

THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

BY-LAW NUMBER 4004-2023

A BY-LAW TO REGULATE THE KEEPING AND CONTROL OF ANIMALS, OR ANY CLASS THEREOF, THE ANIMAL IDENTIFICATION SYSTEM, LICENCING AND THE RESTRAINT OF DOGS AND CERTAIN OTHER ASPECTS OF ANIMAL CONTROL WITHIN THE CORPORATION OF THE TOWNSHIP OF MONTAGUE

WHEREAS Section 11(3) of the *Municipal Act, 2001*, S.O. provides that a lower tier municipality may pass By-laws within the sphere of jurisdiction of “animals”;

AND WHEREAS Section 103 of the said *Municipal Act* provides that the municipality may pass a By-law for the impounding of animals being at large or trespassing;

AND WHEREAS Section 20 of the *Animals for Research Act*, R.S.O. 1990, Chapter A. 22, provides for the impounding and sale or destruction of any dog pursuant to the provisions thereof;

AND WHEREAS Section 15 of the *Police Services Act*, R.S.O. 1990, Chapter P. 15, provides that Council may appoint Municipal Law Enforcement Officers to enforce all Municipal By-Laws;

AND WHEREAS Section 40 of the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997 c. 41 prohibits the keeping of live game wildlife or protected wildlife in captivity;

AND WHEREAS the Dog Owners Liability Act, R.S.O. 1990, Chapter D.16, provides for the protection of persons and property;

AND WHEREAS Regulation 567 R.R.O. 1990 made under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7 provides for the immunization of rabies for animals;

AND WHEREAS Section 21 of the *Animal Health Act 2009*, S.O. 2009 c.31 provides that inspectors may issue quarantine orders when certain hazards are identified;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MONTAGUE ENACTS AS FOLLOWS:

1. **TITLE**

- (a) This By-Law shall be known and may be cited as "THE ANIMAL CONTROL BYLAW".

2. **DEFINITIONS**

As used in this By-Law, the following terms shall have the meaning hereinafter ascribed to them:

- (a) "ANIMAL" means any member of the animal kingdom, other than a human.
- (b) "ANIMAL CONTROL OFFICER" means a person appointed by By-law of the Municipality for the purposes of enforcing the provisions of this By-Law and shall also be appointed a Municipal Law Enforcement Officer for purposes of enforcing this By-Law pursuant to *Police Services Act*, 1990, Chapter P. 15, Section 15.
- (c) "ANIMAL SHELTER" means any premises authorized by the Corporation of the Township of Montague for the purpose of impounding and caring of and lawful adoption of animals.
- (d) "AT LARGE" means any animal will be deemed to be at large when it is off the property of its owner and not under control of a competent person capable of controlling the dog.
- (e) "BITE" means an action with the mouth, of any dog on a person or animal that results in contact.
- (f) "CA" means the Clerk Administrator of the Township of Montague.
- (g) "DANGEROUS DOG" shall mean any dog that:
 - (i) has killed a domestic animal without provocation while off the owner's property; OR
 - (ii) has bitten or injured a human being or domestic animal without provocation on public or private property; OR
 - (iii) is attack trained; OR
 - (iv) has shown the disposition or tendency to be threatening or aggressive
 - (iv) Where a dog has been declared dangerous by another municipality, State, Province, Country.
- (h) "DOG" shall mean *Canis Familiaris*, male or female, over the age of three (3) months and shall not include wolf or fox or any other wild or part wild species of *Canis Familiaris*.
- (i) "EXHIBIT" means an exhibition of animals permitted and/or prohibited by this By-Law.

