

**Office Consolidation  
By-law 2006-227**

Being a by-law to licence, regulate and prohibit certain animals or classes thereof within the limits of the Municipality of Clarington, or defined areas therein.

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Passed by Council on December 18, 2006.

Amendments:

Amending By-law	Date Passed	Amendment Details
2007-208	October 29, 2007	Section 9.6 new Allows Municipal Clerk and Deputy Clerk to reduce adoption fees.
2008-035	March 3, 2008	Replaced Schedule A Adoption Fees and Transfer Fees
2008-067	April 21, 2008	Amended Schedule A Licence Fees amended to add agricultural rate.

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**Office Consolidation**  
**THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON**  
**BY-LAW 2006-227**

Being a by-law to repeal By-law 99-90, as amended, and to amend By-laws 91-20 and 93-161, as amended, a by-law to licence, regulate and prohibit certain animals or classes thereof within the limits of the Municipality of Clarington, or defined areas therein.

**WHEREAS** Sections 9 to 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act*"), confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

**AND WHEREAS** Section 9(3)(b) of the *Municipal Act* confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

**AND WHEREAS** Section 103 of the *Municipal Act* confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**AND WHEREAS** Section 105 of the *Municipal Act* requires Council or a Committee of Council or an animal control officer of the municipality to hold a hearing on whether to exempt an Owner in whole or in part from muzzling requirements of a dog, when so requested by the dog Owner;

**AND WHEREAS** Section 391 of the *Municipal Act* authorizes the municipality to pass by-laws imposing fees or charges on any class of Persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 396 of the *Municipal Act* provides that a by-law passed under Section 391 may provide for fees and charges that vary on any basis the municipality considers appropriate and specifies in the by-law, and for different classes of Persons and deal with each class in a different way;

**AND WHEREAS** the *Dog Owners' Liability Act*, R.S.O. 1990, c.D.16, as amended, provides for controls on pit bulls and other dog breeds as defined in the Act;

**AND WHEREAS** the *Pounds Act*, R.S.O. 1990, Chap. c.P.17 authorizes a municipality to impound animals found At Large;

**AND WHEREAS** the Corporation of the Municipality of Clarington promotes and advocates the humane treatment of animals and responsible pet ownership;

**AND WHEREAS** the Corporation of the Municipality of Clarington deems it desirable to pass such a by-law to reflect the requirements set out in the *Dog Owners' Liability Act*.

**NOW THEREFORE**, the Council of The Corporation of the Municipality of Clarington hereby enacts as follows:

**SECTION 1 - DEFINITIONS AND INTERPRETATION**

1.1 SHORT TITLE: This By-law may be cited as the "Responsible Pet Owners By-law".

1.2 For the purposes of this By-law, unless stated otherwise or the context implies a different meaning:

**ALTERED** - shall mean a male or female animal that has been sterilized by a licensed veterinarian. In the case of a female animal, "Altered" shall be where the animal has been spayed or otherwise operated on to prevent conception, and in the case of a male animal, "Altered" shall be where the animal has been neutered or castrated.

**ANIMAL** - shall mean any member of the animal kingdom excluding humans. Without limitation, "Animal" shall include mammals, dogs, cats, birds and reptiles.

**ANIMAL SERVICES DIVISION** - shall mean the division responsible for the enforcement of this By-law and any related animal legislation in the Municipality of Clarington.

**ANIMAL SERVICES OFFICER** - shall include any Person employed by the Municipality of Clarington to enforce the provisions of this By-law.

**AT LARGE** - shall mean any Animal found in any place other than the property of the Owner of the Animal and not under the control of any Person by keeping it enclosed in a pen or other enclosure in such a manner as to prevent the Dog from leaving the property and to prevent contact with people and other Animals.

**CAT** – shall mean a feline of any breed of domesticated carnivore of the species felis familiaris that is over 12 weeks since birth.

**CLARINGTON** – shall mean the geographic area of the Municipality of Clarington.

**COUNCIL** - shall mean the duly elected Council of the Municipality of Clarington.

**DOG** - shall mean a domesticated carnivore of the species canis familiaris that is over 12 weeks of age.

**ENCLOSED PROPERTY** - shall mean a pen or other enclosure such that prevents the Animal from leaving the property and prevents contact with people and other Animals.

**HOUSEHOLD** - shall mean any house, mobile home, dwelling unit or legal apartment unit, occupied as a single housekeeping unit for residential purposes and includes any outdoor space or accessory buildings associated with the Household.

**LANDS ZONED AGRICULTURAL** - shall mean those lands designated as Agricultural (A) Zone and defined in the Municipality's Zoning By-law.

