mail within fifteen (15) days after the Order to Muzzle has been served.
 - 10.4.1. Upon receipt of the Appeal and Request for Hearing from an owner of the alleged dangerous dog within the time limit set out in Subsection 10.4, the Dangerous Dog Appeal Committee shall give the owner of the dog and, where applicable, the person who saw the alleged dangerous dog bite a person or a domestic animal, (7) days written notice by personal service or registered mail of the date, time and location of the Hearing.
 - 10.4.2. The Applicant and any other interested person(s) may appear at the Hearing and present oral or written evidence relating to the dog.
 - 10.4.3. When the owner of the dog does not attend at the proper time and place, the Appeal Committee may proceed with the Hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.
- 10.5. The Dangerous Dog Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the Hearing.
 - 10.5.1. The decision of the Dangerous Dog Appeal Committee is final and binding;
 - 10.5.2. The Dangerous Dog Appeal Committee may confirm the Order to Muzzle or exempt the owner of the dog from any of the muzzling, restraining or leashing requirements, or may dispose of an Appeal by Consent Order.
 - 10.5.3. The Notice of Hearing or any matter which arises relating to the proceedings of the Dangerous Dog Appeal Committee not covered in the provisions of this By-Law shall be governed by the *Statutory Powers Procedure Act*.
 - 10.5.4. Notwithstanding that an Applicant has applied for a Hearing to Appeal the Order to Muzzle, the Order to Muzzle takes effect when it is served on the person to whom it is directed and remains in effect until the Dangerous Dog Appeal Committee has made its decision on the Appeal.

- 10.5.5. A written copy of the Decision of the Dangerous Dog Appeal Committee, pursuant to Subsection 10.5 or the Consent Order, pursuant to Subsection 10.5.2. shall be prepared, as soon as is practicable after the conclusion of the Hearing, and shall be delivered or mailed by Registered Mail to the Applicant at the address shown on his or her Application, the Clerk and every person that has given the Dangerous Dog Appeal Committee a written request for notice.
- 10.6. The owner of a dog, upon being served with an Order to Muzzle, or where on an Appeal, the Dangerous Dog Appeal Committee has confirmed a dog to be dangerous, shall ensure:
- 10.6.1. That when the dog is on the property of the owner, the owner shall be responsible for restraining the dog by keeping it inside a building or a house or in an enclosed pen of sufficient dimension and strength to be humane.
- 10.6.2. Prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres (6 feet). The enclosed pen or fenced yard shall be equipped with a locking device.
- 10.6.3. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.
- 10.7. When the dog is off the property of the owner, the owner shall ensure:
- 10.7.1. It is securely on a collar type leash with a maximum length of 1 metre (3.28 feet) and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
- 10.7.2. It is muzzled; and
- 10.7.3. That it is under the control of a competent person.
- 10.8. Within thirty (30) days after the date of the issuance of the Order to Muzzle, or where an Appeal has been taken for an Order to Muzzle within thirty (30) days of the Committee's Decision, the dog is identified with a microchip implantation, at the owner's expense, and the said microchip number is registered with the Town of Hanover;
- 10.9. The Town of Hanover Municipal Law Enforcement Officer is notified in writing within forty-eight (48) hours of any changes to the residence of the dangerous dog.
- 10.10. The Town of Hanover Municipal Law Enforcement Officer is notified in writing within forty-eight (48) hours after the ownership of the dangerous dog is transferred to another person;
- 10.11. The Town of Hanover Municipal Law Enforcement Officer is notified in writing should the dangerous dog have died or been destroyed.
- 10.12. Where a dog has bitten or attacked any person or domestic animal or has failed to comply with an Order to Muzzle, a proceeding may be commenced by the Town against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the *Dog Owners' Liability Act, R.S.O. 1990, c. D.16* and any amendments thereto.

