

# THE CORPORATION OF THE TOWNSHIP OF OTONABEE-SOUTH MONAGHAN

## BY-LAW NUMBER 2021-28

Being a By-law to Provide for the Licensing and Registration of Dogs, and for Prohibiting or Regulating the Running at Large of Dogs

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**WHEREAS** the Municipal Act, S.O. 2001, c.25 Section 11(1) authorizes a single tier municipality the authority to pass by-law respecting matters within the following spheres of jurisdiction, subsection (9) animals;

**AND WHEREAS** Section 103(1) authorizes the municipality to pass by- laws for regulating and prohibiting to the being at large or trespassing of animals;

**AND WHEREAS** the Municipal Act, S.O. 2001 Section 130 authorizes the municipality to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality.

**AND WHEREAS** the Corporation of the Township of Otonabee-South Monaghan promotes and advocates the humane treatment of animals and responsible pet ownership.

**AND WHEREAS** the Corporation of the Township of Otonabee-South Monaghan deems it desirable to pass such a by-law

**BE IT ENACTED AS A BY-LAW THAT:**

### **SECTION 1 - DEFINITIONS:**

1. In this By-law:
  - a) "**Clerk**" means the Clerk of the Corporation of the Township of Otonabee-South Monaghan;
  - b) "**Council**" means the elected Council of the Corporation of the Township of Otonabee-South Monaghan;
  - c) "**Dog**" means a domestic canine (domesticated carnivore of the species *canis familiaris*) that is over 12 weeks of age; male or female, whether neutered or spayed.

- d) **"Dog Control Officer"** means any person employed by the Township of Otonabee-South Monaghan to enforce the provisions of this By-law.
- e) **"Guide Dog"** means any trained and actively used dog to assist a person who is legally blind or legally deaf and is actively in use for such purposes.
- f) **"Kennel"** shall mean any building, structure, dog run or other facility or part thereof, where:
- I. Dogs are kept for breeding or show purposes, or
  - II. Dogs are kept solely for the purpose of routinely entering into dog sled or other similar races; or
  - III. Hunting dogs are kept for hunting purposes
- g) **"Leash"** shall mean a strap, cord or chain which is fastened to the dog or to the collar of the dog;
- h) **"Owner"** means any person who owns, possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the dog.
- i) **"Purebred"** means the dog whose sire and dam represent the same breed and are themselves of unmixed descent:
- I. registered or eligible for registration in the register of the Canadian Kennel Club Inc. or the American Kennel Club; or
  - II. recognized as such pursuant to the Animal Pedigree Act (Canada)
- j) **"Registration Officer"** means the Clerk and the Enforcement Officer;
- k) **"Running at Large"** a dog shall be deemed to be running at large when found in a place other than the premises of the owner of the dog and not under the control of any person when it is not held on a restraint by means of a leash fastened to the dog;
- l) **"Township Property"** shall mean all property owned, leased or under the control of the Township of Otonabee-South Monaghan, and without limitation, this term shall include all, open space, opened or unopened road allowances, sidewalks, footpaths or bicycle trails;
- m) **"Treasurer"** shall mean the Treasurer of the Corporation of the Township of Otonabee-South Monaghan;

## **SECTION 2 – REQUIREMENTS FOR LICENCE:**

- 2(1) Every person who owns a dog which is over ten (10) weeks old, which is kept in the Corporation, shall obtain a license for such dog from the Township Office or the Dog Control Officer and shall pay to the Township Office or the Dog Control Officer the license fee for such dog as prescribed in Schedule "A" to this By-law and provided documentary evidence for spayed and neutered dogs upon purchase of the dog tag to be eligible for the discount.
- 2(2) Every person who owns a kennel within the Corporation in which the dogs are kept that are purebred shall pay an annual license fee as prescribed in the Kennel By-law (2009-31) as a fee for the kennel and instead of a license fee for each dog so kept relating to the operation of the kennel.

## **SECTION 3 – IDENTIFICATION OF THE DOG(S) AND ISSUANCE OF TAGS**

- 3(1) Every person who is issued a license pursuant to Section 2(1) shall be given a lifetime tag for such dog and such tag shall indicate an identification serial number thereon for such tag and the same shall be provided to the person by the Township Office or the Dog Control Officer.
- 3(2) Every person who is provided with 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(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.
- 3(4) Every person who is issued a kennel license pursuant to Section 2(2) shall ensure that the said license be posted within the kennel or in a secure area of the property where the kennel is situated.
- 3(5) A record shall be kept by the Clerk, or his/her 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).
- 3(6) Tags which are lost may be replaced by providing proof that the dog possessed a license for the current year and paying to the Township Office or the Dog Control Officer the sum of **Ten Dollars (\$10.00)** for each lost tag.

3(7) No person shall use a tag upon a dog other than the one for which is was issued.

3(8) License fees for dogs shall be as set out in Schedule "A" attached hereto and forming part of this by-law.

#### **SECTION 4 – GUIDE DOGS**

4(1) Section 2 and 3 of this By-law shall not apply to any person who is legally blind, legally deaf or disabled and who owns a dog (or dogs) trained and actively used as a guide dog or assistant.

#### **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 control of any person or held securely on a leash to prevent the possibility of any other personal or other animal (including another dog) from being attacked or bitten by such dog.

5(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.

5(3) Section 5(1) shall not apply in cases where dogs that are used as a working farm assistant, are being used in their vocation on public property under the control of a herdsman.

#### **SECTION 6 – SEIZURE AND IMPOUNDING OF DOG(S):**

6(1) The Dog Control Officer / Provincial Offences Officer may:

- a) Seize and impound the dog(s) found running at large within the Corporation;
- b) In his/her discretion, restore possession of the dog to the owner thereof. Expenses incurred in the seizing and impounding the dog and notification to the owner plus any other additional expenses involved including Humane Society Fees therewith shall be billed to the owner as set out in Schedule "A".