**LEASH** - shall mean a strap, cord or chain which is designed to restrain the breed of Animal it is controlling.

**MANAGER OF MUNICIPAL LAW ENFORCEMENT** - shall mean the Person appointed by Council to manage the duties and responsibilities of the Municipal Law Enforcement Division within the Clerk's Department.

**MUNICIPAL CLERK** - shall mean the Person within the Municipality's administration who fulfils the function of municipal clerk as required by the *Municipal Act, 2001, as amended*, or delegate.

**MUNICIPAL PROPERTY** - shall mean all property owned, leased or under the control of the Municipality, and without limitation, this term shall include all parks, open space, opened or unopened road allowances, sidewalks, footpaths or bicycle trails.

**MUNICIPALITY** - shall mean The Corporation of the Municipality of Clarington.

**MUZZLE** - shall mean a humane device designed to fit over the mouth of a Dog and well-fitted enough to prevent the Dog from biting, without interfering with the breathing, panting or vision of the Dog or the Dog's ability to drink.

**MUZZLED DOG** - shall mean a Dog wearing a Muzzle in the manner anticipated by the manufacturer of the Muzzle.

**ORDER TO RESTRAIN** - shall mean the Order issued by an Animal Services Officer in accordance with the provisions of this By-law.

**OWNER** - shall mean a Person or their authorized agent who possesses, keeps or harbours one or more Animals within Clarington, and where the Owner of the Animal is a minor, the Person responsible for the custody of the minor and "own", "owns" and "owned" shall have corresponding meanings.

**PERMANENT IDENTIFICATION** - means an electronic microchip encoded with identification information which has been implanted in an Animal.

**PERSON** - includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person. "Persons" shall have a corresponding meaning.

**PIT BULL** – means a dog as identified in the *Dog Owners' Liability Act, R.S.O. 1990, c.D.16*.

**REDEMPTION PERIOD** - is a period of five (5) days exclusive of the impound day and any day the Animal Shelter is closed, during which time the pet shall be eligible to be redeemed by the Owner.

**RESTRAINED** - Where "**RESTRAINED**" is used in connection with a Dog which is the subject of an Order to Restrain at its Owner's Household, it shall mean:

1. kept indoors in a manner respectful of its environmental needs which prevents the said Dog from having contact with Persons who have not consented to contact; or
2. kept in a pen or other enclosure respectful of its environmental needs which prevents the Dog which is the subject of an Order to Restrain from:
  - i) leaving the Owner's Household, and
  - ii) coming into contact with Persons and other Animals who have not consented to contact.

**RESTRAINED** - Where "**RESTRAINED**" is used in connection with a Dog which is the subject of an Order to Restrain at a place other than its Owner's Household, it shall mean the said Dog will be Muzzled, leashed with a Leash no longer than 1.8 metres (6 feet) in length and under the care and control of a Person who is at least 16 years of age.

**RESTRICTED PIT BULL** - shall mean a Dog identified as restricted pit bull under the *Dog Owners' Liability Act*, R.S.O. 1990, c.D.16, as amended.

**SHELTER** – shall mean the Clarington Animal Shelter and shall include any yard or enclosure maintained by the Municipality for the safe-keeping of impounded Animals.

**SPECIAL NEEDS DOG** – shall mean the registered Dog whose purpose is to assist a disabled Person with their daily activities.

**TRANSFER** - shall mean the change of ownership of a Dog/Cat to the Municipality or to another eligible Person.

**UNALTERED** - shall mean either a male or female Animal that has not been sterilized.

**UNDER CONTROL** - shall mean a Dog that is at all times, while the Dog is off its Owner's property, on a Leash held by a Person over the age of 16 years or otherwise physically Restrained in such a manner as to prevent the Dog from biting or attacking a Person or domestic Animal and to prevent contact with people and other Animals.

**UNRESTRICTED Animal** - shall mean the breeds of domesticated Dogs that are not a Pit Bull.

**ZONING BY-LAW** - shall mean the Municipality's By-law #84-63, as amended, and as may be further amended or replaced from time to time.

1.3 All words and personal pronouns relating to words contained in this By-law shall be read and construed with the appropriate number and gender of the Person or Animal referred to in each case.

1.4 In the event any of the provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

1.5 Schedules A, and B, attached to this By-law form an integral part of it.

Schedule A – Licence Fee Schedule

Schedule B – Exceptions

1.6 Reference to legislation within this By-law shall be deemed to include such legislation, as amended, including successor legislation.

