

INDEX TO ANIMAL CONTROL BY-LAW 90-2004
(Consolidated Version)

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Consolidated By-law No. 90-2004 as amended by By-law No. 051-2006, 137-2008, 088-2010, 031-2011

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 90-2004

A BY-LAW TO REGULATE LICENSING AND IDENTIFICATION OF DOMESTIC ANIMALS, OTHER THAN FARM ANIMALS, TO PROHIBIT THE TRESPASSING OF DOMESTIC ANIMALS, OTHER THAN FARM ANIMALS, AND TO REGULATE AND PROHIBIT THE KEEPING OF CERTAIN ANIMALS WITHIN THE MUNICIPALITY, AND TO REPEAL CERTAIN PROVISIONS OF BY-LAW NUMBER 70-95 AND TO REPEAL BY-LAW NUMBER 85-2004

WHEREAS paragraph 9 of subsection 11(1) and sections 103-105 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that by-laws may be passed by local municipalities regulating or prohibiting with respect to the *being at large* or trespassing of *animals* and generally respecting *animals*;

AND WHEREAS the Council of the Town deems it expedient and necessary to regulate, license and control the keeping of *dogs* and other *animals* within the Town of Milton;

AND WHEREAS the Council of the Town deems it expedient and necessary to require the *Owners* of *domestic animals* to identify their *animals* by means of an identification system that includes *tagging*, microchip implantation and/or collars;

AND WHEREAS the Council of the Town deems it expedient and necessary to prohibit the *being at large* or trespassing of *dogs* and *domestic animals*;

AND WHEREAS the Council of the Town deems it expedient and necessary to regulate and prohibit the keeping of certain *animals*;

AND WHEREAS it is the desire of the Council of the Town to repeal certain provisions of By-law 70-95, as amended;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON ENACTS AS FOLLOWS:

SHORT TITLE

This By-law may be cited as the "Town of Milton Animal Control By-law".

PART 1 - DEFINITIONS

1. In this By-law:

a) "*animal*" shall mean any member of the *animal* kingdom, other than a human;

- b) "*Appeal Committee*" or "*Committee*" shall mean Access Paralegal, as delegated by *Council*; (As amended by By-law No. 137-2008)
- c) "*Animal Control Officer*" shall mean a person or a corporation, including said corporation's employees, agents, and representatives, that has entered into a contract with the *Town* or who are employed by the *Town* for the control and regulation of *animals* within the Town of Milton and includes a Municipal Law Enforcement Officer, an officer of the Halton Regional Police Service, and an employee of the Oakville Humane Society, or such other party contracted by the *Town* to provide such services;
- d) "*animal hospital* or *animal shelter*" shall mean a building or structure for the purpose of keeping, housing, enclosing, *harbouring* and treating *animals*, and includes a veterinary hospital or clinic;
- e) "*animal runs*" shall mean an outside area enclosed by fencing, used for the purpose of exercising *dogs* or other *animals*, and "*dog runs*" shall have a similar meaning;
- f) "*being at large*" shall mean being found in any place other than the premises of the *Owner* of the *animal* and not under the control of a person with sufficient strength and ability to control the *animal*, except where the *Owner* of the property permits the *animal* to be on his or her property;
- g) "*Boarding or Breeding Establishment/Kennel*" shall mean any building(s) or part of a building or on a property where more than three (3) *dogs* or five (5) *cats* are boarded, bred or *kept* on a temporary basis in the Rural Area, and "*pet sitting services*" has the same meaning; (As amended by By-law No. 137-2008)
- h) "*cat*" shall mean a male or female feline over the age of six weeks of any breed of domesticated *cat* or crossbreed domesticated *cat*;
- i) "*Council*" shall mean the Council for The Corporation of the Town of Milton;
- j) "*dog*" shall mean a domesticated male or female *dog* of any canine species over the age of twelve (12) weeks;
- k) "*dog tag*" or "*tag*" shall mean a disc or other shape of metal or plastic furnished by the *Town* in connection with the licensing and registering of a *dog*, which *tag* shall demonstrate that the *dog* has been licensed and registered with the *Town*; {Amended by By-law No. 031-2011}
- l) "*domestic*" in relation to an *animal* shall mean an *animal* kept by a person for pleasure or companionship, for animal husbandry, or for its pelt, wool or fur or for food or research purposes;

