

THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES

BY-LAW NO. 1286 - 90

BY-LAW TO PROHIBIT THE RUNNING AT LARGE OF DOGS IN THE TOWNSHIP OF NORTH DUMFRIES, FOR APPOINTING AN ANIMAL CONTROL OFFICER, FOR IMPOSING A LICENSE FEE ON THE OWNERS OF DOGS, FOR REGULATING THE DISPOSAL OF DOGS FOUND RUNNING AT LARGE IN THE SAID TOWNSHIP, AND FOR OTHER MATTERS RELATING TO DOGS.

WHEREAS the Municipal Council of The Corporation of the Township of North Dumfries deems it desirable to prohibit the running at large of dogs in the Township, and to appoint an Animal Control Officer, and to provide for the seizing, impounding and killing of dogs found running at large as hereinafter set forth and for licensing and regulating the owners of dogs in the said Township within the meaning of The Municipal Act, R.S.O., 1980, C. 302, as amended;

AND WHEREAS Municipal Councils may, under the authority of Saction 210, Paragraph 1 of The Municipal Act, R.S.O. 1980, Chapter 302, pass by-laws for restricting the number of animals or any class thereof that may be kept by any person or in or about any dwelling unit within the municipality or defined area thereof.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

I• DEFINITIONS

1. (a) In this By-law, the words "Animal Control Officer" shall mean the person or persons so designated **by** the Municipal Council of The Corporation of the Township of North Dumfries.

- (b) In this By-law, the word "dog" means a male or female dog.

- (c) For the purpose of this By-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
- (d) In this By-law, an "owner" of a dog includes any person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- (e) For the purpose of this By-law, the person or persons designated as the "Animal Control Officer" shall be deemed to be a Pound-Keeper for the Township and the place or places so designated by the Municipal Council of The Corporation of the Township of North Dumfries shall be deemed to be the Township Pound or Pounds, as the case may be.
- (f) In this By-law, "pure-bred dog" means a dog registered or eligible for registration with an Association incorporated under the Animal Pedigree Act (Canada).

II. ANIMAL CONTROL OFFICER

2. Council, in each year, ~~shall~~ may **(amended by by-law 1286-90)**, by Resolution, appoint an

Animal Control Officer whose duty it shall be to:

- (i) issue licenses and dog tags in accordance with the provisions of this By-law;
 - (ii) collect license fees in accordance with the provisions of Schedule "A" of this By-law;
 - (iii) assist in the prosecution of any contraventions of this By-law;
 - (iv) keep accurate records of all licenses and dog tags issued
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pursuant to this By-law and such records must show the dog owner's name and address and the serial number of the dog tag;

- (v) report to Council once a month on all matters relating to this By-law;
- (vi) carry out orders of the Mayor and Council.

3. Council may, in each year, by Resolution, appoint a person recommended by the Animal Control Officer as a Deputy Animal Control Officer whose duty shall be to replace the Animal Control Officer during the absence from the Township of the Animal Control Officer. During the absence from the Township of the Animal Control Officer, the Deputy Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.

4. The Animal Control Officer shall be paid such remuneration as fixed by Council.

III. POUND

5. Council shall, from time to time, designate a place or places within or outside the Township as Township of North Dumfries' Pound or Pounds.

IV. LICENSES AND DOG TAGS

6. (a) In the year 1990 and thereafter in any year until this By-law is repealed, every person residing temporarily or permanently within the limits of the Township, being the owner of a dog shall, on or before the 1st day of April in each and every year cause such dog to be registered with the Animal Control Officer and shall procure a license therefor, which license shall expire on the 31st day of December in each year in which the same was issued.

(b) Every owner of a dog shall cause a dog tag to be securely affixed on the dog at all times (until the tag is renewed or replaced) bearing figures or marks indicating that the license fee as hereinafter set out has been paid for the current year. Said tag shall be supplied by the Animal Control Officer upon the payment of the license fee.

