

## VILLAGE OF OIL SPRINGS

### BY-LAW NUMBER 322 OF 2002

A By-law to License Dogs, and to regulate animals running at large and to prohibit the keeping of certain kinds of animals, including schedules Under Authority of the Livestock, Poultry, and Honey Bee Protection Act. R.S.O. 1990, L 24, and the Municipal Act, R.S.O. 1990, M 45;

WHEREAS the Council of the Corporation of the Village of Oil Springs deems it necessary to provide for the control of animals running at large in the Village and to provide for the licensing and control of dogs and to regulate the keeping of dogs within the Village.

NOW THEREFORE the Council of the Village of Oil Springs in the County of Lambton enacts as follows:

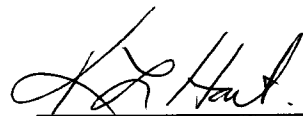
1. In this By-law:
  - a) "Animal" means any horse, swine, horned or other cattle, sheep, goats, or any dog, meaning a male, female or neutered or spayed dog over the age of six months, chicken or fowl, or any other animal or bird kept as a pet or for any other purposes.
  - b) "Owner" includes any person, company, partnership or proprietorship that possesses, harbors or maintains any animal.  
"Owns" or "Owned" shall have corresponding meaning.
  - c) "Pure-Bred" means;
    - (i) registered or eligible for registration in the registrar of The Canadian or American Kennel Club Inc., or
    - (ii) of a class designated as pure-bred in the regulations under the Livestock, Poultry, and Honey Bee Protection Act,
  - d) "Dog Kennel" means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs are kept or are to be kept, whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk of the Municipality a Kennel License.
  - e) "Household" means any number of persons living as a family unit or as roommates in a common dwelling.
  - f) "Dwelling" means a house, apartment, duplex, triplex, condominium, semidetached or any other type of structure used for human habitation.
  - g) "Residential Area" means any area within the Village of Oil Springs designated as a residential zone under the provisions of the County Comprehensive Zoning By-law, as amended and as may be amended and any By-law in substitution thereof.
  - h) "Running as Large" means no owner of a dog shall permit or suffer the dog to running at large within the Village of Oil Springs at any time.  
For the purposes of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
2. The Council shall appoint a Provincial Offences Officer to be designated Animal Control Officer to carry out the provisions of this By-law and shall appoint pound keepers for the impounding of animals.

3. (a) Every owner of a dog, (male, female, spayed or neutered) in the Village of Oil Springs, over the age of six months, shall cause the same to be registered, numbered and licensed in the Office of the Clerk in the said Village, for and in each year or part of a year ending the 31st day of March, the next ensuing, or within 7 days of becoming an owner of a dog which is over the age of six months.
  - (b) Every owner shall keep the tag so issued, securely fixed on the dog for which it was purchased at all times during the year and until he procures a tag for the following year.
  - (c) A tag shall be issued by the Clerk for the license so procured and the tag shall bear a serial number and the year in which it was issued and a record shall be kept by the Clerk or other officer designated for that purpose, showing the name and address of the owner, the serial number of the tag, and the amount of the fee paid in respect of the licence.
  - (d) No person shall use the tag upon a dog other than that for which it was issued.
  - (e) Every person who violates any portion of this section or causes or permits a violation shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding \$50.00, exclusive of all costs for each offense and every such violation shall be recoverable under the Provincial Offences Act.
4. Any person appointed by the Clerk of the Village of Oil Springs to sell dog licenses, shall have the authority to demand to see the receipt or license, if said owner refuses to purchase a license claiming he has the required dog license.
  5. No owner of a dog shall permit or suffer the dog to run at large within the Village of Oil Springs at any time.
  6. The Animal Control Officer of the Village shall, and the Pound Keeper, or any Police Officer, or Provincial Offences Officer, may seize any animal found to be running at large contrary to any of the provisions contained in this By-law and may dispose of these animals by destroying them or selling them after three days of impounding. Where any animal, if found running at large and cannot be captured, it may be killed forthwith by the Animal Control Officer, any Peace Officer, or any said authorized person if such Animal Control Officer, Peace Officer or authorized person deems it necessary in the interest of public safety to kill such dog. When an animal is seized by the Animal Control Officer or delivered to him by a Police Officer, or a Provincial Offences Officer, he shall impound the animal and shall complete a serially numbered notice stating the following:
    - (a) Name of Owner, if known.
    - (b) A description of the animal-including identity tags, if any.
    - (c) That the animal was running at large.
    - (d) The date, time and place of the alleged offense.
    - (e) The notice shall be prepared in triplicate and the Animal Control Officer shall give one copy to the Pound Keeper, deliver one copy to the Municipal Office and deliver the other copy by prepaid first class mail to the owner of the animal, if known.