- m) "*domestic farm animal*" shall mean an *animal* kept by a person for animal husbandry, or for its pelt, wool or fur or for food or research purposes, and includes, but is not limited to, domesticated ungulates of the families Artiodactylus, and Perissodactylus, Anseriformes, Galliformes, Gallus Gallus, and Ratite Birds as outlined in Schedule "B" to this By-law.
- n) "*keep*" shall mean to have temporary or permanent control or possession of an *animal*, and the words "*harbour*", "*kept*" or "*keeping*" have a similar meaning;
- o) "*leash*" shall mean a rope, chain, line or similar device for leading or restraining an *animal* and shall be of sufficient strength and design to restrain the *animal* and to allow a person to restrain and control the *animal*;
- p) "*Licensing Officer*" shall mean the person or persons appointed as such by Council, or his or her designate;
- q) "*Medical Officer of Health*" shall mean the Medical Officer of Health for the Regional Municipality of Halton;
- r) "*microchip implant*" shall mean an electronic device implanted under the skin of a *dog or cat* so that it can be identified at all times by local authorities or an *Animal Control Officer* and "*microchipped*" has the same meaning; (As amended by By-law No. 137-2008)
- s) "*muzzle*" shall mean the use of a humane fastening or covering device of adequate strength which covers the mouth to prevent a *dog* from biting and the word "*muzzled*" has a similar meaning;
- t) "*Owner*" shall mean an owner of land or premises where an *animal* is *kept* and shall include a tenant or occupant of such land or premises, a person who has control of an *animal*, a person who owns, keeps, possesses or *harbours* an *animal*, and where the owner is a minor, also includes the person responsible for the custody of the minor and "*owns*" and "*owned*" have corresponding meanings; (As amended by By-law No. 137-2008)
- u) "*pit bull*" shall mean a *dog* of any age identifiable by the Oakville Humane Society as any one of the following breeds or mixed breeds:
 - (i) Pit Bull Terrier;
 - (ii) American Pit Bull Terrier;
 - (iii) Pit Bull;
 - (iv) Staffordshire Bull Terrier;
 - (v) American Staffordshire Terrier
- v) "*Poundkeeper*" shall mean the Oakville Humane Society and includes all employees, agents and representatives thereof, or such other party appointed by Council as a *Poundkeeper*;

- w) "*public place*" shall mean any place to which the public have access as of right or by invitation, express or implied, and includes, but is not limited to, a highway, public park and other municipal, federal or provincial property.
- x) "*Public Pound*" shall mean such premises and facilities used by the Town for impounding *animals*;
- y) "*Rural Area*" shall mean the areas in the Town of Milton as described in the *Zoning By-law* as GA (greenland area), GB (greenbelt), A1 (agricultural 1) and A2 (agricultural 2), and shall also include Niagara Escarpment Commission ("NEC") lands, subject to any required approvals; (As amended by By-law No. 137-2008)
- z) "*Senior Citizen*" shall mean a person who is sixty-five years of age or older;
- (z.1) "*Service Animal*": an *animal* is a *service animal* for a person with a disability if it is readily apparent that the *animal* is used by the person for reasons relating to his or her disability, or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability; (As amended by By-law No. 137-2008)
- aa) "tether" shall mean a rope, chain or similar device, attached to a fixed point, used for restraining an *animal*;
- bb) "*Town*" shall mean The Corporation of the Town of Milton;
- cc) "*Town Clerk*" shall mean the person appointed as such by Council, or his or her designate;
- dd) "*Urban Area*" shall mean the areas in the Town of Milton as described in the *Zoning By-law* as RLD (residential low density), RMD1 (residential medium density 1), RMD2 (residential medium density 2), RHD (residential high density), RO (residential office), RE (residential estate), RV (residential hamlet), C4 (commercial 4) and NEC4 (Niagara Escarpment Commission 4 where the principal use is residential);
- ee) "Zoning By-law" shall mean Zoning By-law No. 144-2003, as amended from time to time;
- ff) "*Zoning Officer*" shall mean a Zoning Officer employed by the Town.

PART 2 – LICENSING

Dogs

2. Every Owner of a *dog* in the Town shall, within seven (7) days following the date a *dog* comes into his or her possession, make application and thereby cause such *dog* to be licensed and registered at Town Hall, 43 Brown Street, Milton, or at the

Oakville Humane Society, 445 Cornwall Road, Oakville or with such other party contracted by the Town to provide such services.

3. Notwithstanding the requirements of section 2 of this By-law, any dog used in a law enforcement role by the Halton Regional Police Service, the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency is not required to be licensed by the Town, and therefore does not require a *dog tag*, and is not bound by the terms of this By-law.
4. Every application for a *dog tag* shall be accompanied by the following:
 - (i) name, address and telephone number of the *Owner* of the *dog*;
 - (ii) description of the *dog* including name, age, gender, colour, breed and whether the *dog* is spayed or neutered;
 - (iii) proof of microchip implant (if applicable);
 - (iv) Deleted pursuant to By-law No. 137-2008;
 - (v) payment of the applicable fee prescribed in the *Town's* User Fee By-law, as amended from time to time.
- 4.1 Applicants for a *dog tag* shall be required to attest to the fact that their *dog* has been immunized against rabies as required by the *Health Protection & Promotion Act*, R.S.O. 1990, c. H.7, as amended, and Regulations thereto. Applicants shall provide the certificate of immunization against rabies, signed by the veterinarian who performed the immunization, to the *Licensing Officer* or an *Animal Control Officer*, if requested. (As amended by By-law No. 137-2008)
5. Upon payment of the licence fee for a *dog* as set out in the Town's User Fee By-law, as amended from time to time, and satisfaction of any other requirements under this By-law, a *dog tag* shall be furnished, which is valid for the calendar year in which the *tag* was issued.
6. **Repealed by By-law No. 031-2011**
7. Every *Owner* of every *dog* shall renew his or her *dog tag* once every calendar year either by mail or in person at Town Hall or at the Oakville & Milton Humane Society or at such other location designated for this purpose by the *Town*. This section does not apply to an *Owner* of a dog who received a microchipped *dog tag* prior to March 29, 2011. {Amended by By-law No. 031-2011}
8. The *Owner* of a *dog* shall keep the *tag* securely fixed on the *dog* for which it was issued at all times until the *tag* is renewed or replaced.

