

BY-LAW NO. 3557

**SCHEDULE "A"
SET FINES**

(SET FINES PER PART 1 OF THE PROVINCIAL OFFENCES ACT)

The sums to be paid as set fines are as follows:

| Item | Column 1 Short Form Wording | Column 2 Provision Creating or Defining Offence | Column 3 Set Fine (Includes costs) |
|------|--|---|--|
| 1 | Own/keep/harbour dog without a tag | s. 2.1.1 | \$ 30.00 |
| 2 | Place tag on dog issued for a different dog | s. 2.1.8 | \$ 30.00 |
| 3 | Own/keep/harbour cat without a tag | s. 2.2.2 | \$ 30.00 |
| 4 | Place tag on cat issued for different cat | s. 2.2.9 | \$ 30.00 |
| 5 | Person operating a kennel without a permit | s. 3.1 | \$105.00 |
| 6 | Allow animal to be a public nuisance | s. 5.1 | \$ 75.00 |
| 7 | Fail to keep a vicious animal muzzled | s. 7.1.3 | \$105.00 |
| 8 | Fail to keep vicious animal leashed | s. 7.1.4 | \$105.00 |
| 9 | Fail to remove bio-waste, left by a dog, from public or private property | s. 9.1 | \$ 75.00 |
| 10 | Fail to remove bio-waste, left by an animal, from public or private property | s. 9.2 | \$ 75.00 |
| 11 | Allow animal to run at large | s. 10.2 | \$ 75.00 |
| 12 | Fail to keep dog leashed in public park | s. 10.5 | \$105.00 |
| 13 | Fail to provide evidence of rabies inoculation | s. 11.1.2 | \$ 30.00 |
| 14 | Animal left unattended in vehicle | s.11.1.3 | \$105.00 |
| 15 | Allow animal to cause damage to public or private property | s. 11.1.4 | \$75.00 |
| 16 | Fail to protect an animal from excess heat or cold | s. 11.2.1.a) v | \$ 75.00 |
| 17 | Keep or harbour animals | s. 12.1.1 | \$ 75.00 |
| 18 | Keep or harbour wild or exotic animals | s. 12.2.1 | \$ 75.00 |

NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

THE CORPORATION OF THE TOWN OF PERTH

BY-LAW NO. 3557 ANIMAL CONTROL BY-LAW

A by-law for the Corporation of the Town of Perth respecting the regulation and control, protection and identification of animals and for prohibiting the keeping of animals of any class thereof.

WHEREAS pursuant to section 9, 11, 103, 104, 105 of the Municipal Act, 2001, S.O. 2001, c. 25, By-Laws regarding the prohibiting and control of animals may be passed by the councils of local municipalities.

NOW THEREFORE the Council of the Corporation of the Town of Perth enacts as follows:

1. DEFINITIONS

1.1 In this by-law, the following definitions apply:

- 1.1.1 **“Agent”** means an Animal Control Officer, or other Provincial Offences Officer appointed by the Corporation of the Town of Perth.
- 1.1.2 **“Animal”** means any member of the animal kingdom, other than a human, including but not limited to, non-human mammal, fish, bird, reptile, arachnid or amphibian or insect, include dog, cat, domesticated animal, livestock and wild animal.
- 1.1.3 **“Animal Control Officer”** means a Provincial Offences Officer appointed by by-law of the Town to undertake the control of domesticated animals within the Town of Perth.
- 1.1.4 **“Animal Shelter”** means any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by the agents of the Corporation.
- 1.1.5 **“At Large”** means an animal shall be deemed to be running at large, if found in any place other than the premises of the owner, and not under the control of any person.
- 1.1.6 **“Cat”** means a domestic feline, cat or cats, male or female and includes any cat or cats complete, spayed or neutered.
- 1.1.7 **“Cat Registration Issuer”** means a person or persons employed by the Town for the purpose of implanting, registration and/or issuance of a cat tag.
- 1.1.8 **“Dog Licence Issuer”** means a person or persons employed by the Town for the purpose of implanting, registration and/or issuance of a dog licence and dog tag.
- 1.1.9 **“Dog/Cat Tag”** means a tag bearing a serial number and the year for which it was issued.
- 1.1.10 **“Domesticate”** means to accustom to household life and affairs.
- 1.1.11 **“Exotic Animal”** means any animal, other than livestock and domestic breeds of dogs and cats.