- (j) "FARM" means a farm residence, farm buildings and accessory uses and structures and land used for the tillage of soil, the growing of vegetables, fruits, grains, and other staple crops and includes land used for livestock raising; raising of other animals for food, fur or fibre; dairying; woodlots; horticultural crops; fish farming and beekeeping and shall include an intensive farm and a limited farm.
- (k) "GRANDFATHERED PIT BULL OR PROHIBITED DOG" shall mean a defined pit bull either born in Ontario between August 29th, 2005, and November 26th, 2005, or owned by a resident of Ontario on August 29th, 2005. A grandfathered prohibited dog would be a dog deemed vicious by the By-Law Enforcement Officer under By-Law 2752-2003 prior to August 1, 2023.
- (l) "IMMUNIZATION" shall mean to protect against disease by annual inoculation of immunizing serums and vaccines.
- (m) "KENNEL" shall mean an establishment in which greater than three (3) dogs.
- (n) "LEASH" includes any form of material lead or restraint which does not exceed 1.8 metres in length and has the capability to control an animal from annoying, bothering or irritating persons or other animals.
- (o) "Licensing Officer" is the Clerk Administrator for the final signing authority.
- (p) "M.N.R.F. DOG" means a dog trained specifically for Ministry of Natural Resources and Forestry duties as defined in its Act and so utilized by the Ministry of Natural Resources and Forestry.
- (q) "MEDICAL OFFICER OF HEALTH" means the Medical Officer of Health for Lanark County or authorized assistants acting under his or her authority.
- (r) "MICROCHIP" shall mean an object which may be permanently implanted in a dog by injection or surgical procedure, which is programmed to store a permanent identification number and is capable of relaying stored information to a scanning device.
- (s) "MUZZLE" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- (t) "NUISANCE ANIMAL" shall mean **any animal** found to be causing a common nuisance, irritation, annoyance or bother to other persons or other animals by being at large, trespassing on private property, chasing, barking / whining / howling or making any other excessive

animal noise but does not include animals kept or harboured on a farm as defined in this bylaw.

- (u) "ONTARIO PROVINCIAL POLICE" means the Police service in affect for the Township of Montague.
- (v) "OWNER" means and includes any person who possesses, keeps, feeds or harbours an animal and "owns" or "owned" shall have a corresponding meaning.
- (w) "PET SHOP" shall mean any person, group of persons, partnership or corporation operating an establishment where live animals, birds and fish, other than those listed in Schedule 'A' of this By-Law, as prohibited animals, are kept for retail as pets.
- (x) "PIT BULL OR PROHIBITED DOG" means a dog that:
 - (i) is of the Pit Bull Terrier breed, or
 - (ii) is of the Staffordshire Bull Terrier breed, or
 - (iii) is of the American Staffordshire Terrier breed, or
 - (iv) is of the American Pit Bull Terrier breed, or
 - (v) any other breed that has an appearance and physical characteristics that are substantially similar to those of dogs referred to any of clauses A) to D), having regard to the breed standards established for American Staffordshire Bull Terriers or American Pit Terriers by the Canadian Kennel Club, United Kennel Club, American Kennel Club or the American Dog Breeders Association.
 - (vi) Is a dog that has been deemed Dangerous by the By-Law Enforcement Officer as defined in this by-law.
 - (vii) Is a dog that has been deemed/declared dangerous/vicious/prohibited by another Municipality, State, Province, Country.
- (y) "POLICE DOG" means a dog trained specifically for police duties as deemed by the Ontario Provincial Police.
- (z) "PREMISES" means a house or building, together with its land and outbuildings.
- (aa) "PROHIBITED ANIMAL" shall mean any animal or category of animal that is forbidden to be kept, bred or raised in the Township of Montague as listed in Schedule 'A' to this By-Law or a pit bulldog as prohibited by section 6 of the Dog Owners Liability Act, R.S.O.1990, Chapter D.16.
- (bb) "PUBLIC UTILITY EMERGENCY VEHICLE" means the vehicle used by the By-Law Enforcement Officer or its designate while on duty.

(cc) "REGISTRATION PERIOD" shall mean the period from January 1 to December 31 of each year with an extended period to March 31 of the next year which shall be an extension of the prior year registration period to allow owners of animals that were registered in the prior year to purchase new dog tags.

(dd) "SERVICE DOG" Guide dogs within the meaning of the Blind Persons' Rights Act, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dog, are exempt from the payment of all license fees applicable pursuant to this By-law. Said dog shall be Licensed and wear the current years license tag issued by the licensing agent.

Working dogs, where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist an ill or disabled person, as well as for therapeutic reasons shall be exempt from all fees applicable pursuant to this By-law. Said dog shall be licensed and wear the current year's license tag as issued by the licensing agent.

