CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 109-2019

Being a by-law to regulate animal care and control within the Municipality of Morris-Turnberry.

WHEREAS Section 9 of the Municipal Act S.O. 2001 c.25 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

AND WHEREAS Section 11(1) of the Municipal Act S.O. 2001 c.25 provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4) of the act;

AND WHEREAS Section 11(3)(9) of the Municipal Act S.O. 2001 c.25 provides that a lower-tier municipality may pass bylaws with respect to animals.

AND WHEREAS Section 103(1) of the Municipal Act, 2001, S.O. 2001 c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animals being at large or trespassing contrary to the by-law;

AND WHEREAS Section 12 of the Dog Owners' Liability Act R.S.O. 1990, Chapter D.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act.

AND WHEREAS Section 398(2)(2) of the Municipal Act, 2001 , S.O. 2001 c. 25 authorizes a Municipality to add licensing fees and penalties to the property tax roll;

AND WHEREAS The Corporation of the Municipality of Morris-Turnberry deems it desirable to pass a by-law with respect to the control of animals and prohibited animals.

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. SHORT TITLE

1.1. This by-law may be referred to as the "Animal Control By-Law"

2. DEFINITIONS

2.1. **"Act"** means the Municipal Act, R.S.O. 2001, Chapter M.25, as amended from time to time.;

2.2. **"Agreement"** means the current agreement duly signed by the Officer of the Municipality setting out the fees and duties of the Pound Keeper.

2.3. **"Animal Control Officer"** means an Animal Control Officer appointed by bylaw of the Municipality of Morris-Turnberry; whose duty is to enforce ordinances regulating the ownership of animals and to respond to incidents in which animals are involved;

2.4. **"Attack"** means an assault resulting in bleeding, bone breakage, sprains, or bruising.

2.5. **"Bite"** means wound to the skin causing it to puncture or break.

2.6. **"Clerk"** means the Clerk appointed by the Council of the Corporation of the Municipality of Morris-Turnberry pursuant to the Act.

2.7. **"Council"** means the Council of the Corporation of the Municipality of Morris-Turnberry.

2.8. **"Dog"** means a male or female dog over the age of twelve (12) weeks and may be neutered or spayed, not to exclude Pit bulls or Vicious Dogs as defined herein.

2.9. **"Dog Tag"** means a metal tag issued as proof of licence bearing a serial number issued by the clerk, their designate, or the Animal Control Officer of the Corporation of the Municipality of Morris-Turnberry.

2.10. **"Dwelling unit"** means a room or suite of two or more rooms, designed or intended for use by any person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or installation of cooking equipment and the land on which it is located.

2.11. **"Fees and Charges By-Law"** shall mean the current fees and charges by-law for the Corporation of the Municipality of Morris-Turnberry.

2.12. **"Harbour"** does not include the provision of shelter to a dog for a period of time of less than seven (7) days, provided that the dog is owned by someone other than the household group normally residing in the dwelling unit in which the dog is harboured and can provide proof of a permanent address.

2.13. **"Herding Dog"** means a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm.

2.14. **"Household group"** means two or more persons who live in the same dwelling unit regardless of relation to one another.

2.15. **"Kennel"** shall mean an establishment where more than three (3) dogs are kept for the purpose of show, training, keeping, breeding, and raising profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery to veterinary treatment.

2.16. **"Licence"** includes a permit, registration or any other type of permission issued pursuant to the Act or this by-law for which there is a prescribed fee.

2.17. **"Livestock"** means any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, etc.), horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, emu, ostrich but not limited to the aforementioned or the young thereof.

2.18. **"Livestock Guardian Dog"** (LGD) is a dog that works and/or lives with domestic farm animals or livestock (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.

2.19. **"Municipal Law Enforcement Officer"** shall mean a Bylaw Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Municipality of Morris-Turnberry.

2.20. **"Microchip"** means an approved 'Canadian Standard' encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central data base.

2.21. **"Muzzle"** means a humane fastening or covering device placed over the mouth of an animal of adequate strength to prevent it from biting. The words "muzzled" and "muzzling" have a similar meaning.