11. SEIZING AND IMPOUNDING

- 11.1. A pound shall be established which complies with the *Animals for Research Act, R.S.O. 1990, c. A.22*, the *Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36, 59/09, 60/09* as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large contrary to this by-law which have not been returned to their owner and brought to the poundkeeper and to dispose of the same in accordance with the *Animals for Research Act*. The poundkeeper shall also keep a record and make return as requested or required to the Clerk of all dogs impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.
- 11.2. It shall be the duty of the Officer or other duly appointed officer, to impound or otherwise restrain and detain all dogs running at large pursuant to this by-law and,
- 11.2.1. return the dog to the owner, if known; or

- 11.2.2. impound the dog, subject to the right of the owner to redeem the dog.
- 11.3. The owner may redeem the dog from the pound, within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay any applicable licence fees, impound fees, animal control service fees and maintenance fees as may be required and any other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.
- 11.4. If the dog is not redeemed from the pound within the time set out in Section 11.3, the dog shall become the property of the Poundkeeper who may sell the dog or dispose of it as the pound deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.
- 11.5. It shall be the duty of the Poundkeeper to care for all animals after they have been impounded pursuant to *the Animals for Research Act, R.S.O. 1990, c. A.22* or any other applicable Act, as may be amended.
- 11.6. All impound fees and maintenance fees shall be retained by the Poundkeeper or as prescribed under contract.
- 11.7. All licence fees and animal control service fees collected on behalf of the Town by an authorized agent shall be remitted to the Town at least quarterly, along with a report of the service.

12. DOGS RUNNING AT LARGE –INJURED

- 12.1. Where an injured dog is impounded or otherwise restrained and detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise restraining and detaining the dog as the officer thinks fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.

13. ANIMAL CONTROL SERVICE FEES

- 13.1. Where the dog is returned to the owner, the Officer or other duly appointed officer may require the owner of the dog to pay a "pick up" fee as set out in Schedule 'A' of this By-law or as amended in the Rates & Fees By-law. The "pick up" fee shall be paid forthwith to a duly appointed officer or agent.

14. RABIES

- 14.1. Where any domestic dog is suspected of rabies, the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* and any amendments shall apply. Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Officer or other duly appointed officer may immediately destroy the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its destruction regardless of whether the results of any rabies tests are positive or not.
- 14.2. Where an animal other than a dog, is, in the opinion of the Officer or other duly appointed officer, believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Officer or other duly appointed officer may immediately destroy the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its destruction regardless of whether the results of any rabies tests are positive or not.

15. CAT LICENSING AND REGISTRATION

- 15.1. Every person and resident in the Town who is the owner of a cat eight (8) months of age or older shall, within thirty (30) days following the date that a cat comes into his or her possession, or where applicable, upon the cat reaching the age required, register the cat with the Town, or its authorized agent, pay to the Town, or its authorized agent a licence fee calculated in accordance with Schedule 'A' attached to this by-law.
- 15.2. Where the certificate of a veterinarian is produced showing that a male cat has been neutered or that a female cat has been spayed, such cat shall be registered at the lower rate specified in Schedule 'A' of this By-law.
- 15.3. Every owner of a cat shall, if requested by the Town, produce a certificate signed by a practicing veterinarian which clearly identifies the cat and shows that they are currently vaccinated against rabies. The certificate shall identify the animal, as in breed, colour, weight, etc., plus indicate the name of the licensed rabies vaccine used (trade name), serial number and duration of validity (up to 3 years). If a validity date does not appear on the certificate, then it will be considered a one year vaccine. A veterinarian may also certify that a vaccination is currently effective based on antibody titre tests that show the cat has effective immunity
- 15.4. The owner of every cat shall cause such cat either;
 - 15.4.1. to be tattooed by a veterinarian, for which the veterinarian may charge a fee, with a number which such cat is then registered with the Town, in which case the owner shall produce to the Town a written certificate from the veterinarian setting out the name of the owner of the cat and the said tattoo number; or
 - 15.4.2. to wear around its neck a collar securely fastened to which shall be attached a tag to be furnished by the Town upon which tag shall be inscribed the number under which such cat is registered.
- 15.5. No person shall unlawfully remove a tag or a tattoo from a registered cat.

16. NUMBER OF DOMESTIC CATS

- 16.1. No person shall have more than three (3) cats in any residential dwelling unit within the Town.
- 16.2. Section 16.1 does not apply to:
 - 16.2.1. a premises licensed under the provisions of municipal by-law and operated for the purpose of breeding or boarding;
 - 16.2.2. an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
 - 16.2.3. a pet store licensed in accordance with the provisions of municipal by-laws;
 - 16.2.4. cats under the age of six (6) months.

17. CONTROL OF CATS

- 17.1. No owner of a cat shall allow their cat to run at large on public or private property other than their own. This section shall not apply where the cat is on private property with the consent of the owner of the property or their representatives.
- 17.2. No owner of a cat shall allow their cat to trespass on private property even when on a leash.
- 17.3. No owner of a cat shall allow a leash to extend beyond a point where the owner cannot reasonably control the cat.