(ee) "STERILIZED ANIMAL" shall mean any spayed / neutered dog that is in support of such certificate from a licensed veterinarian.

(ff) "TOWNSHIP" means the Corporation of the Township of Montague.

(gg) "VETERINARIAN" shall mean a member of the College of Veterinarian of Ontario.

(hh) "VETERINARY HOSPITAL" shall mean any establishment maintained and operated with a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals and birds.

(ii) "VICIOUS ANIMAL" shall mean any animal that:

- a. displays vicious or aggressive tendencies such as growling, baring of teeth, charging, chasing or lunging at a person or other domestic animal.
- b. A dog that has been declared/deemed vicious by another municipality, State, Province or Country

(jj) "ZONING BY-LAW" shall mean Comprehensive Zoning By-law 3478-2015 of the Township of Montague, as may be amended from time to time, or any subsequent Comprehensive Zoning By-law passed under Section 34 of the Planning Act.

3. KEEPING OF ANIMALS

- (a) No person is permitted to own, keep, harbour, breed, feed or raise any prohibited animal as identified under **Appendix "A"** to this By-Law on any lot or in any building or structure on such lot within the limits of the Township of Montague.
- (b) No person is permitted to own, keep, harbour, breed or possess any animal that is deemed to be a dangerous or vicious (if deemed under section 11(2)(c)(iv) of this by-law) animal or nuisance animal, as defined by this by-law, on any lot or in any building or structure on such lot within the limits of the Township of Montague.
- (c) No person will keep an animal within the Municipality unless such animal is provided with:
 - (i) a clean and sanitary environment free from accumulation of fecal matter,
 - (ii) adequate and appropriate care, food, water, shelter and opportunity for physical activity.

LIMITATION ON NUMBER OF PETS

- (d) No person or household in the Township shall keep on any property more than a total of (3) three dogs.
- (e) This section does not apply to:
 - (i) the operation of a kennel for the purposes of breeding or boarding animals;
 - (ii) an animal hospital owned or operated by a veterinarian licensed by the Ontario Veterinarian Association;
 - (iii) a pet store;
 - (iv) an Ontario Humane Society shelter, or Pound;
 - (v) Where hunting dogs are kept for the use of hunting and are actively engaged in
 - (vi) hunting or training for hunting, or on posted land with the permission of the landowner;
 - (viii) Any dog under the age of (4) four months.
 - (ix) Non-resident dogs that are visiting as under section 14 (b) at no more than two (2) non-resident dogs unless approved by the Township.

4. LICENSING AND ANIMAL IDENTIFICATION SYSTEM

- (a) The owner of every dog four (4) months of age or older, within (3) days of his / her becoming such, shall cause it to be licensed with a valid pet tag, numbered and described with the Township, which provision shall be called the Animal Identification System.

The Pet Tag, Registration and Identification Fees are as follows:

Before March 31 in any year	\$15.00
After March 31 in any year	\$30.00
“Grandfathered <u>Dangerous or Prohibited Dog</u> ”	\$500.00
“Vicious Dog”	\$500.00
For all Service Dogs	
Before March 31 in any year	\$0.00
After March 31 in any year	\$0.00

And such license and registration shall expire on December 31st of each year.

- (b) The owner of every dog shall, when requested by a Municipal Law Enforcement Officer, provide his or her name, address and date of birth.
- (c) The owner of every dog shall not claim such dog to be sterilized when such dog is not sterilized, and wrongful claiming shall subject the owner or harbourer to the penalty provided for in this By-Law.
- (d) Upon payment of the required fee, the owner shall be furnished with a tag for each dog owned by him with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the dog for which it was issued at all times during the year or until he procures a tag for the following year. A record shall be kept by the licensing officer showing the name and address of the owner and the serial number on the tag. In the event that a tag is lost, the person to whom it was issued shall immediately claim another from the License Issuer and shall pay, therefore, the sum of FIVE DOLLARS (\$5.00) for each tag.
- (e) Every owner or harbourer of a dog shall obtain a tag and keep it securely fixed on his dog and shall not affix the tag upon a dog other than the dog for which the said tag was issued. Affixing a tag upon a dog other than the dog for which the said tag was issued shall subject the owner or the harbourer to the penalty provided for in this By-Law.
- (f) Every owner of a grandfathered, prohibited or dangerous or vicious dog must provide evidence of appropriate insurance for liability coverage, proof of micro-chipped, proof of sterilization, sign an affidavit that the dog has not been deemed prohibited, dangerous or vicious in another Municipality, Province, State or Country and post clear public signage on the owner property that a dangerous dog resides on the property.