2.22. **"Owner of a dog"** means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. This shall also include a person who is temporarily the keeper of the animal.

2.23. **"Peace Officer"** means the Animal Control Officer and / or a Provincial Offences Officer as defined by the Provincial Offences Act, R.S.O. 1990, c. P.33

2.24. **"Pet"** means a domestic or tamed animal or bird kept for companionship or enjoyment. Pet does not include livestock, laboratory animals, working animals or sport animals.

2.25. **"Pet shop"** means a shop or place where animals for use as pets are sold for retail or kept for sale.

2.26. **"Pit bull"** includes, a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in this paragraph.

2.27. **"Pound"** means the place which is used for the temporary housing and care of animals that have been impounded pursuant to this bylaw and so designated by the Council.

2.28. **"Pound keeper"** means the person or agency designated for the Municipality to oversee and operate the pound.

2.29. **"Prohibited Animal"** means any animal belonging to a group listed in schedule 'A' of this by-law unless permitted by the Zoning By-Law.

2.30. **"Protective care"** means the temporary, time-limited keeping of an animal by the Municipality as a result of an eviction, incarceration, fire or medical emergency.

2.31. **"Redemption period"** means the period of time in which the owner of a dog that has been impounded pursuant to this by-law has the right to redeem it.

2.32. **"Running at large"** a dog shall be deemed to be running at large if found not to be under the control of a competent and responsible person at any place within the boundaries of the Municipality of Morris-Turnberry other than the premises of the owner of the dog.

2.33. **"Urban"** means those land uses designated pursuant to the Municipality's current Zoning By-law, as amended, for residential, recreational, commercial, industrial, institutional or developmental within a recognized Town, Village, Hamlet, or other recognized settlement area.

2.34. **"Vicious dog"** means a dog which has, without provocation, attacked or bitten a person or another animal or communicated by its actions an intention, habit, tendency or has demonstrated a propensity to do so.

2.35. **"Without provocation"** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

2.36. **"Zoning By-Law"** shall mean the current Zoning By-Law, as amended, for the Corporation of the Municipality of Morris-Turnberry.

3. RESPONSIBILITY TO CARE FOR ANIMALS

3.1. Every person who keeps an animal within the Municipality shall ensure that such animal is provided with:

3.1.1. a clean and sanitary environment free from an accumulation of fecal matter, odour, insect infestations or rodent attractants disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal;

3.1.2. adequate and appropriate care, food, water, shelter, and opportunity for physical activity;

4. LIMIT OF ANIMALS IN A DWELLING UNIT

4.1. No person shall keep more than five (5) animals within urban areas within the Municipality of Morris-Turnberry, with a maximum number of two (2) dogs at any one time in a dwelling unit. No person shall keep more than three (3) dogs at any time, in a dwelling unit located within rural areas of the Municipality of Morris-Turnberry. In a rural area, if the number of dogs exceeds three (3), the owner must apply for a kennel licence.

4.2. No person shall keep more than 5 (five) rats and/or mice for the purpose of a pet per dwelling unit and no person shall keep more than two (2) domestic ferrets per dwelling unit.

4.3. In a Rural area, a person may harbor more than 3 dogs at a premises without a kennel license, provided:

4.3.1. the person is keeping sheep upon the same premises; and

4.3.2. the premises is on land that is zoned for agricultural use pursuant to the current Zoning By-Law; and

4.3.3. the person provides proof of producer registration issued in the name recorded by the Ontario Sheep Marketing Agency; and

4.3.4. the dogs are licensed annually in accordance with relevant municipal by-laws (if required); and

4.3.5. the dogs are LGDs and or herding dogs.

5. LICENCING OF DOGS

5.1. Every dog owner shall register such dog or dogs with the Clerk or his/her designate or with the Animal Control Officer and pay the prescribed licence fees as set out in the Fees and Charges By-Law.

5.2. If a person becomes the owner of a dog, the person shall register the dog and pay the prescribed licence fee within 15 days of taking possession of the dog. Where a dog tag has not been purchased within 15 days of the date of possession of the dog, in addition to the prescribed licence fee, the owner shall pay a late licencing fee as set out in the Fees and Charges By-Law.

