

THE CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

BY-LAW NUMBER 2008-61

ANI MAL CONTROL BY-LAW

BEING A BY-LAW of the Corporation of the Township of East Hawkesbury to license, regulate and prohibit the running at large of dogs within the municipality and to regulate the keeping of dogs.

WHEREAS Section 11(3) of the *Municipal Act, 2001*, provides that the Council of a Municipality may pass by-laws respecting the licensing and registration of dogs, prohibiting the running at large of dogs in the Municipality and to regulate the keeping of animals or any class thereof, and the licensing and regulation of pounds for the retention, maintenance and disposal of animals that have been impounded; and

WHEREAS the Corporation of the Township of East Hawkesbury deems it desirable to do so.

NOW THEREFORE the Council of the Township of East Hawkesbury enacts as follows:

SHORT TITLE

This by-law may be cited as the "Animal Control By-Law".

DEFINITIONS

In this by-law:

- a. **"Animal Control Officer"** shall mean the person or persons appointed by the Township of East Hawkesbury to enforce this by-law and any servant or agent of such person or persons Employed for such purposes.
- b. **"Corporation"** shall mean the Corporation of the Township of East Hawkesbury.
- c. **"Dog"** means a male or female dog member of the species *Canis familiaris*, or any hybrid thereof, over the age of eight (8) weeks.
- d. **"Dog Catcher"** shall mean the Dog Catcher appointed by the Council of the Corporation of the Township of East Hawkesbury.
- e. **"Kennel"** shall mean an establishment for breeding or boarding of dogs and/or dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada).
- f. **"Municipal Law Enforcement Officer"** shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of East Hawkesbury.
- g. **"Owner"** means a person who possesses or harbors a dog, where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
- h. **"Township"** shall mean The Township of East Hawkesbury.
- i. **"Vicious dog"** means any dog which has bitten another domestic animal or person without provocation.
- j. **"Zoning Administrator"** shall mean the Zoning Administrator appointed by the Council of the Corporation of the Township of East Hawkesbury.

DOG LICENSING, REGULATION AND REGISTRATION

- a. Every resident in the Township of East Hawkesbury who is the owner of a dog shall annually, not later than April 30 of each year or within thirty (30) days of becoming an owner of a dog or where applicable, upon the dog reaching the age of eight (8) weeks, register the dog with the Township, and thereafter annually pay a fee as prescribed in Schedule "A" of this By-Law. If the last day of registration falls on a Saturday, Sunday, or a Holiday, the next working day shall be the last day of registration.
- b. Upon payment of the prescribed license fee, the Township shall issue a tag bearing a serial number and year of issue and shall cause to be entered in a file kept for that purpose the following information:
 - Name of Owner
 - Address of owner
 - Telephone number of owners
 - Name of dog
 - Description and breed of dog

It shall be the responsibility of the owner to notify the Municipal Law Enforcement Officer of any changes in the information provided at the time the tag was issued.

- c. The owner of a dog shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.
- d. The set fee for the replacement of lost dog tags shall be that set out in Schedule "A" to this by-law.
- e. No tag or registration under this By-Law shall be transferable and the tag shall expire and become void upon the sale, death, or other disposal of the dog.
- f. No person other than the owner or his agent shall remove the license tag from a dog.

ANIMAL PROVISIONS

- a. No person shall operate a Kennel without first obtaining written confirmation from the Zoning Administrator that such operation complies with the Zoning By-Law of the Township of East Hawkesbury.
- b. Notwithstanding the provisions of Section 3, the owner of a Kennel shall pay an annual license fee as prescribed in Schedule "A" and such owner is not liable to pay any further license fee in respect to dogs harbored therein.
- c. No person who owns or harbors a dog within the Township shall permit such dog to become a public nuisance. A dog shall be considered a public nuisance if:
 - I. It persistently barks or howls.
 - II. It causes damage to public or private property.
 - III. It interferes with or dumps or scatters garbage or trash.
 - IV. It chases pedestrians, bicyclists or vehicles.
- d. No person shall keep or allow to be kept within the boundaries of the Township more than four (4) dogs per household, except for those holding a kennel license.

