

THE CORPORATION OF THE TOWNSHIP OF DOURO-DUMMER

BY-LAW NUMBER 2001-17

A By-law for the licensing and requiring the registration of dogs, and for prohibiting and regulating the running at large of dogs.

WHEREAS the Municipal Act, R.S.O. 1990,c. M.45, Section 210 provides that by-laws may be passed by the Council of a local Municipality for the licensing and requiring the registration of dogs and prohibiting or regulating the running at large of dogs in the Municipality;

AND WHEREAS the Council of the Township of Douro-Dummer deems it advisable to pass a by-law for the licensing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the Municipality.

NOW THEREFORE the Council of the Corporation of the Township of Douro-Dummer enacts as follows:

SECTION 1 - DEFINITIONS

1. For the purpose of this By-law, the definitions and interpretations given in this section shall govern. Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular number. The word "SHALL" is mandatory and not directory. In this By-law, the following definitions shall apply:
 - (1) "DOG" shall mean a male or female dog whether neutered or spayed.
 - (2) "OFFICER" shall mean persons appointed by the Corporation of the Township of Douro-Dummer to enforce the provisions of this By-law as a Provincial Offences Officer, By-law Enforcement Officer or Small Animal Control Officer.
 - (3) "OWNER" includes a person who possess or harbours a dog and, where the owner is minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
 - (4) "MINOR" is a person who has not achieved the age of majority as defined by applicable provincial law.
 - (5) "PUREBRED" means:
 - (a) registered or eligible for registration in the register of the Canadian Kennel Club Incorporate; or
 - (b) recognized as such pursuant to the Animal Pedigree Act (Canada); or
 - (c) the American Field Trials Association.
 - (6) "CLERK" means the Clerk of the Corporation of the Township of Douro-Dummer.
 - (7) "CORPORATION" means the Township of Douro-Dummer.
 - (8) "POSSESSION OR HARBOURING" of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property or the premises which he owns or occupies or which is habitually kept on such property.
 - (9) "KENNEL" means a commercial dog kennel, as defined in the Zoning By-laws of the Corporation.

- (10) “GUIDE DOG” means a dog trained and actively used to assist a person who is legally blind or legally deaf.
- (11) “RUNNING AT LARGE” shall mean any dog(s) found in any place other than the premises of the owner of the dog and not under the control of any person.

SECTION 2 - REQUIREMENTS FOR A LICENCE

- 2. (1) Every person who owns a dog which is kept in the Corporation shall obtain a licence for such dog from the Corporation and shall pay to the Corporation the licence fee for such dog as prescribed in Schedule “A” to this By-law.
- (2) Every person who owns a legal kennel within the Corporation in which a dog or dogs are kept that are purebred shall pay an annual licence fee as prescribed in Schedule “A”, as a fee for the kennel instead of a licence fee for each dog so kept relating to the preparation of the kennel.
- (3) A kennel licence will only be granted in areas properly zoned to permit the use of dog kennels in accordance with the Corporations By-laws.
- (4) The requirement to obtain a licence as prescribed in Section 2(1) and 2(2) shall occur when the person:
 - (a) becomes the owner of the dog, or kennel, as the case may be and the same is kept within the Corporation: or
 - (b) when the dog is possessed or harboured in the Corporation for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.
- (5) The “kennel licence” issued pursuant to Section 2(2) shall recite the number and type of all dog(s) composing the kennel.
- (6) All licences and licence tags and kennel licences issued under this By-law shall expire on the 31st day of December in each year and the owner shall obtain a new licence or licenses not later than the 31st of March of the following year.
- (7) Registration and licensing of a dog under the age of six (6) months is not required by this By-law.

SECTION 3 - IDENTIFICATION OF DOG(S) AND ISSUANCE OF TAGS

- 3. (1) Every person who is issued a licence pursuant to Section 2(1) shall be given a tag for such dog, and such tag shall indicate an identification serial number thereon for such tag and the year in which it was issued, and the same shall be provided to the person by the Clerk, or his designate.
- (2) Every person who is provided with a tag pursuant to Section 3(1) shall ensure that the tag is affixed to the collar of the dog, or otherwise placed on or around the dog, in such a manner that the tag can identify such dog to any person at all times and the same shall be secured on the dog until the tag is renewed or replaced.

- (3) Section 3(2) does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting in the bush.
- (4) Every person who is issued a kennel licence pursuant to Section 2(2) shall ensure that the said licence be kept posted within the kennel in a secure area of the property where the kennel is situated.
- (5) A record shall be kept by the Clerk, or his designate, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3(1).
- (6) Tags which are lost may be replaced by providing sufficient proof that the dog possessed a licence for the current year and paying to the Clerk or his designate, the sum of \$2.00 for each lost tag.

