

BY-LAW NO: 07-43

Being a by-law for the licensing and requiring the registration of dogs and for the control and keeping of dogs within the municipality of
The Township of The North Shore

WHEREAS pursuant to the provisions of Section 210, subsections 1 to 13 of the Municipal Act, R.S.O. 1990, c.M.45, as am., provide that by-laws may be passed by the council of local municipalities for licensing, keeping and prohibiting or regulating the running at large of dogs within the Municipality;

AND WHEREAS Council deems it desirable to license and regulate dogs within the Municipality;

NOW THEREFORE, the Council of the Corporation of the Township of the North Shore (hereinafter called the Corporation) HEREBY ENACTS AS FOLLOWS:

1. The enforcement of this By-law shall be enforced by the "Animal Control Officer"
2.
 - a) "Animal Control Officer" includes the person or Association who has entered into a contract with the Municipality to control dogs and any servants of such person or association and all servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Section 15, Subsection 1 and 2 of the Police Services Act, R.S.O. 1990, c.P.15, as am., and pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as am., who shall be Peace Officers for the purpose of enforcing the animal control and dog licensing by-law and related legal process serving;
 - b) "Dog" means a male or female dog;
 - c) "Licence Issuer" means the Clerk of the Municipality;
 - d) "Licence Agent" means the Clerk of the Municipality;
 - e) "Owner" of a dog includes, a person who possesses or harbors a dog and "owns" and "owner" have corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor.
 - f) "Pure-Bred" means
 - i) Registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) or,
 - ii) Registered or eligible for registration in the register of the Canadian Kennel Club, Incorporated.
 - g) "Treasurer" means the Treasurer of the Municipality.
 - h) "Leash" means a chain, rope or other restraining device of not more than 2 metres.

PART 1 - LICENSING

3. No person in the Municipality shall own, harbour or possess a dog unless or until he/she has procured a licence to do so as herein provided and every owner of a dog shall be subject to the provisions of this by-law.
4. The Corporation is hereby authorized to issue licences under this by-law.
5. A licence shall be procured and renewed pursuant to this by-law by applying to the Licence Agent for said licence or renewed licence as the case may be and by paying the Licence Agent the required fee.
6. Any licence procured, issued or renewed pursuant to this by-law shall be in the form of a dog tag.
7.
 - a) Every dog tag must bear a serial number, year of issue and the name of the Licence Issuer or Licence Agent.
 - b) A record shall be kept by the Licence Agent showing the Name and Address of the owner and the serial number of the tag.
8.
 - a) The owner shall keep the dog 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 within the premises of the owner. Failure to do so constitutes a breach of this by-law.
 - b) No owner of a dog shall use a tag on a dog other than that for which it was issued unless it has been transferred as provided for in subsection b) of Section 9.
9.
 - a) In the event the tag issued for a dog is lost, the owner may obtain a second tag upon the payment of a fee.

- b) If there is a change of ownership of a dog during the licence year, the licence holder shall notify the Licence Agent immediately of the change of ownership and the new owner must pay a licence transfer fee for this service. Failure to do so constitutes a breach of this by-law.
 - c) Where a certificate is produced from the Canadian National Institute for the Blind or a certificate from a recognized dog guide training school stating that a dog is being used as a guide for a blind person, no fee shall be charged for a licence and a tag under this by-law.
 - d) Where a certificate is produced from Hearing Ear Dogs of Canada stating that a dog is being used for the assistance of a deaf person, no fee shall be charged for a licence or tag under this by-law.
10. a) Every licence issued pursuant to this by-law shall expire on the 31st day of December of the year in respect of which it was issued.
- b) Every licence shall be renewed yearly on or before the 31st day of March and the required fee paid to the Licence Agent.
- c) Where a licence is purchased after the 31st of March the required licence fee paid to the Licence Agent shall be doubled.
11. The licence fees to be paid to the Corporation at the time of the issuing of the Licence shall be as specified in Schedule "A", which Schedule is hereby incorporated as part of this by-law.