18. SEIZING AND IMPOUNDING CATS

- 18.1. An Officer may capture and take into custody, a cat:
 - 18.1.1. not having a tattoo or tag in accordance with Section 15.4;
 - 18.1.2. that is at large.
- 18.2. The Officer shall impound a cat that is at large and is captured and taken into custody by the Officer.
- 18.3. Where a cat is impounded, the owner, if known, and whether or not the cat is claimed from the pound, shall be liable for pound and maintenance fees, and

shall pay all fees on demand by the Town, or other designated agent of the Town.

- 18.4. Every cat owner shall claim the cat within three days of the day on which the cat was impounded, excluding the day of impounding, Saturdays, Sundays and statutory holidays.
- 18.5. Prior to an impounded cat which has a tag or tattoo or other means of identification being destroyed in accordance with the provisions of the by-law, the Officer shall take all reasonable steps to find the owner of the cat and shall forthwith notify the owner, if found, that the cat has been impounded.
- 18.6. Where a cat is not claimed by its owner in accordance with Section 18.4 the cat may be sold forthwith or disposed of in a humane manner.
- 18.7. No person shall retrieve a cat without payment of expenses in full referred to in Section 18.3.
- 18.8. No compensation, damages, fees or other sum shall be:
 - 18.8.1. recoverable by a cat owner or other person;
 - 18.8.2. paid by the Officer, Veterinarian or the Town; on account of, or by reason of:
 - 18.8.2.1. capturing, taking into custody, or impounding a cat; or
 - 18.8.2.2. selling, disposing of or destroying a cat in the course of the administration and enforcement of this By-law.

19. CATS RUNNING AT LARGE- INJURED

- 19.1. Where a cat is injured before or after being taken into custody or in the opinion of a veterinarian should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Officer and the veterinarian shall decide to destroy the cat in a humane manner as soon after capture or custody as the Officer and the veterinarian may determine without permitting any person to reclaim the cat or without offering it for sale.
- 19.2. Every owner of a cat shall immediately remove any excrement left by such cat on public or private lands not being the property of the cat owner, within the Town, and shall dispose of such excrement in a sanitary manner in an appropriate waste refuse container, or other means as to not litter on public or private property.
- 19.3. In any prosecution pursuant to a violation of Section 19.2 of this by-law, proof that the defendant is either a person with a visual impairment or a physical disability shall constitute a defense to such prosecution.

20. PROHIBITED ANIMALS

- 20.1. No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.
 - 20.1.1. all non-human primates (such as gorillas and monkeys);
 - 20.1.2. all felids, except the domestic cat;
 - 20.1.3. all canids, except the domestic dog;
 - 20.1.4. all mustelids (including but not limited to skunks, weasels, otters badgers, etc.) except the domestic ferret;
 - 20.1.5. all marsupials (including but not limited to kangaroos, sugar gliders and opossums);
 - 20.1.6. all bats, raccoons, squirrels;
 - 20.1.7. all ursids (bear);
 - 20.1.8. all hyaenas;
 - 20.1.9. all snapping turtles;
 - 20.1.10. all elephants;
 - 20.1.11. all snakes of the families pythonidae and boidae;
 - 20.1.12. all poisonous or venomous snakes;
 - 20.1.13. all poisonous or venomous arachnids (including but not limited to spiders);
 - 20.1.14. all poisonous or venomous lizards;

- 20.1.15. all crocodilians (including but not limited to alligators and crocodiles);
- 20.1.16. all livestock
- 20.1.17. any endangered species as defined by the Canadian Wildlife Service; or
- 20.1.18. any other animal that Council deems to be necessary.
- 20.2. Notwithstanding Section 20.1, the prohibition shall not apply to:
 - 20.2.1. circuses, carnivals, performances, exhibitions, zoos or public displays that have been approved by the Town and where the applicant seeking the exemption will provide a liability insurance certificate in the amount of \$2,000,000.00 naming the Town of Hanover as an additional insured;
 - 20.2.2. a facility contracted by, owned or operated by the Town;
 - 20.2.3. a veterinary hospital under the control of a licensed veterinarian;
 - 20.2.4. anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
 - 20.2.5. any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all by-laws of the municipality; or,
 - 20.2.6. the premises of an Institution of Education of an elementary, middle, junior or secondary school operated by the Bluewater District School Board or the Bruce-Grey Catholic District School Board where such animals are being kept for research, study or teaching purposes, or on premises registered as *Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22*, as amended.