SECTION 4 - GUIDE DOGS

4. (1) Sections 2 and 3 of this By-law shall not apply to any person who is legally blind or who is legally deaf and who owns a dog (or dogs) for his or her assistance as a guide dog.

SECTION 5 - DOGS AT LARGE

5. (1) No person shall permit a dog owned by him or her to run at large in the Corporation, and running at large shall be deemed to occur when the dog is found in any place other than the property or premises of the owner, and not under the control of any person, and held securely in or on a leash to prevent the possibility of any person or other animal (including an other dog) from being attacked or bitten by such dog.
- (2) Section 5(1) shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.
- (3) No owner shall cause or permit the persistent barking, calling, howling or howling or whining or other similar persistent noise making by any dog within the Municipality.

SECTION 6 - RESTRICTING THE NUMBER OF DOGS

6. (1) Within those areas of the Township of Douro-Dummer, the number of dogs requiring a licence that a person may keep is hereby restricted to three (3), and the number of dogs requiring a licence that may be kept in or about the dwelling unit is hereby restricted to three (3).
- (2) This restriction shall not apply to restrict the number of dogs that may be kept in a kennel licensed under this By-law.
- (3) A person in possession of a dwelling unit shall ensure that the provisions of this Section as they apply to that dwelling unit are complied with.

SECTION 7 - SEIZURE AND IMPOUNDING OF DOGS

7. (1) The Small Animal Control Officer may;
 - (a) Seize and impound any dog(s) found running at large within the Municipality.

- (b) Where, in the opinion of the Small Animal Control Officer, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Small Animal Control Officer may destroy the dog(s) as soon after seizure as he thinks fit without permitting any person to reclaim the dog.
 - (c) Where the Small Animal Control Officer finds a dog(s) running at large contrary to the provisions of this By-law and he believes that before he can seize the dog(s) it may attack a human being or another animal, he may destroy the dog(s).
 - (d) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Small Animal Control Officer.
- (2) (a) Any dog, impounded pursuant to Section 7 (1)(c) may be kept at the appropriate kennel, a secure place, and a fee charged to the owner prior to the release of the dog, for all costs of the distrainer.
 - b) When a dog is so impounded and kept pursuant to Section 7 (2)(a), then it shall not be destroyed until any minimum redemption period has expired as established by applicable provincial law.

SECTION 8 - OFFENCE

- 8. (1) Every person who contravenes any of the provisions of this By-law No. 2001- , is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than **FIVE THOUSAND DOLLARS** (\$5000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

SECTION 9 - SEVERABILITY OF PROVISIONS

- 9. (1) If any section or sections of this By-law, or parts thereof, may be found by any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts thereof of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

SECTION 10

- 10. This By-law comes into force on the date of its passage.

ENACTED AND PASSED THIS 5th DAY OF FEBRUARY, 2001.

REEVE

C.A.O./CLERK

THE CORPORATION OF THE TOWNSHIP OF DOURO-DUMMER

**SCHEDULE 'A'
TO BY-LAW NUMBER 2001-17**

TO ESTABLISH THE FOLLOWING FEES:

1. That Section 2(1) shall read:
For each male or female dog the sum of \$10.00 if the fee is paid on or before April 30th of the current year.
2. That Section 2(1) shall read:
For each male or female dog the sum of \$20.00 if the fee is paid after April 30th of the current year.
3. That Section 2(2) shall read:
For each kennel licence a sum of \$50.00 if the fee is paid on or before April 30th of the current year.
4. That Section 2(2) shall read:
For each kennel licence a sum of \$75.00 if the fee is paid after April 30th of the current year.

THE CORPORATION OF THE TOWNSHIP OF DOURO-DUMMER

**SCHEDULE 'B'
TO BY-LAW NUMBER 2001-17**

Schedule of Offences

ITEM	OFFENCE	SECTION CONSTITUTING OFFENCE	SUGGESTED FINE (including costs)
1.	Keeping Dog without having paid a licence fee to do so	Section 2 (1)	\$75.00
2.	Being the owner of a dog and allowing such dog to make a persistent noise	Section 5 (3)	\$75.00
3.	Being the owner of a dog and allowing such dog to run at large	Section 5 (1)	\$180.00
4.	Keeping dogs in a kennel without having paid for a licence to do so	Section 2 (2)	\$100.00
5.	Keeping more than three (3) dogs at a residence	Section 6 (1)	\$75.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 7(1) of By-law No. 2001-17