

The Corporation of the Town of Aurora

By-law Number 6027-17

Being a By-law to regulate various matters relating to the keeping, licensing and controlling of animals in the Town of Aurora.

Whereas section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Municipal Act"), authorizes The Corporation of the Town of Aurora (the "Town") to enact by-laws respecting animals, which includes domestic animals such as dogs or cats;

And whereas section 103 of the Municipal Act authorizes the Town, through the passage of a by-law, to seize, impound, and sell animals that are trespassing or at large;

And whereas section 391 of the Municipal Act authorizes the Town to impose fees or charges for services or activities provided or done by or on behalf of the Town and for use of the Town's property;

Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:

Part I: Definitions and Interpretation

1. Definitions

1.1 In this by-law, the following words have the following meanings:

- (a) "**adult**" means a person who has attained the age of eighteen years;
- (b) "**attack**" means an act of aggression towards a person or domestic animal;
- (c) "**Animal Control Officer**" means:
 - (i) any Municipal Law Enforcement Officer or Property Standards Officer appointed by the Town;
 - (ii) any police officer; and
 - (iii) any person or corporation contracting with the Town to control dogs, cats or other animals, and any servants or agents of such person or corporation;
- (d) "**apartment building**" means a building containing four or more dwelling units, which units are connected by a common corridor or vestibule and have a common entrance(s) from the street level;
- (e) "**Clerk**" means the Town Clerk of the Town as appointed by by-law;
- (f) "**Dangerous Act**" means any major bite, an attack or a combination thereof;
- (g) "**Dangerous Dog**" means a dog that has been determined to be a dangerous dog pursuant to section 18, which determination has not been otherwise rescinded pursuant to this by-law;

- (h) **“Dangerous Dog Order”** means an order to comply with the requirements for owners of a Dangerous Dog pursuant to section 18 of this by-law;
- (i) **“Director”** means the Director for the Town overseeing the Bylaw Services Division or his or her designate;
- (j) **“domestic animal”** means a dog or a cat kept by a person;
- (k) **“dwelling unit”** means a room or suite of two (2) or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons, and having a private entrance from outside or from a common hallway or stairway;
- (l) **“extreme weather”** means a cold warning, heat warning or other weather warning issued by either or both the Medical Officer or Environment Canada for weather in the Town of Aurora;
- (m) **“Guide Dog”** means a guide dog as defined in section 1 of the *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7, as amended or successor legislation thereto;
- (n) **“keep”** means to have temporary or permanent control, possession or ownership of an animal, and “keeping” has the same meaning;
- (o) **“Law Enforcement Dog”** means a dog trained to assist law enforcement officers and used by such officers in the execution of their duties;
- (p) **“leash”** shall mean a suitable restraining device physically connecting an animal to a natural person (human being) that is at all times no more than three (3) meters in length, and the word “leashed” has a similar meaning;
- (q) **“license”** means a license issued pursuant to this by-law in the form of an identification tag issued by the Town, or a designate;
- (r) **“major bite”** means a bite where there has been a puncture in one or more places as a result of contact with an animal’s tooth or teeth;
- (s) **“Manager”** means the Manager of Bylaw Services for the Town or his/her designate;
- (t) **“Medical Officer”** means the Medical Officer of Health for the Region of York or his/her designate;
- (u) **“microchip”** means an encoded identification device, which is compliant with any applicable standards, implanted into a dog or cat, which contains a unique code that permits or facilitates access to an owner’s name and address, which is stored in a central data base;
- (v) **“minor bite”** means a bite causing bruising without puncturing the skin as a result of contact with an animal’s tooth or teeth;
- (w) **“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or successor legislation thereto;
- (x) **“muzzle”** a humane fastening or covering device that is strong enough and well fitted enough to prevent the dog from biting without interfering with the breathing, panting or vision of the dog or with the dog’s ability to drink, and “muzzling” has a similar meaning;