- 1.1.12 **“Guide Dog”** means any dog trained as a guide dog for a visually impaired person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act, and shall also include a dog professionally trained as guide dog for other physically disabled persons.
- 1.1.13 **“Implant”** means a coded chip that contains permanent vital information about the animal in which the device is implanted.
- 1.1.14 **“Kennel”** means any premises where more than two dogs or more than two cats, or a combination thereof, are lodged, bred, kept or boarded.
- 1.1.15 **“Kennel Permit Issuer”** means the Animal Control Officer or a person or persons designated by the Town for the purpose of issuing a kennel permit.
- 1.1.16 **“Leash”** means a restraining device of sufficient strength and material for holding an animal
- 1.1.17 **“Leashed”** means a restraining device securely attached to the animal and controlled by a person or securely attached to a stationary object.
- 1.1.18 **“Licensed Hunting Dog”** means the dog, licensed by MNR, that has a valid hunting licence from the previous year.
- 1.1.19 **“Livestock”** means animals kept or dealt in for farm use or profit.
- 1.1.20 **“Muzzled”** means a humane fastening or covering device of adequate strength over the mouth to prevent an animal from biting.
- 1.1.21 **“Owner of an Animal”** includes any person who owns, possesses, harbours or has the care and control of an animal and, where the owner is a minor, the person responsible for the custody of the minor.
"Owns" and "owned" have corresponding meaning.
- 1.1.22 **“Restrained”** means being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.
- 1.1.23 **“Sanitized”** means to clean for the purpose of controlling disease-producing organisms and "sanitized" has a corresponding meaning.
- 1.1.24 **“Town”** means the Corporation of the Town of Perth.
- 1.1.25 **“Treasurer”** means the Treasurer of the Corporation of the Town of Perth or his/her appointee.
- 1.1.26 **“Vicious Animal”** means:
- a) an animal which, without provocation, has threatened, attacked, or has bitten a person, domestic animal or domestic fowl, or
 - b) any animal with a known propensity, tendency or disposition to attack without provocation a person, domestic animal, or domestic fowl.
- 1.1.27 **“Waste”** means waste matter sent out from the body (excrement or faeces).
- 1.1.28 **“Wild”** means an animal which has not been made tame, nor has been taught to live with and under the control of humans.

2. LICENCING AND REGISTRATION

2.1 All dogs shall be licenced as follows:

- 2.1.1** No person shall own, keep or harbour any dog within the limits of the Town, unless he/she has obtained a tag for such dog.
- 2.1.2** Every dog brought into the Town shall be tagged and registered by its owner within two (2) weeks of being brought into the Town.
- 2.1.3** Every dog born in the Town shall be tagged and registered by its owner within twelve (12) weeks after its date of birth.
- 2.1.4** Application for a tag for a dog shall be made on or before the first day of April to qualify for the lower fee listed in "Schedule B"
- 2.1.5** Upon payment of the tag fee in full, the Dog Licence Permit Issuer shall provide the owner with a dog tag and a record shall be kept by the Town showing the name, address, phone number of the owner, the serial number of the tag, and a complete description of the animal.
- 2.1.6** Each tag for a dog, unless specifically expressed to be for a shorter period and unless suspended or revoked, shall remain in force until the 31st day of March in the year following the year of issue.
- 2.1.7** The owner shall keep the dog tag securely fastened on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is lawfully hunting.
- 2.1.8** It is an offence to place a tag upon a dog, other than the dog for which it was issued.
- 2.1.9** When the owner can show proof of an implant, the licence fee will be waived.
- 2.1.10** The Dog Licence Issuer shall turn over to the Treasurer of the Town all money paid to him/her under this by-law.
- 2.1.11** When a certificate is produced from the Canadian National Institute for the Blind, stating that a dog is being used as a guide dog for a blind person, no fee shall be charged for a licence and tag.
- 2.1.12** On application for a tag, the owner of a dog may be required to produce a certificate, signed by a practicing veterinarian, that the dog has been inoculated with an anti-rabies vaccine within the period of twelve (12) months immediately prior to the date of application for a licence.

