

# THE CORPORATION OF THE TOWNSHIP OF PERRY

## BY-LAW No. 2015-31

Being a By-law to Provide for the Care of Animals

**WHEREAS** sections 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

**AND WHEREAS** Council desires to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

**AND WHEREAS** the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force on August 29, 2005;

**NOW THEREFORE** the Council of The Corporation of the Township of Perry enacts as follows:

### SECTION 1: DEFINITIONS

In this By-law,

- 1.1 “Animal” means any member of the animal kingdom or living beings, including mammals, birds and reptiles but excluding fish;
- 1.2 “Animal Enclosure” means an enclosed place for the keeping of animals and includes bird lofts, bird cages, pigeon coops, dog runs, dog pens, doghouses, rabbit hutches, catteries and reptile tanks;
- 1.3 “Corporation” means The Corporation of the Township of Perry;
- 1.4 “Council” means the Council of the Corporation;
- 1.5 “Extreme Weather” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the Township of Perry and/or District of Parry Sound including but not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds;
- 1.6 “Owner” means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, “owner” means the person responsible for the custody of the minor;
- 1.7 “Person” means an individual, partnership, association, firm or corporation;
- 1.8 “Sanitary Condition” means a condition that does not result in an accumulation of faecal matter, odour, insect infestation, or rodent attractants which endanger the health of any person or animal; or that would not disturb or would likely disturb the enjoyment, comfort or convenience of any person;

### SECTION 2: KEEPING OF ANIMALS

General Provisions:

- 2.1. Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:
  - 2.1.1 a shelter for the animal that is waterproof and that protects it from exposure to the elements;
  - 2.1.2 a shelter for the animal that is adequate for its size and breed;

- 2.1.3 adequate food and water for the animal;
  - 2.1.4 access to shade during warm weather which does not include shade provided by an Animal Enclosure;
  - 2.1.5 sanitary conditions for the animal; and
  - 2.1.6 adequate veterinary care deemed necessary by a reasonably prudent person to relieve the animal from distress caused by injury, neglect or disease.
- 2.2 No person shall allow an animal to remain outdoors during Extreme Weather, except for brief walks or brief periods of exercise, unless the animal has access to an Animal Enclosure that will adequately protect the animal from the elements.

#### Animals in Vehicles

- 2.3 No person shall leave an animal unattended in a motor vehicle unless:
- 2.3.1 The animal is restrained in a manner that prevents contact between the animal and any member of the public; and
  - 2.3.2 The animal has suitable ventilation.
- 2.4 Notwithstanding any part of this By-law, no person shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for the animal to remain free from distress or injury.

### **SECTION 3: ANIMAL ENCLOSURES**

#### General Provisions

- 3.1 Every owner of an animal shall ensure that the animal enclosure provided for the animal meets the following requirements, regardless of whether the animal enclosure is located indoors or outdoors:
- 3.1.1 The animal enclosure shall be of a size and in a condition such that the animal may:
    - a) extend its legs, wings, and body to their full natural extent;
    - b) stand, turn around and lie down;
    - c) sit;
  - 3.1.2 The enclosure is of such a nature and condition that the animal contained therein would not be harmed and its health would not be negatively affected for the reason of being placed in such an animal enclosure.
  - 3.1.3 Every animal contained therein may be readily observed unless the natural habits of the animal require otherwise.
  - 3.1.4 The animal enclosure is kept in a clean and sanitary condition.
  - 3.1.5 The animal enclosure is kept free of offensive odour.
  - 3.1.6 The animal enclosure (except for doghouses) is escape proof.
- 3.2 In addition to the requirements in this Part of the By-law, an animal enclosure kept outside shall be:
- 3.2.1 soundly constructed of hard, durable material;

- 3.2.2 impervious to water;
- 3.2.3 constructed of a material that may be readily sanitized;
- 3.2.4 maintained in a good state of repair from cracks, holes, rust and other damage;
- 3.2.5 kept in a way that minimizes as nearly as practicable the transfer of pathogenic agents; and
- 3.2.6 adequately ventilated for the health, welfare and comfort of the animal enclosed therein.

3.3 In addition, all doghouses must:

- 3.3.1 Provide for insulation of the walls, floor and ceiling that adequately protects against cold weather;
- 3.3.2 Be equipped with a door flap during cold weather; and
- 3.3.3 Provide for clean, dry bedding material.

#### **SECTION 4: ENFORCEMENT**

- 4.1 This by-law shall be enforced by the By-law Officer, the Canine Control Officer and/or the Ontario Provincial Police.
- 4.2 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, c. P-33, and the Municipal Act, 2001, as each may be amended from time to time.

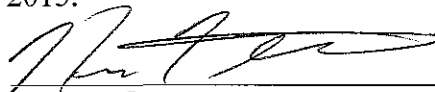
#### **SECTION 5: VALIDITY**

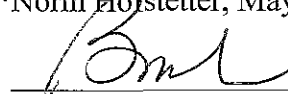
- 5.1 If a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

#### **SECTION 6: SHORT TITLE**

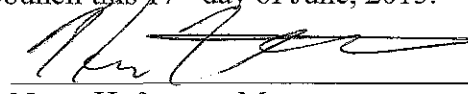
- 6.1 This By-law may be referred to as the "Animal Care By-law".

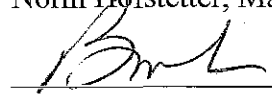
READ a first and second time this 17<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
Norm Hofstetter, Mayor

  
\_\_\_\_\_  
Beth Morton, Clerk-Administrator

READ a third and final time and enacted in Open Council this 17<sup>th</sup> day of June, 2015.

  
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Norm Hofstetter, Mayor

  
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Beth Morton, Clerk-Administrator