9. The *tag* may be removed while the *dog* is being lawfully used for hunting in the bush. Where a *dog* is being lawfully used for hunting in the bush and its *tag* has been removed, the individual in control of the *dog* must have the *tag* on his or her person at all times.
10. *Dog tags* shall be serially numbered and shall state the year in which they are issued. The *Licensing Officer* shall keep a record of each *dog tag* issued, and such record shall contain the name, address and telephone number of the *Owner* of the *dog*, other pertinent information regarding the *dog*, and the serial number of the *dog tag* issued. {Amended by By-law No. 031-2011}
11. Upon providing the *Licensing Officer* with satisfactory evidence that a *dog* is being used as a *service animal*, a *dog tag* may be issued to the *Owner* at no charge. (As amended by By-law No. 137-2008)
12. Notwithstanding the foregoing, the applicable fee for a *dog tag* shall be reduced by fifteen percent (15%) for a *dog* owned by any person who is a *Senior Citizen*.
13.
 - a) Where a *dog tag* is not renewed within thirty (30) days from the date of the expiry of the *tag*, a late payment penalty shall be applied as prescribed in the *Town's User Fee By-law*, as amended from time to time;
 - b) Where a *dog tag* is not purchased within seven days of acquiring a *dog*, a late payment penalty shall be applied as prescribed in the *Town's User Fee By-law*, as amended from time to time.
14. Where a *dog tag* has been lost, an application shall be made to the *Licensing Officer* for a replacement *tag*, whereupon the replacement *tag* shall be issued upon payment of the applicable fee as set out in the *Town's User Fee By-law*, as amended from time to time.
15. Every holder of a *dog tag* issued pursuant to this By-law shall notify the *Licensing Officer* forthwith upon any change in information previously provided through the registration and licensing of the *dog* or the renewal of the registration and licensing with the *Town*.
16. Once a *dog* receives a *dog tag* in a particular calendar year, the *tag* can be transferred at no charge to any new *Owner*. Upon the death of a licensed *dog*, the *Owner* can transfer the *dog tag* to a new *dog* at no charge, but must make an application for the new *dog* at the office of the *Licensing Officer*. {Amended by By-law No. 031-2011}
- 16.1 *Dog tags* issued by another municipality are not recognized by the *Town*, and as such cannot be transferred to the *Town*. (As amended by By-law No. 137-2008)

Cats

17. Every *Owner* of a *cat* shall ensure his or her *cat* is identified by either:
- (i) a collar on which the *Owner's* name and address is permanently inscribed;
 - (ii) a microchip;
 - (iii) a tattoo;
 - (iv) an Oakville & District Humane Society *cat* tag.

(As amended by By-law No. 137-2008)

PART 3 – PROHIBITIONS & REGULATIONS

Animals Normally Found in a Wild and Natural State

18. Except as hereinafter provided, no person shall keep, possess, harbour or cause to be *kept* within the Town of Milton, either on a temporary or permanent basis, any *animal* of the kind listed in Schedule “B” to this By-law, for sale, for exhibition, as a pet or for any other purpose.
19. Notwithstanding section 18, the use, exhibition and showing of Schedule “B” *animals* in a temporary event is permitted, if otherwise permitted at law. Section 19 includes professionally produced films that are being made by film professionals and film production companies, and where Schedule “B” *animals* are used only temporarily during filming.
20. Notwithstanding section 18, the keeping of *animals* of the kind listed in Schedule “B” to this By-law is permitted:
- (i) in a veterinary hospital under the care of a qualified veterinarian;
 - (ii) in a *Public Pound*;
 - (iii) by the Oakville Humane Society, or such other party contracted by the Town to provide such services.
 - (iv) on premises where *animals* are being *kept* for the purposes of rehabilitating the individual *animal*, subject to:
 - (a) the approval of the Oakville Humane Society; or such other party contracted by the Town to provide such services, and;