PART 2 - KENNELS

12. a) Notwithstanding the provisions of Section 11 and 12 above, no person in the municipality shall own, harbor or possess a kennel of dogs that are pure-bred until he/she has paid an annual licence fee of one hundred (\$100.00) dollars to the Treasurer as a licence fee for the kennel and he/she is not liable to pay in respect of such pure-bred dogs any licence fee under this by-law;
- b) Owners and operators of kennels shall comply with the following regulations:
- i) The licence shall expire on the 31st day of December
 - ii) Every licence shall be renewed yearly between the 1st day of January and the 15th of February of the next year, inclusive
 - iii) A kennel shall be permitted only in premises zoned for the purpose of the boarding and breeding of dogs.
 - iv) The floors of each room in which dogs are kept shall be:
 - constructed of an impermeable material and,
 - flushed with water and deodorized with a suitable disinfectant daily or more often as necessary and that the animals should be removed when this is being done and,
 - if such room is physically attached to a building used for human habitation, graded to an adequate drain, which shall be connected to a municipal sewage system or sewage disposal system.
 - v) Each room that is used for the housing of dogs shall be equipped with a lighting system that is so designed, constructed and maintained that:
 - it distributes light as evenly and with as little glare as possible
 - it provides adequate light for the proper observation of every animal in the room
 - it is adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.
 - vi) Each room that is used for the housing of dogs shall provide ventilation for the Health, welfare and comfort of every dog by either:
 - having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room, or
 - having a mechanical ventilation device in working order which changes the air at least two times each hour
 - vii) Each room that is used for the housing of dogs shall at all times, be maintained at a minimum temperature of nine (9) degrees Celsius for the health, welfare and comfort of every dog therein.

- viii) Each cage or pen used for the housing of dogs shall be so constructed and maintained that:
 - every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position;
 - it is not likely to harm any dog therein;
 - any dog therein cannot readily escape therefrom; and
 - it may be readily cleaned
- ix) Each doorway, window and outside openings shall be screened during the period of May 1st to October 1st of each year.
- x) The yards and runways shall be:
 - fenced and
 - if within thirty (30) metres of an occupied building:
 - paved with concrete, asphalt or other impermeable material
 - graded to an adequate drain or gutter, and
 - cleaned at least once daily when in use
- xi) Each area in which dogs are kept shall, at all times be maintained in a clean and sanitary condition
- xii) Excreta, dead animals and other waste resulting from the keeping of dogs shall be removed daily from the premises.
- xii) The Medical Officer of Health for the Township of the North Shore shall enter any building and order the removal of any matter or thing which is dangerous or injurious to the public health including any or all the above mentioned dogs, whenever it appears to the Medical Officer of Health that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health.

PART 3 - RUNNING AT LARGE

- 13.
 - a) No person shall suffer, allow or permit any dog of which he/she is the owner to run large within the limits of the Municipality.
 - b) 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 property of the owner of the dog and not under the control of any person.
 - c) For the purpose of this by-law, a dog shall be deemed not to be under the control of any person when the dog is not on a leash of a maximum length of two (2) metres held by a person or is not on a leash which is securely affixed to some permanent structure from which the dog cannot escape.
 - d) No person shall suffer, allow or permit a dog under his/her control or of which he/she is the registered owner to trespass on private property whether on a leash or not unless permission for said trespass is first obtained from the property owner.
- 14. Every person who is the owner of a dog at a time when the dog fouls property other than that of the owner, shall forthwith remove or cause the removal of the excrement from such property. Failure to do so constitutes a breach of this by-law.
- 15.
 - a) Subject to subsection (b) of this section a Peace Officer or Animal Control Officer may:
 - i) seize and impound any dog found running at large, and
 - ii) restore possession of the dog to the owner thereof where:
 - the owner claims possession of the dog within three (3) days (exclusive of the day of its impounding and of statutory holidays) after the date of seizure, and
 - the owner pays to the Peace Officer or Animal Control Officer a pound fee for a dog seized and an administration fee as per Schedule B the day of seizure that the dog remains impounded, and
 - refuse release of the dog until a current year tag is purchased.
 - b) Where a dog is seized and impounded under subsection a) of this section, the owner if known and whether the dog is claimed from the pound or not, shall be liable for the pound and administration fee prescribed and shall pay all fees on demand by the Animal Control Officer or Licence Agent, which fees may be recoverable under the Provincial Offences Act.

- c) Where at the end of three (3) days mentioned in subsection a) ii. of this section the dog has not been restored to the owner, the Animal Control Officer may sell the dog for such price, as he/she deems reasonable.
 - d) Where the owner of a dog, has not claimed the dog within three (3) days after its seizure under subsection a) above, and where the dog has not been sold the Animal Control Officer may kill the dog in a humane manner or otherwise dispose of the dog as he/she sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damages or compensation shall be recovered by the dog owner on account of its killing or other disposition.
 - e) Where a dog seized under subsection A of this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Peace Officer or Animal Control Officer may kill the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered by the owner on account of its demise.
16. Dogs shall be accepted by a facility to be arranged by the Township of the North Shore.
17. Fees for the services outlined in Part 3 are as specified in Schedule "B", which Schedule is hereby incorporated as part of this by-law.

