

VILLAGE OF OIL SPRINGS
BY-LAW NUMBER 816 OF 2018

A BY-LAW TO LICENSE DOGS, TO REGULATE ANIMALS RUNNING AT
LARGE AND TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS

WHEREAS Section 11 (3) 9 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides municipalities the authority to pass by-laws with respect to animals; and

WHEREAS the Council of the Village of Oil Springs deems it expedient to provide for the licensing and control of dogs, and to regulate the keeping of animals 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, goat, dog, chicken or fowl, or any other animal or bird kept as a pet or for any other purposes.
 - b) "Wild Animal" means any animal which is wild by nature whether born in captivity or free and which is kept for any purpose.
 - c) "Owner" includes any person, company, partnership or proprietorship that possesses, harbors or maintains any animal.
"Owns" or "Owned" shall have corresponding meaning.
 - d) "Pure-Bred" means Registered or eligible for registration in the registrar of The Canadian or American Kennel Club Inc.
 - e) "Dangerous Dog" means any dog:
 - i) That has bitten or injured a human being or domestic animal;
or
 - ii) That has been threatening or aggressive towards a human being or domestic animal.
 - f) "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 for breeding and/or boarding.
 - g) "Household" means any number of persons living as a family unit or as roommates in a common dwelling.
 - h) "Dwelling" means a house, apartment, duplex, triplex, condominium, semidetached or any other type of structure used for human habitation.
 - i) "Running at Large" means to be 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 over the age of six months (male, female, spayed or neutered) in the Village of Oil Springs, shall cause the same to be registered, numbered, and licensed in the Office of the Clerk in the said Village, for the calendar year in which it reaches the age of six months and in each year following, or within seven days of becoming an owner of a dog which is over six months old.
 - (i) After July 1, first-time registration of a newly-acquired dog or a dog new to the Village of Oil Springs will be prorated, as per Schedule "A."
 - b. Owners of dogs that are under the age of six months may voluntarily register and purchase tags for their puppies at a special rate equal to the rate charged for neutered or spayed dogs, but upon renewal in the subsequent year will have to provide proof the dog is spayed or neutered to continue at the same rate.
 - c. Dog owners have until April 30 of each year to renew existing dog licenses and purchase current-year dog tags at the standard rate, after which prices will double.
 - d. 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 procurement of a tag for the following year.
 - e. A tag shall be issued by the Clerk for the licensed dog and the tag shall bear a serial number, 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 license.
 - f. No person shall use the tag upon a dog other than that for which it was issued.
 - g. Every person who violates any portion of this section, as listed in Schedule "B" or causes or permits a violation shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding \$1,000.00, 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 she/he has the required dog license.
- 5) No owner of a dog shall permit or tolerate their dog to run at large within the Village of Oil Springs at any time.
- 6)
 - a. If a dog is deemed a Dangerous Dog, under any circumstances, by the Clerk, her/his designate, the Animal Control Officer, a Police Officer or Provincial Offences Officer, the dog shall be muzzled when outdoors or in a place where it has access to people and pets other than those in the owner's household.
 - b. Council of the Village of Oil Springs shall hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement laid out in Section 6) a. of this by-law, provided that a request by the owner for Council to hold such a hearing is received within 30 days of the dog being deemed Dangerous, as per Section 6) a.

- 7) 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, excluding Saturdays, Sundays and holidays. 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.
- 8)
 - a. When an animal is seized by the Animal Control Officer or delivered to her/him by a Police Officer, or a Provincial Offences Officer, she/he shall impound the animal and shall complete a serially numbered notice stating the following:
 - i. Name of the Owner, if known.
 - ii. A Description of the animal-including identity tags, if any.
 - iii. That the animal was running at large.
 - iv. The date, time and place of alleged offense.
 - b. 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.
 - c. The owner of the animal/animals found running at large may, within three 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 her/him to receive payments, and pay the set fine outlined in Schedule "B" of this By-law, exclusive of any other 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 multiple impounded animals, the fines will pertain to each one found running at large.
 - d. It shall be the duty of the Pound Keeper to impound any dog seized by her/him or delivered to her/him by a Police Officer, or Provincial Offences Officer or Animal Control Officer and to notify the owner if identification tags are on the dog.
 - e. In the event that the owner of a dog which is found running at large fails to report after three days, exclusive of Saturdays, Sundays and holidays, following receipt of the notice and does not pay the Village its due fees, as set out in Schedule "A" 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 \$1,000.00 exclusive of costs for each offense and every violation shall be recoverable under the *Provincial Offences Act*.
- 9) No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this by-law or provincial legislation.

