

# CORPORATION OF THE TOWN OF HAWKESBURY

## BY-LAW N° 36-2020

### ANIMAL CONTROL BY-LAW

(consolidated with By-law N°20-2024)

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**WHEREAS** subsection 11 (1) of the *Municipal Act R.S.O. 2001*, as amended, authorizes a lower-tier municipality to provide any service or thing a municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4), and;

**WHEREAS** subsection 11 (2) 6 of the *Municipal Act, R.S.O. 2001*, as amended, authorizes a lower-tier municipality to pass such by-laws and make such regulations for the health, safety, morality, and welfare of the persons, and;

**WHEREAS** subsection 11 (3) 9 of the *Municipal Act R.S.O. 2001*, as amended, authorizes a lower-tier municipality to pass by-laws respecting animals, subject to the rules set out in subsection (4), and;

**WHEREAS** Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001* provides that a municipality may delegate its administrative and hearing powers;  
(amended by By-law N°20-2024)

**WHEREAS** Section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;  
(amended by By-law N°20-2024)

**WHEREAS** Section 434.1 (1) of the *Municipal Act, 2001*, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act, 2001*;  
(amended by By-law N°20-2024)

**WHEREAS** dogs are regulated under various municipal by-laws, and it is deemed necessary and expedient to update and combine these by-laws.

**NOW THEREFORE**, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

#### 1. DEFINITIONS

**“Administrative fee by-law”** means a by-law adopted by Council to impose a fee for certain services rendered by the Town, as amended from time to time;

**“Animal control authority”** means the Municipal By-law Enforcement Department;

**“Animal foster home”** means the residential dwelling unit of an individual who has been approved in writing by the Town to foster a dog or domestic animals on a temporary basis until a permanent owner can be found;

**“Appeal committee”** means the committee established by the Council to hear appeals under this by-law;

**“Attack”** means an act of aggression towards a person or a domestic animal causing an injury;

**“Boarding”** means the housing of domestic animals that belong to other people on a temporary basis;

**“Building”** includes any structure consisting of walls, floor and a full or partial roof used for the shelter, accommodation or enclosure of persons, animals, equipment, goods or materials;

**“Council”** means the Council of the Corporation of the Town of Hawkesbury;

**“Dangerous act”** means any bite or attack or any combination of a bite or attack;

**“Dangerous dog”** means:

- (i) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal;

**“Disability”** has the same meaning as in section 10 of the *Human Rights Code, R.S.O. 1990*, and "disabled person" has a corresponding meaning;

**“Dispose”** means to sell, adopt out or destroy;

**“Dog”** means a male or female dog over 20 weeks of age;

**“Dog off-leash area”** means an area of land designated in this by-law where signs posted by the Town indicate that dogs are permitted to run at large;

**“Domestic animal”** means a tame animal kept in a household for companionship or amusement and includes but not limited to the following: dog, cat, bird, ferret, guinea pig, hamster, and rabbit;

**“Emotional support animal”** means an animal that brings comfort to a person with

health issues but that is not trained by a qualified facility, agency or person, and is not specifically identified as such;

**“Fenced yard”** means a yard which is completely enclosed by a fence or walls of a continuously occupied building provided that all doors of the enclosure are equipped with locks and that all doors providing access to the fenced yard are locked when a dangerous dog is inside the fenced yard, and constructed of materials identified in Schedule “D” hereto;

**“Fostering person”** means an individual who has been approved in writing by a recognized organization to foster domestic animals in his residential dwelling unit on a temporary basis until a permanent owner can be found. The Fostering person shall be considered the owner of the domestic animal under his care;

**“His”** or other words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and shall include females as well as males and vice versa;

**“Kennel”** means a building or a structure or part of a building or structure used for the breeding, raising, and/or boarding of dogs for personal use or for profit or gain;

**“Mitigating factor”** means a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- (i) the dog was, at the time of the aggressive behavior, acting in defense to an attack by a person or domestic animal;
- (ii) the dog was, at the time of the aggressive behavior, acting in defense of its pups or to a person or domestic animal trespassing on the property of its owner; or
- (iii) the dog was, at the time of the aggressive behavior, being teased, provoked or tormented.

**“Municipal By-law Enforcement Officer”** means the person or persons appointed by the Town to enforce this by-law and any servant or agent of such person or persons employed for such purposes;

**“Muzzled”** means to have securely affixed around the snout or the mouth and nose of a dog a device commonly known as a muzzle manufactured by a recognized manufacturer of muzzles for dogs such that the dog, when muzzled, will be prevented from biting a person or animal;

**“Owner”** when used in relation to a domestic animal, includes a person who owns, possesses, fosters, or has the care and control of a domestic animal whether or not that person has a license for the domestic animal, whether temporarily or permanently

and where the owner is a minor, the person responsible for the custody of the minor. “Owns” and “owned” have a corresponding meaning;

“**Person**” includes any physical or corporate entity, partnership, or any association and the heirs, executors, administrators, successors, and assigns or other legal representative thereof to whom the context may apply;

“**Police officer**” means a chief of police or any other police officer appointed under the *Police Services Act R.S.O. 1990, c. P.15* and working for the Ontario Provincial Police;

“**Pound**” means the part of a premises or facility designated by the Town for use of the temporary housing and care of dogs that have been impounded pursuant to this by-law;

“**Premises**” includes a building or part of a building or a place, and without limiting the generality of the foregoing, in the case of a kennel includes all of the land within a fence surrounding the kennel;

“**Prohibited area**” shall mean any area of land described in Schedule “A” to this by-law and where signs are posted by the Town indicating that dogs are prohibited;

“**Residential dwelling unit**” means a suite of two or more habitable rooms designated to be used and occupied by not more than one household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building. Includes the land on which said residential dwelling unit is built and is at the use of the household and all accessory buildings;

“**Running at large**” shall mean a domestic animal found in any place other than the premises of the owner of the domestic animal and not under the control of any person by means of a leash or any other equipment;

“**Service animal**” mean an animal, typically a dog, with proper identification that has been trained by a qualified facility, agency or person to provide special services to people with a disability except emotional support animals;

“**Tether**” means a rope or chain or similar restraining device that prevents a dog or a domestic animal from moving away from a localized area, and the words “tethered” and “tethering” have corresponding meanings;

“**Ticket**” shall mean the document or documents issued to commence action upon any alleged contravention of this by-law;

“**Town**” means the Corporation of the Town of Hawkesbury.

## **2. GENERAL PROVISION**

When the term “domestic animal” is used in this by-law, provisions shall apply to dogs as well and when the term “dog” is used, provisions shall specifically apply to dogs.

The provisions of this by-law apply to commercial, industrial and institutional properties within the Town of Hawkesbury.

## **3. NUMBER OF DOMESTIC ANIMALS PERMITTED**

- 3.1. No person shall keep, either on a temporary or permanent basis, more than four (4) domestic animals with a maximum of two (2) dogs in any residential dwelling unit within the Town.
- 3.2. No person shall keep his own dog’s puppies for a period exceeding twenty (20) weeks.
- 3.3. No person shall exceed the limits set by subsection 3.1 when boarding a dog or a domestic animal over any period of time.
- 3.4. No person shall exceed the limit set by subsection 3.1 when fostering a dog or a domestic animal.

## **4. ANIMAL FOSTER HOMES**

- 4.1. Approval of an animal foster home may be granted by the Town’s animal control authority after submission of a complete request for certification, as defined in Schedule “E” attached hereto and accompanied by the applicable fee as set by the administrative fee by-law.
- 4.2. The person requesting approval under this section shall:
  - 4.2.1. prove ownership of the property or provide consent in writing from the property owner to have the residential dwelling unit recognized as an animal foster home;
  - 4.2.2. confirm compliance with this by-law and all other applicable statutes, regulations, and by-laws when fostering dogs or domestic animals;
  - 4.2.3. confirm compliance with any inspections or requirements imposed by the Town or by any organization permitted by law to provide protection and humane treatment of dogs or domestic animals;
  - 4.2.4. confirm operating the animal foster home on a not-for-profit basis;
  - 4.2.5. confirm that procedures are in place to ensure that dogs or domestic animals are adopted by screened owners;
  - 4.2.6. commit to inform the animal control authority immediately of any change in the operation of the animal foster home;
  - 4.2.7. provide such additional information as may be required by the animal

control authority.

- 4.3. In deciding whether to grant authorization for an animal foster home pursuant to this section, the animal control authority may consider zoning, size, outdoor or indoor space of the residential unit dwelling; the type, size, and breed of the dogs or domestic animals, as well as any other records or facts as presented by and to the animal control authority, and from an organization permitted by law to provide protection and humane treatment of dogs and domestic animals.
- 4.4. The decision to refuse the certification of an animal foster home by the animal control authority may be appealed to the Appeal committee.

## **5. BOARDING OF ANIMALS**

- 5.1. No person shall board a dog that does not have a current valid licence, registration or tag from the Town or from another municipality.
- 5.2. No person shall board domestic animals for financial compensation.
- 5.3. No person shall board the same domestic animal on a repetitive basis resulting on the domestic animal being considered permanently living at that boarding premises.

## **6. RESPONSIBILITY OF OWNER**

- 6.1. No person shall allow a domestic animal to run at large within the Town.
- 6.2. No person shall allow a domestic animal to trespass on any private or public property or within any prohibited area.
- 6.3. Every owner of a domestic animal, when such domestic animal is on the property of the owner or occupant or on the property of some other person with such person's consent, shall keep the domestic animal contained on such property by means of:
  - 6.3.1. enclosure;
  - 6.3.2. containment within a fenced area; or
  - 6.3.3. physical restraint of a tether.
- 6.4. No person shall permit a domestic animal to attack, bite, or chase any person or another animal or cause a public nuisance.
- 6.5. No owner of a domestic animal shall engage in activity or conduct that is intended or is likely to cause the domestic animal to bite or attack a person or animal.
- 6.6. Every person having care and custody of any domestic animal shall remove

forthwith and properly dispose of any excrement left by said domestic animal on any private or public property, including the owner's property comprising but not limited to the yard, patios, balconies, and decks.

- 6.7. Every person walking a domestic animal within the Town shall have the domestic animal on a leash not exceeding 1.22 meters in length and carry necessary supplies to remove and dispose of any excrement left by said domestic animal.
- 6.8. No person shall keep a domestic animal tethered on a rope, chain or similar restraining device unless:
  - 6.8.1. the tether is of appropriate length for the species tethered;
  - 6.8.2. the domestic animal has unrestricted movement within the range of such tether;
  - 6.8.3. the domestic animal has access to water, food and shelter while tethered;
  - 6.8.4. the domestic animal cannot injure itself as a result of the tethering.
- 6.9. No person shall keep a dog tethered on a rope, chain or similar restraining device of a length of less than three (3) meters.
- 6.10. Despite subsection 6.8, no person shall permit the dog to go beyond the limits of the owner's property.
- 6.11. No person shall keep a domestic animal tethered with a choke collar, a choke chain or on a pronged collar forming part of the tether.

## **7. LICENCES AND TAGS**

- 7.1. Every dog owner shall proceed with the initial registration upon adoption or his arrival in the Town and pay the fee as set by the administrative fee by-law, and thereafter pay said fee upon receiving the annual invoice.
- 7.2. Every owner shall inform the Town of any changes to his address, contact information or anything pertaining to the dog.
- 7.3. Every owner, not residing in the Town, but wishing to use a dog off-leash area within the Town shall register and pay the annual license fee.
- 7.4. Every person registered as a fostering person shall be required to pay the Town a license fee as set by the administrative fee by-law, upon registration of a fostering person.
- 7.5. Notwithstanding this section, newcomers to the Town who upon producing proof of a valid dog license from another municipality may be issued a dog license for that dog at the rebate fee as set by the administrative fee by-law.

- 7.6. On payment of the license fee for a dog, the owner shall be provided with a dog tag from the Town, which shall bear the serial number and the year in which it was issued.
- 7.7. Every owner of a dog shall keep the dog tag securely fixed on the dog at all times until the dog tag is renewed or replaced.
- 7.8. Every person who uses a tag upon a dog other than the one it was issued for is guilty of an offence and upon being charged and convicted shall be subject to the penalties of this by-law.
- 7.9. The fee charged for the replacement of lost dog tags is set by the administrative fee by-law.

## **8. RUNNING AT LARGE**

- 8.1. For the purpose of this by-law, a domestic animal shall be deemed to be running at large if found in any place other than the premises of the owner of said domestic animal and not controlled by tether or leash held by a responsible person.
- 8.2. Every owner of a domestic animal shall ensure that his domestic animal is not running at large.
- 8.3. A dog found at large may be seized and impounded by the Municipal By-law Enforcement Officer or any person acting under his authority.
- 8.4. Any person may capture a dog running at large or trespassing on his property and deliver it to the Animal control authority.
- 8.5. Where an injured domestic animal is impounded or otherwise detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal By-law Enforcement Officer may deliver the injured domestic animal to a qualified veterinarian for care or to euthanize the domestic animal as soon after impounding or otherwise detaining the domestic animal as he thinks fit and shall notify the owner, if known. Where such injured domestic animal has been delivered to a qualified veterinarian for care, the owner of the domestic animal shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.
- 8.6. Notwithstanding section 8.5, if the injuries of the domestic animal makes it impossible for the Municipal By-law Enforcement Officer to take it to a qualified veterinarian for immediate care, or the services of a local veterinarian are not available, the Municipal By-law Enforcement Officer may euthanize the domestic



animal with the means he has in his possession to put an end to the suffering of the domestic animal.

## **9. PUBLIC NUISANCE**

No person who owns, boards or fosters a dog within the Town shall permit said dog to become a public nuisance. A dog shall be considered a public nuisance if:

- 9.1. It persistently barks, howls, or causes excessive noise at any time so as to disturb the peace or quiet of any residence or any persons in the vicinity;
- 9.2. It causes damage to public or private property;
- 9.3. It interferes with or scatters garbage or trash; or
- 9.4. It chases pedestrians, cyclists, vehicles and animals.

## **10. IMPOUNDING OF DOGS**

It shall be the duty of the Municipal By-law Enforcement Officer to capture and impound all dogs found running at large and/or to issue a ticket to the owner of the dog for contravention of this by-law.

- 10.1. A dog shall be considered impounded at the time and place it is seized by the Municipal By-law Enforcement Officer.
- 10.2. The Municipal By-law Enforcement Officer shall make reasonable efforts to identify the owner of the dog and to inform that person forthwith that the dog has been impounded.
- 10.3. The redemption period shall be three (3) days, excluding the day on which the dog is impounded, statutory holidays, and days on which the pound is not open.
- 10.4. During the redemption period described in this section, the dog may, for human reasons, be euthanized without delay if it gets seriously injured or becomes seriously ill.
- 10.5. During the redemption period, the owner of a dog impounded pursuant to this by-law may obtain the dog's release provided that he:
  - 10.5.1. pays the impoundment and other fees, as set out by the administrative fee by-law;
  - 10.5.2. provides evidence that the dog is registered with the Town;
  - 10.5.3. reimburses the Town for the cost of veterinary care provided while the dog was impounded, if applicable; and
  - 10.5.4. takes other such action as the Town may direct.

10.6. Where on the fourth day after the date of seizure and impounding, described in this section, possession of the dog has not been restored to the owner in accordance with section 10.2 of this By-law, the By-law Enforcement Officer may at his or her discretion:

10.6.1. make the dog available for adoption follow following the Town's adoption process and fees, as per By-law N° 36-2023 (Administrative fees).

10.6.2. transfer the dog to another animal welfare or animal rescue agency.

10.6.3. dispose of the dog, subject to the provision of the *Animals for Research Act. R.S.O. 1990, Chap A.22*, as amended

(amended by By-law N°20-2024)

10.7. Where the owner of a dog refuses to take possession of his dog or refuses to pay the impoundment and other fees, actions may be taken by the Town to recover all costs incurred, including if the owner owns a property in the Town, add all such fees and all costs incurred to the collector's roll of taxes for the current year. These shall be collected in like manner with the same remedies as municipal taxes.

## **11. DOG OFF-LEASH AREAS**

11.1. Dog off-leash areas are hereby established on the properties as outlined in Schedule "B" of this by-law.

11.2. Subject to this section, a dog owner may permit his dog licensed under this by-law to run at large in a dog off-leash area.

11.3. No owner shall bring his dog to the dog off-leash area between 8:00 p.m. and 7:00 a.m.

11.4. No owner, whose dog is required to be muzzled, or is deemed dangerous as defined by this by-law shall bring his dog in any dog off-leash areas.

11.5. Every owner on the premises and in the vicinity of a designated dog off-leash area shall:

11.5.1. bring no more than two (2) dogs in one dog off-leash area at any time;

11.5.2. ensure his dogs are leashed when entering and leaving the dog off-leash area.

11.5.3. supervise and be within sight of his dogs at any time;

11.5.4. pick up and dispose properly of his dogs' feces forthwith;

11.5.5. fill any holes his dogs have dug;

11.5.6. not permit his dogs that are in heat or that are under four months old within a dog off-leash area; and

11.5.7. not eat any food or feed any dogs within a dog off-leash area.

## **12. DANGEROUS DOGS**

- 12.1. Where a Municipal By-law Enforcement Officer has reasons to believe or is satisfied with the balance of probability that a dog has engaged in a dangerous act against a person or domestic animal, he shall:
- 12.1.1. notwithstanding section 6.4, where the dangerous act is the first on record with the Town, serve the owner of the dog with a notice of caution;
  - 12.1.2. despite paragraph 12.1.1, if he is of the opinion that the dangerous act is severe; determine the dog to be a dangerous dog and serve the owner with an order to comply as per section 14 of this by-law;
  - 12.1.3. where the dangerous act is the second or subsequent dangerous act on record with the Town, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply as section 14 of this by-law;
  - 12.1.4. where the dangerous act occurred while the dog was the subject of a notice to muzzle or notice of caution under this by-law or any other by-law in effect at the time, or a control order under the *Dog Owner's Liability Act*, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply as per section 14 of this by-law;
  - 12.1.5. prior to determination that a dog is dangerous, the Municipal By-law Enforcement Officer shall have regard to whether the dog was acting in self-defense at the time the dangerous act occurred or to any signs of mitigating factors.

### **13. DANGEROUS DOG HEARING**

- 13.1. A dog owner may apply for an appeal as per section 18 of this by-law to:
- 13.1.1. confirm the Municipal By-law Enforcement Officer's determination of a dangerous dog; or
  - 13.1.2. rescind the determination of a dangerous dog and exempt the owner from compliance with section 14 of this by-law.
- 13.2. In deciding whether to confirm or rescind the determination of a dangerous dog pursuant to section 14, the Appeal committee may consider whether the dog was acting in self-defense when the dangerous act happened or have regard to any signs of mitigating factors.

### **14. DANGEROUS DOGS – ORDER TO COMPLY**

- 14.1. Every person served with a dangerous dog order to comply pursuant to this section, at the owner's expense and for the life of the dangerous dog, whenever the dog is being kept outside the owner's residential dwelling unit but within the boundaries of the owner's residential dwelling unit, shall ensure that:
- 14.1.1. the dog remains under effective control of the owner or a responsible adult of 18 years of age and older on a leash of no more than

- 1.22 meters in length and shall be muzzled so as to prevent it from biting a person or domestic animal; or
  - 14.1.2. the dog is kept within an enclosed and locked pen designed in such a fashion and with such material to prevent the dog from digging its way out of or otherwise escaping from the pen; or
  - 14.1.3. the dog is kept within a fenced yard respecting the provisions of Schedule “D” attached hereto and any gates in such fenced yard shall be locked at all times.
- 14.2. Every owner of a dangerous dog shall, whenever the dog is not within the boundaries of the owner’s residential dwelling unit, ensure that:
- 14.2.1. the dog remains under effective control of the owner or a responsible adult of 18 years of age and older;
  - 14.2.2. the dog is kept on a leash of no more than 1.22 meters in length; and
  - 14.2.3. the dog is muzzled so as to prevent it from biting a person or domestic animal at all times.
- 14.3. A dangerous dog may only be temporarily kept in a kennel for the following purposes:
- 14.3.1. temporary boarding of such dog,
  - 14.3.2. grooming of such dog,
  - 14.3.3. training of such dog, and
  - 14.3.4. providing medical attention for such dog.
- 14.4. Every owner of a dangerous dog shall conspicuously display, at every entrance or approach to his residential dwelling unit, a sign indicating the presence of a dangerous dog on the premises.

## **15. PROHIBITED DOGS**

No person shall keep, possess, board or foster any breed of dogs as listed in the *Dog Owners’ Liability Act, R.S.O. 1990, c. D.16*, as amended.

- 15.1. Every owner of any dog who meets 80% of the characteristics of a pit-bull as described in the *Dog Owner’s Liability Act*, shall obtain, at the request of the Municipal By-law Enforcement Officer, a veterinary certificate as provided under Schedule “C” forthwith in order to obtain a dog license.
- 15.2. Despite a veterinary certificate, a Municipal By-law Enforcement Officer may declare the dog to be dangerous and require it to be muzzled under section 14 and the decision may be appealed.

## **16. KENNELS**

No person shall operate a kennel within the Town of Hawkesbury.

## **17. SPECIFIC PROVISIONS**

- 17.1. All provisions of this by-law shall apply to service animals including section 3 on the number of domestic animals permitted in a residential dwelling unit of this by-law, except the payment of the annual license fees for dogs is exempted.
- 17.2. All provisions of this by-law shall apply to emotional support animals including section 3 on the number of domestic animals permitted in a residential dwelling unit of this by-law and the provisions of By-law N° 13-2007 on prohibited animals, as amended.
- 17.3. A person moving from another municipality who has more than the allowed number of domestic animals as set out in section 3 may continue to keep those domestic animals until they are no longer in the owner's possession. This is subject to the owner providing proof of a current valid licence, registration or tag for the domestic animals from the other municipality, and subject to the owner signing an agreement containing the description and the medical records of the domestic animals and an acknowledgment that this exemption is valid only as long as these animals are alive. The owner shall authorize the Municipal By-law Enforcement Officers to visit his residential dwelling unit at all times to ensure compliance to this by-law.

## **18. APPEAL**

- 18.1. The appeal process for provisions of this by-law that may be appealed (Animal foster home; Dangerous dogs and Prohibited dogs) shall be initiated by sending a written request to the Animal control authority and paying the applicable fees as determined in the administrative fee by-law, as amended, within 30 days after an order to comply is served upon the owner or after denial.
- 18.2. The Animal control authority shall organize a meeting with the Appeal committee within 10 days from the appeal request.
- 18.3. Although a request for a hearing has been submitted, an order to comply pursuant to this by-law and the requirements take effect when the order to comply is served on the person to whom it is directed.
- 18.4. A hearing shall be held pursuant to the provisions of the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22, as amended in the time, date, and place set out in the order to comply.
- 18.5. In accordance with subsection 105(3) of the *Municipal Act, 2001*, as amended, the authority of Council to hear appeals from the owners of dogs that are required to be muzzled under section 14 and for the provisions concerning Animal foster homes and Prohibited dogs of this by-law is delegated to the

Appeal committee.

## **19. POWER OF ENTRY**

- 19.1. For the purposes of discharging the duties imposed by this by-law and to enforce its provisions, any employee, officer, or agent of the Town shall have the power of entry on any land as set out in the *Municipal Act, 2001*, as amended.
- 19.2. No person shall hinder, obstruct, or attempt to hinder or obstruct the Municipal By-law Enforcement Officers or the Police Officer while exercising a power or performing a duty under this by-law.

## **20. PENALTIES AND ENFORCEMENT**

- 20.1. This by-law shall be enforced by a Municipal By-law Enforcement Officer or by a Police officer.
- 20.2. It shall be the duty of the Municipal By-law Enforcement Officer and a Police Officer to issue a ticket to the owner of a domestic animal for contravention of this by-law.
- 20.3. If a Municipal By-law Enforcement Officer or a Police Officer is satisfied that a contravention of this by-law has occurred, he may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the residential dwelling unit on which the contravention occurred to discontinue the contravening activity.
- 20.4. Every person shall comply with an order issued under the authority of this by-law.
- 20.5. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time  
(amended by By-law N°20-2024)
- 20.6. Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to his actions shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

## **21. VALIDITY**

If a court of competent jurisdiction declares any provision, or any part of a provision of

this by-law be invalid or to be of no force and effect, the provision shall be deemed conclusively to be severable from this by-law.

## **22. ENACTMENT**

22.1. That this by-law shall come into force and effect on the date of its adoption.

22.2. That by-laws N° 63-90, 124-96, 73-2002 and 3-2014 are hereby repealed upon approval of the set fines by the Ontario Court of Justice.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING  
THIS 29<sup>th</sup> DAY OF JUNE 2020.**

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**Paula Assaly, Mayor**

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**Christine Groulx, Clerk**

**SCHEDULE "A"**  
**of By-law N° 36-2020**

**Description of "Prohibited Areas"**

Except in otherwise designated areas, no dogs shall be allowed in the following locations:

Albert Larocque Park  
Cadieux Park  
Memorial Park  
Old Mill Park  
Sidney Park



**SCHEDULE "B"**  
**of By-law N° 36-2020**

**Dog off-leash area**

Hawkesbury dog park located at Cyr-de-la-Salle Park

**SCHEDULE "C"**  
**of By-law N° 36-2020**

**CERTIFICATE OF VETERINARIAN AS TO PIT BULL STATUS**

1. I am a member in good standing of the College of Veterinarians of Ontario.
2. I work/practice/teach/am enrolled at \_\_\_\_\_  
\_\_\_\_\_.
3. My address, day time telephone and e-mail address are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. The dog described in Box A below **IS** or **IS NOT** (please circle answer) a pit bull within the meaning of the *Dog Owners' Liability Act*, as amended.
5. I make this statement in good faith and for no improper purpose.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Box A**  
**Description of dog**

Photograph (attach picture)	
Dog's name and description	
Approximate height and weight	
Date the dog was acquired	
Hawkesbury Dog Licence Number	

**SCHEDULE "C" - continuation**

**STATUTORY DECLARATION  
AS TO OWNER OF DOG IN Box A**

Owner's name, address and telephone: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please read this before signing.

I certify the above information in Schedule "C" is true.

I consent to release the Veterinarian's certificate and the content of Schedule "C" to:

- other municipal governments (for purposes of enforcing by-laws with respect to dogs),
- the Province of Ontario,
- the Society for Prevention of Cruelty to Animals,
- any law enforcement agency,
- any Court or computer registry of dogs used jointly, or in part, by any of the above organizations.

Sworn before me at the Town of Hawkesbury )  
in the Province of Ontario )  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ) \_\_\_\_\_

\_\_\_\_\_  
A Commissioner for taking affidavits

**SCHEDULE "D"**  
**of By-law N° 36-2020**

Fences

Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced in area and that will prevent a dangerous dog or a dog included in Schedule "A" to this by-law from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-latching devices, and locks located at the top of and inside the gates.

A fence shall:

- 1) If of chain link construction:
  - i. Be of not greater than 50mm (2 inches) diamond mesh,
  - ii. Be constructed of galvanized steel wire not less than 3.6mm diameter (No. 11 gauge), or of minimum 2.9mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6mm diameter (No. 9 gauge),
  - iii. Be supported by at least 38mm ( 1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3m (10 feet) apart. Top horizontal rails shall be at least 32mm (1.25 inches) diameter galvanized steel. Bottom horizontal rails shall be a 12mm (.5 inch) diameter galvanized tension rail or a 32mm (1.25 inches) diameter galvanized rail.
- 2) If of wood construction:
  - i. Be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches),
  - ii. Supporting horizontal members shall have a minimum dimension of 38 x 88 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4m (4 feet 6 inches) apart,
  - iii. Horizontal members shall be supported by posts spaced not more than 2.4m (8 feet) on centre. Such posts shall be 88mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.

If the fence design is other than specified in 1) or 2) either in material or otherwise, such fence shall require approval by the Chief Building Official.

**SCHEDULE “E”  
of By-law N° 36-2020**

**ANIMAL FOSTER HOME APPLICATION**

1. I am requesting that my residential dwelling below be certified as an Animal foster home:  
\_\_\_\_\_
  
2. I have attached proof of ownership or letter from the landowner authorizing the certification.
  
3. I am sponsored by the following not-profit organization, letter of which is attached: \_\_\_\_\_
  
4. I shall:
  - i. comply with this by-law and all other applicable statutes, regulations, and by-laws when fostering dogs or domestic animals;
  - ii. comply with any inspections or requirements imposed by the Town or by any organization permitted by law to provide protection and humane treatment of dogs or domestic animals;
  - iii. operate the animal foster home on a not-for-profit basis;
  - iv. have procedures in place to ensure that dogs or domestic animals are adopted by screened owners (document attached);
  - v. inform the animal control authority immediately of any change in the operation of the animal foster home;
  - vi. provide such additional information as may be required by the animal control authority.
  
5. I realize that the certification can be rescinded at any time by the animal control authority without cause.
  
6. My address, telephone and e-mail address are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_