5.3. Upon application for a licence, the owner shall sign the dog licence application verifying that a certificate has been signed by a practicing veterinarian that the dog has been inoculated with an up to date Anti- Rabies Vaccine prior to the date of application for the licence.

5.4. A record of the licences issued shall be kept by the Clerk or other officer designated by the Corporation of the Municipality of Morris-Turnberry for that purpose, showing the name and address of the owner and the serial number of the dog tag.

5.5. Dog tags will be valid for the life of the dog for which they are issued. The prescribed licencing fees will be added annually to the municipal tax bill of the property owner. Should the owner of the dog not be an owner of real property, the owner of the dog shall be invoiced annually by the Municipality. Licencing fees under this section shall be applied to the year following that in which they are collected.

5.6. No refund, whole or in part, or prorating of fees will be provided for a license in the event that a dog is acquired, dies or if the owner is no longer in possession of the dog part way through any given year.

5.7. The owner of a dog shall notify the Clerk or other officer designated by the Corporation of the Municipality of Morris-Turnberry of the change in ownership of the dog or of the death of the dog.

5.8. As soon as reasonably practicable upon becoming aware of a dog tag being illegible or damaged, the owner of a dog shall request from the Clerk or other officer designated by the Corporation of the Municipality of Morris-Turnberry a replacement tag and pay the prescribed fees as set out in the Fees and Charges By-Law.

5.9. No person shall use a dog other than on the dog for which it was issued.

6. VICIOUS DOGS

6.1. A vicious dog shall have a special licence fee as set out in the Fees and Charges By-Law.

6.2. The owner of a vicious dog shall obtain and maintain a policy of public liability insurance by an insurer licenced by the Province of Ontario providing third party liability coverage in the amount of Five Hundred Thousand (500,000) dollars for any damage or injury caused by said dog.

6.3. The owner of a vicious dog shall implant an electronic identification microchip in the dog, obtained through a veterinary clinic.

6.4. The owner of a vicious dog shall provide the information contained on the microchip to the Clerk.

6.5. The owner of a vicious dog shall post "Beware of Dog" signs on perimeter of property upon which the dog is housed.

6.6. The owner of a vicious dog shall keep such dog confined within the premises; or keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the dog from escape and preventing entry by any person.

6.7. The owner of a vicious dog shall ensure that the enclosure or other structure prescribed in section 6.6 of this by-law is locked at all times.

6.8. An owner of a vicious dog shall notify the Animal Control Officer if the animal is running at large.

6.9. No owner of a vicious dog shall permit it to be walked by a person under 18 years of age and shall ensure that the vicious dog is muzzled and leashed.

6.10. All requirements for a vicious dog shall be required until the dog is destroyed or the Clerk, or designate appointed for the purpose of enforcing the Municipality's By law exempts the owner from the vicious dog requirements.

7. PIT BULLS AND PIT BULL CROSSES

7.1. Pit bulls and Pit bull crosses shall have a special licence fee as set out in the Fees and Charges Bylaw.

7.2. No person shall walk a Pit bull or Pit bull cross unless the Pit Bull or Pit Bull Cross is muzzled and leashed.

8. KENNEL LICENCING

8.1. No person shall operate a kennel without first applying for and obtaining a kennel licence and paying the prescribed fee as set out in the Fees and Charges Bylaw, before the 31st day of March in each year, or upon the commencement of the operation of a kennel after the 31st of March in a given year,.

8.2. No person or persons shall harbour more than three (3) dogs over the age of twelve (12) weeks unless a kennel licence is obtained.

8.3. Every person who holds a kennel licence shall comply with the following requirements:

8.3.1. The kennel shall be in a building separate from the dwelling.

8.3.2. The kennel building and its location must conform to Zoning By-Law and the Ontario Building Code as amended from time to time.

8.3.3. The kennel building shall have a floor of concrete or other impermeable material that includes a drain opening constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often if necessary.