- 10) No owner shall permit his or her dog:
 - a. To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running;
 - b. To fight with any domestic animal or domestic bird; and
 - c. To damage public or private property.
- 11) Any person may seize any dog running at large on her/his property and may deliver same to the Animal Control Officer, who shall impound the said dog.
- 12) a. The total number of dogs owned by all of the persons comprising any one Household shall be restricted to four provided that any dogs born in the dwelling of the Household may be kept for a period not exceeding eight weeks after birth.
 - b. Notwithstanding Section 12) a. any person owning more than four dogs on the day prior to this by-law coming into effect is permitted to maintain those dogs with proof of ownership in the form of a license provided that if the dogs are sold or otherwise go out of the owners possession, they are not permitted to be replaced beyond a limit of four dogs per Household.
- 13) Section 12) a. of this By-law shall not apply to:
 - a. an animal hospital, clinic or Kennel, lawfully operated for the exclusive purpose of treating sick or injured animals, and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association;
 - b. the Ontario Society for the Prevention of Cruelty to Animals;
 - c. a pound;
 - d. a pet shop;
 - e. dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority;
 - f. police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial, or municipal agency;
 - g. dogs maintained at a research facility registered in accordance with Section 5 (1) of the *Animals for Research Act*.
- 14) In the event that the Animal Control Officer or any other Peace Officer is aware of any Household, where more than four dogs are being kept in contravention of Section 12) a. of this By-law, then a certificate of offense may be issued by a Provincial Offenses Officer under Part 1 of the *Provincial Offenses 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 \$1,000.00 exclusive of costs for each such offense and every such penalty shall be recoverable under the *Provincial Offenses Act*.
- 15) Riding or leading a horse on a sidewalk within the Village of Oil Springs is prohibited.
- 16) No owner of a dog or other animal shall permit the dog or other 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.

- 17) No Kennels, subsequent to the passing of this By-law, will be permitted within the Village of Oil Springs, with exemptions for animal hospitals, clinics or Kennels lawfully operated for the exclusive purpose of treating sick or injured animals and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.
- 18) Any person who operates a Kennel, exempting those permitted under Section 17 of this By-law, shall be guilty of an offense and upon conviction thereof shall forfeit and pay a penalty in accordance with Schedule "B" to this By-law, excluding costs, and every violation shall be recoverable under the Provincial Offences Act.
- 19) The owner of any dog impounded may redeem such dog at any time prior to its destruction, sale or other disposition, by:
 - a. paying the pound keeper an amount of money per day of impoundment as established by the pound keeper;
 - b. producing a valid license for the dog as required by this By-Law;
 - c. providing proof of ownership of the dog and of payment for any other damages, fines and expenses.
- 20) 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.
- 21) Where the dog seized is injured or should be destroyed without delay for humane 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 she/he thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered on account of its killing except that where the owner of the animal is known, she/he may be permitted to make arrangements for the animal to be transferred at his/her expense to a veterinary hospital.
- 22) 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.
- 23) No person shall:
 - a. deliberately harbour or keep Wild Animals; or
 - b. keep Prohibited Animals as set out in Schedule "C" to this By-law.
- 24) 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.
- 25) Every person who contravenes any of the provisions of this By-law is guilty of an offense and shall, upon conviction thereof be liable to a penalty, exclusive of costs, and every such fine is recoverable under the Provincial Offences Act R.S.O. 1990, c. P.33, s. 61.

- 26) Any person convicted of an offence under this By-law shall be liable to a fine as set out in Schedule “B” to this by-law, not exceeding \$1,000.00 exclusive of costs in accordance with the Provincial Offences Act R.S.O. 1990, c. P.33, s. 61.
- 27) The Schedules attached to this By-law may be amended from time to time by Resolution of the Council of the Village of Oil Springs.
- 28) This By-law repeals By-Law Number 322 of 2002 and supersedes those sections of other by-laws that deal with the licensing of dogs, animal control and the keeping of certain kinds of animals.

This By-Law comes into force and effect upon the final passing thereof,

Read a first and taken as read a second time this 4th Day of December, 2018;

Read a third time and finally passed this 18th Day of December, 2018.