2.2 All cats shall be registered as follows:

- 2.2.1** This sub-section shall not apply to dogs.
- 2.2.2** No person shall own, keep or harbour any cat within the limits of the Town, unless he/she has obtained a tag for such cat.
- 2.2.3** Every cat brought into the Town shall be tagged and registered by its owner within two (2) weeks of being brought into the Town.

- 2.2.4 Every cat born in the Town shall be tagged and registered by its owner within twelve (12) weeks after its date of birth.
 - 2.2.5 Application for a tag for a cat shall be made as prescribed above to qualify for the fee listed in "Schedule B"
 - 2.2.6 Upon payment of the tag fee in full, the Cat Registration Issuer shall provide the owner with a tag and a record shall be kept by the Town showing the name, address, phone number of the owner, the serial number of the tag, and a complete description of the cat.
 - 2.2.7 Each tag for a cat shall remain in effect for the life of the cat.
 - 2.2.8 The owner shall keep the cat tag securely fastened on the cat at all times until the tag is replaced.
 - 2.2.9 It is an offence to place a tag upon a cat, other than the cat for which it was issued.
 - 2.2.10 When the owner can show proof of an implant, the tag fee will be waived.
 - 2.2.11 The Cat Registration Issuer shall turn over to the Treasurer of the Town all money paid to him/her under this by-law.
 - 2.2.12 On application for a tag, the owner of a cat may be required to produce a certificate, signed by a practicing veterinarian, that the cat has been inoculated with an anti-rabies vaccine within the period of twelve (12) months immediately prior to the date of application.
- 2.3 A Licence fee shall be charged in accordance with this By-law in order to recover cost of the administration and enforcement of the said licence.
- 2.11.1 Where the Animal Control Officer is unable to contact the animal owner at home, he/she shall leave a card advising that he/she had visited the home and that payment of a dog licence fee or cat registration fee is required and should be forwarded to the Town Office, within a specified time limit.
 - 2.3.2 If payment is not received within the specified time, the Treasurer of the Corporation shall prepare and forward an invoice to the household.

3. KENNELS

- 3.1 No person shall operate a kennel in the Town unless he has obtained a permit for such kennel under the provisions of this By-Law and meets the requirements of the Zoning By-Law of the Town.
- 3.2 No person shall establish a kennel within the limits of the Town which is located closer than 300 metres from the nearest residence.
- 3.3 When a kennel is to be established, the owner of the kennel shall be required to enter into a Site Plan Control Agreement with the Town. This Agreement shall provide screening to the satisfaction of the Town so as to minimize the effects of noise.
- 3.4 No kennel shall accommodate more than ten animals.