- (y) **“Notice to Muzzle”** means a notice containing muzzling requirements, pursuant to section 17 of this by-law;
 - (z) **“owner”** means any person who possesses or harbours or attends to the shelter, care or feeding of an animal and, where the owner is a minor, includes the person responsible for the custody of the minor, and "owns" and "owned" have similar meaning with respect to an animal;
 - (aa) **“person”** includes an individual, a corporation, association and a partnership;
 - (bb) **“private property”** shall include property owned by a person other than the municipality or other government agency but shall not include a property jointly owned as part of a condominium or co-operative;
 - (cc) **“property owner”** means any legal registered owner of a property or any occupier of a property;
 - (dd) **“restricted pit bull”** means a restricted pit bull as defined by the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16, as amended or successor legislation thereof;
 - (ee) **“Service Animal”** means an animal that serves 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 a nurse confirming that the person requires the animal for reasons relating to a disability;
 - (ff) **“seize”** means take possession and control of any animal or thing for the purposes of enforcing this by-law;
 - (gg) **“tether”** means a rope or chain or similar restraining device that is not connected to a person, that prevents an animal from moving beyond a localized area, and the words “tethered” or “tethering” have a similar meaning;
 - (hh) **“Town”** means The Corporation of the Town of Aurora;
 - (ii) **“temperature”** means the temperature as issued by Environment Canada;
 - (jj) **“vehicle”** means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a bus, streetcar or train used for public transportation.
- 1.2 In this by-law, any references to care, control, ownership, harbouring or keeping of an animal shall include any joint or shared care, control, ownership, harbouring and keeping. Any persons that have joint or shared care, control, ownership of, or are sharing or jointly harbouring or keeping, an animal, shall be jointly and severally responsible and liable for any such animal and any duties, obligations, prohibitions, offences and requirements of a person caring, controlling, owning, harbouring or keeping an animal pursuant to this by-law.
2. **Interpretation and Application of this By-law**
- 2.1 The part and section headings contained throughout this document are for reference purposes only and do not form a part of this by-law. This by-law is to be interpreted without reference to such headings.

2.2 This by-law does not apply to Law Enforcement Dogs and the persons who have care and control of Law Enforcement Dogs as part of their law enforcement duties.

3. Administration of this By-law

3.1 The Director is responsible for the administration of this by-law and is delegated the authority to enforce this by-law and to receive applications and any fees established under this by-law. The Director is also authorized to issue, revoke, or refuse to issue any licenses or tags, including imposing conditions thereto, in accordance with this by-law.

3.2 The Director is authorized to delegate the powers and responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

Part II: Care of Animals

4. Keeping Domestic Animals in Sanitary Conditions

4.1 No person shall keep a domestic animal within the Town in an unsanitary condition.

4.2 For the purposes of subsection 4.1, a domestic animal is considered kept in an unsanitary condition where there is an accumulation of fecal matter, insect infestation or rodent attractions which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person or that endangers or is likely to endanger the health of any person or domestic animal.

5. Protective Care of Domestic Animals

5.1 The Town may receive domestic animals into protective care as a result of a domestic animal owner's eviction, incarceration, or as a result of a fire or medical emergency, or for any other situation that the Manager or an Animal Control Officer deems appropriate.

5.2 Domestic animals which are received into protective care by the Town shall only be kept on a temporary basis for up to a maximum of five (5) days.

5.3 When the Town receives a domestic animal into protective care, the owner of the domestic animal shall pay all costs incurred on behalf of such domestic animal, i.e. shelter fees and veterinary medical fees, prior to recovering the domestic animal.

5.4 If a domestic animal is in protective care at the end of the five (5) day period and the domestic animal has not been recovered by the owner, then the Town shall treat such domestic animal, pursuant to provision of this by-law, as if it was impounded at the end of the five (5) day period.

5.5 No person shall allow a domestic animal to remain in a vehicle unless:

- (a) the domestic animal is secured in a manner that prevents contact between the domestic animal and any member of the public;
- (b) the domestic animal has suitable ventilation; and
- (c) the domestic animal is not exposed to temperatures which can cause distress and/or death.

6. Tethers

- 6.1 No person in the Town shall keep a domestic animal tethered on a chain, rope or similar restraining device of less than three (3) metres in length unless the dog is tethered in a place where the public has access whether access is expressed or implied.
- 6.2 No person shall keep a domestic animal tethered on a rope, chain or other similar restraining device unless:
 - (a) the tether is of an appropriate length for the species tethered;
 - (b) the domestic animal has unrestricted movement within a range of such tether; and
 - (c) the domestic animal cannot suffer injury as a result of tethering.

Part III: Dog Control

7. Responsibility to Care for Dogs

- 7.1 Every person who keeps a dog in the geographical boundaries of the Town of Aurora shall provide that dog, or cause it to be provided, with such food, water, exercise, attention and veterinary care as may be required from time to time to keep the dog in good health and an environment that is appropriate to meet the physical and behavioural needs of the species.
- 7.2 If a dog is customarily kept out-of-doors, the person or persons keeping or having custody or control of the dog shall at all times provide for its use, a structurally sound, weatherproof, insulated enclosure with flooring, that:
 - (a) is located in accordance with the Zoning By-law of the Town; and
 - (b) provides sufficient space to allow the dog the ability to turn about freely and to easily sit, stand and lay in a fully extended position.
- 7.3 Every person who keeps an unspayed female dog shall, during each period that the dog is in heat, keep it confined so that it will not attract other dogs.
- 7.4 No person shall allow a dog to remain outdoors during extreme weather unless the dog has access to an enclosure that will adequately protect the dog from the elements.