- i.obtaining any necessary provincial or federal licenses, permits or authorizations; and
 - ii.subject to all requirements of the *Zoning By-law*;
 - (v) when, under the auspices of the federal or provincial government or an organization or facility with appropriate expertise, premises where *animals* are being kept for the purposes of preserving the individual *animal* or the *animal* species, provided that the premises meets Canadian Association of Zoos and Aquarium standards, and subject to all requirements of the *Zoning By-law*;
 - (vi) day care facilities or educational establishments where short-term educational programs are being conducted.
21. No person shall *keep* or be in possession of any *animal* or bird the *keeping* of which is prohibited under any provincial or federal statute, unless the person possesses all necessary licenses, permits and authorizations required by law.
22. Notwithstanding section 18 of this By-law, diurnal and nocturnal raptors may be *kept* by Conservation Halton, the Regional Municipality of Halton, and businesses and agencies that are lawfully operating within the *Town* under federal and/or provincial licenses, and/or are operating in accordance with all other applicable laws and regulations. Section 22 includes individuals who have obtained all necessary provincial and/or federal permits, licenses and authorizations to *keep* diurnal and nocturnal raptors. Individuals must *keep* such raptors in the *Rural Area*.

Farm Animals

23. Notwithstanding section 18 of this By-law, a person in a *Rural Area* may keep *domestic farm animals*. (As amended by By-law No. 137-2008)

Pigeons

24. Notwithstanding section 18 of this By-law, pigeons may be *kept* under the following conditions, in a *Rural Area*: (As amended by By-law No. 137-2008)
- (i) the pigeon(s) are banded;
 - (ii) the pigeon(s) are kept in a loft, cage or area of sufficient size and such loft, cage or area shall be so constructed as to prevent escape by the pigeons;
 - (iii) the following are maximum conditions for *keeping* pigeons:
 - (a) one (1) pigeon per 0.056 cubic metres of loft;

- (b) one (1) pigeon per 0.028 cubic metres of cage;
 - (c) one (1) pigeon per 9.3 square metres of lot area;
 - (d) the total maximum number of pigeons to be *kept* by any one *Owner* on his or her property is 60.
- (iv) if required, a building permit shall be obtained by the *Owner* before a pigeon loft is constructed;
 - (v) lofts shall be located a minimum distance of 8.2 metres, or subject to the requirements of the *Zoning By-law*, whichever is more restrictive, from any school, dwelling unit or any other premises used for or intended to be used for human habitation or occupancy;
 - (vi) there shall be a separation distance from one pigeon loft to the next of 500 metres;
 - (vii) an *Animal Control Officer* shall have the authority to inspect the pigeon loft to ensure compliance with the By-law.
 - (viii) no person shall permit pigeons to be released for flights except as follows:
 - (a) from April 1 to September 30, only after 6:00 p.m. and before 7:30 a.m.;
 - (b) from October 1 to March 31, only after 3:00 p.m. and before 10:00 a.m.;
 - (ix) no person shall permit pigeons to be released for more than two flights per day;
 - (x) no person shall permit the release of pigeons for flight except where such flight is subject to supervision;
 - (xi) subsections 24(i), 24(iii)(d) and section 27 of this By-law do not apply to businesses that are lawfully operating within the *Town* under federal and/or provincial licenses, and/or are operating in accordance with all other applicable laws and regulations.
25. No *Owner* or *keeper* of pigeons and no person upon whose land pigeons are *kept* shall permit the pigeons owned or *kept* to perch, nest, stray, roost, rest or feed upon any land other than land which he or she owns or is otherwise legally entitled to occupy.
26. Every *Owner* or *keeper* of pigeons shall be responsible to see that the lands and premises upon which the pigeons are *kept* are maintained in a sanitary condition at

all times and that droppings are not allowed to accumulate and are disposed of in a fashion which will not create a nuisance or a health hazard.

27. Every *Owner* or *keeper* of pigeons shall be responsible to have pigeons suspected of having infectious diseases diagnosed promptly by a qualified veterinarian.

Cats and Dogs

28. No person shall, except as otherwise permitted under this By-law:
- (i) subject to section 16, affix a *tag* to any *dog* other than the *dog* for which it was issued;
 - (ii) notwithstanding section 9, remove a *tag* from any *dog* except to replace it with a current or valid *tag*;
 - (iii) keep more than two (2) *dogs* on any premises in an *Urban Area*, or more than three (3) *dogs* on any premises in a *Rural Area*.
 - (iv) falsely identify a breed of dog. (As amended by By-Law No. 051-2006)
29. For the purposes of subsection 28(iii), a person shall be deemed to be *keeping* more than two (2) *dogs* in an *Urban Area* and more than three (3) *dogs* in a *Rural Area*, if more than 2 or 3 *dogs* respectively are *kept* at any one property, regardless of the ownership of the *dogs*.
30. A maximum of three (3) *cats* may be *kept* on a property in an *Urban Area*, and a maximum of five (5) *cats* may be *kept* on a property in a *Rural Area*. This section shall not apply to those properties in the *Rural Area* where *cats* are *kept* in barns and other agricultural buildings to control the rodent population. (As amended by By-law 137-2008)
31. For the purposes of section 30, a person shall be deemed to be *keeping* more than three (3) *cats* in an *Urban Area* or more than five (5) *cats* in a *Rural Area* if more than 3 or 5 *cats* respectively are kept at any one property, regardless of the ownership of the *cats*.
32. Subsection 28(iii) and section 30 of this By-law do not apply to businesses that are lawfully operating within the *Town* under federal and/or provincial licenses, and/or are operating in accordance with all other applicable laws and regulations, or businesses carrying on pet grooming and pet training, subject to all requirements at law and subject to the requirements of the Zoning By-law.
33. Pet grooming and pet training services shall not employ external *dog runs* in the *Urban Area*.