- (g) Section 4 of this By-Law does not apply to police dogs during the course of fulfilling their duties.
- (h) Section 4 of this By-Law does not apply to M.N.R. dogs during the course of fulfilling their duties.
- (i) Every Owner of a prohibited, dangerous or vicious dog which has been directed to be removed from the Township shall provide the Township, within 48 hours, with micro chip number, name and address of the new owner, so the CA can notify the new municipality of the assigned designation of the dog by the Township of Montague.
- (j) Every Owner of a prohibited, grandfathered, dangerous or vicious dog must notify the Township within 48 hours of a change of ownership and/or residency of the dog, along with the new address and owner information.

5. KENNELS

- (a) Every person who owns, operates or conducts a kennel for pure breed dogs which is registered with the Canadian Kennel Club pursuant to the Statutes of Ontario enacted in that behalf shall obtain an annual license and pay to the Township of Montague, immediately following the first day of January in any year, a license fee of:

Prior to March 31 of each year	\$75.00
After March 31 of each year	\$125.00

Each dog kept shall be licensed by the Township with the exception of unweaned pups.

- (b) If there is a change of ownership of a kennel during the license year the new owner must purchase a new license.
- (c) The Licensing Officer of the Township of Montague, upon any application may issue the required license but if they do not issue such license at the request of the applicant, they shall refer the application to the Council of the Township of Montague at its next regular sitting and the Council may, at its discretion, grant or refuse the issuing of a permit hereunder.
- (d) The Township has the right to refuse a kennel license to an owner that has previously owned dangerous and/or vicious dogs.
- (e) No person shall breed or permit to breed a dangerous, vicious or prohibited dog.

6. IMMUNIZATION

- (a) No person who resides within the Township of Montague shall own or harbour any dog over the age of six (6) months without immunization for the rabies virus and that the immunization is current as defined by the rabies virus serum.
- (b) Section 6. of this By-Law shall be jointly enforced by the Medical Officer of Health pursuant to the provisions of the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.&, as amended, and the By-Law Enforcement Officer for the Township of Montague pursuant to the provisions of this By-Law and Section 61 of the *Provincial Offences Act*.

7. IMPOUNDMENT

- (a) Animals found at large shall be taken up by the By-Law Enforcement Officer of the Township and impounded and confined during the redemption period. Animals not claimed by their owners at the expiration of the redemption period shall become the property of the Township and disposed of by the Township, except as hereinafter provided in the cases of certain animals.
- (b) Sick or injured animals found at large and taken up by the By-Law Enforcement Officer of the Township shall not be placed into the animal shelter to save harm to other animals and possible contamination of the pound facility. A quick attempt shall be made by the By-Law Enforcement Officer to find the owner. If the owner is not ascertainable during the attempt the By-Law Enforcement Officer may seek medical attention for the animal or may have euthanasia performed to save further pain and/or suffering to the animal.
- (c) Animals found at large by an appointed By-Law Enforcement Officer or any Police Officer that pose a threat to the safety of persons or other domestic animals may be destroyed forthwith.
- (d) Every owner of a dog in the Township, which is suspected of having been exposed to the rabies virus, or which has been bitten scratched or has had other contact that may result in rabies in a person or animal, shall on demand surrender such animal to the Township to be held by the Township in quarantine, without cost to the owner, for ten (10) days from the date of contact and such animal shall not be released from such quarantine without permission from the Medical Officer of Health. At the discretion of the Medical Officer of Health, an animal may be placed in quarantine on the premises of the owner.

8. REDEMPTION OF IMPOUNDED ANIMALS

- (a) The owner shall be entitled to regain possession of any impounded animal except as hereinafter provided in the cases of certain animals, upon compliance with the license or identification provisions of Section 4

of this by-law and the payment of impoundment fees set forth in Section 9 of this By-Law.