8. Registration and Licensing

- 8.1 Every owner of a dog which is twelve (12) weeks of age or older, shall:
 - (a) annually, and not later than February 15th in each year, or within seven (7) days of becoming an owner, cause the dog to be registered, described and licensed with the Town pursuant to this by-law;
 - (b) complete an application for a license or for the renewal of a license on the forms provided by the Town which shall include the following information:
 - (i) name, address, and telephone number of the dog owner;
 - (ii) name, age, gender, breed and colour of dog;
 - (iii) a valid rabies certificate which proves that the dog's rabies vaccination is current on the date of application or renewal of a license;
 - (iv) proof of sterilization from a qualified veterinarian, if applicable; and

- (v) proof of a microchip implant, if applicable;
 - (c) securely affix on the collar of the dog, the dog tag issued by the Town or its representatives;
 - (d) pay the annual license fee set out in Schedule "A" hereto and, in the event that a dog tag is lost, obtain a replacement tag for the applicable fee set out in Schedule "A" hereto;
 - (e) notify the Town in writing if the dog is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership; and
 - (f) remain liable for the actions of the dog until formal written notification of sale, gift or transfer to another person is provided to the Town.
- 8.2 Notwithstanding subsection 8.1, every owner of a dog under the age of twelve (12) weeks which has been impounded pursuant to this by-law shall register and license the dog and pay an annual dog license fee set out in Schedule "A" hereto.
- 8.3 A new resident of the Town of Aurora shall not be required to pay a license fee for a dog if the license for said dog has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to the Town or its representatives and payment is made for the cost of a replacement dog tag at the fee set out in Schedule "A" hereto.
- 8.4 No person shall:
- (a) own, keep, possess or harbour a dog in the Town of Aurora or allow a dog to be owned, possessed or harboured on his or her premises, unless the license fee, required by this by-law, has been paid in accordance with Schedule "A" hereto;
 - (b) own, keep, possess or harbour a dog unless a valid dog tag issued to such person pursuant to this by-law is kept securely fastened to the dog at all times;
 - (c) affix a dog tag issued pursuant to this by-law to a dog other than the dog for which the dog tag has been issued; and
 - (d) knowingly give false information when applying for a license under this by-law.
- 8.5 Where a dog or dogs are kept, possessed or harboured in or at one dwelling unit within the Town of Aurora, they shall be deemed to be owned by the adult person residing at that dwelling unit. Where there is more than one adult person residing in a dwelling unit, for the purposes of this by-law, all such adult persons shall be deemed to jointly own any dogs in such a dwelling unit and shall be jointly and severally responsible for such dogs and any license fee(s) as set forth in Schedule "A" hereto.
- 8.6 All licenses and tags issued pursuant to this by-law shall be serially numbered and a record of their issue shall be kept by the Town. Such registration shall, at a minimum, set out the name and address of the owner, the name of the dog and information as to the date of the dog's last anti-rabies inoculation and may contain such other information as may be required by the Manager.
- 8.7 Every license for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.

9. Dogs Running at Large

9.1 A dog shall be deemed to be running at large if found in any place, other than the lands, premises or a vehicle of the owner or a person keeping such a dog, and:

- (a) the dog is not leashed; or
- (b) the dog is leashed and no person has the leash in hand.

9.2 No person keeping a dog shall allow the dog to run at large within the geographical boundaries of the Town of Aurora, unless such dog:

- (a) is confined to a leash-free park or zone approved or designated by the Town; or
- (b) is tethered for a period of not more than thirty (30) minutes and its movement is restricted by the tether to within a three (3) metre range at all times.

9.3 No person shall permit a dog to enter or to be located in any leash-free park or zone approved or designated by the Town unless such a dog is licensed pursuant to this by-law or licensed pursuant to a municipal animal licensing program of another municipality in Ontario.

9.4 Unless otherwise permitted by Town policy, other by-laws or any legislation, no person keeping a dog shall allow the dog to be in or on Town property or Town facilities where posted signs prohibit such activity or such prohibition is communicated by Town staff in another manner.

10. Number of Dogs Restricted

10.1 No person shall have care or control of more than three (3) dogs at any time.

10.2 No person shall:

- (a) permit to enter at any one-time more than three (3) dogs into, or
- (b) have care or control at any one-time of more than three (3) dogs in, any leash-free park or zone approved or designated by the Town.

10.3 No property owner shall keep, possess or harbour or permit to be kept, possessed or harboured more than three (3) dogs within or about any dwelling unit unless any dogs in addition to the three (3) in the care or control of the property owner of the dwelling unit in which the dogs are located are accompanied by an owner who does not reside at the dwelling unit.

10.4 Notwithstanding subsection 10.3, in case of a dwelling unit that is part of an apartment building, no property owner shall keep, possess or harbour or permit to be kept, possessed or harboured more than two (2) dogs within or about any dwelling unit unless any dogs in addition to the two (2) in the care or control of the property owner of the dwelling unit in which the dogs are located are accompanied by an owner who does not reside at the dwelling unit.