34. Subsection 28(iii) and section 30 of this By-law shall not apply to a *Boarding or Breeding Establishment/Kennel* or any facility providing *pet sitting services*, licensed and operating in accordance with the by-laws of the *Town*, as amended from time to time.
35. No *animal* shall be permitted in a *Public Place* when prohibited by the property owner or event organizer, and where signage is erected to indicate such prohibition.
- 35.1 No Owner of an *animal*, shall fail to immediately collect, remove and properly dispose of excrement left by said *animal* in a public place or on the private property of another person. (Amended by By-law No. 088-2010)

Pit Bulls

36. The Owner of a *pit bull* shall ensure that the *dog* is *muzzled* and *leashed*, except when the *pit bull* is inside the premises of the *Owner*, and/or restrained behind a fence on the *Owner's* property that is sufficient to ensure that the *pit bull* cannot escape from the fenced area.
- 36.1 The exemptions set out in Ontario Regulation 157/05 of the *Dog Owners' Liability Act, R.S.O. 1990, c.D.16*, as amended, shall provide the exemptions with respect to *pit bulls* and the conditions for attendance at approved *dog* shows. These conditions shall apply to all *pit bulls*, save and except those order to be *muzzled* under Part 6 of By-law 90-2004. (As amended by By-law No. 051-2006)
- 36.2 The exemptions set out in Ontario Regulation 157/05 of the *Dog Owners' Liability Act, R.S.O. 1990, c.D.16*, as amended, shall provide the exemptions with respect to *pit bulls*, and the conditions for attendance at Flyball tournaments. These conditions shall apply to all *pit bulls*, save and except those order to be *muzzled* under Part 6 of By-law 90-2004. (As amended by By-law No. 051-2006)

Permissible Non-Conforming Animals

37. Deleted pursuant to By-law No. 137-2008
38. Deleted pursuant to By-law No. 137-2008

PART 4 – BEING AT LARGE

39. No *Owner* shall permit his or her *animal* to trespass or to *be at large* in any *public place* or on private property without the consent of the property owner.
- 39.1 Any *dog*, save and except *pit bulls*, may be off a leash for the purpose of participating in dog shows, flyball tournaments or an officially sanctioned event by one of the following dog registries:
- The Canadian Kennel Club

- The United Kennel Club
- The American Kennel Club
- The American Dog Breeders Association

These provisions shall not apply to those *dogs* ordered to be *muzzled* under Part 6 of this By-law 90-2004. (As amended by By-law No. 051-2006)

40. When not on the *Owner's* property, or when in a *public place* or on private property without the consent of the property owner, every owner shall ensure that a *dog* is on a *leash* and under the control of a person who has sufficient strength and ability to maintain control of the *dog* at all times. (As amended by By-law No. 051-2006)
41. No person shall secure a *dog*, save and except a *pit bull*, by a *leash* that exceeds 2.1 meters (7') in length. (As amended by By-law No. 051-2006)
- 41.1 No person shall secure a *pit bull* by a *leash* that exceeds 1.8 metres (5.91 feet) in length. (As amended by By-law No. 051-2006)
42. The *being at large* of any *dog* or other *animal* is prohibited and an *Animal Control Officer* may seize and impound any *dog* or other *animal* found to be *at large* and an *Animal Control Officer* may enter upon private property to apprehend a *dog* or other *animal* deemed to be *at large*.
43. Notwithstanding any other provision of this By-law, save and except with respect to *dogs* ordered to be *muzzled* under Part 6 of this By-law, an *Owner* shall not be required to keep a *dog* on a *leash* while in a leash-free park, but must be present in such park with the *dog* and be able to control the *dog* as necessary. (As amended by By-law No. 137-2008)
- 43.1 Notwithstanding Section 43, every *owner* of a *pit bull* shall ensure that a *pit bull* is *leashed*, *muzzled* and under the control of a person who has sufficient strength and ability to maintain control of the *dog* at all times, in a *leash-free* park. (As amended by By-law No. 051-2006)
44. Where an *animal* is seized under this section and is injured or should be humanely destroyed without delay for humane reasons or for reasons of safety to persons or *animals*, an *Animal Control Officer* or *Poundkeeper* may destroy the *animal*, or have it destroyed in a humane manner as soon after seizure as he or she thinks fit without the need to permit any person to reclaim the *animal*.
45. Where the *Owner* of an *animal* impounded is known to the *Town*, the *Licensing Officer*, an *Animal Control Officer* or *Poundkeeper* shall provide notice to the *Owner* of the impounding of the *animal* and the *Town's* authority to dispose of the animal in accordance with section 47.
46. Where an animal is seized and impounded, it shall be returned to the *Owner* upon payment of the redemption fees as set out in Schedule "A" to this By-law.