8.3.4. The kennel building shall have adequate lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, running water and a food preparation area, pursuant to the Code of Practice for Canadian Kennel Operations, Third Edition, 2018.

8.3.5. Inside dog run minimum standards;

8.3.5.1. at least 2.5 feet (.75 metres) wide, 6 feet (1.8metres) high and 15 square feet (1.35 metres) in area;

8.3.5.2. has a floor of solid, readily sanitized and fluid-impervious material;

8.3.5.3. is enclosed by walls of solid, readily sanitized and fluid impervious material or surrounded by partitions which are solid, readily sanitized and fluid -impervious materials extending from the floor for at least 4 feet (1.2 metres) and, above the solid material,or other material that will prevent an animal confined in the run from escaping which extends to 6 feet (1.8 metres) above the floor;

8.3.5.4. is constructed so that liquid cannot escape or pass to another run except through a drain, or drainage channel leading directly to a drain, which is inaccessible to an animal in the run;

8.3.5.5. has a door which does not open into another run;

8.3.5.6. is well constructed and secure;

8.3.5.7. is well ventilated;

8.3.5.8. is properly drained.

8.4. If dogs are being housed outside, an example being a Hunting dog, the breed of dog must be properly acclimatized to seasonal and regional temperatures. Aged, young, or infirmed dogs shall be housed indoors. Shelter and protection from cold and heat must be provided including protection from direct sunlight, and precipitation in any form, which includes an enclosed area with dry bedding, properly drained and a cement pad or patio stones in front of the dog house door.

8.5. Where a clipping and grooming services are performed, such clipping and grooming shall be carried out in the kennel building only. This service is not allowed in the Urban Areas.

8.6. The kennel licence shall be continuously displayed in a conspicuous place in the interior of the premises for which the licence has been issued.

8.7. At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odours.

8.8. The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthy temperature at all times.

8.9. The operator shall feed and give water to the dogs periodically each day and keep same in a clean, healthy condition, free from vermin and disease.

8.10. The Animal Control Officer and or Municipal Law Enforcement Officer and or any other person authorized by the Corporation of the Municipality of Morris-Turnberry may inspect any place where dogs are kept, pursuant to this by-law and without notice.

8.11. If the kennel is found not to conform to the requirements set out herein, the Animal Control Officer and or Municipal Law Enforcement Officer may contact any agency with the dog's best interests and well being in mind. The Animal Control Officer appointed by the Corporation of the Municipality of Morris-Turnberry may revoke the licence issued to the kennel if the owner is in contravention of this by-law.

8.12. No kennels will be allowed for Pit Bulls as defined herein.

9. EXPIRATION OF A LICENCE

9.1. A licence issued pursuant to section 5.1 of this by-law shall expire on December 31st if no payment of licence fees has been made for the following year.

9.2. A licence issued pursuant to section 8.1 of this Bylaw shall expire on the 31st day of December in the year for which it was issued.

10. HARBOURING A DOG OR DOGS WITHOUT A LICENCE OR TAG

10.1. Except as provided herein, no person shall harbour a dog or dogs within the boundaries of the Municipality of Morris-Turnberry unless such dog has affixed to it a current dog tag issued under this Bylaw.

11. DOGS RUNNING AT LARGE

11.1. No person shall permit a dog to run at large within the boundaries of the Municipality of Morris-Turnberry.

11.2. A dog shall be deemed to be running at large if found on municipal property within the Municipality of Morris-Turnberry and not on a leash, unless at a designated leash free park.

11.3. A dog shall not be deemed running at large if, while off the premises of its owner, the dog is within an enclosed area from which it does not appear to be able to escape, with the consent of the owner of such enclosed area.

11.4. A dog shall be deemed to be under control of a competent and responsible person if it is on a leash attached to a collar or harness and which leash is a maximum length of 6 feet (1.8 metres). In the hands of an individual who appears to be able to restrain the dog and/or maintain control over the dog.

11.5. Except for short intervals for the purpose of defecation or urination, female dogs in heat must be confined to a building isolated from other dogs and remain there until such time as the heat has ended.