10.5 Notwithstanding the above, restrictions on the number of dogs set out under subsections 10.1, 10.2, 10.3 and 10.4 shall not apply when such dogs are at:

- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;

- (b) premises registered as a research facility in accordance with the *Animals For Research Act*, R.S.O. 1990, c. A.22, as amended, or any successor legislation thereto;
- (c) a kennel licensed by the Town in accordance with the Town's Licensing By-law; and
- (d) facilities that provide animal services that are legally operated on premises where the zoning permits such uses, such as pet shops, obedience schools, and animal daycare, grooming or spa facilities.

11. Dog on Private Property

11.1 Every person keeping a dog shall, while the dog is outdoors on the property of that person, restrain the dog by one of the following means:

- (a) on a tether in accordance with section 6 and tied in a secure and humane manner so as to prevent the dog from going beyond the limits of the dog keeper's property;
- (b) contained within an enclosed pen of sufficient dimensions and construction to provide humane shelter for the dog; or
- (c) contained in an enclosed fenced area to prevent the dog from going beyond the limits of the keeper's property and to prevent entry therein by persons.

12. Stoop and Scoop

12.1 A person who owns or keeps a dog shall not permit any excrement deposited by such dog to remain on land or premises owned by the Town or on land or premises owned by any other person, and a person keeping or owning such dog shall remove such excrement forthwith.

12.2 A person who owns or keeps a dog shall not permit any excrement deposited by such dog to remain on land owned or leased by the person, where such excrement emits foul or offensive odours that constitute a nuisance to members of the public.

12.3 The provisions of subsections 12.1 and 12.2 do not apply with respect to a Guide Dog to a person whose sight is impaired, to a person keeping a Service Animal, or to a person with a disability that prevents such a person from complying with subsection 12.1 or 12.2.

13. Seizure and Impounding of Dogs

13.1 An Animal Control Officer may seize and impound:

- (a) any dog found running at large;
- (b) any dog that is in distress or danger;
- (c) any dog that has engaged in or is engaged in a Dangerous Act.

13.2 Notwithstanding other provisions of this by-law, any impounded female dog in heat may be held at the pound until no longer in heat, but in any case no longer than twenty-one (21) days.

13.3 A record of every dog impounded or seized shall be kept, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, and the date of disposition and the disposition made.

13.4 Notwithstanding other provisions of this by-law, where a pit bull or a restricted pit bull is seized or impounded pursuant to the provisions of this by-law, such a dog shall be treated pursuant to any applicable provisions of the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended, for the purposes of the redemption of the dog by the owner and for transferring or destroying the dog.

14. Return of Impounded Dog to Owner

14.1 Within twenty-four (24) hours of the seizure or impounding of a dog, every reasonable effort shall be made by Animal Control Officers to notify the owner, if known, that the dog is impounded and the conditions whereby custody of the dog may be regained.

14.2 Where a dog has been seized or impounded, it may only be returned to the owner:

- (a) if the owner claims possession of the dog within five (5) days after the date of seizure and impounding or later if permitted under this by-law or at the discretion of an Animal Control Officer where such dog is still impounded;
- (b) an Animal Control Officer is satisfied that the dog is licensed for the current year after identification of the dog by the owner and payment by the owner of the fee as set out in Schedule "A" hereto;
- (c) the dog owner and the dog are in compliance with any other provision of this by-law and any other applicable animal control legislation; and
- (d) the owner has paid such fees for which he/she/it is liable pursuant to subsection 14.3.

14.3 Where a dog is seized or impounded, the owner shall be liable for and shall pay all of the following fees on demand to an Animal Control Officer:

- (a) the impound and daily maintenance fees as set out in the attached Schedule "A";
- (b) the costs incurred for veterinary care provided while the dog was impounded, if applicable;
- (c) the license fees as set out in the attached Schedule "A", where the dog is unlicensed; and
- (d) any other expenses incurred by the Town or its agents while providing care and shelter to the impounded dog.

15. Disposal and Sale of Seized or Impounded Dogs

15.1 In the event that any seized or impounded dog has not been restored to the owner within five (5) days after seizure, the dog may be:

- (a) disposed of by an Animal Control Officer in a humane manner; or
- (b) sold, gifted, adopted-away or relocated by an Animal Control Officer for a price, if applicable, that the Animal Control Officer deems reasonable.

15.2 The Town or its authorized agents shall not be liable for damages or compensation arising from disposal, sale or transfer pursuant to subsection 15.1.

15.3 Any proceeds from sale or disposal of a dog pursuant to subsection 15.1 shall be the property of the Town, subject to any contract or agreement with any person or corporation providing animal services to the Town.