RUNNING AT LARGE OF ANIMALS

- a. No person who owns, harbors or possesses any dog shall allow the dog to run at large, or trespass on private property even when on a leash.
- b. For the purposes of this by-law, a dog shall be deemed to be running at large when found elsewhere than on the property of the owner and not under the control of a competent and responsible person and is not on a leash securely attached to the owner and having a length of less than 2.4 meters (8 feet).
- c. Any dog running at large contrary to the provisions of this by-law may be seized and impounded by the Municipal Law Enforcement Officer or Dog Catcher.
- d. No person shall permit a dog to attack any person or domestic animal or to fight with another animal.
- e. Any dog seized pursuant to Section 5 c) of this by-law, shall be taken to the municipal dog pound. Whether the dog is claimed or not, the owner shall be liable for the pick-up, impounding and maintenance fee prescribed in Schedule "A" and shall pay all costs to the Township of East Hawkesbury.
- f. In the event that possession of any impounded dog has not been restored to the owner within three clear days, not including the date of impounding and the date of disposal (exclusive of statutory holidays, Saturdays and Sundays) after impounding, the dog may be killed or sold for such price as provided in Schedule "A" to this by-law, or he/she may dispose of the dog pursuant to the *Animals for Research Act* and regulations thereunder. The sale of any dog so sold shall belong to the Municipality and no damages or compensation shall be recovered on account of any disposition thereunder.
- g. Where a dog which has been impounded is injured or should be destroyed without delay for humane reasons, the Municipal Law Enforcement Officer may dispose of the dog in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale, and no damages or compensation shall be recovered on account of such disposition. When the dog is identifiable, the Municipal Law Enforcement Officer will attempt to notify the owner in advance of its destruction.
- h. The Municipal Law Enforcement Officer shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, and the date of the disposition and the disposition made.
- i. Possession of the dog may be restored to the owner if the owner claims possession of the dog within seventy-two (72) hours (exclusive of statutory holidays, Saturdays and Sundays) of impounding.
- j. The Municipal Law Enforcement Officer may release a captured dog to the owner if satisfied that the dog is licensed for the current year, after identification of the dog by the owner and payment by him of the pound fees prescribed in Schedule "A".
- k. Where the owner of a dog refuses to take possession of his/her dog and/or refuses to pay the pound fees, such fees and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner with the same remedies as municipal taxes.

VICIOUS DOG

- a. The owner of a vicious dog shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in the following manners:
 - i) the dog shall be muzzled so as to prevent it from biting a person or animal.
- b. The owner of a vicious dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog.

ENFORCEMENT OF BY-LAW

- a. By-Law 96-78 and 2001-48 are hereby repealed.
- b. Schedules "A" and "B" hereto attached are part of this By-Law.
- c. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

PENALTIES

- a. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, chapter P.33 and amendments thereto.
- b. The set fines shall be those set out in Schedule "B" to this by-law.
- c. When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
- d. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
- e. This by-law shall come into force and take effect on the day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF SEPTEMBER 2008

"Signed"

Robert Kirby - Mayor

"Signed"

Linda Rozon - Clerk

SCHEDULE "A" RESINED See By-Law 2020-74
BY-LAW NUMBER 2008-61

1. LICENCE FEE:

- a. Male or female dog \$20.00
- b. For any dog per household for handicapped person (with proof) no fee
- c. Dog tag replacement \$1.00
- d. Kennel license \$100.00

2. POUND FEES:

- a. Pick-Up & Impounding:
 - i. First (1st) occurrence \$50.00
 - ii. Second (2nd) occurrence within a twelve (12) month period from the date of the first (1st) occurrence \$100.00
 - iii. Additional occurrence within a twelve (12) month period from the date of the first (1st) occurrence \$150.00
- b. Daily maintenance \$ 15.00/day
- c. Disposing \$35.00
- d. Administration 10% of a) + b) + c)where applicable

3. ADOPTION FEES:

- a. for each dog (male or female) \$ 20.00 + dog tag where applicable

SCHEDULE "B"

PART 1 PROVINCIAL OFFENCES ACT

Township of east Hawkesbury

Title: Animal control By-Law 2008-61

ITEM	COLUMN 1 SHORT FORM WORKING	COLUMN2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Being the owner of a dog - fail to register dog	Section 3.a)	\$ 80.00
2.	Kennel owners fail to pay license fee	Section 4.b)	\$ 150.00
3.	Permitting a dog to become a public nuisance by barking	Section 4.c(a)	\$ 80.00
4.	Permitting a dog to become a public nuisance by howling	Section 4.c(a)	\$ 80.00
5.	Permitting a dog to become a public nuisance by causing damage to public property	Section 4.c(b)	\$ 80.00
6.	Permitting a dog to become a public nuisance by scattering garbage	Section 4.c(c)	\$ 80.00
7.	Permitting a dog to become a public nuisance by chasing pedestrian	Section 4.c(d)	\$ 80.00
8.	Permitting a dog to become a public nuisance by chasing bicycle	Section 4.c(d)	\$ 80.00
9.	Permitting a dog to become a public nuisance by chasing vehicle	Section 4.c(d)	\$ 80.00
10.	Being one who keeps more than 4 dogs per household	Section 4.d)	\$ 80.00
11.	Permitting a dog to run at large	Section 5.a)	\$ 80.00
12.	Permitting a dog to trespass on private property	Section 5.a)	\$ 80.00
13.	Permitting a dog to attack a person	Section 5.d)	\$ 250.00
14.	Permitting a dog to attack a domestic animal	Section 5.d)	\$ 250.00