11.6. If a dog is tied or in a pen, it shall not be within three (3) feet of a property line.

12. PROHIBITED ANIMALS AT LARGE

12.1. No person shall permit a prohibited animal to be at large within the boundaries of the Municipality of Morris-Turnberry.

13. CAUSING A DISTURBANCE

13.1. No person, being the owner of a dog or the operator of a kennel shall permit a dog or dogs to persistently howl, bark or whine for a period in excess of 15 minutes, if such conduct disturbs or is likely to disturb the inhabitants of the Municipality.

14. REMOVAL OF DOG EXCREMENT

14.1. Every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public or private lands within the boundaries of the Municipality of Morris-Turnberry.

14.2. This provision shall not apply to persons who are legally blind and using guide dogs.

15. SEIZURE AND IMPOUNDING

15.1. A Peace Officer and/or Animal Control Officer appointed by the Corporation of the Municipality of Morris-Turnberry may seize and impound any dog found running at large. The dog will be impounded at the Dog Pound under the direction of the Pound Keeper as appointed in the the Morris-Turnberry Appointment Bylaw.

15.2. If a dog found running at large has been injured and in the opinion of a Veterinarian should be destroyed without delay for humanitarian reasons, the Veterinarian may destroy, or order to be destroyed, the dog in a humane manner after the seizure as he/she sees fit. No damages or compensation shall be recoverable by the owner of the dog on account of such destruction.

15.3. A dog as in section 15.2 of this by-law may be destroyed without delay by a Peace Officer and/or Animal Control Officer if, in the opinion of the Peace Officer and/or Animal Control Officer the dog poses a risk to the safety of any person or animal while the attendance or opinion of a Veterinarian is pending or unavailable. No damages or compensation shall be recoverable by the owner of the dog on account of such destruction.

15.4. The Peace Officer or Animal Control Officer may destroy any animal found running at large if the animal cannot be seized within a reasonable time and which animal threatens the safety of the Peace Officer or Animal Control Officer or other persons or animals. No damages or compensation shall be recoverable by the owner of the dog on account of such destruction.

15.5. Where a dog has been impounded and has not been destroyed, the Animal Control Officer shall release possession of the dog to its owner when:

15.5.1. The owner attends at the pound and claims possession of the dog within three days, excluding the day which the dog was impounded, statutory holidays, Saturdays and Sundays; and

15.5.2. The owner provides proof that the animal is licenced and has been inoculated with an up to date Anti- Rabies Vaccine; and

15.5.3. Any emergency veterinary fees deemed to be necessary during the time of impound have been paid by the owner; and

15.5.4. The owner pays to the Municipality of Morris-Turnberry or its agent, a administration fee and boarding fee per day for each day the dog has been in the pound, commencing the day the dog is seized and including the day the dog is removed from the pound as described in Fees and Charges By-law.

16. LIABILITY FOR FEES

16.1. Where a dog is impounded the owner of the dog shall be liable for all fees prescribed herein, including the fees for destruction of the dog where the dog has been destroyed, whether or not the dog is claimed by the owner. All such fees shall be payable on written demand to the owner from the Municipality or Animal Control Officer.

16.2. If the owner has not paid the fees demands within 30 days of the written demand for payment, such fees may be collected by action or in the same manner as municipal taxes.

17. DISPOSAL OF DOGS

17.1. Where a dog has been seized while found running at large and impounded and the owner has not claimed the dog within three days, excluding the day on which the dog was seized, statutory holidays, and Sundays, or having attended at the pound to claim the dog has not paid the fees prescribed by the Fees and Charges By-Law, the Animal Control Officer may sell the dog for such price as he/she deems fit, destroy the dog in a humane manner, or otherwise dispose of the dog as she/he deems fit in his/her discretion. No damages or compensation shall be recoverable by the owner as a result of any such action.