7. Every person residing temporarily or permanently within the limits of the Township of North Dumfries, being the owner of a dog within the limits of the Corporation, shall, within Ten (10) days after becoming the owner of such dog, cause the dog to be registered with the Animal Control Officer and procure a license therefor, which license shall expire on the 31st day of December in each year in which the same was issued.

8. The dog tag shall bear the serial number and the year in which it was issued and no person shall remove the tag from a licensed dog; however, said dog tag may be removed while the dog is being lawfully used for hunting in the bush.

9. No license or dog tag or kennel license shall be transferable within the corporate limits of the Township of North Dumfries provided said license or dog tag was issued by the Township of North Dumfries in the first instance.

V. **LICENSE FEES**

10. That it is hereby imposed and shall be collected by the Animal Control Officer from the owner of every dog or the owner of a kennel in the Township, an annual license fee

as set out in Schedule "A" attached hereto and forming part of this By-law.

11. Notwithstanding the provisions of this By-law, the Township Clerk is authorized and directed to have dog and kennel licenses for sale in his office and the Clerk shall have the same authority as the Animal Control Officer to collect license fees, issue licenses and supply tags. All license fees collected by the Animal Control Officer shall be paid to the Clerk within One (1) month of the receipt thereof together with an appropriate explanatory statement.

VI. KENNELS

12. Notwithstanding Paragraphs 6 and 7 of this By-law, the license fee for the kennel of ~~pure-bred~~ **(amended by By-law 2555-07)** dogs shall be paid by the owner to the Animal Control Officer as follows:

- (a) In the year 1990 and each year thereafter until this By-law is repealed
 - (i) on or before the 31st day of March in each and every year, or
 - (ii) within Ten (10) days after becoming the owner of such kennel in cases where ownership of the kennel is after the 31st day of March in any year.

13.
 - (a) An application for a new kennel shall be subject to circulation within 120 metres of the property and a public meeting for a decision by Council as to whether or not a license shall be granted.
 - (b) Any application submitted for a new kennel license or a renewal shall include a detailed site plan.
 - (c) The Township may require the owner/operator of a kennel to erect and install a proper fence, minimum height of 1.2 meters (4 feet), around every pen, run or exercise yard. Such fence is to be constructed to prevent visibility.
 - (d) After having given notice in writing, the

Township may, at any time, cancel a kennel license when it is of the Township's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation shall include, but are not limited to, unresolved problems of noise, sanitation, care of dogs, or uses other than that pennitted by the kennel license. Such written notice shall be delivered in person or by prepaid registered mail to the registered owner of the kennel.

- (e) The outside face of any part of the structure of a new kennel approved by the Township shall be situated a minimum of 100 meters from the side, rear and front lot lines of the property.
- (f) All dogs at a licensed kennel facility are to be confined within a suitable enclosure while on the property or secured on a leash being held by a person **(amended by By-law 2555-07)**.

VII. DOGS RUNNING AT LARGE

- 14. No owner of a dog shall allow or permit such dog to run at large in the Township of North Dumfries.
- 15. A dog found running at large contrary to the provisions of this By-law may be seized and impounded in a Township Pound; a dog so impounded shall be held for a period of seventy-Two (72) hours and if not claimed and released to the owner thereof within such period of time may be then destroyed or sold by the Pound-Keeper as he deems fit. The selling price of any dog so sold shall belong to the Township. Any dog impounded shall not be released until the owner thereof pays to the Pound-Keeper the sum of Ten (\$10.00) Dollars for the first day or any part thereof and the sum of Three (\$3.00) Dollars for each additional day or part thereof during which the dog has been impounded.
- 16. The owner of every dog impounded, if known, whether or

not the dog is claimed by the owner from the Pound, shall be liable for the payment of the Pound and boarding fee as set out in Paragraph 15 above, and shall pay all fees on demand to the Pound-Keeper.

17. The Mayor of the Township may, at his discretion, whenever claims are being made upon the Township for damages for loss of sheep killed by dogs, or whenever the disease of canine madness known as hydrophobia is prevalent may issue a proclamation directing all dogs to be confined, tied up or muzzled for a specific period of time as set forth in such proclamation, and during the specified period of time, it shall be lawful for any person or persons to kill any dog not properly muzzled running at large within the Township.