1.7 Hereinafter the *Dog Owners' Liability Act, R.S.O. 1990, c.D.16, as amended*, shall be referred to as "the Act".

**SECTION 2 - DOG LICENSING AND REGISTRATION**

2.1 This section applies to all Dogs.

2.2 Every Owner of a Dog shall obtain an annual licence for such Dog by registering the Dog with the Animal Services Division and paying the prescribed fees as set out in Schedule A. The licence may be purchased from locations as deemed appropriate by the Municipal Clerk.

2.3 No Person shall become an Owner of a Dog within Clarington without having obtained a licence for the Dog and registering the Dog with the Municipality for the current year and shall obtain a licence thereafter on an annual basis.

2.4 Every licence issued pursuant to section 2.1 shall expire on December 31 of the calendar year for which it was issued.

2.5 To obtain a dog licence under this By-law, the Owner of the Dog shall provide to the Municipality such information as the Municipal Clerk may require, including but not limited to: Owner name, Owner address, Owner home and business telephone number, Animal breed, Animal unique markings, Animal name, and Animal rabies information.

2.6 Upon providing the required information and upon payment of the licence and registration fee, the Owner of a Dog shall be furnished with a tag for each Dog and shall ensure that the said tag shall be kept securely affixed to the Dog at all times. The tag shall consist of a metallic plate or such other material approved by the Municipal Clerk and shall indicate the licence number under which the Dog is registered and the period for which the licence was issued.

2.7 The licence shall bear a number corresponding to the number under which the Dog is registered and a record shall be kept by the Animal Services Division showing the name and address of the Owner, a description of the Dog, the number of the licence and the date on which it was issued.

2.8 No Owner shall affix or permit to be affixed a tag issued by or on behalf of the Municipality to any Dog other than the Dog for which the licence was issued.

2.9 The Municipal Clerk, at his/her discretion, may refuse to issue a Dog licence to any Person.

2.10 Notwithstanding Section 2.6, above, a lifetime tag will not indicate the licensing period.

**SECTION 3 - CAT LICENSING AND REGISTRATION**

3.1 Every Owner of a Cat shall obtain an annual licence for such Cat by registering the Cat with the Animal Services Division and paying the prescribed fees as set out in Schedule A. The licence may be purchased from locations as deemed appropriate by the Municipal Clerk, or designate.

3.2 No Person shall become an Owner of a Cat within Clarington without having obtained a licence for the Cat and registering the Cat with the Municipality for the current year and shall obtain a licence thereafter on an annual basis.

3.3 Every licence issued pursuant to section 3.1 shall expire on December 31 of the calendar year for which it was issued.

3.4 To obtain a Cat licence under this By-law, the Owner of a Cat shall provide to the Municipality such information as the Municipal Clerk may require including but not limited to: Owner name, Owner address, Owner home and business telephone number, Animal breed, Animal unique markings, Animal name, and Animal rabies information.

3.5 Upon providing the required information and upon payment of the licence and registration fee, the Owner of a Cat shall be furnished with a tag for each Cat and the said tag shall be kept securely affixed to the Cat at all times. The tag shall consist of a metallic plate or such other material approved by the Municipal Clerk and shall indicate the licence number under which the cat is registered and the period for which the licence was issued.

3.6 The licence shall bear a number corresponding to the number under which the Cat is registered and a record shall be kept by the Animal Services Division showing the name and address of the Owner, a description of the cat, the number of the licence and the date on which it was issued.

3.7 No Owner shall affix or permit to be affixed a tag issued by or on behalf of the Municipality for any Cat other than the Cat for which the licence was issued.

3.8 The Municipal Clerk may, at his/her discretion, refuse to issue a Cat licence to any Person.

#### **SECTION 4 – ANIMALS AT LARGE**

4.1 This subsection applies to all Animals as governed by this By-law, with the exception of Restricted Pit Bulls.

4.1.1 No Person shall permit or allow an Animal to be At Large within the limits of the Municipality.

4.1.2 No Owner of an Animal shall permit such Animal, whether Leashed or unleashed, to enter private property without the consent of the Owner or occupant.

4.1.3 Every Owner of a Dog or Person having control of a Dog shall control such Dog on a Leash when this Dog is away from its Household.

4.1.4 Notwithstanding the generality of 4.1.1, while in any park, no person shall:

(a) allow any Animal to be At Large, except in a designated area; and

(b) permit any animal to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field.