Ian Veen, Mayor

Erkki Pohjolainen
Clerk-Treasurer

VILLAGE OF OIL SPRINGS
Schedule "A" to By-Law No. 816 OF 2018

A BY-LAW TO LICENSE DOGS, TO REGULATE ANIMALS RUNNING AT
LARGE AND TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS

DOG LICENSE/REGISTRATION

For each dog the following schedule shall be in effect for annual licensing and requiring the registration of dogs, and for imposing license fee on the owners of dogs with the right to impose a larger fee for an additional dog in the household and those dogs that are neither spayed nor neutered.

ON OR PRIOR TO APRIL 30:

- First Neutered Male or Spayed Female \$20.00;
- Second additional Neutered Male or Spayed Female \$35.00;
- Third additional Neutered Male or Spayed Female \$50.00;
- Fourth additional Neutered Male or Spayed Female \$65.00;
- First Male not Neutered or Female not Spayed \$50.00;
- Second additional Male or Female \$65.00;
- Third additional Male or Female \$80.00;
- Fourth additional Male or Female \$95.00;

MAY 1 AND THEREAFTER:

- First Neutered Male or Spayed Female \$40.00;
- Second additional Neutered Male or Spayed Female \$70.00;
- Third additional Neutered Male or Spayed Female \$100.00;
- Fourth additional Neutered Male or Spayed Female \$130.00;
- First Male not Neutered or Female not Spayed \$100.00;
- Second additional Male or Female \$130.00;
- Third additional Male or Female \$160.00;
- Fourth additional Male or Female \$190.00;

Voluntary Puppy Tags for first-time registration of dogs under 6 months of age at time of registration are provided for a fee of \$20.00.

First-time registration of a newly-acquired dog or a dog new to the Village of Oil Springs will be prorated at:

- 50% of January-April fee if registered on or after July 1
- 25% of January-April fee if registered on or after October 1

POUND FEES

The owner of each impounded dog shall pay directly to the Pound Keeper all charges for the dog's lodging and feeding during its impoundment, in accordance with the pound's stated fees.

VILLAGE OF OIL SPRINGS
Schedule “B” to By-Law No. 816 OF 2018

A BY-LAW TO LICENSE DOGS, TO REGULATE ANIMALS RUNNING AT
LARGE AND TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS

SET FINE SCHEDULE

PART 1 *Provincial Offences Act*

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Fail to produce dog license	Section 3 a.	\$75.00
2.	Fail to attach license tag to dog	Section 3 d.	\$75.00
3.	Attach registered tag to wrong dog	Section 3 f.	\$100.00
4.	Permit dog to run at large	Section 5	\$75.00
5.	Failure to muzzle dangerous dog	Section 6 a.	\$100.00
6.	Interfere, hinder, impede Animal Control Officer	Section 9	\$400.00
7.	Permit dog to threaten, bite, attack any person	Section 10 a.	\$400.00
8.	Permit dog to attack any domestic animal	Section 10 b.	\$200.00
9.	Permit dog to damage public/private property	Section 10 c.	\$200.00
10.	Keep more than four dogs per household	Section 12 a.	\$125.00
11.	Riding or leading horse on sidewalk	Section 15	\$75.00
12.	Fail to remove domestic animal waste from municipal property	Section 16	\$75.00
13.	Keeping of a kennel	Section 18	\$200.00
14.	Permit dog on municipal highway or other property not on leash	Section 20	\$75.00
15.	Permit unprovoked, persistent barking, howling, calling or whining by dog or other persistent noise making by any domestic pet (all times)	Section 22	\$150.00
16.	Harbour or keep wild animals	Section 23 a.	\$500.00
17.	Keep prohibited animals	Section 23 b.	\$500.00

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

VILLAGE OF OIL SPRINGS
Schedule "C" to By-Law No. 816 OF 2018

A BY-LAW TO LICENSE DOGS, TO REGULATE ANIMALS RUNNING AT
LARGE AND TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS

PROHIBITED ANIMALS

Alligators
Boas
Bobcats
Coral Snakes
Cougars
Crocodiles
Jaguars
Leopards
Lions
Lynx
Ocelots
Pit Bulls (or any mix thereof)
Pythons
Rattle Snakes
Rottweilers (or any mix thereof)
Tigers
Any Wild Animal (indigenous or exotic)