18. PROHIBITED ANIMALS

18.1. No person shall keep in the Municipality either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "A".

18.2. Notwithstanding Section 18.1, a person shall be permitted to keep such prohibited animals if acquired prior to the passing of this by-law, and such person shall comply with the following conditions:

18.2.1. the prohibited animal was lawfully housed on a property within the limits of Morris-Turnberry prior to the adoption of this bylaw and such prohibited animal is registered at the Municipal office; and

18.2.2. the animal is kept in an environment which is appropriate for the species; and

18.2.3. the owner has filed a letter of request, as shown in Schedule 'D', for an exemption from section 18.1 of this bylaw and has received approval in writing from the Clerk; and

18.2.4. an initial inspection is conducted of the prohibited animals by the Animal Control Officer.

18.2.5. the owner has paid the prescribed prohibited animal fee as set out in the Fees and Charges By-Law

18.3. The burden of proof for an exemption from Section 18.1 rests with the person making the request for exemption to the Clerk. Written approval from the Clerk shall be deemed as an exemption from Section 18.1 of this By-law.

18.4. The Clerk shall maintain a list of all prohibited animals and owners from which an exemption from Section 18.1 has been granted.

18.5. Section 19 shall not apply to:

18.5.1. any of the Municipality's animal care and control centres, as applicable,

18.5.2. the premises of an accredited veterinary facility under the supervision of a veterinarian licenced pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended;

18.5.3. the premises of any licensed zoo or exhibit, permanently located in the Municipality;

18.5.4. premises or facilities accredited by the Canadian Association of Zoos and Aquaria(CAZA);

18.5.5. the areas of the Municipality in which professionally produced films are made using such animals, provided that there is supervision by Inspectors or Agents of the appropriate agency or any of its affiliates or branches;

18.5.6. the areas of the Municipality in which educational programs are being conducted with animals, provided that the animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association and only while the educational programs are actually conducted, provided that such programs are limited to two days at any one location;

18.5.7. premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c. A.22;

18.5.8. premises where wildlife rehabilitation is being undertaken in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, as amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources.

19. ENFORCEMENT

19.1. This Bylaw shall be enforced by an Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purpose of enforcing the Municipality's Bylaw.

19.2. The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police to enforce any provision of this Bylaw.

20. PENALTY OF OFFENCE

20.1. Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Act and all contraventions of this By-law are designated as continuing offences.

20.2. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction and is liable to a fine as prescribed in Schedule 'B' of this by-law or as prescribed by a judge pursuant to the Provincial Offences Act, R.S.O 1990, c. P. 33 as amended.

20.3. No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law

20.4. No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

20.5. Every person shall comply with any Order or Notice issued under the authority of this bylaw

21. EXEMPTIONS

21.1. The persons, places or circumstances that follow are exepempt from the application of this by-law:

21.1.1. The premises of a zoo or animal display operated by or on behalf of the Corporation of the Municipality of Morris-Turnberry;

21.1.2. A veterinary hospital under the care of a licensed veterinarian;

21.1.3. The premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under the Animals for Research Act, R.S.O. 1990, c. A.22;

21.1.4. Anyone holding a licence or permit under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;

21.1.5. On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;

21.1.6. During the transportation of such animals between the places or circumstances listed herein;

21.1.7. Premises which are temporarily used for travelling shows such as a circus or other like shows.

21.1.8. Where any prohibition, regulation or restriction under this by-law is not permitted under another by-law of the Corporation of the Municipality or Morris-Turnberry.

22. EFFECTIVE DATE AND REPEAL OF BY-LAWS

22.1. By-law number 80-2013 of the Municipality and all by-laws amending same are hereby repealed on the date this By-law comes into force and effect.

22.2. This By-law will come into force and effect upon upon final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended. The set fines schedule, as approved, is attached hereto as Schedule 'B' and forms part of this By-law.

22.3. Notwithstanding Section 22.1, the provisions of By-law number 80-2013, and the amending by-laws, are deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that bylaw and any assessment, rate, charge, tax, fee, liability or penalty outstanding under same may be collected as if such by-law had not been repealed.

Read a FIRST and SECOND time this 17th day of December 2019

Read a THIRD time and FINALLY PASSED this 17th day of December 2019

Mayor, Jamie Heffer

Clerk, Trevor Hallam

Schedule 'A' of By-Law 109-2019

PROHIBITED ANIMALS

Being a list of animals the keeping of which is prohibited within the Municipality of Morris-Turnberry unless permitted by the Zoning By-Law.