47. If an impounded *animal* is not claimed by its *Owner* within five (5) days of receiving notice of the impounding in accordance with this By-law, which five day period shall not include the day the *animal* was impounded, and shall not include Sundays or statutory holidays, the *Town* may sell or give away the impounded *animal*, or an *Animal Control Officer* or *Poundkeeper* may destroy the *animal*, or have it destroyed in a humane manner.

PART 5 – HUMANE CARE

48. Every person who *keeps* an *animal* in the *Town* shall provide the *animal* or cause it to be provided with such food, water, exercise, and veterinary care as may be required from time to time to keep the *animal* in good health.
49. Every person who *keeps* an *animal* in the *Town* shall ensure that said *animal* is provided with a clean and sanitary environment.
50. Every person who *keeps* an *animal* shall ensure that waste material and excrement are removed forthwith and that such waste material and excrement is handled and disposed of in a sanitary manner. *Owners of domestic farm animals* shall remove and dispose of excrement in accordance with all applicable laws.
51. If an *animal*, other than a *domestic farm animal*, is customarily kept outside, the person having custody or control of the *animal* shall at all times provide for its use, a structurally sound, weather-proof, insulated enclosure with off the ground flooring, which enclosure shall be located not less than 1.2 meters (4') from the property line. (As amended by By-law No. 137-2008)
52. If the *Owner* of a *dog* or other *animal* uses an *animal run*, such *animal run* shall be located not less than 1.2 meters (4') from the property line.
53. No person shall *keep* an *animal tethered* on a chain, rope or similar device of less than 3 metres (10') in length.
54. Section 53 of this By-law does not apply to the *tethering* of birds.
55. Every person who has *tethered* an *animal* shall ensure, at all times, that the *animal* has unrestricted movement within the range of the *tether*, and that the *animal* cannot suffer injury resulting from the *tethering*.

PART 6 – BITING DOG

56. No person shall permit or allow his or her dog to bite or attack a person or *domestic animal*.
57. Where the *Licensing Officer* or an *Animal Control Officer* has reason to believe that a *dog* has bitten or attacked a person or *domestic animal*, the *Licensing Officer* or

Animal Control Officer may serve an Interim Muzzle Order upon the *Owner*, as shown on Schedule “D” to this By-law, ordering the *Owner* to *muzzle* the *dog* except when the *dog* is inside the premises of the *Owner*, securely *tethered* on the *Owner’s* property so that the *dog* is unable to leave the property, or restrained behind a fence on the *Owner’s* property which is sufficient to ensure the *dog* cannot escape from the fenced area.

58. Upon service of the Interim Muzzle Order referred to in section 57 to this By-law, the *Owner* shall immediately *muzzle* the *dog* in accordance with the Interim Muzzle Order.
59. The Interim Muzzle Order referred to in section 57 shall include:
 - (i) a statement that the *Licensing Officer* or an *Animal Control Officer* has reason to believe that the *Owner’s dog* has bitten or attacked a person or domestic *animal*;
 - (ii) a requirement that the *dog Owner muzzle* the *dog* as permitted under section 57 of this By-law;
 - (iii) a statement that the *Owner* may request and is entitled to appeal the order of the *Licensing Officer* or an *Animal Control Officer* to *muzzle* the *dog* to the *Appeal Committee*;
 - (v) the deadline for filing any such appeal; and
 - (v) the fee required to be paid to appeal the order in accordance with the *Town’s User Fee By-law*, as amended from time to time.
60. An *Owner* may appeal the Interim Muzzle Order of the *Licensing Officer* or an *Animal Control Officer* to the *Appeal Committee*. A request by the *Owner* for an appeal hearing shall be made in writing and delivered to the *Town Clerk* within fifteen (15) days of service of the Interim Muzzle Order referred to in section 57 of this By-law. An Interim Muzzle Order that is not appealed within fifteen (15) days shall be deemed to be confirmed.
61. The *Appeal Committee* shall, if requested by the *Owner* in accordance with section 60 of this By-law, hold an appeal hearing to determine whether the *dog* has bitten or attacked a person or a *domestic animal* and whether or not such *dog* shall be exempted from the Interim Muzzle Order, the Interim Muzzle Order shall be modified in some manner, and/or conditions be imposed in addition to the Interim Muzzle Order.
62. At least seven (7) days prior to holding the hearing referred to in section 61 of this By-law, the *Appeal Committee* shall cause a notice of hearing to be served on the *Owner* who has requested the hearing.