4.2 This subsection applies only to Restricted Pit Bulls.

- 4.2.1 No Person shall permit or allow a Restricted Pit Bull to be At Large within the limits of the Municipality.
- 4.2.2 Every Owner of a a Restricted Pit Bull shall ensure that the Restricted Pit Bull is equipped with a Muzzle and secured by a Leash when the Restricted Pit Bull is not within Enclosed Property occupied by the Owner of the Restricted Pit Bull or not within Enclosed Property occupied by a Person who consents to the Restricted Pit Bull being off Leash or off Muzzle.
- 4.2.3 Where a Restricted Pit Bull is required to be Muzzled and secured by a Leash, every Owner of a Restricted Pit Bull shall ensure that the Muzzle and Leash comply with the following rules:
- (a) the Restricted Pit Bull shall be fitted with a collar or harness that is properly fitted to and placed on the Restricted Pit Bull.
  - (b) the movement of the Restricted Pit Bull shall be controlled by a Person by means of a Leash attached to the collar or harness on the Restricted Pit Bull.
  - (c) the Leash shall not be more than 1.8 metres in length and shall be attached to the collar or harness.
  - (d) the collar or harness, the Leash and the attachment between the Leash and the collar or harness are all strong enough to prevent the Restricted Pit Bull from breaking any of them.
  - (e) the mouth of the Restricted Pit Bull shall be covered by a Muzzle that is humane and that is strong enough and well-fitted enough to prevent the Restricted Pit Bull from biting, without interfering with the breathing, panting or vision of the dog.

#### **SECTION 5 – “AGGRESSIVE BEHAVIOUR”**

- 5.1 The Animal Services Officer shall investigate any incident of aggressive behaviour which has been reported to the Durham Region Health Department, Durham Regional Police Services, or to the Animal Services Division.
- 5.2 Order to Restrain - This section applies to all Animals as governed by this By-law with the exception of Restricted Pit Bulls.
- 5.2.1 Where an Animal Services Officer has investigated and is satisfied that a Dog has placed a Person or domestic Animal at risk of physical harm, the Animal Services Officer shall issue an Order to Restrain to the Owner of the Dog.
- 5.2.2 Where an Animal Services Officer has investigated and is satisfied that a Dog has bitten or attacked a Person or domestic Animal, the Animal Services Officer shall issue an Order to Restrain to the Owner of the Dog.
- 5.2.3 Where an Order to Restrain has been issued under this By-law, the Dog Owner will be served with a copy of the written Order to Restrain in the form determined by the Municipal Clerk. Service shall be effected by delivering the Order to Restrain personally to the Owner of the Dog or by leaving it for the Owner at the Owner's last known or usual place of abode with an inhabitant thereof who appears to be at least 16 years of age or by registered mail to the Owner's last known address. Service is deemed to be effected five (5) days after mailing.
- 5.2.4 Nothing contained in this By-law shall derogate from the authority of a peace officer or an Animal Services Officer under the Act.

5.2.5 Where an Order to Restrain has been issued under this By-law, the Dog Owner may apply to the Municipality for a hearing as to whether or not the Order to Restrain, in whole or in part, should be revoked or amended. An application for a hearing by the Manager of Municipal Law Enforcement shall be filed, in writing, by the Dog Owner or the Dog Owner's agent, with the Municipal Clerk of the Municipality at 40 Temperance Street, Bowmanville, Ontario, within ten (10) business days (excluding Saturdays, Sundays and Statutory Holidays) of the date the Order to Restrain is served upon the Owner. As soon as practicable after receipt of the appeal, the Municipal Clerk of the Municipality shall notify the Dog Owner and any other Persons having an interest in the incident leading to the issuance of the Order to Restrain, of the date, time and location of the hearing.

If an Owner fails to appear at such hearing, the Order to Restrain shall be deemed to be in full force and effect as if no appeal had been filed.

It shall be understood that between the date of service of the Order and the date of the Hearing, the Owner shall comply with the Order to Restrain by leashing and muzzling the dog.

5.2.6 An Order to Restrain shall include the following requirements:

(a) licence and register the Dog with the Municipality within seven (7) days and have the Dog permanently identified by microchip implantation, at the Owner's expense, within twenty-one (21) days of receipt of the Order to Restrain. The Owner shall provide proof of such registration and implantation to the Animal Services Division within thirty (30) days of receipt of the Order to Restrain;

(b) Notify the Municipal Clerk, or designate, immediately upon relocating the Dog or upon a Transfer of ownership of the Dog;

(c) Restrain the Dog at all times, while the Dog is on the Owner's own property, by keeping it enclosed in a pen or other enclosure in such a manner as to prevent the Dog from leaving the Owner's property and to prevent contact with people and other Animals; and

(d) Restrain the Dog at all times, while the Dog is off the Owner's own property, with the use of a Muzzle and a Leash no longer than 6 feet, and under the care and control of Person who is sixteen (16) years of age or older.