- (f) The owner of the animal/animals found running at large may, within 3 days, exclusive of Saturdays, Sundays and Holidays, after receipt of the notice, report to the office of the Municipal Clerk or any person designated by him to receive payments, and pay the sum of \$50.00, exclusive of costs, and the sum so paid, shall be accepted payment of a penalty in full satisfaction in respect to the alleged situation, and a receipt, therefore, shall be given to the person making the payment. Where the owner has two animals, the fines will pertain, regardless of which animal is running at large.
  - (g) It shall be the duty of the Pound Keeper to impound any animal seized by him or delivered to him by a Police Officer, or Provincial Offences Officer or Animal Control Officer and to notify the owner if identification tags are on the animal.
  - (h) In the event that the owner of a dog which is found running at large fails to report after 3 days of the receipt of the notice and reimburse the Village for its expenses as set out in this section, then a certificate of offense may be issued by a Provincial Offences Officer under Part I of the Provincial Offences Act. Every person who violates this section shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding \$500.00 exclusive of costs for each offense and every violation shall be recoverable under the Provincial Offences Act.
7. Any person may seize any dog running at large on his property and may deliver same to the Animal Control Officer, who shall impound the said dog.
  8. Any owner of a dog running at large and found to be damaging a garden, lawn, screen door, garage door, or any property, is guilty of an offence and on conviction is liable to a fine of not more than \$50.00, exclusive of costs.
  9. Every owner of a dog which is over the age of six months shall pay to the Village under the terms of the By-law an annual license fee as per Schedule "A" of this By-law.
  10. The total number of dogs owned by all of the persons comprising any one household shall be restricted to two (2) provided that any dogs born in the dwelling of the household may be kept for a period not exceeding eight (8) weeks after birth.
  11. Sections 8 and 9 of the By-law shall not apply to any licensed Dog Kennel within limits of the Municipality.  
In the event that the Animal Control Officer or any other Peace Officer is aware of any household, where more than two dogs are being kept in contravention of Section 8 and 9 of this By-law, then a certificate of offense may be issued by a Provincial Offences Officer under Part 1 of the Provincial Offences Act. Every person who violates this section shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding \$100.00 exclusive of costs for each such offense and every such violation shall be recoverable under the Provincial Offences Act.
  12. Where any person establishes a kennel for dogs, such kennel shall be kept in a clean and sanitary condition, free of refuse of any kind at all times so as to prevent the arising of odours therefrom and free of flies and vermin at all time. All kennel runs and outside areas shall be kept free of refuse of any kind.

13. a) No owner of a dog or animal shall permit the dog or animal to foul with feces any public highway, park or any premises other than the premises of the owner of the animal, unless the owner of the animal forthwith removes the feces.
- b) Riding or leading a horse on sidewalks within the Village of Oil Springs is prohibited.
14. Where a kennel for dogs is now and has been continuously used, such a kennel for dogs is not subject to the limitations as to the number of dogs until such use is discontinued by the present owner, provided there is no increase in the size of such kennel for dogs beyond its size.
15. All refuse from kennels for dogs shall be kept in completely enclosed containers with tight fitting tops until such time as it is removed from the premises or dug into earth in such a manner as to prevent odours arising therefrom.
16. The owner of a kennel of purebred dogs shall in any year pay to the Treasurer of the Village of Oil Springs \$25.00 as a license fee upon such kennel for that year, and the owner of such kennel shall be exempt from further license in respect to such purebred dogs for that year. The owner of a kennel of dogs that are used for hunting and are not pure-bred shall pay an annual fee of \$40.00 as a license fee for the kennel and the owner of such kennel shall be exempt from further license.
17. Any person who operates a kennel in the Village without a valid kennel license shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding \$200.00, excluding costs, and every violation shall be recoverable under the Provincial Offences Act.
18. The owner of any dog impounded may redeem such dog at any time prior to its destruction, sale or other disposition, by paying the pound keeper an amount of money per day of impoundment as established by the pound keeper and producing a valid license therefor as required by this By-law.
19. The compensation to be allowed for pound fees and boarding in respect of disbursement for food, etc., payable by the owner forthwith shall be as follows:  
The owner pays to the By-law Enforcement Officer or the Animal Control Officer or other duly authorized person a pound fee of twenty-five (\$25.00) for the first offence and fifty dollars (\$50.00) for each offence thereafter, for a dog seized and impounded, plus a maintenance sum of five dollars (\$5.00) for each day.
20. The Council of the Village of Oil Springs may by resolution, in any year, vary the license fee, and/or pound fees as required.
21. No owner of a dog shall permit the dog to be in any public highway or other municipally owned property within the Village limits, unless the dog is under the control of the Owner or some other person, and on a leash.
22. Where the dog seized is injured or should be destroyed without delay for human reasons or for reasons of safety to persons or animals, the Animal Control Officer, Police Officer, Peace Officer, may kill the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensations shall be recovered on account of its killing except that where the owner of the animal is known, he may be permitted to make arrangements for the animal to be transferred at his expense to a veterinary hospital.