- 15.4 Where a dog which has been seized or impounded is injured or in a condition where it would be appropriate to destroy it without delay for humane reasons, an Animal Control Officer may dispose of such a dog in a humane manner as soon after impoundment or seizure as he/she thinks appropriate without permitting any person to reclaim the dog, taking any steps to identify and notify the owner, if any, of such a dog or taking any steps to sell, gift or transfer such a dog.
- 15.5 No dog disposed of by an Animal Control Officer shall be provided for research under the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any successor legislation thereto and any regulations thereunder.

Part IV: Dog Bites and Attacks

16. Prohibition

- 16.1 No owner or person keeping a dog shall permit his or her dog to attack, bite or engage in a fight with any person, domestic animal or any other animal that is kept or used as a pet by any person.

17. Notice to Muzzle

- 17.1 Where the Manager has reasonable grounds to believe that a dog has inflicted a minor bite upon a person, domestic animal, or any other animal that is in control of or used as a pet by any person, the Manager shall, with respect to such a dog:
- (a) where the bite is the first minor bite on record, serve the owner with a written warning which shall caution the owner of the subject dog that any subsequent bite will automatically result in the issuance of a Notice to Muzzle and a possible prosecution under the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16, as amended; or
 - (b) where the minor bite is a second or subsequent bite, the Town shall serve the owner of the subject dog with a Notice to Muzzle.
- 17.2 When an owner is served with a Notice to Muzzle, the owner shall:
- (a) while on the property of the owner, cause the dog subject to the Notice to Muzzle to be tethered or confined in a fenced-in area in a way that prevents the dog from going beyond the limits of the owner's property or being accidentally or intentionally released; and
 - (b) whenever off the property of the owner, cause the dog subject to the Notice to Muzzle to be muzzled and leashed, and the owner shall not permit such a dog to be left in the control of a person under the age of sixteen (16).

18. Dogs that have Bitten, Attacked or Committed a Dangerous Act

- 18.1 Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a Dangerous Act.
- 18.2 Where the Manager has reason to believe that a dog has engaged in a Dangerous Act against a person or domestic animal, the Manager shall, with respect to such a dog:
- (a) where the Dangerous Act is the first on record with the Town, serve the owner of the subject dog with a written warning;
 - (b) despite paragraph (a), if it is the Manager's opinion that the Dangerous Act is severe, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under subsection 18.3 of this by-law;

- (c) where the Dangerous Act is the second or a subsequent Dangerous Act on record with the Town, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under subsection 18.3 of this by-law;
- (d) where the Dangerous Act occurred while the dog was the subject of a Notice to Muzzle, a warning pursuant to paragraph (a) of subsection 17.1 of this by-law, or a control order under the *Dog Owners Liability Act*, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under subsection 18.3 of this by-law.

18.3 Where an owner is served with a Dangerous Dog Order, the owner shall, at the owner's expense and for the life of the subject dog, ensure that:

- (a) the Dangerous Dog is muzzled at all times when off the owner's property;
- (b) the Dangerous Dog is not permitted to enter, at any time, into any leash-free park or zone approved or designated by the Town;
- (c) a Dangerous Dog tag is purchased from the Town within ten (10) days of the order being served on the owner for the fee specified in Schedule "A" of this by-law and that the Dangerous Dog wears the Dangerous Dog tag provided by the Town at all times;
- (d) a warning sign is posted on the owner's private property within fifteen (15) days of the order being served on the owner in the form and location as required by the Director;
- (e) the Dangerous Dog is microchipped within thirty (30) days of the order being served on the owner;
- (f) arrangements are made with the Town to enable the Town to collect a photograph of the Dangerous Dog and any other necessary identifying information within thirty (30) days of the order being served on the owner; and
- (g) the applicable Dangerous Dog license fee is paid with respect to licensing of the subject dog.

18.4 In addition to subsection 18.3, where an owner is served with a Dangerous Dog Order, the Director may require the dog subject to the order to receive training in a form and in a timeline as required by the Director.

18.5 An owner shall provide proof of compliance, to the satisfaction of the Director, of achieving compliance with paragraphs (d) and (e) of subsection 18.3 and, if applicable, with subsection 18.4.

19. Service

19.1 Any written warning pursuant to this by-law, Notice to Muzzle or a Dangerous Dog Order may be served by hand delivery or prepaid registered mail service and, in the event of service by prepaid registered mail service, shall be deemed received on the fifth (5th) day after the date of mailing.

20. Appeal

20.1 Where the owner of a dog is served with a Notice to Muzzle or a Dangerous Dog Order, the owner may request a hearing before the Aurora Appeal Tribunal by delivering a notice to the Clerk in accordance with the provisions of the Aurora

Appeal Tribunal By-law within fifteen (15) calendar days of deemed receipt of the Notice to Muzzle or the Dangerous Dog Order.