21. EXEMPTIONS

- 21.1. The Clerk of The Corporation of the Town of Hanover may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

22. ENFORCEMENT

- 22.1. An Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- 22.2. No person shall obstruct, hinder, or otherwise interfere with an Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

SEVERABILITY

- 23.1. Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

24. PENALTIES

- 24.1. Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the *Provincial Offences Act, R.S.O. 1990, c P.33*, as amended, shall apply to said fine.
- 24.2. Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c.25*.

- 24.3. Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty as per Schedule 'B' or where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act 2001, 2001, S.O. 2001, c. 25* as amended;
- 24.4. For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.
- 24.5. Notwithstanding Section 24.4 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended the total of all daily fines for the offence is not limited to \$100,000.
- 24.6. For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001 S.O. 2001, c. 25* as amended.
- 24.7. Notwithstanding Section 24.6 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended the total of all daily fines for the offence is not limited to \$100,000.

25. SCHEDULES

- 25.1. Schedule 'A' attached hereto and forming part of this by-law is the Table of Fees.
- 25.2. Schedule 'B' attached hereto and forming part of this by-law is the Set Fine Schedule
- 25.3. Schedule 'C' attached hereto and forming part of this by-law is the Order to Muzzle.
- 25.4. Schedule 'D' attached hereto and forming part of this by-law is Application for Hearing with Respect to Order to Muzzle.

26. BY-LAWS REPEALED

- 26.1. This by-law hereby repeals By-law No. 1780-08-07-90, By-law No. 2014-09-19-94, as amended by By-law No. 2173-97 and By-law No. 1974-12-20-93 in their entirety.

27. EFFECTIVE DATE

- 27.1. This By-law shall come into force and take effect upon final passage

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 12th day of August, 2013.

Kathi Maskell, Mayor

Michael Dunlop, CAO/Clerk

SCHEDULE ‘A’ TO BY-LAW NO. 2819-13

TABLE OF FEES

Animal Control Fees

Cat Licences (one time charge)

Male – Neutered	\$30.00
Male – Unneutered	\$40.00
Female – Spayed	\$30.00
Female – Unspayed	\$40.00
Tag Replacement	\$ 7.00

Dog Licences - Annually before March 31

Male - 1st Neutered	\$15.00
Male - Additional Neutered	\$20.00
Male - 1st Unneutered	\$25.00
Male - Additional Unneutered	\$30.00
Female - 1st Spayed	\$15.00
Female - Additional Spayed	\$20.00
Female - 1st Unspayed	\$25.00
Female - Additional Unspayed	\$30.00
Kennel Licence	\$100.00
Tag Replacement	\$ 7.00

Dog Licences - Annually after March 31

Male - 1st Neutered	\$25.00
Male - Additional Neutered	\$35.00
Male - 1st Unneutered	\$40.00
Male - Additional Unneutered	\$45.00
Female - 1st Spayed	\$25.00
Female - Additional Spayed	\$35.00
Female - 1st Unspayed	\$40.00
Female - Additional Unspayed	\$45.00
Kennel Licence	\$125.00
Tag Replacement	\$7.00