- (b) Any animal impounded under the provisions of this by-law and not reclaimed by its owner at the expiration of the three (3) day redemption period as defined by *Animals for Research Act*, Chapter 22., may be destroyed by the Township or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this By-Law and such other regulations as shall be fixed by the Township.

9. IMPOUNDMENT FEES

- (a) Any animal impounded hereunder may be reclaimed as herein be provided upon payment by the owner to the Township.

10. RESTRAINT

Every owner shall control a dog while off its own property with a leash that:

- (a) is held by the person in their hand, or
- (b) is securely affixed to some immovable structure from which the dog cannot escape.

Section 10 of this By-Law does not apply to Police Dogs or M.N.R.F. Dogs during the fulfillment of their duties.

11. DANGEROUS OR VICIOUS DOG / NUISANCE ANIMAL RESTRICTIONS

1. DANGEROUS DOGS

- (a) No person shall permit a dog to attack or bite any person, or other animal, or fight with another dog, and shall maintain effective control of his dog by means of a muzzle and leash at all times.
- (b) If a dog attacks or bites any person, or other animal, without provocation, such dog **shall be** deemed to be a “dangerous dog”.
- (c) Once a dog is deemed to be “dangerous”, the By-Law Enforcement Officer, or his designate, shall notify the owner of the “dangerous dog”, in writing, that the dog has been deemed to be “dangerous” and the owner shall ensure the following:
 - i. the “dangerous dog” does not attack or bite any person or other animal whether on the owner’s property or not;

- ii. when the “dangerous dog” is on the property of the owner, it is confined in an enclosed area, in a fenced yard, on a chain or other suitable restraint device capable of restraining the animal;
 - iii. when the “dangerous dog” is off the property of the owner, it is securely leashed and muzzled in a manner that prevents it from biting or attacking a person or other animal and is under the control of a competent person capable of controlling the dog and who is over the age of eighteen (18) years;
 - iv. Remove the dangerous dog from the Township.
- (d) The owner of the “dangerous dog” after having been notified in writing to comply with the provisions of this by-law, may request, and is entitled to, a hearing before Council who may confirm/amend/rescind the conditions imposed,
 - (e) If the owner of a “dangerous dog” fails to comply with the municipalities direction to remove the Dangerous Dog from the Township of Montague, the owner may be subject to a proceeding under section 4 of the Dog Owners Liability Act R.S.O 1990 Chapter D.16.
 - (f) Within 14 days of notification, the owner of a dangerous dog must post “Warning Dangerous Dog Lives Here” signs on the entrance to the property and on the perimeter of the property. The sign must have a minimum letter size of 4”.
 - (g) Within 14 days of notification the owner shall provide all documentation required under section 4(f) of this by-law and failure to comply will result in removal of the animal.
 - (h) No owner shall be permitted to keep more than one (1) dangerous dog on a property.
 - (i) This section shall not apply to a police working dog while on duty.

2. VICIOUS ANIMAL

- (a) No owner shall permit their animal to display vicious or aggressive tendencies such as growling, baring of teeth, charging, chasing or lunging at a person or other domestic animal, while off the property of the dog owner.
- (b) If an animal displays vicious or aggressive tendencies such as growling, baring of teeth, charging, chasing or lunging at a person or other domestic animal, while off the property of the dog owner the animal may be deemed to be a “vicious animal”.
- (c) Once an animal is deemed to be “vicious”, the By-Law Enforcement Officer, or his designate, shall notify the owner of the “vicious animal”, in writing, that

the animal has been deemed to be “vicious” and the owner shall ensure the following:

- (i) the “vicious animal” does not attack or bite any person or other animal whether on the owner’s property or not;
 - (ii) when the “vicious animal” is on the property of the owner, it is confined in an enclosed area, in a fenced yard, on a chain or other suitable restraint device capable of restraining the animal on its own property;
 - (iii) when the “vicious animal” is off the property of the owner, it is securely leashed and muzzled in a manner that prevents it from biting or attacking a person or other animal and is under the control of a competent person capable of controlling the animal and who is over the age of eighteen (18) years;
 - (iv) and could be directed by the By-Law Enforcement Officer to remove the vicious animal from the Township.
- (j) The owner of the “vicious animal” after having been notified in writing to comply with the provisions of this by-law, may request, and is entitled to, a hearing before Council who may confirm/amend/rescind the conditions imposed,
 - (k) If the owner of a “vicious animal” fails to comply with the municipalities direction to remove the vicious animal from the Township of Montague, the owner may be subject to a proceeding under section 4 of the Dog Owners Liability Act R.S.O 1990 Chapter D.16.
 - (l) Within 14 days of notification, the owner of a vicious dog must post “Warning Vicious Dog Lives Here” signs on the entrance to the property and on the perimeter of the property. The sign must have a minimum letter size of 4”.
 - (m) Within 14 days of notification the owner shall provide all documentation required under section 4(f) of this by-law and failure to comply will result in removal of the animal.
 - (n) No owner shall be permitted to keep more than one (1) vicious dogs and/or a combination of dangerous, prohibited, grandfathers, or vicious.
 - (o) This section shall not apply to a police working dog while on duty.

3. NUISANCE ANIMAL

- (a) No owner shall permit their animal to become a nuisance animal, irritation, annoyance or bother to other persons or other animals by being at large, trespassing on private property, chasing, barking / whining / howling or

making any other excessive animal noise but does not include animals kept or harboured on a farm as defined in this bylaw.

(b) Once an animal is deemed to be a "nuisance", the By-Law Enforcement Officer, or his designate, shall notify the owner of the "vicious animal", in writing, that the animal has been deemed to be a "nuisance" and the owner shall take action as directed by the By-Law Enforcement Officer or Municipal Law Enforcement Officer to prevent the animal from continuing to be a nuisance.

12. REPORT OF BITE CASES

Every Physician or other practitioner shall report the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control to the Lanark Leeds and Grenville District Health Unit and Township of Montague.

13. RESPONSIBILITIES OF VETERINARIANS

Every licensed veterinarian is to report to the Lanark Leeds and Grenville District Health Unit their diagnosis of any animal observed by them as a rabies suspect.

14. EXEMPTIONS

- (a) Hospitals, clinics, and other premises in operation with Licensed veterinarians for the care and treatment of animals are exempt from the provisions of this By-Law, except where such duties are expressly stated.
- (b) The licensing and pet identification system of this By-Law shall not apply to an animal belonging to a non-resident of the Township of Montague and kept within the Township for not longer than thirty (30) days provided such animals shall, at all times while in the Township, be kept within a building or vehicles, or under restraint by the owner by means of a leash not measuring more than two (2) metres in length. The animal must be duly immunized for rabies within the last 12 months.
- (c) Any person who owns, keeps, harbours or possesses any non-resident animal within the limits of the Township shall ensure valid pet identification, licensing and immunization papers are kept with the animal at all times while in the Township. Should the requirements of Section 14 (a) (i) and/or (ii) be ignored, the owner, keeper, harbourer or possessor shall be subject to the penalty provided for in this By-Law.
- (d) Any Farm as defined herein this By-Law shall conform to all provisions of this By-Law other than as stated in Section 14.(e) (i) and 14. (e) (ii) of this By-Law and shall be exempt further to those entities in Category Numbers 4,5,7,8 and 9 of Appendix A to this By-Law that are not conflictive to the Ontario Game and Fish Act, Chapter G. 1. S. 82.

- (e)
 - (i) Notwithstanding any other provision of this By-law to the contrary, the owning, keeping, harbouring, feeding or raising of entities identified on Appendix "A" in Categories 4,5,7,8 and 9, shall be permitted on any lands which are zoned Agriculture (A) in the Zoning Bylaw, or zoned in a zone category in the Zoning By-law which permits a Farm, Intensive Farm, Limited Farm as defined in this By-law or the keeping of any one or all of the types of farm animals or any entities identified on Appendix "A" in Categories 4,5,7,8 and 9, and subject to compliance with the Minimum Distance Separation (MDS) formula, where applicable, and the Nutrient Management Act, where applicable;
 - (ii) Notwithstanding any other provision of this By-law to the contrary, the owning, keeping, harbouring, feeding or raising of horses shall be permitted on lands which are zoned in the Zoning By-law to permit a boarding stable and subject to compliance with the Minimum Distance Separation (MDS) formula where applicable, and the Nutrient Management Act, where applicable;
 - (iii) Where the applicable zoning in the Zoning By-law specifically prohibits the owning, keeping, harbouring, feeding or raising of any of the entities identified on Appendix "A" in Categories 4,5,7,8 and 9, on a specific property, the exemption provided under 14.(c) (i) shall not apply to that property for those categories that are prohibited;
 - (iv) Where there is conflict with the Ontario Game and Fish Act, Chapter G.1.S.82, or any other Provincial or Federal Act or legislation which would prohibit the owning, keeping, harbouring, feeding or raising of any of the entities identified in Categories 4,5,7,8 and 9, the provisions of those Acts or legislation shall supercede this By-law; and
 - (v) All other applicable provisions of this By-law and any other By-law of the Township shall apply.