5.2.7 Where an Order to Restrain has been issued under this By-law, all requirements must be complied with effective immediately upon service, with the following exceptions:

(a) The Dog Owner shall have the Dog, which is the subject of the Order to Restrain, licensed and registered, at the Owner's expense, within seven (7) days of the service of the Order to Restrain.

(b) Where an Order to Restrain has been issued under this By-law, and no appeal has been filed, the Dog Owner shall have the Dog, which is the subject of an Order to Restrain, permanently identified by microchip implantation, at the Owner's expense, within twenty-one (21) days of the service of the Order to Restrain.

(c) Where an Order to Restrain has been issued under this By-law, and the Owner files an appeal in accordance with section 5.2.5 of this By-law, the Dog Owner shall have the Dog, which is the subject of an Order to Restrain in compliance with the terms of the Order to Restrain as may be amended by the Chair of the Hearing, within seven (7) days of the date the hearing is held.

5.2.8 A Dog Owner who is required to licence, register and identify by microchip implantation a Dog which is the subject of an Order to Restrain issued under this By-law shall provide proof thereof to the Shelter within thirty (30) days of service of the Order to Restrain when no appeal has been filed and within fifteen (15) days of the date of the hearing, when an appeal has been filed.

5.2.9 Every Owner of a Dog that is subject to an Order to Restrain issued under this By-law, upon relocation of his or her residence, or that of the said Dog, or upon ceasing to own the said Dog, shall be required to immediately notify the Shelter of the change of address, or the name and address of the new Owner or the new location of the said Dog, as the case may be.

5.2.10 Every Owner of a Dog that is the subject of an Order to Restrain issued under this By-law, who fails to comply with that Order to Restrain is guilty of an offence.

5.3 "PROCEEDING UNDER THE ACT" - Provisions of this section in no way derogate from or limit the applicability of the Act as it relates to all Dogs.

5.3.1 Where an Animal Services Officer has conducted an investigation and is satisfied that an incident involving a Pit Bull (Restricted or otherwise), constitutes a violation under the *Dog Owners' Liability Act., R.S.O. 1990, c.D.16*, as amended, the Animal Services Officer shall commence a proceeding against the Owner(s) of the Pit Bull, in accordance with the *Dog Owners' Liability Act., R.S.O. 1990, c.D.16*, as amended.

## **SECTION 6 – RESTRICTION ON NUMBER OF PETS ALLOWED**

6.1 Cats

6.1.1 A Person shall be allowed to own or keep up to five (5) cats if all cats have been Altered, permanently identified with a microchip implantation and are kept in an Enclosed Property.

6.1.2 No Person shall own or keep more than three (3) Unaltered cats.

6.1.3 Notwithstanding the limits set forth in Sections 6.1.1 and 6.1.2, there are no restrictions on the number of Cats permitted on Lands Zoned Agricultural.

6.2 Dogs

6.2.1 No Person shall own or keep more than three (3) Dogs.

6.2.2 Notwithstanding the limit set forth in section 6.2.1, there are no restrictions on the number of Dogs permitted on Lands Zoned Agricultural.

6.3 Restricted Pit Bulls

- 6.3.1 No Person shall own a Pit Bull unless it is Restricted Pit Bull and they are eligible under the Act.
- 6.3.2 No Person shall breed a Restricted Pit Bull
- 6.3.3 No Person shall Transfer a Restricted Pit Bull unless the Transfer is effected in accordance with the Act.

## **SECTION 7 - IMPOUNDMENT**

- 7.1 This section applies to all Animals as governed by this By-law.
- 7.2 Every officer of the Durham Regional Police Services and every Animal Services Officer shall have the power to seize and destroy, whether before or after impounding, any Dog if:
- (a) The Dog has on one or more occasion demonstrated aggressive behaviour.
  - (b) An Owner of the Dog has on one or more occasion failed to exercise reasonable precautions to prevent the Dog from demonstrating aggressive behaviour.
  - (c) The Animal is a Restricted Pit Bull and an Owner of the Restricted Pit Bull has on one or more occasions failed to comply with one or more of the requirements of the By-law or the Act.
  - (d) There is reason to believe that the Restricted Pit Bull may cause harm to a Person or domestic Animal.
- 7.3 Every officer of the Durham Regional Police Services and every Animal Services Officer shall have the power to seize and impound any Animal found At Large within the limits of the Municipality contrary to the provisions of this By-law.
- 7.4 When an Animal has been found At Large contrary to the provisions of this By-law, has been seized by an Animal Services Officer and taken to the Clarington Animal Shelter, such Animal shall be impounded and held for the duration of the Redemption Period.
- 7.5 If any Animal so seized and impounded is not claimed on or before the last day of the Redemption Period, the Animal Services Officer may, at that Officer's discretion and subject to the *Animals for Research Act, R.S.O. 1990, Chap. A.22*, destroy or sell the Animal. Nothing in this By-law shall prevent an Animal Services Officer from destroying an Animal which is suffering illness or injury and, in the Officer's opinion, will not humanely sustain life.
- 7.6 The Animal Services Division shall keep a record of all Animals seized and impounded pursuant to this By-law.
- 7.7 Any Owner claiming an Animal which has been seized and impounded shall pay to the Animal Services Division of the Municipality the administration fees as set out in Schedule A of this By-law.