- 20.2 A request for a hearing under subsection 20.1 does not act as a stay of the requirements under a Notice to Muzzle or a Dangerous Dog Order.
- 20.3 Upon receipt of a notice to appeal a Notice to Muzzle or a Dangerous Dog Order pursuant to subsection 20.1, the request shall be processed and handled in accordance with the Aurora Appeal Tribunal By-law.
- 20.4 After a hearing of an appeal regarding a Notice to Muzzle or a Dangerous Dog Order, the Tribunal may:
- (a) confirm the notice or order;
 - (b) rescind the notice or order, releasing the owner from having to comply with the requirements of the notice or the order; or
 - (c) place additional, vary or substitute with its own, any requirements that were placed upon an animal subject to such a notice or order.
- 20.5 In deciding an appeal of a Notice to Muzzle or a Dangerous Dog Order, the Tribunal may consider whether the subject dog was acting in self-defence when the Dangerous Act leading to the order occurred.
- 20.6 Subject to the provisions of the Aurora Appeal Tribunal By-law, if a request for a hearing is not provided to the Town Clerk in accordance with the provisions of the Aurora Appeal Tribunal By-law within fifteen (15) calendar days of deemed receipt of a Notice to Muzzle or a Dangerous Dog Order, such a Notice to Muzzle or a Dangerous Dog Order is deemed to be final.

Part V: Cats

21. Registration and Licensing

- 21.1 Every owner of a cat which is twelve (12) weeks of age and older, shall:
- (a) annually, and not later than February 15th in each year or within seven (7) days of becoming an owner at a later date, cause the cat to be registered, described and licensed with the Town pursuant to this by-law;
 - (b) complete an application for a license or for the renewal of a license on the forms provided by the Town which shall include the following information:
 - (i) name, address and telephone number of the cat owner;
 - (ii) name, age, gender breed and colour of the cat;
 - (iii) a valid rabies certificate which proves that the cat's rabies vaccination is current on the date of application or renewal of a license;
 - (iv) proof of sterilization from a qualified veterinarian, if applicable; and
 - (v) proof of a microchip implant, if applicable;
 - (c) securely affix on the collar of the cat, the cat tag issued by the Town or its representatives;
 - (d) pay the annual license fee set out in Schedule "A" hereto and, in the event that a cat tag is lost, obtain a replacement tag for the applicable fee set out in Schedule "A" hereto;

- (e) notify the Town in writing if the cat is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership; and
 - (f) remain liable for the actions of the cat until formal written notification of sale, gift or transfer to another person is provided to the Town.
- 21.2 Notwithstanding subsection 21.1, every owner of a cat under the age of twelve (12) weeks which has been impounded pursuant to this by-law shall register the cat and pay an annual cat license fee set out in Schedule "A" hereto.
- 21.3 A new resident of the Town shall not be required to pay a license fee for a cat if the license for said cat has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to the Town or its representatives and payment is made for the cost of a replacement tag at the fee set out in Schedule "A" hereto.
- 21.4 No person shall:
- (a) own, keep, possess or harbour a cat in the Town of Aurora, or allow a cat to be owned, kept, possessed or harboured on his or her premises, unless the license fee, required by this by-law, has been paid in accordance with Schedule "A" hereto;
 - (b) own, keep, possess or harbour a cat unless a valid cat tag is kept securely fastened to the collar of the cat;
 - (c) affix a cat tag pursuant to this by-law to a cat other than the cat for which the cat tag has been issued; and
 - (d) knowingly give false information when applying for a license under this by-law.
- 21.5 Where a cat or cats are kept, possessed or harboured in or at a dwelling unit within the Town of Aurora, they shall be deemed to be owned by the adult person residing at that dwelling unit. Where there is more than one adult person residing in a or dwelling unit, for the purposes of this by-law, all such adult persons shall be deemed to jointly own any cats in dwelling unit and shall be jointly and severally responsible for such cats and any license fee(s) as set forth in Schedule "A" hereto.
- 21.6 All licenses and tags issued pursuant to this by-law shall be serially numbered and a record of their issue shall be kept by the Town. Such registration shall, at a minimum, set out the name and address of the owner, the name of the cat and information as to the date of the cat's last anti-rabies inoculation and may contain such other information as may be required by the Manager.
- 21.7 Every license for a cat issued hereunder is personal to the owner thereof and may not be assigned or transferred.
- 22. Number of Cats Restricted**
- 22.1 No person shall have care or control of more than three (3) cats at any time.
- 22.2 No property owner shall keep, possess or harbour or permit to be kept, possessed or harboured more than three (3) cats within or about any dwelling unit unless any cats in addition to the three (3) in the care or control of the property owner of the dwelling unit in which the cats are located are accompanied by an owner who does not reside at the dwelling unit.
- 22.3 Notwithstanding subsection 22.2, in case of a dwelling unit that is part of an apartment building, no property owner shall keep, possess or harbour or permit to be kept, possessed or harboured more than two (2) cats within or about any

dwelling unit unless any cats in addition to the two (2) in the care or control of the property owner of the dwelling unit in which the cats are located are accompanied by an owner who does not reside at the dwelling unit.