- 3.5** Application for a permit to operate a kennel shall be made to the Animal Control Officer on or before the first day of April in each year. All kennel permits are sold on an annual basis and all permits expire on March 31 of the following year.
- 3.6** The Animal Control Officer shall not issue the permit for a kennel until the permit fee provided in this By-Law has been paid and he/she is satisfied that the applicant has complied with the provisions of this By-Law.
- 3.7** Each permit for a kennel, unless specifically expressed to be for a shorter period, and unless suspended or revoked, shall remain in force until the end of March in the year following the year of issue.
- 3.8** All fencing and runs for kennels shall be constructed to the following specifications:
- 3.8.1** A fence or its equivalent which is to form a kennel enclosure or part hereof shall be of:
- a) chain link construction, or
 - b) vertical board construction
- 3.8.2** A fence of chain link construction, six feet (6') (1.8m) high, shall:
- a. have a mesh not greater than 2" (5.08cm) consisting of 12 ga. galvanized steel wire, or a 14 ga. steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 ga. steel wire.
 - b. be supported by a minimum of 1/2" (1.27cm) galvanized steel posts, spaced not more than ten feet (10') (3.048m) apart. Such posts must extend at least three feet (3') (.914m) below grade or to bed rock and be encased in concrete at least two inches (2") (5.08cm) thick all around.
 - c. have a top and bottom rails firmly fastened to the upright posts, made of a minimum of 1 1/4" (3.18cm) galvanized steel pipe.
NOTE: Galvanized steel tension wire, 9 ga. may be substituted for the bottom rail.
- 3.8.3** A fence of wood construction six feet (6') (1.8m) high, shall:
- a. have vertical boarding one inch (1") (2.54cm) thick minimum, attached to a top and bottom rail in such manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 1" x 4" (2.54cm x 10.16cm) minimum and must be spaced not more than 4" (10.16cm) apart.
 - b. be supported by cedar posts at least 4" x 4" (10.16cm x 10.16cm) minimum, spaced not more than eight feet (8') (2.4m) apart. Such post shall extend at least three feet (3') (.914m) into the ground or to bedrock and be securely embedded therein.
 - c. have that portion of the post below the ground level treated with an approved wood preservative.
 - d. have top and bottom rails at least 2" x 4" (5.8cm x 10.16cm) minimum dimensions.

- 3.8.4** Notwithstanding the above specification, a fence (or its equivalent) of any other construction which can be demonstrated to yield an equivalent or greater degree of security and strength, may be approved by the Animal Control Officer upon the receipt of completed plans and specifications for said fence prior to construction.
- 3.8.5** Gates which form a part of the kennel enclosures shall be:
- a. of such height and of such construction as to provide a degree of safety and rigidity equivalent to or greater than that of required fence.
 - b. supported on substantial hinges;
 - c. self-closing, self-latching with the latching device at the top of and on the inside of the gate.
- 3.8.6** Maintenance:
- a. All fences, wall, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this By-Law.
- 3.9** All kennels operated in the Town shall maintain animals in a clean, secure and humane manner and shall comply with the following standards:
- 3.9.1** Animal cages and/or animal houses shall be constructed so as to be easily cleaned.
- 3.9.2** All surfaces of yards and runways shall be covered in concrete, asphalt, fine gravel or other material which can be easily cleaned or raked.
- 3.9.3** All doorways and windows and outside openings shall be screened and provide an effective barrier against the escape of any animal.
- 3.9.4** All kennels must at all times be maintained in a clean, sanitary condition.
- 3.9.5** Excrement, dead animals and other waste resulting from the operation of a kennel shall be removed daily from the premises in an environmentally approved manner.
- 3.10** Any person when applying for a permit under the section shall satisfy the Animal Control Enforcement Officer that the kennel or proposed kennel complies with the provisions of this By-Law and such person shall furnish the Animal Control Officer with all information he/she may reasonably require and permit the examination of the premises where the kennel is located or is to be located in order to satisfy the compliance of the kennel with the provisions of this By-Law.
- 3.11** Where, in the opinion of the Animal Control Officer, any kennel does not comply with the provisions of this By-Law or creates or is likely to create a public health concern, nuisance, or unsanitary condition, the owner of the kennel shall be required to abate the nuisance or rectify the conditions within a reasonable period of time after notice in writing to the owner.
- 3.11.1** If the owner fails to abate the nuisance or rectify the conditions specified by the Animal Control Officer, he/she shall be deemed to be in contravention of the provisions of this By-Law. If the Animal

Control Officer is not satisfied he/she will refer the matter to Council who, if they concur, may hire a qualified person to advise on the adequacy of the kennel in question.