18. Any dog known to be rabid shall be immediately destroyed by its owner or by the Animal Control Officer.

19. Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control **Officer** until proceedings under The Dog Owners' Liability Act, R.S.O. 1980 have been followed, provided that no dog shall be so impounded or held for a period in excess of Twenty-One (21) days unless otherwise ordered by the Provincial Judge.

VIII. DOG WASTE

20. Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property in the Township of North Dumfries, other than the premises of the owner of the dog.

IX. MUZZLING OR LEASHING OF DOGS

21. (a) Every owner of a dog after it has bitten a person or a domestic animal shall ensure that said dog *is* muzzled or leashed while said dog is on any property in the Township of North

Dumfries, including the premises of the owner of the dog.

(b) Where the owner of the dog objects to the muzzling or leashing requirement set forth in Subparagraph (a) above, the owner of the dog may request and is entitled to a Hearing by the Council of the Township of North Dumfries. The Council of the Township of North Dumfries may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in Subparagraph (a) above.

X. MISCELLANEOUS MATTERS

22. The Township, its agents and servants and the Pound-Keeper shall not be liable for damages or compensation for any dog killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.

23. Except in an Agricultural Zone pursuant to the Zoning By-law of the Township of North Dumfries, no owner or occupier of a premises may keep more than two (2) dogs on said premises. In an Agricultural Zone no owner or occupier of a property may keep more than three (3) dogs on said premises unless that property is a licensed kennel in the Township of North Dumfries. For the purposes of this paragraph puppies that have not been weaned shall not be counted in determining the number of dogs on the premises **(amended by By-law 2555-07)**.

XI. PENALTY PROVISIONS

24. Every person who contravenes any provision of this

By- law:

(i) is guilty of an offence, and,

(ii) upon conviction therefor is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars as prescribed in The Provincial Offences Act, R.S.O. 1980, c. 400, as amended (**Amended by By-law 1294-91**).

XII. REPEAL OF CERTAIN BY-LAWS

25. Township of North Dumfries By-law Numbers 654-83, 693-83 and 764-84 and any other By-law inconsistent with the provisions of this By-law are hereby repealed.

26. This By-law shall come into force at the date of its final passing.

READ A FIRST AND SECOND TIME this 17th day of
December, 1990.


Mayor


Clerk

READ A THIRD TIME AND FINALLY PASSED this 17th day of
December, 1990.


Ma.


Clerk

TBB CORPORATION OF THE TOWNSHIP OF BORTH DOJFRIBS

SCHEDULE "A" TO BY-LAW NUMBER 1286-
90

Owner of a kennel	\$160.00
Each individual dog not housed in a licensed kennel	\$20.00
Each individual guide/service dog not housed in a licensed kennel upon [resonation of identification and/or proof of registration from either:	\$0.00
International Guide Dog Federation, or	
Assistance Dogs International	

(Schedule 'A' amended by By-law 2555-07 and By-law 2321-08)

ITEN	COLUMN 1	COLUMN 2	COL1Jr.1N 3
1.	Failing to procure a dog license	Section 6	.;53.75
2.	Failing to licens.e dog annually	Section 6	53.75
3.	Failing to procure dog license within Ten (10) days of ownership of dog	Section 7	53.75
4.	Failing to pay kennel l cense fee within Ten (10) days of ownership	Section 12	53.75
5.	Allowing dog to run at large	Section 14	53.75
6.	Failing to destroy rabid dog	Section 18	53.75
7.	Failing to remove dog waste	Section 20	53.75
8.	Failing to muzzle or leash dog that has bitten	Section 21	53.75
9.	Keeping more than Two (2) dogs on premises	Section 23	53.75

NOTE: The penalty provision for the offences indicated above is Section 24 of By-law Number 1286-9G, a certified copy of which has been filed.