22.4 Restrictions on the number of cats set out under subsections 22.1, 22.2 and 22.3 shall not apply to:

- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) premises registered as a research facility in accordance with the *Animals For Research Act*, R.S.O. 1990, c. A.22, as amended, or any successor legislation thereto;
- (c) a kennel licensed by the Town in accordance with the Town's Licensing By-law; and
- (d) facilities that provide animal services that are legally operated on premises where the zoning permits such uses, such as pet shops, obedience schools, and animal daycare, grooming or spa facilities.

23. **Cats at Large**

23.1 A cat shall be deemed to be running at large if found in any place, other than the lands, premises or a vehicle of the owner or a person keeping such a cat, and:

- (a) the cat is not leashed;
- (b) the cat is leashed but not under the control of any person.

23.2 No person keeping a cat shall permit such a cat to run at large within the Town or allow such cat to cause damage or create a nuisance or disturbance to another person, or another person's property, or to public property.

24. **Seizure and Impoundment of Cats**

24.1 An Animal Control Officer may seize and impound:

- (a) any cat found running at large;
- (b) any cat causing damage or creating a nuisance or disturbance to a person, or another person's property, or to public property;
- (c) any cat that is in distress or danger.

24.2 A record of every cat impounded or seized shall be kept, including the date it was impounded, a description of the cat, the license and tag number if it wore a tag, and the date of disposition and the disposition made.

25. **Return of Impounded Cats**

25.1 Within twenty-four (24) hours of the impounding of a cat, every reasonable effort shall be made by Animal Control Officers to notify the owner, if known, that the cat is impounded and the conditions whereby custody of the cat may be regained.

25.2 Where a cat has been impounded, it may only be returned to the owner:

- (a) if the owner claims possession of the cat within five (5) days after the date of seizure and impounding or later if permitted under this by-law or at the discretion of an Animal Control Officer where such cat is still impounded;

- (b) an Animal Control Officer is satisfied that the cat is licensed for the current year after identification of the cat by the owner and payment by the owner of the fee as set out in Schedule "A" hereto;
- (c) the cat owner and the cat are in compliance with any other provision of this by-law and any other applicable animal control legislation;
- (d) the owner has paid such fees for which he/she/it is liable pursuant to subsection 25.3.

25.3 Where a cat is impounded, the owner shall be liable for and shall pay all of the following fees on demand to an Animal Control Officer:

- (a) the impound and daily maintenance fees as set out in the attached Schedule "A";
- (b) the costs incurred for veterinary care provided while the cat was impounded, if applicable;
- (c) the license fees as set out in the attached Schedule "A", where the cat is unlicensed; and
- (d) any other expenses incurred by the Town or its agents while providing care and shelter to the impounded cat.

26. Disposal and Sale of Impounded Cats

26.1 In the event that any impounded cat has not been restored to the owner within five (5) days after seizure, the cat may be:

- (a) disposed of by an Animal Control Officer in a humane manner; or
- (b) sold, gifted, adopted-away or relocated by an Animal Control Officer for a price, if applicable, that the Animal Control Officer deems reasonable.

26.2 The Town or its authorized agents shall not be liable for damages or compensation arising from disposal, sale or transfer pursuant to subsection 26.1.

26.3 Any proceeds from sale or disposal of a cat pursuant to subsection 26.1 shall be the property of the Town, subject to any contract or agreement with any person or corporation providing animal services to the Town.

26.4 Where a cat which has been seized or impounded is injured or in a condition where it would be appropriate to destroy it without delay for humane reasons, an Animal Control Officer may dispose of such a cat in a humane manner as soon after impoundment or seizure as he/she thinks appropriate without permitting any person to reclaim the cat, taking any steps to identify and notify the owner, if any, of such a cat or taking any steps to sell, gift or transfer such a cat.

26.5 No cat disposed of by an Animal Control Officer shall be provided for research under the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any successor legislation thereto and any regulations thereunder.

Part VI: Animal Licensing

27. Animal Licensing

27.1 The Director, or a delegate, shall issue such licenses or renewals, along with any tags, when an application is made in accordance with this by-law with respect to a domestic animal, provided that the applicant provides all the information and documentation required under this by-law, the appropriate fees and the ownership or keeping of such an animal is in compliance with the provisions of this by-law and any other animal control legislation.