PART 4 - KEEPING OF DOGS

18. Every person who owns a dog in the Township of the North Shore shall provide such dog or cause it to be provided with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
19. If a dog is customarily kept out of doors, the person who owns such dog shall, at all times, provide for its use a structurally sound, weather-proof enclosure with off-the-ground flooring.
20. No person shall in the Township of the North Shore keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 metres in length.
21. If any part, section, subsection, clause or paragraph of this by-law is, for any reason, held invalid, such portion shall be deemed separate, distinct and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provisions so declared to be invalid.
22. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine recoverable under the Provincial Offences Act. R.S.O. 1990, Chapter P-33. Appendix "A", Set Fine Schedule, is hereby incorporated as part of this by-law.
23. By-law No. 01-08, as amended, is hereby repealed.
24. The Short Title of this by-law is "Animal Control By-Law"

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED this 1st day of October ,2007.

Heather Pelky, Mayor

Nancy Milne, Clerk

Schedule "A" of By-Law No 07-43

ITEM	DESCRIPTION	FEE
1	DOG LICENCE FEE	\$ 15.00
2.	DOG LICENCE FEE AFTER MARCH 31ST DEADLINE	\$30.00
3	FOR SENIOR CITIZEN'S DOG (Over 65 years of age)	\$ 10.00
4	SEEING EYE DOG	no charge
5	HEARING EAR DOG	no charge
6	KENNEL LICENSE	\$ 100.00
7	REPLACEMENT TAG	\$ 3.00
8	LICENCE TRANSFER FEE	\$ 3.00

Schedule "B" of By-Law No 07-43

POUND FEES

	DESCRIPTION	FEE
1.	Pay the Township of The North Shore as remuneration for its service as such Pound Keeper	\$15.00 per day per dog
2.	Administration fee payable upon release to the owner of the dog by the Township of The North Shore	\$25.00

Schedule "C" of By-Law 07-43

SET FINE SCHEDULE

TOWNSHIP OF THE NORTH SHORE
PART 1 Provincial Offences Act

By-Law No 07-43, as amended, Animal Control By-Law

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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provisions	COLUMN 3 Set Fine Including Costs
1	Fail to obtain a Dog License	<u>Section 3</u>	\$ 55.00
2	Fail to Affix License to Dog	Section 8 a)	\$ 55.00
3	Fail to Notify of Change in Dog Ownership	Section 9 b)	\$ 55.00
4	Fail to obtain a Kennel License	Section 12 a)	\$ 55.00
5	Operate Kennel Other than in Properly Zoned Area	Section 12 b) iii)	\$ 55.00
6	Permit a Dog to Run at Large	Section 13 a)	\$ 55.00
7	Permit a Dog to Trespass	Section 13 d)	\$ 55.00
8	Fail to Remove Excrement as a result of Trespass	Section 14	\$ 55.00
9	Fail to provide Good Health	Section 18	\$ 55.00
10	Fail to provide Adequate Shelter	Section 19	\$ 55.00
11	Tether Dog on Restraining Device Less than 2.4 metres	Section 20	\$ 55.00

BY-LAW NO: 07-52

Being a by-law to amend
By-law 07-43 Being a by-law for the licensing and requiring the registration of dogs and for the control and keeping of dogs within the municipality of The Township of The North Shore

WHEREAS pursuant to the provisions of Section 210, subsections 1 to 13 of the Municipal Act, R.S.O. 1990, c.M.45, as am., provide that by-laws may be passed by the council of local municipalities for licensing, keeping and prohibiting or regulating the running at large of dogs within the Municipality;

AND WHEREAS Council deems it desirable to license and regulate dogs within the Municipality;

NOW THEREFORE, the Council of the Corporation of the Township of the North Shore (hereinafter called the Corporation) HEREBY ENACTS AS FOLLOWS:

1. Schedule 'A' item 2 "Dog Licence Fee After March 31st Deadline of \$30.00 be amended to state the "Dog Licence Fee After March 31st Deadline will be double the appropriate licence fee.

Read a first, second and third time, enacted and passed this 10th day of December 2007.

Heather Pelky, Mayor

Nancy Milne, Clerk

Schedule A to By-law 07-52

ITEM	DESCRIPTION	FEE
1	DOG LICENCE FEE	\$ 15.00
2	SENIOR CITIZEN'S DOG (Over 65 years of age)	\$ 10.00
3	DOG LICENCE FEE AFTER MARCH 31ST DEADLINE	Licence Fee Doubled
4	SEEING EYE DOG	no charge
5	HEARING EAR DOG	no charge
6	KENNEL LICENCE	\$ 100.00
7	REPLACEMENT TAG	\$ 3.00
8	LICENCE TRANSFER FEE	\$ 3.00