7.8 No Person, resident in Clarington, shall regain possession of a Dog or Cat from the Clarington Animal Shelter without first obtaining a licence for the Dog or Cat for the current year and shall pay any related administration fees incurred, including but not limited to: licence fee, impound fees and any necessary health care costs while the animal was under the care of the Shelter. In the event the Person has already registered and licensed the Dog or Cat for the current year, or is a resident of another municipality, the Person shall provide sufficient proof thereof by producing the tag or licence to the Animal Services Officer or proof of residency outside of Clarington, and shall be exempt from paying the licence fee.

7.9 No Person, resident in the Province of Ontario, shall regain possession of a Restricted Pit Bull from the Shelter without first providing proof that the Restricted Pit Bull complies with all requirements under the Act. Where proof cannot be provided, the necessary steps shall be taken by the Animal Services Officer to ensure that the requirements of this By-law and the Act are met. The Owner of the Restricted Pit Bull shall pay any related administration fees incurred, including but not limited to: licence, impound fees, and any necessary health care costs while the Animal was under the care of the Animal Shelter.

### **SECTION 8 – SURRENDER / DISPOSITION**

8.1 This section applies to all Animals as governed by this By-law.

8.2 The Animal Services Officer shall accept the Transfer of ownership of a Dog or Cat from an Owner to the Municipality upon:

- (a) receipt of a written request from the Owner accompanied by payment of the appropriate fee prescribed in Schedule A of this By-law;
- (b) determination by the Animal Services Officer that the Animal can reasonably be expected to be placed in a new home;
- (c) receipt of any other information the Animal Services Officer requests; and
- (d) space being available within the Shelter.

8.3 Any Animals destroyed under this By-law shall be disposed of in such a manner as may be determined from time to time.

### **SECTION 9 - ADOPTION**

9.1 This section applies to all Animals as governed by this By-law.

9.2 A Person may adopt an Animal from the Animal Services Division, upon demonstrating to the satisfaction of the Animal Services Officer that the Person is capable of providing proper care to the Animal and otherwise meets the requirements of this By-law.

9.3 A Person adopting an Animal from the Animal Services Division shall pay the appropriate adoption fee as set out in Schedule A.

9.4 If the Animal to be adopted is a Dog or a Cat, the Person adopting the Animal shall obtain a licence at the time of adoption, as per Section 2 of this By-law.

9.5 The Shelter shall take all necessary steps to ensure that all Restricted Pit Bulls comply with the requirements under the Act prior to adopting the Restricted Pit Bull.

9.6 Notwithstanding Section 9.3, where an animal that this suitable for adoption has been kept in the Shelter for an extended period of time, or when otherwise deemed appropriate, the Municipal Clerk or the Deputy Clerk may reduce the adoption fees as set forth in Schedule A for the purpose of promoting adoption of an animal. *[new – by-law 2007-208]*

#### **SECTION 10 – STOOP AND SCOOP**

10.1 Every Owner of an Animal shall immediately remove and dispose of, in a hygienic manner, all excrement left by the Animal on any property, other than the Animal Owner's or agent's property, within Clarington.

10.2 Section 10.1 does not apply to a handler of a Special Needs Dog, where the handler is unable to remove the excrement left by such Special Needs Dog due to a physical disability or impediment.

10.3 Section 10.1 does not apply to a blind or visually impaired handler of a Special Needs Dog if the faeces were left while the Special Needs Dog was off the premises of the handler and during the course of fulfilling its duties.

10.4 Every Owner of a Dog shall remove from his or her premises, in a timely manner, excrement left by such dog, so as not to disturb the enjoyment, comfort, convenience of any Person in the vicinity of the premises.

#### **SECTION 11 - ENFORCEMENT AND PENALTIES**

11.1 The Council shall appoint one or more Animal Services Officers who shall investigate Animal-related complaints and enforce the provisions of this By-law.