Part VII: Quarantine and Destruction

28. Quarantine

- 28.1 Every owner of a domestic animal that is suspected of having been exposed to rabies or which has bitten a person or another animal, shall, on demand, surrender such domestic animal to the Town, or to an agent of the Town, to be held by the Town, or its agent, in quarantine until such time as becoming satisfied that such animal does not carry or suffer from rabies or any other infectious or harmful disease.
- 28.2 Notwithstanding subsection 28.1, at the discretion of the Medical Officer or the Manager, an animal may be held in quarantine on the premises of the owner, in a veterinary hospital, a kennel or other facility designated by the Medical Officer or the Manager.
- 28.3 An animal held in quarantine under sections 28.1 or 28.2 shall not be released from such quarantine without permission from the Medical Officer or the Manager.
- 28.4 Notwithstanding other provisions of this by-law, the Town, and its agents acting on behalf of the Town, may upon impoundment of a domestic animal hold such animal in quarantine until such time as becoming satisfied that such animal does not carry or suffer from any infectious or harmful disease.

29. Destruction

- 29.1 Any animal which is found to be rabid or suffering from other infectious disease, at the discretion of Medical Officer or Manager in consultation with a veterinarian, may be destroyed by the Town or Town agents in accordance with any applicable legislation.

Part VIII: Offences, Inspections and Powers of Entry

30. Enforcement

- 30.1 The Director, Manager and Animal Control Officers of the Town are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections pursuant to this by-law, the Municipal Act, as amended, and any other enacted applicable by-law or legislation.

31. Power of Entry and Inspection

- 31.1 The Town may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
- (a) this by-law;
 - (b) any direction, notice or order issued under this By-law;
 - (c) any condition on a license issued under this By-law; or
 - (d) an order issued under section 431 of the Municipal Act.
- 31.2 Where an inspection is conducted pursuant to this section, the Town may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any person concerning a matter related to the inspection; and

- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 31.3 No person shall hinder or obstruct or attempt to hinder or obstruct the Town, its Animal Control Officers, employees or agents from carrying out any powers or duties under this by-law.
- 31.4 No person shall contravene any order or direction of Town issued pursuant to this by-law or the Municipal Act.
- 31.5 Where an Animal Control Officer has reasonable grounds to believe that an offence has been committed by any person, the Animal Control Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 31.6 No person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town pursuant to this by-law.
- 31.7 No person shall knowingly make, participate in, assent to or acquiesce in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this by-law.
- 32. Remedial Action and Cost Recovery**
- 32.1 Wherever this by-law, or a notice or an order issued under this by-law, directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the Director or the Manager, at that person's expense, and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
- 32.2 For the purposes of taking remedial action under subsection 32.1, the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.
- 33. Offences and Fines**
- 33.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act* R.S.O. 1990, c. P. 33.
- 33.2 Pursuant to subsection 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 33.3 In addition to fines under this section, a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law.
- 33.4 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

34. Presumption Ownership and Residence

34.1 An owner shall be presumed to be in the care and custody of a domestic animal at all times, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

34.2 A person found to be within a dwelling unit shall be presumed to be residing within such dwelling unit, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Part IX: General Provisions

35. If any provision of this by-law or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this by-law which can be given effect without the invalid provision or application, and to this end the provisions of this by-law are severable.

36. Where there is a conflict or inconsistency between the provisions this by-law and any other by-laws of the Town with respect to animal control or any orders, notices or designations or appeal provisions pursuant to the provisions of this by-law, this by-law shall prevail.

37. By-law Number 5642-14 be and is hereby repealed.

38. For the purpose of transition to this by-law, any licenses issued pursuant to by-law 5642-14 prior to the effective date of this by-law shall remain effective and be subject to the provisions of this By-law.

39. The following Schedules attached to this by-law form and are part of this by-law:

(a) Schedule "A" – Fees.

40. This by-law shall be known and may be cited as the "Animal Control By-law".

Enacted by Town of Aurora Council this 28th day of November, 2017.



Geoffrey Dawe, Mayor



Michael de Rond, Town Clerk

Schedule "A" - Fees**1. Cat License Fees**

- | | | |
|-----|--|---------|
| (1) | Regular License Fee | \$20.00 |
| (2) | License Fee for Cat Owned by Resident
Fifty Five (55) Years of Age or Older | \$10.00 |

2. Dog License Fees

- | | | |
|-----|--|---------------------------------|
| (1) | Regular License Fee | \$30.00 |
| (2) | License fee for "Dangerous Dog" | \$100.00 |
| (3) | Regular License Fee for Dog Owned by
Resident Fifty Five (55) Years of Age or Older | \$15.00 |
| (4) | License Fee for Guide Dog or Service Animal | No fee with
proper documents |

3. Impound Fees

- | | | |
|-----|-----------------------|---------|
| (1) | First Impound | \$20.00 |
| (2) | Second Impound | \$30.00 |
| (3) | Third Impound | \$50.00 |
| (4) | Daily Maintenance Fee | \$15.00 |

4. Licensing Canvasser Fee \$10.00 per household**5. Replacement Fee for Lost Cat or Dog Tag** \$5.00