- 3.12 Any kennel permit may be suspended or revoked by Council on the recommendation of the Animal Control Officer, if in his/her opinion; the kennel does not comply with the provisions of this By-Law.
- 3.13 Whenever in this By-Law, any duty is imposed upon the Animal Control Officer related to the suspension or revocation of kennel permits or the inspection of kennel premises, the Animal Control Officer, at his/her discretion, considers that professional advice is necessary or desirable, he/she may retain the services of a qualified veterinarian authorized to practice his profession in Ontario to advise him/her and to make a report to him/her, to Council, and then the kennel owner. The Animal Control Officer shall be guided by such professional advice and report. If the required corrections are not done by the owner, the work will be carried out by the municipality and collected as taxes on the property.

4. TAG FEES (*see schedule "B"*)

4.1 The tag fees are as listed in Schedule "B" which may be amended by the Town from time to time.

4.1.1 The tag fees listed in Schedule "B" are not to be interpreted as part of a release fee. Pound Release and Maintenance Fees shall be determined by the Animal Shelter and approved by the Town from time to time.

5. NOISE

5.1 Every owner of an animal, or a person responsible for the care of an animal, shall take all reasonable precautions necessary to prevent the animal from excessive barking or other disruptive behaviour, which disturbs the peace and quiet of any residence or persons in the vicinity, creating a public nuisance.

6. ANIMAL BITES

- 6.1 Every person or owner of an animal shall take all precautions necessary to prevent the animal from, biting or attacking any person or fighting with, attacking, or biting any animal, domestic animal or domestic fowl, whether on private or public property.
- 6.2 When a dog has bitten or attacked a person, or fought with, bitten or attacked a dog, domestic animal or domestic fowl, the owner shall cause the dog to remain muzzled or leashed until such time as the incident has been reviewed by the Animal Control Officer. As a result of his review, if in his/her opinion, the dog has fought, bitten or attacked without provocation, the Animal Control Officer may rule that the dog is a vicious dog, and at his/her discretion, may commence proceedings under the Dog Owner's Liability Act, whereby at the discretion of the Judge, penalties ranging from a fine to an order to destroy the dog, may be imposed.

7. VICIOUS ANIMALS

7.1 The owner of a vicious animal shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be

secured in one of the following manners so as to prevent the animal from causing injury to any person, animal, domestic animal, or domestic fowl entering onto the owners land.

- 7.1.1** The vicious animal shall be located wholly within a contained area and any gate in such contained area shall be locked at all times when a vicious animal is in the contained area.
- 7.1.2** When the vicious animal is kept in an enclosed run or pen, such run or pen shall be built in accordance with the information in this By-Law pertaining to Kennels, except that said run shall be enclosed on all four (4) sides and its top shall be of material of the same as or greater strength than that of the sides.
- 7.1.3** The owner of a vicious animal shall at all times keep the animal muzzled so as to prevent it from biting a person or animal
- 7.1.4** The owner of a vicious animal shall at all times keep the animal securely leashed or chained. The leash shall not exceed 5 metres in length.
- 7.2** It is the owner's responsibility to ensure that any person who is left with the charge of a vicious animal is fully capable of controlling the animal with strength and knowledge.
- 7.3** No person shall permit an animal to fight with, threaten, bite, or attack any person, animal, domestic animal or domestic fowl.
- 7.4** Every owner of a vicious animal shall, at the time the animal is licensed, inform the Animal Control Officer that the animal is vicious.
- 7.5** Immediately upon the transfer of a vicious animal from one owner to another, the owners shall notify the Animal Control Officer.
- 7.6** Every owner of a vicious animal shall post a sign in a conspicuous place on their property stating that there is a vicious animal on the premises.
- 7.7** If the dog owner fails to comply to any of the above, the Animal Control Officer may commence proceedings under the Dog Owners Liability Act.