11.2 Animal Services Officers shall provide all services as required by this By-law.

11.3 Every Person who contravenes any provision of this By-law unless otherwise stated is guilty of an offence.

11.4 Every Person or corporation found guilty of an offence under this By-law, is liable to a penalty or fine as provided for in the *Provincial Offences Act*, which maximum penalty shall not restrict the penalty or fine provided for offences prosecuted pursuant to the Dog Owner's Liability Act.

#### **SECTION 12 - EXEMPTIONS**

12.1 "REGISTERED SPECIAL NEEDS DOG(S)": Every Person who owns a registered special needs dog, shall license such Dog pursuant to the licensing requirements of this by-law, as applicable. Upon presentation of the applicable certificate from the registering agency, the dog's Owner will be exempted from payment of the required license fee.

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**12.2 "VISITING ANIMAL(S)**

12.2.1 NOT PIT BULLS Where the Owner of the Animal is a non-resident of Clarington, and his or her Animal will not be kept within Clarington for a time period longer than thirty (30) days in any one (1) calendar year, its Owner shall not be required to comply with the licensing requirements of this By-law if the Owner can provide proof of current registration from the Animal's governing authority for the Owner's Household.

12.2.2 RESTRICTED PIT BULLS: Where the Owner of a Restricted Pit Bull is a non-resident of Clarington, and his or her Restricted Pit Bull will not be kept within Clarington for a consecutive time period longer than thirty (30) days in any one (1) calendar year, its Owner shall not be required to comply with the licensing requirements of this By-law if the Owner can provide proof of current registration from the Restricted Pit Bull's governing authority for the Owner's Household and proof that the Restricted Pit Bull is compliant with the requirements under the Act.

12.2.3 PIT BULLS: Pit Bulls are prohibited from entering Clarington, unless the Pit Bull is a Restricted Pit Bull.

12.3 "VETERINARIAN(S)": A licensed Veterinarian shall not be considered an Owner of an Animal for the purpose of this section where the Animal has been brought upon his or her premises for care or treatment.

12.4 "DOG SHOWS". All restricted Animals brought into the Municipality for the purpose of a "dog show" as defined in O. Reg. 157/05, must comply with all requirements of the Act.

**SECTION 13 - MINIMUM ANIMAL CARE REQUIREMENTS**

13.1 This section applies to all Animals as governed by this By-law.

13.2 Every Person who owns an Animal within the Municipality shall provide the Animal or cause it to be provided with suitable food, potable water and veterinary care as required to maintain the health and well-being of the Animal.

13.3 Where an Animal is customarily kept out-of-doors, the Owner shall at all times provide for the use of the Animal a structurally sound, weatherproof, insulated enclosure with off-the-ground flooring.

13.4 Whenever an Animal is tethered on the Owner's premises, the tether shall allow for the sufficient exercise for the Animal.

13.5 Every Person who owns an Unaltered female Animal shall, during each period that the Animal is in heat, keep it confined in a manner that will not attract other Animals.

13.6 Every Person who maltreats or neglects or is found to be cruel to any Animal and every Person who contravenes any of the provisions of Section 13 of this By-law may be reported, by the Officer, to a chapter of the Ontario Humane Society or the Ontario Society for the Prevention of Cruelty to Animals or other society associated therewith.

**SECTION 14 - MISCELLANEOUS**

14.1 Notwithstanding any other provision of this By-law it shall not apply in respect of Animals owned by any Person which are kept on any premises listed in Schedule B. Notwithstanding the above, the premises listed in Schedule B must comply with the rules of this By-law as they relate to restricted Animals.

14.2 By-laws 99-90, 2000-154, 2001-170, and 2002-136, 2004-193 (collectively the Preceding By-Law”) are hereby repealed.

14.3 Schedule B of By-law 93-161 is hereby amended to add the following immediately following the Reference to Domestic Dogs:

“(with the exception of those breeds of dogs as restricted under the *Dog Owners Liability Act, R.S.O. 1990, c.D.16, as amended*, which shall only be permitted as per the rules set out in the Act.)”.

14.4 All fees payable under this By-law shall be made in cash, by credit card or debit.

14.5 None of the provisions in this By-law are intended to or shall be deemed to derogate from the provisions of By-law 93-161, as amended.

14.6 This By-law shall come into effect on the date of passing with the exception of Schedule A.

14.7 The fees set for in Schedule A of this by-law shall come into effect January 1, 2007, and shall apply to any licences sold before January 1, 2007 for the licensing period beginning January 1, 2007.

14.8 All licences issued on the Preceding By-law shall remain in force and effect.

By-law read a first and second time this 18th day of December , 2006.

By-law read a third time and finally passed this 18th day of December , 2006.

(signed by Mayor Mutton)  
MAYOR

(signed by P. Barrie)  
MUNICIPAL CLERK

**SCHEDULE A  
TO MUNICIPALITY OF CLARINGTON BY-LAW 2006-227  
EFFECTIVE – JANUARY 1, 2007**

<b>Adoption Fees</b> <i>[repealed old schedule by by-law 2008-036]</i>		
<b>Details</b>		<b>Fee</b>
Dogs (All dogs are microchipped prior to adoption)		\$95.00
Cats (All cats are microchipped and altered prior to adoption unless Cat is too young or too small at time adoption, in which case the Owner is offered a rebate upon proof of altering cat.)		\$130.00
<b>Licence Fees</b> <i>[amended to add 9 &amp; 10 by by-law 2008-067]</i>		
<b>Details</b>		<b>Fee</b>
1.	Dog - microchipped & spayed or neutered	\$10.00
2.	Dog – spayed or neutered or microchipped	\$20.00
3.	Dog – Unaltered	\$35.00
4.	Dog – lifetime (must be altered & microchipped)	\$40.00
5.	Cat – microchipped & spayed or neutered	\$10.00
6.	Cat – spayed or neutered or microchipped	\$20.00
7.	Cat – Unaltered	\$25.00
8.	Cat – lifetime (must be altered & microchipped)	\$40.00
9.	Dog – Agricultural Rate (Rate offered where there are more than three dogs and where owner provides proof current rabies vaccination for each dog, and proof of zoning.) This is an annual licence and no discounts shall apply.	\$100.00
10.	Cat – Agricultural Rate (Rate offered where there are more than three cats and where owner provides proof current rabies vaccination for each cat, and proof of zoning.) This is an annual licence and no discounts shall apply.	\$100.00
NOTE: There is a 10% discount for licences purchased before January 1 <sup>st</sup> of the licensing year.		
<b>Impoundment Administration Fees</b>		
<b>Details</b>		<b>Fee</b>
<b>Impoundment of dog/cat wearing current licence or who is microchipped</b>		
1.	First occurrence (if returned/picked up within 24 hours)	Free
	Otherwise	\$50.00
2.	Second or subsequent occurrence	\$75.00
3.	Daily care fee (every Dog impounded is subject to an additional charge for every day or part	\$15.00/day

	of a day <u>after</u> the day the Animal is brought into impoundment.)	
<b>Impoundment of dog/cat NOT wearing current licence or NOT microchipped</b>		
1.	First occurrence	\$50.00
2.	Second or subsequent occurrence	\$75.00
3.	Daily care fee (Every Dog impounded is subject to an additional charge for every day or part of a day <u>after</u> the day the Animal is brought into impoundment.)	\$15.00/day
4.	In addition to the fees detailed above, every Owner of a Dog not licensed for the current year who is a resident of the Municipality is also required to pay the <u>licence</u> fees in addition to the impoundment fees	Varies, in accordance with Clarington's licensing fees

**Transfer Fees** *[repealed by by-law 2008-036]*

<b>Details</b>		<b>Fee</b>
*The Animal Services Division can only accept surrendered Animals if they can reasonably be expected to be placed in a new home. Animals will not be accepted for euthanasia. Pets are screened carefully to avoid placing problem Animals in new homes		
1.	Transfer of ownership of a cat or dog or litter, brought into the Animal Shelter	\$55.00
2.	Transfer of ownership of a cat or dog, picked up by the Animal Services Officers, during normal working hours (excluding Sunday and Holidays)	\$65.00
3.	Transfer of ownership of a cat or dog, picked up by the Animal Services Officer, outside regular business hours.	\$90.00
<b>Trap Rental Fees</b>		
<b>Details</b>		<b>Fee</b>
1.	Deposit – fully refundable on return of trap	\$45.00
1.	Daily rental	\$5.00 / day

**SCHEDULE B  
TO MUNICIPALITY OF CLARINGTON BY-LAW 2006-227**

EXCEPTIONS

- a) on the premises of the Bowmanville Zoo, the Orono Cat World, and any other facility accredited by the Canadian Association of Zoological Parks and Aquaria (CAZA);
- b) on the premises of the Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.);
- c) in a veterinary hospital under the care of a licensed veterinarian;
- d) on the premises of any television or film studio where such Animals are being kept temporarily for the purpose of a television or film production;
- e) on the premises of the Corporation of the Municipality of Clarington;
- f) on the premises of Pet Shops;
- g) on the premises or under the authority or control of a law enforcement agency.