63. The notice of hearing shall include:

- (i) a statement of the facts which lead the *Licensing Officer* or an *Animal Control Officer* to believe that the *Owner's dog* has bitten or attacked a person or *domestic animal*, along with a copy of any evidence;
- (ii) a statement setting out the time and place at which the *Appeal Committee* will hold the appeal hearing; and
- (iii) a statement that if the *Owner* does not attend the hearing, the *Appeal Committee* will proceed with the hearing in the absence of the *Owner* and the *Owner* will not be entitled to any further notice of the proceedings.

64. Notwithstanding that an *Owner* has appealed the Interim Muzzle Order, this does not stay the order requiring the *muzzling* of the *dog*.

64.1 The *Appeal Committee* shall have regard to the following matters where relevant, as may be raised at a hearing:

- (i) Animal Control By-law No. 090-2004, the Dog Owner's Liability Act and any other applicable law; and
- (ii) the dog's past and/or present temperament and behaviour; and
- (iii) the seriousness of the injuries caused by the bite(s) or attack; and
- (iv) unusual contributing circumstances tending to justify the dog's action; and
- (v) the likelihood that a similar attack will be repeated; and
- (vi) the dog's physical potential for inflicting harm; and
- (vii) precautions taken by the owner to preclude similar attacks in the future.

(Amended by By-law No. 088-2010)

65. At the time and place set forth in the notice referred to in section 63 of this By-law, the *Owner* and any other interested party, including the *Licensing Officer* or an *Animal Control Officer*, shall present any relevant evidence and the *Appeal Committee* shall consider the matters listed in section 64.1 of this By-law, and all of the evidence and shall make a decision:

- (i) that the *dog* has bitten or attacked a person or *domestic animal* or has not bitten or attacked a person or *domestic animal*; or
- (ii) to order the dog to be muzzled; or
- (iii) to modify an interim muzzle order in some manner; or

(iv) to quash an order to muzzle a dog; and/or

(v) to impose conditions in addition to any muzzle order.

(Amended by By-law No. 088-2010)

66. Notice of the *Appeal Committee's* decision shall be served on the *Owner*, and the *Licensing Officer*, and the decision shall be final and binding on the *Owner* and shall supersede that of the *Licensing Officer* or an *Animal Control Officer*. **(Amended by By-law No. 088-2010)**
67. Nothing in Part 6 of this By-law, nor any decision of the *Appeal Committee* shall preclude the court or other tribunal of competent jurisdiction from imposing a Muzzle Order or other similar Order under any other applicable Regulation. The Interim Muzzle Order shall terminate when the court or other tribunal of competent jurisdiction makes a decision respecting the Interim Muzzle Order. **(As amended by By-law No. 137-2008)**
68. The *Owner* shall comply with the decision of the *Appeal Committee*, or that of the *Licensing Officer* or an *Animal Control Officer* if not appealed under Part 6 of the By-law.
69. Where a *dog* has been ordered to be *muzzled* under Part 6 of this By-law, a record of the *dog's* identification, including the name of the *Owner*, will be recorded in a register maintained by the *Licensing Officer*.
70. Every person who keeps a *dog* that requires *muzzling* pursuant to this By-law shall immediately notify the *Licensing Officer* or an *Animal Control Officer* after he or she has transferred ownership of the *dog* to any other person or jurisdiction, or has begun to keep the *dog* at a new location.

PART 7 – OBSTRUCTION OF ANIMAL CONTROL OFFICER

71. No person shall obstruct an *Animal Control Officer* in carrying out his or her duties as described under this By-law.

PART 8 – PENALTY

72. Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and shall be punishable as such.

PART 9 – GENERAL

73. In this By-law, words importing the singular include the plural and vice versa. Words importing gender include both genders.

PART 10 – NOTICE

74. Any notice required to be given under this By-law is sufficiently given if delivered personally or sent by registered mail to an Applicant, *Owner* or other person at the address provided by the Owner or such other address registered or provided to the *Town* or otherwise known to the *Town*.
75. Where service is effected by registered mail, it shall be deemed to be made on the 5th day after the date of mailing.

PART 11 – REPEAL OF BY-LAW

76. Town of Milton By-law 70-95, as amended, is hereby repealed, except for the provisions regulating the licensing and operating of *Boarding or Breeding Establishments/Kennels*. By-law 85-2004 is also hereby repealed. Upon the adoption by Council of the Town's Business Licensing By-law, the provisions of By-law 70-95 regulating the licensing and operating of *Boarding or Breeding Establishments/Kennels* shall be repealed.