8. CONFINEMENT OF DOGS IN HEAT

- 8.1** Every female dog, when in heat, shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner that such female dog cannot come in contact with another dog except for previously agreed upon breeding purposes.

9. WASTE

- 9.1** Every owner of a dog is responsible for removing bio-waste (excrement/faeces) left by the dog on private or public property owned by the Town.
- 9.2** Any person who owns harbours possesses or is responsible for the care and control of an animal shall remove forthwith bio-waste (excrement/faeces) left by the animal anywhere in the municipality on public property and private property, including the owner's property and provide for its' sanitary disposal.

9.3 This section shall not apply to the owner of a guide dog while the dog is on a leash and actively in use in providing assistance to a legally defined disabled person.

10. ANIMALS RUNNING AT LARGE

10.1 For the purpose of this section, an animal shall be deemed to be running at large when found straying from the property upon which it is normally kept and not under the control of any person.

10.2 Every person, or owner of an animal, shall maintain sufficient control of the animal, so as to prevent the animal from running at large within the boundaries of the Town.

10.3 Every person, or owner of an animal, who fails to maintain sufficient control of the animal while off the property of the owner, may be directed by the Town or agent, to leash or tether the animal.

10.4 The Town or agent may seize any animal running at large in the Town and cause such animal to be returned to the owner or impounded.

10.5 No dog shall be allowed in any Public Park in the Town unless such dog is on a leash.

10.6 Animals running at large shall be taken up by the agents of the Town and impounded in an animal shelter and there confined in a humane manner for a period of not less than three days (Sundays and Statutory Holidays excluded) and may thereafter be disposed of in a humane manner if not claimed by their owner. Animals not claimed by the owner at the expiration of three days shall become the property of the Town and may be destroyed or placed for adoption by the Town or through an agency. All reasonable efforts shall be made to identify the animal and notify the owner.

10.7 Any owner of an animal that has been seized or impounded shall be required to pay all impoundment fees prior to release of the animal.

10.8 Any owner of a dog or cat that has been seized or impounded who has not obtained a dog licence for the current year or registered their cat shall do so before the animal is released.

10.9 Owners of animals shall remain responsible for all fees and costs. In the event that the owner doesn't claim his/her animal, costs will be invoiced to the owner by the Town.

11. ANIMAL PROVISIONS

11.1 KEEPING OF ANIMALS - GENERAL

11.1.1 Every animal shall be:

a) treated in a humane manner, and

b) kept so that:

(i) the transfer of pathogenic agents is minimized; and

(ii) there are no offensive odours, or odours which may attract animals.

11.1.2 Every owner of a cat or dog shall have the cat or dog inoculated with a rabies vaccine at least once every twelve (12) months and shall produce evidence of such inoculation at the request of the Animal Control Officer within seven (7) days.

11.1.3 No animal shall be left unattended in a vehicle

11.1.4 No one shall allow an animal to cause damage to public or private property.

11.2 ANIMAL ENCLOSURES

11.2.1 Every cage, vehicle or other such enclosure used to confine an animal shall be so constructed and maintained that:

- a) every animal in a cage, pen or vehicle may comfortably;
 - (i) extend its legs to their full natural extent;
 - (ii) stand;
 - (iii) sit;
 - (iv) lie down in a fully extended position; and
 - (v) the animal is adequately protected from direct rays of the sun and excessive heat or cold.

11.2.2 Every pen or other such enclosure used to confine an animal shall be so constructed and maintained that:

- a) every animal may comfortably;
 - (i) extend its legs to their full natural extent;
 - (ii) stand;
 - (iii) sit;
 - (iv) lie down in a fully extended position; and
 - (v) the animal is adequately protected from direct rays of the sun and excessive heat or cold.
 - (vi) be provided with adequate space for exercise purposes. The length of chain for tethering purposes shall be a minimum of three (3) meters.

