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**BY-LAW NO. 11**  
**ANIMAL CONTROL BY-LAW**

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**WHEREAS** Section 174(f) of the *Municipal Government Act* provides that council may make by-laws respecting domestic animals and activities in relation to them.

**Title**

1. This By-law is entitled the “Animal Control By-law”.

**Definitions**

2. In this By-law:
  - (1) “Animal” means any domestic animal excluding a dog or an animal that is the result of the breeding of a dog and any other animal.
  - (2) “Running At large” means to be found in any place other than the Owner’s property and not under the control of any person;
  - (3) “Council” means the Council of the Municipality of the District of Barrington;
  - (4) “Daily Pound Fee” means the fee per day charged by the Municipality to keep any Animal impounded, as set by resolution of Council;
  - (5) “Destroy” means kill;
  - (6) “Extraordinary Expense” means any expense incurred by Municipal Staff in relation to an Animal above any beyond the Impound Fee and Daily Pound Fee, except for provision of food and shelter;
  - (7) “Impounding Fee” means the fee charged by the Municipality to impound an Animal under this By-law, as set by resolution of Council;

- (8) "Municipal Staff" means the Municipality's By-law Enforcement Officer or a person appointed by the Chief Administrative Officer or Council to act on the Municipality's behalf for the purposes of this By-law;
- (9) "Municipality" means the Municipality of the District of Barrington;
- (10) "Owner" means the owner of an Animal and any person who possesses, has the care or control of, or harbours, an Animal. and where such person is a minor, includes a parent, guardian or custodian of such a person;
- (11) "Pound Keeper" means the person designated by Council as the Pound Keeper to shelter and house Animals under this By-law;

### **Rabid Animals**

- 3. Municipal Staff may, where immediate action must be undertaken to protect the health, safety or welfare of people or animals, without notice to or complaint against the Owner, Destroy on sight an Animal that is Running At Large and is rabid or appears to be rabid.

### **Running At Large**

- 4. No Owner shall cause, permit or suffer an Animal to be Running At Large within the Municipality.
- 5. Municipal Staff may, without notice to or complaint against the Owner, capture and impound:
  - (1) an Animal that is Running At Large and which Municipal Staff believes, on reasonable and probable grounds, to pose a possible danger to a person or to a domestic animal or to property of persons other than the Owner; or
  - (2) an Animal, excluding domestic cats, that is Running At Large.
- 6. The Owner of an Animal impounded pursuant to this By-law shall be liable for all impounding charges including the Impounding Fee, the Daily Pound Fee and any Extraordinary Expenses.

### **Redemption of Impounded Animal**

- 7. Except in the case where an impounded Animal is suffering from an infection or contagious disease, the Owner of an Animal which has been impounded may redeem an Animal upon:

- a) proof of ownership of the Animal; and
- b) payment to the Pound Keeper or making arrangement for payment satisfactory to the Municipality of the Impounding Fee, the Daily Pound Fee and any Extraordinary Expenses.

### **Notice**

- 8. Upon any Animal being impounded, the Municipality shall make at least one attempt to contact the Owner of the Animal if ownership can be reasonably determined.
- 9. If an Animal is missing and has been impounded, the onus is on the Owner of the Animal to ascertain, within 72 hours of impounding, whether the Animal has been impounded, and neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to give notice to the Owner if the Owner has not made inquiry of the Municipality to determine whether the Animal was impounded.

### **Giving Away, Selling or Destroying an Animal that is Not Redeemed**

- 10. Any Animal which has been impounded and not redeemed by its Owner at the expiry of a period of 72 hours after being impounded, or where the 72 hours expires on a non-business day the first business day following, may be given away, sold or Destroyed by the Municipality and, if sold, the proceeds shall belong to the Municipality, except where the Owner of the Animal has been identified the Municipality shall consider written representations from the Owner as to why the Animal should not be given away, sold or Destroyed, and the Municipality shall consider such representations and notify the Owner of its decision by registered mail. If the Municipality decides not to Destroy the Animal the Animal shall remain impounded and dealt with in accordance with Section 7 of this By-law.

### **Penalty**

- 11. Any person who contravenes any provision of this By-law is guilty of an offence punishable on summary conviction by a fine of not less than \$100.00 and not more than \$500.00 and to imprisonment of not more than 30 days in default of payment thereof.

### **Repeal and Replacement**

- 12. By-law No. 11 "Animals" adopted by Barrington Municipal Council on June 28, 1973 and amended on September 30, 1974, November 28, 1984 and July 26, 2004 is hereby repealed and replaced with this new "Animal Control By-law".

**Chief Administrative Officer’s Annotation for Official By-law Book**

Date of first reading: November 23, 2020  
Date of advertisement of Notice of Intent to Consider: January 6, 2021  
Date of second and final reading: January 25, 2021  
\*Date of advertisement of Passage of By-law: February 10, 2021  
Date of mailing to Minister a certified copy of By-law: February 10, 2021

I certify that Council adopted By-law No. 11 “Animal Control By-law” at their meeting held January 25, 2021 and published as indicated above. This by-law replaces By-law No. 11 “Animals By-law”.