- c) Where in the opinion of the Dog Control Officer / Provincial Offences Officer, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Dog Control Officer / Provincial Offences Officer may destroy the dog(s) as soon after the seizure as he/she thinks fit without permitting any person to reclaim the dog(s).
- d) Where the Dog Control Officer / Provincial Offences Officer finds a dog(s) running at large contrary to the provision of this By-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or other animal, he/she may destroy the dog(s).
- e) No damage or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Dog Control Officer / Provincial Offences Officer.
- f) Any dog, not so released shall be destroyed or otherwise disposed of five (5) days after notice of seizure has been given to the owner of the said dog. The owner shall be liable for all costs incurred by the Township including Humane Society Fees in this matter. If, after making every reasonable effort, the Dog Control Officer / Provincial Offences Officer is unable to establish the identity of the owner, the dog shall be destroyed or otherwise disposed of after five (5) days.
- g) If the Dog Control Officer / Provincial Offences Officer suspects a dog may be rabid, he/she shall notify the Peterborough County City Health Unit and either:
  - I. quarantine the dog, or
  - II. destroy the dog in such a manner as to preserve the brain for examination.

## **SECTION 7 – DANGEROUS DOGS**

7(1) Any person who owns harbours a dog trained for the purpose of attack, guard or fighting shall so notify the Clerk in writing. The premises where such a dog is normally kept shall be securely fenced and posted in order that such a dog can be restricted. If it is necessary for such a dog to leave the owner's premises, the dog shall be on a short leash and shall be muzzled.

- 7(2) Owners shall be responsible to purchase licenses for such dogs.
- 7(3) Where a Dog Control Officer has reason to believe that a dog is a Biting Dog an order may be issued to the owner under By-Law Number 2020-46.

### **SECTION 8 – RECORDS**

- 8(1) Any notice given to the owner of a dog pursuant to the provisions of this by-law shall be in writing and shall be delivered to the said owner or to an adult person at the owner's place of residence, or shall be sent to him/her by first class or registered mail. The **seven (7) days notice** specified in section 6(f) above shall be computed not including the date of delivery or mailing; Sundays or Statutory Holidays.
- 8(2) The Dog Control Officer / Provincial Offences Officer shall keep a written record containing a brief description of any dog seized by him/her, setting out the date, time and location of such seizure, the date of giving notice to the owner, and of the final disposition of the dog.
- 8(3) Any person authorized by this by-law to receive payment from an owner shall give to the person making the payment a receipt therefore from a duplicate receipt book provided for the purpose and from time to time all sums so received shall be paid into the office of the Treasurer.

### **SECTION 9 – STOOP AND SCOOP:**

- 9(1) The owner of a dog is required to remove immediately excrement left by the said dog anywhere in the municipality.
- 9(2) Section 9(1) above does not apply if the said dog is a "*guide dog.*"

### **SECTION 10 - OFFENCE:**

- 10(1) Every person who contravenes any of the provisions of this By-law, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

**SECTION 11 – SEVERABILITY OF PROVISIONS:**

11(1) If any section of this By-law, or parts thereof may be found by any Court of Law to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts to this By-law shall be deemed to be separate and independent there from and to be enacted as such.

**SECTION 12 – REPEAL OF VARIOUS BY-LAWS**

The Township of Otonabee-South Monaghan By-law No. 2014-74 is hereby repealed.

**SECTION 13:**

That this By-law shall come into full force and effect on the date of passage thereof.

Read a First time this 17<sup>th</sup> day of May, 2021.

Read a Second and Third time, signed and sealed with the Corporate Seal this 17<sup>th</sup> day of May A.D. 2021.

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Mayor, Joe Taylor

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Clerk, Heather Scott

**SCHEDULE "A"**

**This is Schedule "A" to By-law Number 2021-28 Setting out License Fees and Pick-Up Charges**

	<b>Fee Charged</b>	
<b>Dog Licence – Lifetime Registration</b>		
<b>Fees: January 1 – March 31</b>		
<b>First &amp; Second Dog Per Household:</b>		
Spayed / Neutered	<b>\$ 15.00</b>	
Each Dog	<b>\$ 20.00</b>	
<b>Third &amp; Subsequent Dogs Per Household:</b>		
Spayed / Neutered	<b>\$ 25.00</b>	
Each Dog	<b>\$ 30.00</b>	
<b>Penalty</b> (if not paid by March 31 <sup>st</sup> of each year)	<b>1.25% per month</b>	
<b>Other Fees</b>		
Replacement Tag	<b>\$ 10.00</b>	
<b>Pick-Up Fees</b>		
Any person owning a dog which is found running at large and is confined by the Dog Control Officer shall play pick-up fees as set out below:		
1 <sup>st</sup> Offence in any 12 month period	<b>\$30.00</b> per dog plus Boarding Fees	
2 <sup>nd</sup> Offence in any 12 month period	<b>\$60.00</b> per dog plus Boarding Fees	
3 <sup>rd</sup> and Subsequent Offence in any 12 month period	<b>\$120.00</b> per dog plus Boarding Fees	
<b>Kennel</b>	<b>Renewal</b>	<b>First Time</b>
Commercial Boarding Kennel	<b>\$150.00</b>	<b>\$200.00</b>
Commercial Breeding Kennel	<b>\$125.00</b>	<b>\$175.00</b>
Private Kennel (8 or under)	<b>\$100.00</b>	<b>\$150.00</b>
<b>Other Fees</b>		
Humane Society	As per Humane Society Fees	