12. PROHIBITION – ANIMALS, EXOTIC AND WILD ANIMALS

12.1 Animals

12.1.1 No person or household shall keep more than two dogs, or two cats, or one dog and one cat, or a total combined of three animals in or about any dwelling unit. This total shall include all licensed, registered and non-registered animals.

12.2 Exotic and wild animals.

12.2.1 No person shall keep any wild or exotic animals within the limits of the Town of Perth, unless such animal has been domesticated and the facilities for keeping of same have been inspected for public safety by the Animal Control Officer. It shall be the responsibility of the owner of a wild or exotic animal which has been domesticated to contact the Animal Control Officer for inspection and written approval.

13. CONTROL AND SALE OF YOUNG OR DISEASED ANIMALS

13.1 When an animal is known to have bitten a person, the Medical Officer of Health may order the agent for the Corporation of the Town of Perth to confine the animal under supervised quarantine for a period not to exceed ten (10) days in accordance with the Public Health Act.

13.1.1 Any animal suspected of being rabid, shall be placed in quarantine where possible, pending its disposition by the Food Production and Protection Branch of Agriculture Canada.

13.1.2 When an animal is seized, impounded or destroyed under the provisions of this section, no damages or compensation shall be recoverable by the owner thereof.

13.2 No person shall;

13.2.1 knowingly sell any diseased animal;

13.2.2 sell or give away any animal under the age of 6 weeks.

13.2.3 display any animal unless such animal is adequately protected from drafts, direct rays of the sun, excessive heat or cold and ample space is provided.

13.2.4 sell or give to any person under sixteen (16) years of age, any animal unless with the expressed consent of the child's parent(s) or legal guardian(s); or

13.2.5 sell or keep for sale any wild animal or bird.

14. CATS

14.1 The animal control officer, upon receiving a complaint regarding cats, shall have the authority to investigate the complaint and if the cat is found to be damaging private property or attacking people, domestic fowl or other domestic pets, the owner may be fined the amount listed under Section 17 Violations and Penalties and Schedule "A" Penalties and Fines.

15. INTERFERENCE

15.1 No person shall interfere with, hinder or molest any agent of the Corporation in the performance of any duty as such agent.

16. ADMINISTRATION

16.1 This By-Law shall be administered by the Municipal Animal Control Officer, and other employees as designated by the Town.

17. VIOLATIONS AND PENALTIES

- 17.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
- 17.2 Upon registering a conviction for a contravention of any provision of this By-Law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-Law make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 17.3 Penalties and set fines for the violation of this By-Law are as set out in Schedule "A" attached hereto and forming part of this By-Law.

18. VALIDITY

- 18.1 If any section, clause or provision of this By-Law, including anything contained in any Schedule attached hereto, is for any reason declared by a court of competent jurisdiction, to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.
- 18.2 This By-Law shall come into force and take effect on the day it passed.


19. SHORT TITLE

- 19.1 This by-law may be cited as the Animal Control By-law.


20. PREVIOUS BY-LAWS

- 20.1 By-law 2156 and amending by-laws 2182, 2199, 2882 and any other previous by-law inconsistent with the provisions of this by-law is hereby rescinded.

Read a first time, second and third time and finally passed this the 25th day of May, 2004.



Dennis Cordick, Mayor



Lauren Walton, Clerk

(Seal)

BY-LAW NO. 3557

**SCHEDULE "A"
SET FINES**

(SET FINES PER PART 1 OF THE PROVINCIAL OFFENCES ACT)