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Chief Administrative Officer

\_\_\_\_\_  
Date

\*Effective Date of the By-law unless otherwise specified in the text of the By-Law.

**VERSION LOG**

Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
1	Adoption of new By-law	CAO	Council	January 25, 2021



## **By-Law No. 12 Dog By-Law**

### **Title**

1. This By-Law is entitled the “Dog By-Law”.

### **Definitions**

2. In this By-Law:
  - (1) “destroy” means kill;
  - (2) “dog” means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
  - (3) “domestic animal” includes pets and farm animals;
  - (4) “extraordinary expense” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter;
  - (5) “fierce or dangerous dog” has the meaning stipulated in s. 7 of this By-Law;
  - (6) “mitigating factor” means a circumstance which excuses the aggressive behaviour of a dog where:
    - (i) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser on property occupied by its owner;
    - (ii) the dog immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;
  - (7) “Municipal Staff” means the Municipality’s By-Law Enforcement Officer

or a person appointed by the Chief Administrative Officer or Council to act on the Municipality's behalf for the purposes of this By-Law, and includes the Pound Keeper;

- (8) "owner" means the owner of a dog and any person who possesses, has the care or control of, or harbours a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (9) "wolf-dog hybrid" means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;

### **Dog Control and Pound**

- 3. Municipal Staff shall be responsible for the enforcement of this By-Law.
- 4. Council shall appoint a Pound Keeper who shall:
  - (1) collect on behalf of the Municipality any Impounding Fees, Daily Pound Fees and any other additional charges or fees as are authorized in this By-Law and as may be set by resolution of Council;
  - (2) be responsible for the operation of the pound;
  - (3) provide adequate food and water to impounded dogs;
  - (4) keep the pound in a reasonable state of cleanliness;
  - (5) keep the pound premises neat and tidy in appearance.

### **Dogs Running at Large**

- 5. Any dog which is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-Law. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large.
- 6. The owner of a dog shall, while the dog is off the premises occupied by the owner, keep the dog under control by means of a harness or leash, and the dog shall be deemed to be running at large where the owner fails to use such apparatus, except that an unleashed and unharnessed dog that is under continuous effective human restraint and control shall not be deemed to be running at large. When using Municipal

Trails and Sidewalks, dogs must be on a leash, at all times, held by a person able to control the dog.

### **Fierce or Dangerous Dogs**

7. For purpose of this By-Law a dog that is fierce or dangerous means any dog:
  - (1) that is a wolf-dog hybrid;
  - (2) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
  - (3) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
  - (4) that, in the absence of a mitigating factor as defined herein, when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
  - (5) owned or harboured in whole or in part for the purpose of dog fighting; or
  - (6) trained for dog fighting; provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

### **Dog Attacks**

8. The owner of a fierce or dangerous dog or a dog which attacks any person or other animal is guilty of an offence.
9. This section shall not apply to a dog acting in furtherance of law enforcement work at the time of the attack.
10. Where an Enforcement Officer has reason to believe that a dog has attacked a human being or animal the Enforcement Officer may take any one or combination of the following actions:
  - (1) issue the owner an order to muzzle the dog, which order shall specify the times and circumstances when the dog must be muzzled;
  - (2) issue the owner an order to secure a microchip registration for the dog; or

- (3) subject to Section 7, designate the dog as a fierce or dangerous dog.
11. The owner of a dog designated a fierce or dangerous dog pursuant to Section 7 shall:
- (1) when the dog is on the property of its owner, keep the dog securely restrained either indoors or inside an escape-proof enclosure while outdoors; and
  - (2) when the dog is off the property of its owner,
    - i. muzzle the dog;
    - ii. ensure that the dog is under the control of a person not less than eighteen (18) years of age;
    - iii. ensure the dog is on a leash; or
    - iv. is securely restrained indoors or inside an escape-proof enclosure, including a motor vehicle.

### **Responsibilities of Owners**

12. Every owner of a dog:
- (1) whose dog runs at large;
  - (2) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
  - (3) who neglects or refuses to provide a written statement required by this By-law;
  - (4) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
  - (5) who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;
- is in contravention of the By-Law.

### **Impounding**

13. Municipal Staff may, without notice to or complaint against the owner, impound any dog

that:

- (1) runs at large contrary to this By-Law;
  - (2) is fierce or dangerous;
  - (3) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
  - (4) persistently disturbs the quiet of the neighborhood by barking, howling or otherwise.
14. An Impounding Fee of \$25.00 and a Daily Pound Fee of \$10.00 shall be payable by any person seeking to redeem an impounded dog.
  15. Except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper, or making arrangement for payment satisfactory to the Pound Keeper, of the Impounding Fee and the Daily Pound Fee(s), along with reimbursement for any Extraordinary Expenses incurred by the Municipal Staff in relation to the dog.
  16. Any dog which has not been redeemed by its owner at the expiry of a period of 72 hours after being impounded may be given away, sold or killed by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
  17. Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

### **Notice**

18. Upon any dog being impounded the Pound Keeper shall make at least one attempt to contact the owner of the dog if ownership can be reasonably determined. Provided however that if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-Law, whether the dog has been impounded, and neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

### **Destroying**

19. Municipal Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:



