

THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS

BY-LAW NUMBER 07-2011

BEING A BY-LAW TO REGULATE THE KEEPING AND CONTROL OF DOGS AND LICENSING AND RESTRAINT OF DOGS WITHIN THE TOWNSHIP OF KILLALOE, HAGARTY & RICHARDS.

WHEREAS Section 210 of The Municipal Act, R.S.O. 1990, Chapter M.45, provides that Council may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system pursuant to the provisions thereof;

AND WHEREAS Section 20 of the Animals for Research Act, R.S.O. 1990, Chapter A.22, provides for the impounding and sale or destruction of any dog pursuant to the provisions thereof;

AND WHEREAS the Dog Owners' Liability Act, R.S.O. 1990, Chapter D.16, provides for the protection of persons and property;

AND WHEREAS the Ontario Police Services Act, R.S.O. 1990, Chapter P.15, as amended, provides that Council may appoint Municipal Law Enforcement Officers to enforce all municipal by-laws;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY & RICHARDS ENACTS AS FOLLOWS:

**1. DEFINITIONS:**

As used in the by-law, the following terms shall have the meaning hereinafter ascribed to them:

**Animal Control Officer** means a person appointed or employed by the Township of Killaloe, Hagarty and Richards for the purposes of supervising all the provisions of this by-law within the limits of the Township of Killaloe, Hagarty and Richards.

**Municipal Law Enforcement Officer** means a person appointed by the Township of Killaloe, Hagarty and Richards for the purposes of enforcing the provisions of this by-law and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P.15, Section 15.

**Animal Shelter** means any premises designated by the Corporation for the purpose of impounding and caring for dogs taken by the agents of the Corporation in violation of this bylaw.

**At Large** Any dog will be deemed to be at large when it is off the property of it's owner and not under control of a competent person.

**Corporation** shall mean the Corporation of the Township of Killaloe, Hagarty and Richards.

**Dog** shall mean Canis Familiarise, male or female, over the age of three (3) months and shall not include wolf or fox or any other wild or part wild species of Canis Familiarise.

**Health Hazard** shall mean

- (a) condition of a premises,
- (b) a substance, thing, plant or animal other than man, or
- (c) a solid, liquid, gas or combination of any of them,

that has or is likely to have an adverse affect on the health of any person;

**Health Unit** shall mean an area that, by or under any Act, is the area of jurisdiction of a board of health

**Immunization** shall mean to protect against disease by annual inoculation of immunizing serums and vaccines.

**Kennel** shall mean any person, group of persons, partnership or corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs.

**Leash** includes any form of lead or restraint that has the capability to control a dog from annoying, bothering or irritating persons or other animals.

**Nuisance Animal** shall mean any domestic dog found to be causing a common nuisance, irritation, annoyance or bother to other persons or other animals.

**Owner** means and includes any person who possesses, keeps, feeds or harbours a dog and "owns" or "owned" shall have a corresponding meaning.

**Registration Period** shall mean the period from January 1 to December 31 of which year with an extended period to March 31 of the next year which shall be an extension of the prior year registration period to allow owners of dogs that were registered in the prior year to purchase new dog tags.

**Sterilized Animal** shall mean any spayed/neutered dog that is in support of such certificate from a licensed veterinarian.

**Veterinary Hospital** shall mean any establishment maintained and operated with a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals and birds.

**Vicious Dog** shall mean any dog that displays vicious tendencies such as growling, baring of teeth, charging or lunging, attacking or biting a person or other domestic animal.

## **2. ENFORCEMENT:**

The provisions of this by-law shall be enforced by the Corporation, its servants, agents, workmen, employees or any of them.

## **3. KEEPING AND CARE OF DOGS:**

- (a) No person shall own, keep, harbour or possess any dog that is found repeatedly to be a nuisance animal on any lot or in any building or structure on such lot within the limits of the Township of Killaloe, Hagarty and Richards.
- (b) Any owner of a dog, or person having care and custody of a dog shall remove and dispose of any excrement left by the dog on any property in the township other than the owner's property.

## **4. LICENSING AND ANIMAL IDENTIFICATION SYSTEM:**

- (a) The owner of every dog three (3) months of age or older, within three(3) days of his/her becoming such, shall cause it to be licensed with a valid pet tag, numbered and described with the Township, which provision shall be called the Animal Identification System.

The Pet License and Registration fees are as follows:

**For all Spayed/Neutered Dogs:**

Before March 31 in any year           \$10.00  
After March 31 in any year           \$15.00

**For all Unsterilized Dogs:**

Before March 31 in any year           \$15.00  
After March 31 in any year           \$20.00

\*\*\$5.00 for each additional dog\*\*

And such license and registration shall expire on December 31st of each year .

(b) The owner of every dog shall not claim such dog to be sterilized when such dog is not sterilized and wrongful claiming shall subject the owner or harbourer to the penalty provided for in this by-law.

(c) Upon payment of the required fee, the owner shall be furnished with a tag for each dog owned by him/her with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the dog for which it was issued at all times during the year and until he procures a tag for the following year. A record shall be kept by the Licensing Officer showing the name and address of the owner and the serial number of the tag. In the event that a tag is lost, the person to whom it was issued shall immediately claim another from the License Issuer and shall pay, therefore, the sum of TWO DOLLARS (\$2.00) for each tag.

(d) Every owner or harbourer of a dog shall obtain a tag and keep it securely fixed on his /her dog and shall not affix the tag upon a dog other than the dog for which the said tag was issued. No person shall affix a tag upon a dog other than the dog for which the said tag was issued and doing so shall subject the owner or the harbourer of the penalty provided for in this by-law.

**5. KENNELS:**

(a) Every person who owns, operates or conducts a kennel for pure breed dogs which is registered with the National Kennel Club pursuant to The Statutes of Ontario enacted in that behalf, shall pay to the Township of Killaloe, Hagarty and Richards, immediately following the first day of January in any year, an annual license fee of SEVENTY-FIVE DOLLARS (\$75.00).

(b ) If there is a change of ownership of a kennel during the license year the new owner must purchase a new license.

(c ) (i) No person shall keep kennels for the breeding of dogs other than as set out in Section 5(a) of this by-law within the limits of the Township of Killaloe, Hagarty and Richards without first having received a license so to do. Upon applying for a license to be issued, the applicant shall file with the Treasurer a certificate from the Renfrew County and District Health Unit dated within ten(10) days of the application setting out that the quarters where the kennels for the breeding and boarding of dogs meet the health requirements and whether or not the keeping of such animals as set out in the application for a permit would constitute a nuisance to other residents in the Township of Killaloe, Hagarty and Richards.

(ii) The Clerk-Treasurer of the Township of Killaloe, Hagarty and Richards, upon any license at the request of the applicant, he/she shall refer the application to the Council of the Township of Killaloe, Hagarty and Richards at it's next regular sitting and the Council may, at it's discretion, grant or refuse the issuing of a permit hereunder.

(iii) Any license which may be issued pursuant to an application under Section 5©(i) shall expire on the 31<sup>st</sup> day of January in the year following the issuing of such permit and the same requirements for the original application will apply.

**6. IMPOUNDMENT:**

(a) Dogs found running at large shall be taken up by the agents of the Corporation and impounded in the pound maintained by the Animal Control Officer for the Township of Killaloe, Hagarty and Richards and there confined in a humane manner for a period of not less than five (5) days, exclusive of the day of impoundment and exclusive of holidays and may thereafter be disposed of in a humane manner if not claimed by their owners. Animals not claimed by their owners at the expiration of (5) days shall become the property of the Corporation and humanely disposed of by the Corporation, except as hereinafter provided in the cases of certain animals.

(b) Sick or injured dogs found at large and taken up by the agents of the Corporation shall not be placed into the animal shelter to save harm to other animals and possible contamination of the pound facility. An attempt shall be made by means of dog tags or other forms of identification by the agents to find the owner. If the owner is not ascertainable during the attempt the agent may seek medical attention for the animal or may perform euthanasia to save further pain/or suffering to the animal.

© Dogs found at large by an appointed Agent or any Police Officer that pose a threat to the safety of persons or other animals may be destroyed forthwith.

**7. REDEMPTION OF IMPOUNDED DOGS:**

(a)The owner shall be entitled to regain possession of any impounded dog except as hereinafter provided in the cases of certain dogs, upon compliance with the license or identification provisions of Section 4 of this by-law and the payment of fees set forth in Section 8 of this by-law.

(b)Any dog impounded under the provisions of this by-law and not reclaimed by it's owner within five(5) days, exclusive of the day of impoundment and exclusive of any day the pound may be closed during the impoundment, may be humanely destroyed by the Corporation or it's agents, or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this by-law and such other regulations as shall be fixed by the Corporation.

**8. REDEMPTION AND IMPOUNDMENT FEES:**

Any dog impounded hereunder may be reclaimed as herein provided for, upon payment by the owner to the Animal Control Facility/Officer of an impoundment fee in the amount of \$25.00 plus, an additional sum of \$5.00 for each day such dog is kept, commencing the second day of confinement.

Redemption & impoundment fees, as set forth herein, and such additional sums as may be deemed necessary for keeping dogs, shall be collected by the Animal Control Facility/Officer. The Animal Control Officer/Facility shall return the impoundment fee to the municipality and shall retain the redemption fee to help defray the costs of keeping such dogs during the period set forth herein. Redemption fees are deemed to be the mileage and per hour rates charged by the Animal Control Officer/Facility, relating to the collection and impoundment of the dog.

**9. RESTRAINT:**

(a) No person shall allow his or her dog to run at large. For the purpose of this by-law, a dog shall be deemed to be running at large if found in any place other than that of its owner/keeper and not under the control of any person.

(b ) No person shall allow their dog to become a nuisance animal by:

- (i) biting;
- (ii) chasing or biting at livestock;
- (iii) chasing or biting at motor vehicles;
- (iv) chasing or biting at bicycles;
- (v) chasing or biting at persons walking or riding thereon any street; or,
- (vi) causing damage when running at large;
- (vii) causing damage to commonly shared property
- (viii) excessive barking or howling

(c) Any such person who owns or possesses any dog that is found repeatedly to be a nuisance animal shall be subject to the penalty provided for in this by-law and shall be ordered to remove such dog from the limits of the Township of Killaloe, Hagarty and Richards. If proven that such dog has been enrolled into a recognized animal training facility and has completed a course for the correction of the nuisance behavior, the Animal Control Officer may permit re-entry within the limits of the Township of Killaloe, Hagarty and Richards. Any person who possesses such dog not having permission to re-enter shall be subject to the penalty provided for in this by-law.

(d) No person who owns, keeps, harbours or possesses a dog shall allow it to trespass on private property even when on a leash.

(e) (i) Any person who owns, keeps, harbours or possesses a dog which defecates on a public, commonly shared or private property, other than that of the said owner or keeper thereof, shall forthwith clean up after it.

(ii) No person who owns, keeps, harbours or possesses a dog shall allow a build-up of dog fecal matter on the property where the dog is kept to the point where it becomes a public health hazard, as defined by the Health Unit.

**10. DANGEROUS OR VICIOUS DOG RESTRICTION:**

Dangerous or vicious dogs shall not be kept within the limits of the Corporation and any owner, keeper or harbourer of such dog found to be fierce, dangerous or vicious shall be dealt with under The Dog Owners Liability Act, Chapter D.16.

**11. REPORT OF BITE CASES:**

It shall be expected that every Physician or other practitioner shall report the names and addresses of persons treated for bites inflicted by dogs, together with such other information as will be helpful in rabies control to the Renfrew County and District Health Unit.

**12. RESPONSIBILITIES OF VETERINARIANS:**

It shall be the duty of every licensed veterinarian to report to the Renfrew County and District Health Unit his/her diagnosis of any dog observed by him/her as a rabies suspect.

**13. EXEMPTIONS:**

(a) Hospitals, clinics and other premises in operation with licensed veterinarians for the care and treatment of dogs are exempt from the provisions of this by-law, except where such duties are expressly stated.

**14. INVESTIGATION:**

For the purpose of discharging the duties imposed by this by-law and to enforce its provisions, any agent of the Corporation or any Police Officer is empowered to demand the exhibition by the Owner of such dog or the license/identification of such dog. It is further provided that any agent of the Corporation may enter the premises where any dog is kept in a reportedly cruel or inhumane manner, to examine such dog and to take possession of such dog to determine the validity of such report or complaint, and to take appropriate corrective measures, if necessary.

**15. PENALTY:**

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33.

**16. REPEALS:**

This by-law replaces by-law 24-2001 of the Corporation of the Township of Killaloe, Hagarty and Richards, relating to the keeping, licensing, identifying, restraining and regulating of animals.


**17. SEVERABILITY:**

If any part of this by-law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

18. This by-law shall come into force and take effect upon the date of the final passing thereof.

Read a first and second time this 6<sup>th</sup> day of September, 2011.

Read a third time and finally passed this 6<sup>th</sup> day September, 2011.

  
Mayor

  
CAO-Clerk-Treasurer

**Corporation of the Township of Killaloe, Hagarty and Richards**

**Part 1 Provincial Offences Act  
By-Law #07-2011 - Dog Control By-Law**

	<b>COLUMN 1 <i>Short Form Wording</i></b>	<b>COLUMN 2 <i>Offence Creating Provision or Defining Offence</i></b>	<b>COLUMN 3 - SET FINE</b>
1	Own/harbor a nuisance animal	Section 3(a)	\$200.00
2	Dog without a tag or license	Section 4(a)	\$ 50.00
3	Wrongful claiming of a dog being sterilized	Section 4(b)	\$100.00
4	Tag not affixed to dog	Section 4(d)	\$ 50.00
5	Tagging dog with tag other than that issued	Section 4(d)	\$ 50.00
6	Own, operate or conduct a kennel without paying a license fee	Section 5(a)	\$500.00
7	Allow dog to run at large	Section 9(a)	\$250.00
8	Allow nuisance animal by biting	Section 9(b)(i)	\$250.00
9	Allow nuisance animal by chasing livestock	Section 9(b)(ii)	\$ 75.00
10	Allow nuisance animal by chasing motor vehicles	Section 9(b)(iii)	\$ 75.00
11	Allow nuisance animal by chasing bicycles	Section 9(b)(iv)	\$ 75.00
12	Allow nuisance animal by chasing or biting at persons	Section 9(b)(v)	\$ 75.00
13	Allow nuisance animal by damage when running at large	Section 9(b)(vi)	\$ 75.00
14	Allowing nuisance animal by causing damage to commonly shared property	Section 9(b)(vii)	\$ 75.00
15	Allowing nuisance animal by excessive barking or howling	Section 9(b)(viii)	\$ 75.00
16	Allow dog to trespass on private property	Section 9(d)	\$250.00
17	Fail to remove excrement of dog	Section 9(e)(i)	\$ 75.00
18	Allowing build-up of fecal matter	Section 9(e)(ii)	\$ 75.00

**Note: The penalty provision for the offences indicated above is Section 15 of By-Law #07-2011, a certified copy of which has been filed.**