The sums to be paid as set fines are as follows:

| Item | Column 1 Short Form Wording | Column 2 Provision Creating or Defining Offence | Column 3 Set Fine (Includes costs) |
|-------------|--|--|---|
| 1 | Own/keep/harbour dog without a tag | s. 2.1.1 | \$ 30.00 |
| 2 | Place tag on dog issued for a different dog | s. 2.1.8 | \$ 30.00 |
| 3 | Own/keep/harbour cat without a tag | s. 2.2.2 | \$ 30.00 |
| 4 | Place tag on cat issued for different cat | s. 2.2.9 | \$ 30.00 |
| 5 | Person operating a kennel without a permit | s. 3.1 | \$105.00 |
| 6 | Allow animal to be a public nuisance | s. 5.1 | \$ 75.00 |
| 7 | Fail to keep a vicious animal muzzled | s. 7.1.3 | \$105.00 |
| 8 | Fail to keep vicious animal leashed | s. 7.1.4 | \$105.00 |
| 9 | Fail to remove bio-waste, left by a dog, from public or private property | s. 9.1 | \$ 75.00 |
| 10 | Fail to remove bio-waste, left by an animal, from public or private property | s. 9.2 | \$ 75.00 |
| 11 | Allow animal to run at large | s. 10.2 | \$ 75.00 |
| 12 | Fail to keep dog leashed in public park | s. 10.5 | \$105.00 |
| 13 | Fail to provide evidence of rabies inoculation | s. 11.1.2 | \$ 30.00 |
| 14 | Animal left unattended in vehicle | s.11.1.3 | \$105.00 |
| 15 | Allow animal to cause damage to public or private property | s. 11.1.4 | \$75.00 |
| 16 | Fail to protect an animal from excess heat or cold | s. 11.2.1.a) v | \$ 75.00 |
| 17 | Keep or harbour animals | s. 12.1.1 | \$ 75.00 |
| 18 | Keep or harbour wild or exotic animals | s. 12.2.1 | \$ 75.00 |

NOTE: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

BY LAW NO. 3557

**SCHEDULE "B"
TAG FEES**

Annual Tag Fees shall be as follows:

| | |
|--------------------------|---|
| DOG TAG FEE..... | \$15.00 per year \$30.00 after April 1st. |
| CAT TAG FEE..... | \$15.00 |
| IMPLANTED DOGS/CATS..... | \$N/C (proof of implant must be provided) |
| REPLACEMENT DOG TAG..... | \$5.00 |
| GUIDE DOG TAG..... | \$ N/C |
| KENNEL PERMIT FEE | \$100.00 per year (April 1 - March 31 of the following year) |
| AGGRESSIVE ANIMAL..... | \$1,000.00 |

Delinquent licence fees will be charged at double the above rates. The tag fees are not to be interpreted as part of a release fee. Pound release and Maintenance Fees shall be determined by the Animal Shelter and approved by the Town from time to time.

THE HONOURABLE BRUCE E. MACPHEE
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE BRUCE E. MACPHEE
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
161, RUE ELGIN, 6^E ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE / TÉLÉPHONE (613) 239-1520
FAX / TÉLÉCOPIEUR (613) 239-1572

July 12, 2004

Ms Lauren Walton, Clerk
The Corporation of the Town of Perth
80 Gore Street East
Perth, Ontario
K7H 1H9

Dear Ms Walton,

***Re: Set Fines - Provincial Offences Act – Part I
Town of Perth***

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 3557, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice S.A.J. March in Perth, together with a certified copy of the By-law.

Yours truly,



Bruce E. MacPhee
Regional Senior Justice

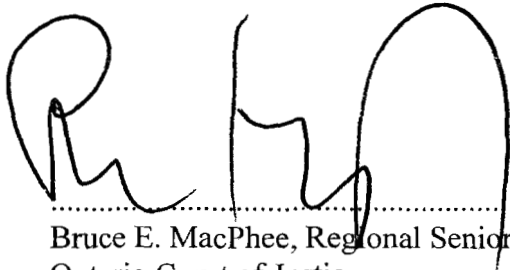
Enclosures

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 schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 3557 of the **Town of Perth** attached hereto are the set fines, including costs, for those offences. This Order is to take effect July 12, 2004.

Dated at Ottawa this 12th day of July 2004.

A handwritten signature in black ink, appearing to read 'B. MacPhee', written over a horizontal dotted line.

Bruce E. MacPhee, Regional Senior Justice
Ontario Court of Justice
East Region