14. SPECIAL EVENTS INVOLVING ANIMALS

Where a Special Event such as an exhibition, circus, traveling show, petting zoo or any other like show that has prohibited animals, as defined in Schedule A of this By-Law, requests entry into the Township of Montague for the purposes of public display of such animals the operator / owner in charge of the Special Event must:

- (a) Apply in writing 45 days prior to the intended date to the CA. for the Corporation of the Township of Montague, for permission to enter the Township of Montague with prohibited animals for the said purpose.
- (b) The operator / owner in charge of the Special Event must provide proof of a Comprehensive Policy of Public Liability and Property Damage insurance acceptable to the Township providing at least Two Million Dollars (\$2,000,000) coverage.
- (c) The CA. for the Township of Montague may approve the application and issue a permit from the Township of Montague for the authorized purpose.
- (d) The operator / owner in charge of the Special Event must obtain such permit prior to the commencement of the permitted activity.
- (e) The operator / owner in charge of the Special Event must display the permit in plain sight and in a conspicuous location at all times during the times and dates of the special event.
- (f) No person will obstruct, interfere or prevent a By-Law Enforcement Officer / Municipal Law Enforcement Officer from conducting an Inspection under section 17 of this by-law before or during the special event.
- (g) Be in full conformance with all applicable Federal, Provincial and Municipal laws governing the possession, keeping and transportation of the subject animals being used in the said function in the Township of Montague as well as the location where the subject animals are being kept on a permanent basis.
- (h) Failure to comply with all requirements of this by-law as well as any other conditions set out by the CA, may result in the permit being revoked and the person / persons in possession of any animals listed in Appendix A be subject to the provisions of the By-Law.

15. ANIMAL EXCREMENT

- (a) No person, having the custody, care, or control of any animal, shall allow said animal to defecates on public, commonly shared or private property, other than that of the animal owner or keeper thereof, without removing and disposing of such excrement forthwith.
- (b) No person who owns, keeps, harbours or possesses any animal shall allow a buildup of animal fecal matter on the property where the animal is kept and where it becomes offensive to other members of the community.
- (c) Section 16 (a) and (b) do not apply to a farm as defined in the by-law.

16. INSPECTION

For the purpose of discharging the duties imposed by this By-Law and to enforce its provisions, any agent or Animal Control Officer / Municipal Law Enforcement Officer, of the Township or any Police Officer is empowered to enter upon any property or structure, other than a dwelling, where a dog or animal is kept or harboured and to request the exhibition, by the Owner, of such dog or animal.

It is further provided that any agent of the Township or any Police Officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and request to examine such animal and to take possession of such animal to determine the validity of such complaint or report and to take appropriate corrective measures, if necessary.

17. ENFORCEMENT

The provisions of this By-Law shall be enforced by the Township and its appointees.

18. OFFENCES

Any person or persons who contravene any section of this By-Law is guilty of an offence and upon conviction shall forfeit and pay the fine for such offence as provided for under Section 61 of *The Provincial Offences Act*.

19. PROHIBITION ORDER

When a person has been convicted of an offence under this By-Law in the Ontario Court of Justice and/or the Ontario Provincial Court may, in addition to any other penalty, the court may, imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

20. REPEALS

By-Law Number 2752-2003 of the Township of Montague and amending bylaws 2755-2003 and 2816-2004 are hereby repealed effective this date.