SCHEDULE ‘B’ TO BY-LAW NO. 2819-13

Set Fine Schedule - Part 1 Provincial Offences Act

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	<i>Short Form Wording</i>	<i>Provision Creating or Defining Offence</i>	<i>Set Fine</i>
1.	Fail to provide an animal with adequate and appropriate care	Section 4.1	\$125.00
2.	Fail to provide an animal with adequate and appropriate food	Section 4.1	\$125.00
3.	Fail to provide an animal with adequate and appropriate water	Section 4.1	\$125.00
4.	Fail to provide an animal with adequate and appropriate shelter	Section 4.1	\$125.00
5.	Fail to provide an animal with adequate and appropriate exercise	Section 4.1	\$125.00
6.	Fail to provide an animal with adequate and appropriate attention	Section 4.1	\$125.00
7.	Fail to provide an animal with adequate and appropriate veterinary care	Section 4.1	\$125.00
8.	Fail to provide animal sufficient shade from sun	Section 4.2.1	\$125.00
9.	Fail to ensure tethered animal has unrestricted movement and does not suffer injury	Section 4.3	\$125.00
10.	Fail to keep animal in sanitary conditions	Section 4.4	\$125.00
11.	Tease, torment, annoy or abuse an animal	Section 4.6.1	\$150.00
12.	Untie, loosen or otherwise free animal not in distress	Section 4.6.2	\$ 75.00
13.	Fail to comply with an Order	Section 4.10	\$150.00
14.	Cause, permit or allow animal to be confined in a vehicle	Section 4.11	\$125.00
15.	Cause, permit or allow animal to be confined in a confined space	Section 4.11	\$125.00
16.	Abandon or cause to abandon animal	Section 4.13	\$125.00
17.	Sell, offer, or dispose of animal on highway or public place	Section 4.14	\$125.00
18.	Fail to license and register dog with the Town	Section 5.1	\$ 95.00
19.	Provide false information when applying for a license	Section 5.3	\$ 95.00
20.	Fail to provide certificate of inoculation-anti-rabies vaccine for a dog	Section 5.4	\$ 95.00
21.	Fail to attach current license tag to dog	Section 5.7	\$ 95.00
22.	Not being the owner, remove license tag from dog	Section 5.10	\$ 95.00
23.	Fail to register dog within 10 business days	Section 5.11	\$ 95.00
24.	Fail to notify Town of any changes in license application	Section 5.12	\$ 95.00
25.	Fail to make application for replacement license tag	Section 6.1	\$ 95.00
26.	Have more than three dogs	Section 7.1	\$ 95.00
27.	Allow dog to run at large	Section 9.1	\$ 95.00
28.	Allow leashed dog to trespass on private property	Section 9.3	\$ 95.00
29.	Fail to reasonably control leashed dog	Section 9.4	\$ 95.00
30.	Fail to remove excrement left by dog	Section 9.9	\$ 95.00
31.	Fail to notify the Town of missing or escaped dog	Section 9.11	\$ 75.00
32.	Fail to comply with Muzzle Order or conditions of an Order	Section 10.2	\$150.00
33.	Fail to provide certificate of inoculation-anti-rabies vaccine for a cat	Section 15.3	\$ 75.00
34.	Have more than three cats	Section 16.1	\$ 95.00
35.	Allow cat to run at large	Section 17.1	\$ 95.00
36.	Allow leashed cat to trespass on private property	Section 17.2	\$ 95.00
37.	Fail to reasonably control leashed cat	Section 17.3	\$ 95.00
38.	Fail to remove excrement left by cat	Section 19.2	\$ 95.00
39.	Own, harbor, possess, keep, sell, offer for sale prohibited animal	Section 20.1	\$125.00
40.	Obstruct, hinder or otherwise interfere with an Officer	Section 22.2	\$200.00

Note: The general penalty provision for the offences listed above is section 24.1 of By-law No. 2819-13, a certified copy of which has been filed.

SCHEDULE ‘C’ TO BY-LAW NO. 2819-13

ORDER TO MUZZLE

Town of Hanover
341 10th Street
Hanover, ON N4N 1P5
519.364.2780

Date: _____

This is to inform you that on _____, your dog did at _____ attacked/bit or caused injury to (a) a person, and/or (b) a domestic animal, and/or (c) has a known propensity, tendency or disposition to attack.

Description of dog: _____

- (A)_____ Dog is to be leashed and muzzled at all times when on any public street or public place that is not owned or controlled by the owner. The chain or leash shall not to exceed 1 meter in length and the muzzle will not cause injury to the dog or interfere with its vision or respiration.
- (B)_____At all times while the dog is on the premises owned or controlled by such person, the dog is to be kept securely confined either indoors, or in an enclosed pen, or other structure of minimum size of 5 feet by 10 feet capable of preventing the entry of children and other animals, and adequately constructed to prevent the dog from escaping.
- (C)_____ Conspicuously display a sign on the property where the dog is kept that states there is a dangerous dog on the property.
- (D) _____ Confine said dog so to allow lawful entry onto the premises of the dog owner without the fear of attack by said dog.
- (E)_____ For the purpose of identifying such dog as dangerous, you must at your own expense have implanted in such dog a microchip and provide such microchip information to the Municipality.
- (F)_____Allow an Officer to inspect such pen or other structure or to make whatever inquiry is deemed necessary to ensure compliance with this notice.
- (G)_____ Notify immediately if said dog is loose, unconfined, attacked, died, sold or given away and if sold or given away provide the Town of Hanover with the name, address and telephone number of the new owner.
- (H)_____ Obtain and maintain a policy of public liability insurance by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than Two Million (\$2,000,000) Dollars for any damage or injury caused by such dog. Policy shall contain a provision requiring and Municipality to be named as an additional insured for the sole purpose of being notified of the policy being cancelled, terminated or expiring. Provide the Municipality with a copy of the policy and all renewals and cancellations.
- (I)_____ Spay / Neuter dog at owners expense.