PART 13 – EFFECT

77. This By-law shall come into force on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this 25th day of October, 2004.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE “A” TO BY-LAW NO. 90-2004

Redemption Fees Payable to the Poundkeeper

Where an *animal* has been caught *being at large* and impounded, the redemption fees payable to the *Poundkeeper* are as follows:

Impound Offence Record	1 st Offence	2 nd Offence	3 rd Offence	> 3 Offences
1 st day impounded	\$20.00	\$40.00	\$60.00	\$60.00
2 nd day impounded	\$40.00	\$60.00	\$80.00	\$80.00
3 rd day impounded	\$60.00	\$80.00	\$110.00	\$110.00
> 3 rd day impounded	\$80.00	\$110.00	\$120.00	\$120.00

In addition to the above fees, a further charge of \$15.00 shall be paid by *Owners* claiming an *animal* that was picked up between the hours of 8:00 p.m. and 8:00 a.m., Monday to Friday inclusive, and anytime on a Saturday, Sunday or statutory holiday.

SCHEDULE “B” TO BY-LAW NO. 90-2004 as amended by By-law 051-2006

**Animals the Keeping of Which is Prohibited (Except
as Provided for in this By-law)**

All snakes of the families Pythonidae and Boidae – examples: pythons, anacondas, boa constrictors

All venomous and poisonous animals, including reptiles and arachnids

All snakes that reach an adult length longer than 3 metres (9.8’)

All lizards that reach an adult length longer than 2 metres (6.5’)

Anseriformes - examples: ducks, geese and swans

Artiodactylus - examples: deer, bison, domestic goats, sheep, pigs and cattle

Canids, except for the domestic dog – examples: wolves, jackals and foxes (including hybrids)

Chiroptera – examples: bats such as fruit bats, myotis and flying foxes

Columbiformes – examples: pigeons and doves (As amended by By-law No. 051-2006)

Crocodylians - examples: alligators and crocodiles

Diurnal and Nocturnal Raptors – examples: eagles, hawks and owls

Edentates - examples: anteaters, sloths and armadillos

Elephants

Felids, except for the domestic cat - examples: lion, tiger, and leopard

Galliformes - examples: grouse, pheasant, peafowl (peacocks) and turkeys

Gallus Gallus - chickens

Hyenas

Non-Human Primates – examples: apes, monkeys, tarsiers and lemurs

Marsupials, except for sugar gliders derived from self-sustaining captive populations - examples: kangaroos, opossums, and wombats

Mustelids, except the domestic ferret - examples: skunks, weasels, and otters

Perissodactylus Ungulates – examples: horses, zebras

Pinnipeds – examples: seals, fur seals and walruses

Procyonids – examples: racoons, coatis and cacomistles

Ratite Birds - examples: ostriches, rheas, cassowaries

Rodentia, except for rodents that will not exceed 1,500 grams (3 pounds) and are derived from self-sustaining captive populations – examples: prairie dogs, porcupines, squirrels, beavers, chipmunks

Ursids – examples: bears

Viverrids – examples: mongooses, civets and genets



SCHEDULE "C" TO BY-LAW NO. 90-2004

Registration Form for Non-Conforming Animals

DELETED PURSUANT TO BY-LAW NO. 137-2008



SCHEDULE "D" TO BY-LAW NO. 90-2004

**Town of Milton
INTERIM MUZZLE ORDER**

OWNER: _____
(Name)

(Address)

(Phone Number)

BREED OF DOG: _____ NAME OF DOG: _____

I _____, Animal Control Officer for the Town of Milton have reason to believe that on or about the _____ day of _____, 20__, a _____ dog, belonging to _____ did bite or attack a person or a domestic animal in contravention of section 57 of By-law No. 90-2004.

As such, as the Owner, you are hereby ordered to muzzle the above-noted dog, except when the dog is inside the premises of the Owner, securely tethered on the Owner's property so that the dog is unable to leave the property, or restrained behind a fence on the Owner's property which is sufficient to ensure the dog cannot escape from the fenced area.

The owner may appeal this Muzzle Order by making an appeal, in writing, to the Town Clerk within fifteen (15) days of the owner receiving this notice. A notice that is not appealed within fifteen (15) days is deemed to be confirmed. The fee to appeal this Muzzle Order is set out in the Town's User Fee By-law, as amended from time to time.

Pursuant to the *Dog Owner's Liability Act*, R.S.O. 1990, c. D.16, as amended, the owner of a dog is liable for damages resulting from a bite or attack by a dog on a person or domestic animal.

NOTE: Failure to comply with the requirements of By-law No. 90-2004 and this Interim Muzzle Order may result in the owner of the dog being subject to a fine not exceeding \$5,000.00.

DATED THIS _____ day of _____, 20__.

Animal Control Officer/Provincial Offences Officer

Town of Milton, Clerk's Office
150 Mary Street
Milton, ON L9T 6Z5
(905) 878-7211