22. SEVERABILITY

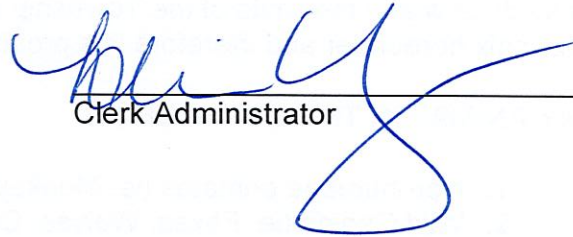
A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or part of provisions of this By-Law.

23. EFFECTIVE DATE

This By-Law shall come into force and affect the final date of passing thereof.

READ A FIRST AND SECOND AND THIRD TIME THIS 1ST DAY OF
AUGUST, 2023.


Reeve


Clerk Administrator

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APPENDIX "A"
TO BY-LAW NUMBER 4004-2023
RE: SECTION 3(a)

It is prohibited to keep, breed or raise any domestic animal, farm animal, wild animal, exotic animal, amphibian, reptile, arachnid, fish or insect including any tamed or domesticated wild animal or part wild animal on any lot or in any building or structure on such lot within the limits of the Township of Montague that is included in this Appendix hereunder and therefore it is prohibited to keep or raise:

ANY ANIMAL IN THE CATEGORY:

1. Non-humane primates (ie. Monkeys, Chimpanzee)
 2. Wild Canids (ie. Foxes, Wolves, Coyotes)
 3. Wild Felids (ie. Leopard, Cougar, Lynx)
 4. Mustelids (ie. Mink, Skunks, Otters, Weasels, but excluding Ferrets)
 5. Ungulates (ie. Horses, Cattle, Swine, Sheep, Goats, any hooped animal)
 6. Raptores (ie. Falcons, Hawks, Owls)
 7. Galliformes (ie. Chickens, Quail, Pheasants, Turkeys, Guinea Fowl)
 8. Anseriforms (ie. Ducks, Geese, Swans)
 9. Columbiformes (ie. Pigeons)
 10. Dangerous Fish (ie. Piranha, Electric Eels)
 11. Dangerous Dog as deemed on or after the date of By-Law 4004-2023
 12. Pit Bull dog - as defined in this by-law.
- Ref: Section 6(a) Dog Owners Liability Act R.S.O. 1990 CHAPTER D.16

APPENDIX C
THE CORPORATION OF THE TOWNSHIP OF MONTAGUE
BY-LAW NUMBER 4004-2023
"THE ANIMAL CONTROL BY-LAW"

Page 1 of 1 Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Defining Offence	COLUMN 3 Set Fine
1.	Own/harbour/breed a prohibited animal	Section 3(a)	\$1,000.00
2.	Own/harbour/breed a vicious animal	Section 3(b)	\$500.00
3.	Own/harbour a nuisance animal	Section 3(b)	\$150.00
4.	Fail to care for an animal in a clean environment	Section 3(c)(i)	\$200.00
5.	Fail to provide adequate food /water/shelter/ care	Section 3(c)(ii)	\$200.00
6.	Owner – No Dog Tag	Section 4(a)	\$100.00
7.	Make False Claim - sterilized	Section 4(c)	\$300.00
8.	Pet Tag not affixed to pet	Section 4(d)	\$100.00
9.	Pet Tagged with other than tag issued	Section 4(e)	\$100.00
10.	Own, operate or conduct a kennel without license	Section 5(a)	\$250.00
11.	Owner – Dog No Current Rabies Immunization	Section 6(a)	\$500.00
12.	Dog not under control	Section 10(a)	\$150.00
13.	Permit dog attack / bite of person / animal	Section 11(1)	\$500.00
14.	Fail to Maintain effective control of a Dangerous/Vicious Dog	Section 11(1) Section 11 (2)	\$500.00
15.	No Special Event Permit	Section 15(d)	\$500.00
16.	Fail to post Warning Signs	Section 11 (1)(f) Section 11 (2)(l)	\$250.00
17.	Fail to Display Special Event Permit	Section 15(e)	\$250.00
18.	Obstruct officer conducting inspection	Section 15(f)	\$500.00

NOTE: The general penalty provision for the offences listed above is section 18 of By-Law 4004-2023, certified copies of which have been file.