23. No person shall permit unprovoked barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for purpose other than agriculture. Persistent noise making by domestic animals is prohibited at all times.
24. Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof be liable to a penalty, exclusive of costs and every such fine is recoverable under the Provincial Offences Act.
25. Wild, nuisance animals (skunks, possums, pheasants, raccoons, peacocks) etc. are the responsibility of the homeowner, who may obtain a live trap from the Village office, or use the services of a trapper. The cost thereof is the responsibility of the homeowner, and not the Municipality of Oil Springs.
26. The keeping of certain animals as set out in Schedule "C" to this By-law is hereby prohibited anywhere in the Municipality of the Village of Oil Springs. Any person convicted of an offence in accordance with The Municipal Act, under this By-law shall be liable to a fine not exceeding Five Hundred Dollars (\$500.00) exclusive of costs.
27. This By-law repeals all other By-laws that deal with Animal Control, specifically By-Law Number 187 of 1986, and By-Law Number 128 of 1980.
28. This By-Law comes into force and effect upon the final passing thereof.
29. Read a First and Second Time this 17th Day of December, 2002.
30. Read a Third and finally passed this 17th Day of December, 2002.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

VILLAGE OF OIL SPRINGS  
 PROVINCIAL OFFENCES ACT  
 BY-LAW NUMBER 322 OF 2002

SCHEDULE "B"

| ENFORCEMENT OFFICER | ANIMAL CONTROL OFFICER   | "PART 1 PROVINCIAL OFFENCES ACT" |                         |
|---------------------|--|----------------------------------|-------------------------|
| ITEM                | SHORT FORM OF WORDING  | OFFENCE CREATING PROVISION       | SET FINE INCLUDES COSTS |
| 1.                  | Permitting Dog to Run at Large   | Section 5,                       | \$ 55.                  |
| 2.                  | Failure to procure Dog License   | Section 3 (a)                    | \$ 55.                  |
| 3.                  | Failure to Attach License Tag to Dog   | Section 3 (b)                    | \$ 55.                  |
| 4.                  | Attaching Registered Tag to Wrong Dog  | Section 3 (d)                    | \$ 55.                  |
| 5.                  | Failure to Procure Kennel License  | Section 17                       | \$ 55.                  |
| 6.                  | More than two Dogs per Household   | Section 10                       | \$105.                  |
| 7.                  | Fouling by Feces, Public Highway, or any premises other than Premises of the Owner   | Section 13                       | \$ 55.                  |
| 8.                  | Dog on Municipal Highway or other property, not on leash   | Section 21                       | \$ 55.                  |
| 9.                  | Unprovoked persistent barking, howling, calling or whining by any domestic dog or other persistent noise making by any domestic pet. (all times) | Section 23                       | \$105.                  |
| 10.                 | To keep prohibited animals   | Section 28                       | \$500.                  |

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

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**SCHEDULE "C"**

|                                  |              |                      |
|----------------------------------|--------------|----------------------|
| Alligators                       | Boas         | Cougars              |
| Pythons                          | Coral Snakes | Jaguars              |
| Rattle Snakes                    | Bobcats      | Leopards             |
| Lions                            | Lynx         | Ocelots              |
| Tigers                           | Crocodiles   | Pit Bulls            |
| Rotweillers {or any mix thereof} |              | {or any mix thereof} |

**VILLAGE OF OIL SPRINGS  
PROVINCIAL OFFENCES ACT  
BY-LAW 322 OF 2002**

**SCHEDULE "A"**

For each dog the following schedule shall be in effect for licensing and requiring the registration of dogs and for imposing license fee on the owners of them with the right to impose a larger fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person, as provided for under the authority of the Livestock, Poultry, and Honey Bee Protection Act. R.S.O. 1990, L24 and the Municipal Act, R.S.O. 1990, M 45;

|  |         |
|--|---------|
| Neutered Male or Spayed Female                 | \$15.00 |
| Each additional Neutered Male or Spayed Female | \$30.00 |
| First Male not Neutered or Female not Spayed   | \$45.00 |
| Each additional Male or Female                 | \$60.00 |