Items _____ to be complied with by (time) _____ (date) _____
Items _____ to be complied with by (time) _____ (date) _____

_____	_____
Name of dog owner	Address
_____	_____
Animal Control Officer	Date Served

Failure to comply with the above Order will result in fines or a summons to court with a maximum fine of \$10,000 and or six months imprisonment and or a hearing under the Dog Owners Liability Act where a judge may impose more restrictions on the dog or order it destroyed.

Any Appeal Request shall be submitted in writing to the Clerk at 341 10th Street, Hanover ON N4N 1P5, within (15) days of the date this notice was issued, and shall include the grounds for your appeal, any documents you are relying upon for the appeal, your current address and contact information to allow the scheduling of a hearing.

SCHEDULE ‘D’ TO BY-LAW NO. 2819-13

APPLICATION FOR HEARING WITH RESPECT TO ORDER TO MUZZLE

This Appeal Form shall be delivered to the Clerk at 341 10th Street, Hanover, ON N4N 1P5 by Registered Mail within 15 days after Notice to Muzzle has been received from the Town.

Name of Dog	
Breed	Dog Tag #
Address of Dog Owner	
Phone No. (H)	Phone No. (W)
Date Muzzle Order Issued	
Issuing Officer	
Reasons for Appeal	

If additional space is required please attach additional page(s) to this form.
The information contained in this appeal is true to the best of my knowledge.

Date

Signature of Dog Owner

FOR OFFICE USE ONLY	
Date Application Received:	
Date of Hearing by Appeal Committee:	

Decision of Appeal Committee:	
Reasons:	
Signature of Members of Committee:	

Name:

Name:

Name:

Name:

Name:

Name:

Decision of Committee is final & binding.

Dated this _____ of _____, 20____

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2819-13, of the Town of Hanover, attached hereto are the set fines for those offences. This Order is to take effect September 30, 2013.

Dated at London this 30th day of September 2013.

A handwritten signature in black ink, appearing to read 'K. McGowan', with a long horizontal stroke extending to the right.

Kathleen E. McGowan
Regional Senior Justice
West Region

Town of Hanover

Part 1 Provincial Offences Act

By-law No. 2819-13: Regulate Animal Control and Responsible Ownership

ITEM #	COLUMN 1	COLUMN 2	COLUMN 3
	<i>Short Form Wording</i>	<i>Provision Creating or Defining Offence</i>	<i>Set Fine</i>
1.	Fail to provide an animal with adequate and appropriate care	Section 4.1	\$125.00
2.	Fail to provide an animal with adequate and appropriate food	Section 4.1	\$125.00
3.	Fail to provide an animal with adequate and appropriate water	Section 4.1	\$125.00
4.	Fail to provide an animal with adequate and appropriate shelter	Section 4.1	\$125.00
5.	Fail to provide an animal with adequate and appropriate exercise	Section 4.1	\$125.00
6.	Fail to provide an animal with adequate and appropriate attention	Section 4.1	\$125.00
7.	Fail to provide an animal with adequate and appropriate veterinary care	Section 4.1	\$125.00
8.	Fail to provide animal sufficient shade from sun	Section 4.2.1	\$125.00
9.	Fail to ensure tethered animal has unrestricted movement and does not suffer injury	Section 4.3	\$125.00
10.	Fail to keep animal in sanitary conditions	Section 4.4	\$125.00
11.	Tease, torment, annoy or abuse an animal	Section 4.6.1	\$150.00
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21.	Fail to attach current license tag to dog	Section 5.7	\$ 95.00
22.	Not being the owner, remove license tag from dog	Section 5.10	\$ 95.00
23.	Fail to register dog within 10 business days	Section 5.11	\$ 95.00
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