1) All marsupials (such as kangaroos and opossums)
2) All non – human primates (such as gorillas and monkeys)
3) All felids, except the domestic cat
4) All canids, except the domestic dog
5) All viverrids (such as mongooses, civets and genets)
6) All mustelids (such as skunks, weasesl, otters, badgers, except the domestic ferret)
7) All ursidae (bears)
8) All artidoactylus ungulates
9) All procyonide (such as raccoons, coatis and cacomistles)
10) All hyaenas
11) All perissodactylus ungulates (horses)
12) All elephants
13) All pinnipeds (such as seals, fur seals and walruses)
14) All snakes of the families Pythonidae and Boidae
15) All venomous reptiles
16) All ratite birds (such as ostriches, rheas, cassowaries)
17) All diurnal and nocturnal raptors (such as eagles, hawks and owls)
18) All xenarthra (such as anteaters, sloths and armadillos)
19) All chiroptera (bats)
20) All crocodilians (such as alligators and crocodiles)
21) All venomous arachnids (such as scorpions and tarantulas)
22) All insectivorous mammals (Insectivora), including aardvark (Tubulidentata), anteater, shrew, otter, shrew, mole and hedgehog.

Examples of animals of a prohibited group are given parentheses are examples only and shall not be construed as limiting the generality of the group.

The Corporation of the Municipality of Morris-Turnberry
Schedule 'B' of Bylaw No. 109-2019 - Animal Control
Under Part 1 of the Provincial Offences Act

ITEM	(Column 1) **Short Form Wording**	(Column 2) **Provisions creating or defining offence**	(Column 3) **Set Fine**
1.	Fail to keep legal number of animals	4.1	$125.00
2.	Fail to keep legal number of dogs	4.1	$125.00
3.	Fail to keep legal number of ferrets, rats or mice	4.2	$125.00
4.	Fail to license dog for current year	5.1	$125.00
5.	Fail to use tag for dog it was issued to	5.9	$125.00
6.	Fail to maintain insurance policy for vicious dog	6.2	$125.00
7.	Fail to provide microchip information for vicious dog	6.4	$125.00
8.	Fail to post beware of dog signs	6.5	$125.00
9.	Fail to enclose vicious dog	6.6	$125.00
10.	Fail to lock vicious dog enclosure	6.7	$125.00
11.	Fail to notify of vicious dog at large	6.8	$125.00
12.	Fail to leash vicious dog	6.9	$125.00
13.	Fail to muzzle vicious dog	6.9	$125.00
14.	Fail to walk vicious dog by adult	6.9	$125.00
15.	Fail to leash Pit Bull	7.2	$125.00
16.	Fail to muzzle Pit Bull	7.2	$125.00
17.	Fail to license kennel for current year	8.1	$125.00
18.	Allow dog to run at large	11.1	$125.00
19.	Allow dog to howl, whine or bark causing noise, which may cause a disturbance	13.1	$125.00
20.	Fail to remove dog excrement from private or public land	14.1	$125.00
21.	Keeping a Prohibited Animal	18.1	$125.00
22.	Keeping a Prohibited Animal – Fail to comply with conditions	18.2	$125.00
23.	Prohibited Animals at Large	12.1	$200.00

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

Schedule 'D' of Bylaw No. 109-2019

Letter of Request – Prohibited Animal

1. **Name:**

   Address:

   Phone/Email:

2. **Property Description:**

3. **Type of Prohibited Animal:**

4. **Location :** where the Prohibited animal will be housed

5. **Inspection:** Inspection to determine if the housing facility is adequate:

   a. Aquarium or Pen - that has a locking device (picture to be attached)

   b. Adequate humidity

   c. Adequate temperature

6. **Picture of the Animal:** Please attach a photograph.

7. **Signatures:**

Signature of Animal Owner Requesting Approval	Print Name	Date of Request
Signature of Animal Control Officer/Inspector	Print Name	Date of Inspection
Signature of Municipal Approval	Print Name	Date of Approval