

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

BY-LAW # 2001-66

BEING a by-law to license dogs, and for regulating the running at large of dogs within the Corporation of the Township of South Frontenac.

WHEREAS Section 210, paragraph 2,3,4,8,9, 11, and 13 of the Municipal Act R-S.O., 1990, Chapter M.45, authorizes the Council of a local municipality to pass By-laws for the licensing and for requiring the registration of dogs and for imposing a license fee on the owners of such dogs, and for prohibiting or regulating the running at large of dogs in the municipality, and for seizing and impounding and for disposing, whether before or after impounding of dogs running at large, and for selling dogs so impounded at such time and in such manner as is provided by the By-law.

NOW THEREFORE, the Council of the Corporation of the Township of South Frontenac enacts as follows:

SHORT TITLE

1. This By-law shall be known and may be cited as the "Dog Control By-law";

DEFINITIONS

2.
 - a) 'ANIMAL CONTROL OFFICER' shall mean that person(s) appointed by By-law of the Municipality to undertake the control of dogs within the Township;
 - b) 'CONTROL' shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of a dog;
 - c) 'DOG' shall mean any dog or dogs, male or female and includes any dog or dogs spayed or neutered;
 - d) 'KENNEL' shall mean any premises where more than six dogs are lodged, bred, kept or boarded;
 - e) 'MUNICIPALITY' shall mean the Corporation of the Township of South Frontenac;
 - f) 'OWNER OF A DOG' includes any person, organization or corporation who owns, possesses, harbours or has the care and control of a dog and 'owners' and 'owned' shall have a corresponding meaning;
 - g) 'PURE-BRED' shall mean registered or eligible for registration in the registrar of The Canadian Kennel Club;
 - h) 'POUND KEEPER' shall mean any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by the agents of the municipality;
 - i) 'RUNNING AT LARGE' shall mean a dog which is not on a leash and is found in any place other than the premises of the owner of the dog;

DOG LICENSING

3.
 - a) The owner of any dog shall between the first day of January in each year and such day as Council shall designate such dog shall attain the age of two (2) months, cause the same to be registered, numbered, described and licensed in the office of the Treasurer at the Township Office in the municipality or at such other places as Township Council may from time to time designate. The deadline for registration of a dog shall be designated by Council or the date upon which the dog attains the age of two months, which ever is later.
 - b) Each owner, upon registration of a dog and application for a dog license, shall be furnished with a tag, the price of which is incorporated in the license fee hereinafter provided, with the registered number of each such dog, and shall pay for such license and registration.
 - c) A license fee as approved by resolution of Township Council from time to time shall be paid regardless of the number of dogs owned. On payment of the license fee for each dog, the owner shall be furnished with a dog tag which shall be kept securely fixed on the dog at all times until the tag is renewed or replaced.

- d) Each tag shall bear a serial number and the year in which it was issued. A record shall be kept by the Municipality for the purpose of showing the name and address of the owner, complete description of the dog and the serial number of the tag.
- e) The owner of a kennel shall pay an annual license fee as approved by resolution of Township Council from time to time to the Treasurer of the municipality as a License fee for all dogs either bred or boarded at the kennel during the year.
- f) The owner of a kennel shall renew the kennel License on or the day designated by Council in each year. All kennel licenses shall expire on the 31st day of December in the next year.

DOGS THAT ARE A PUBLIC NUISANCE AND/OR RUNNING AT LARGE

- 4. a) No person(s) shall permit a dog to become a public nuisance.
- b) A dog shall be considered a public nuisance if:
 - 1. The dog persistently barks or howls and interferes with the normal enjoyment of another persons property; or
 - 2. The dog causes damage to public or private property, including injury to livestock and poultry; or
 - 3. The dog interferes with or dumps or scatters garbage; or
 - 4. The dog persistently barks at or chases person(s) using public or private property; or
 - 5. The dog swims at a public beach; or
 - 6. The dog is in a public park and is not on a leash.
- c) The owner of a dog shall keep the dog leashed and under the control of some person when the dog is on land in the municipality other than the land owned by the owner of the dog, unless prior consent is given by the person owning the land on which the dog is found.
- d) No owner shall allow the dog to defecate on any property, other than the property owned by the owner of the dog, or other property by permission of the owner of the land on which the dog is found, unless the droppings are forthwith cleaned up.
- e) No owner shall allow a dog to run at large in the Township of South Frontenac and any dogs running at large shall be liable to be seized, impounded and disposed of as hereinafter provided.
- f) Where an Animal Control Officer is unable to seize a dog that is running at large contrary to the provisions of this By-law, he/she may destroy the dog at his/her discretion.
- g) Where an Animal Control Officer finds a dog running at large contrary to the provisions of this By-law, and he/she believes that before the dog can be seized, it may attack a human being, he/she may tranquilize or humanely destroy the dog.
- h) A dog which is found, with or without a tag, running at large may be seized and impounded by the Animal Control Officer of the municipality. If called for within five (5) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of compensation for each day in which the dog has been impounded, such sum to be paid to the pound keeper. Compensation is also to be paid to the Township, as established by resolution of Township Council from time to time.
- i) Any dog seized and impounded and not called for by the owner thereof within five (5) clear days from the time of such seizure and impounding, may be disposed of in the manner hereinafter provided or sold by the pound keeper. The Township of South Frontenac will not undertake to provide Veterinarian services for injured dogs during this five (5) day waiting period.
- j) Any dog so sold shall be properly licensed and registered to the new owner and accompanied by the bill of sale and receipt for payment of same which shall vest title of any such dog in the new owner.
- k) Any dog seized and impounded for running at large and not redeemed by the owner thereof, as hereinbefore provided, or not sold by the pound keeper after the expiration of seven (7) days, exclusive of Saturdays, Sundays, and Holidays, shall be destroyed in a humane manner.
- l) Where a dog seized and impounded bears a tag issued by the municipality, the Animal Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this By-law which have been violated and shall indicate the location of the dog pound.
- m) Notwithstanding Section 4 (j) and (1) of this By-law, to the contrary, any dog bearing a tag issued by the Township of South Frontenac when seized and impounded shall not be destroyed or sold until the expiration of 72 hours after the owner has been notified as hereinbefore provided.
- n) A statement of the purchasers of dog tag licenses, bearing the names and addresses and description of dogs licensed shall be forwarded to the Animal Control Officer on a regular schedule by the Municipality.

- o) No dog seized or impounded shall be released to the owner or sold to any person unless or until it is properly licensed and registered, the license fee paid and a tag securely fixed on the dog, plus fines and pound fees paid.

ENFORCEMENT

5. a) The Animal Control Officer shall enforce this By-law and arrange for a suitable place as a pound and keep records of all calls, dogs seized, and impounded.
- b) The Animal Control Officer is hereby authorized, in the course of his/her duties or seizing and impounding dogs running at large contrary to this By-law, to use such reasonable means at his/her disposal to seize and impound such dog as may be required by the circumstances.

PENALTIES

6. a) Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than (\$5,000.00) Five Thousand Dollars, exclusive of costs, and every such fine is recoverable pursuant to The Provincial Offences Act.
- b) Upon registering a conviction for a contravention of any provision of this By-Law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

VALIDITY

7. a) If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

REPEALS

9. Any previous dog control by-law is hereby repealed.

EFFECTIVE DATE

10. This by-law shall come into effect on the date of passing, thereof.

READ A FIRST AND SECOND TIME THIS 9th DAY OF NOVEMBER 2001.

READ A THIRD AND FINAL TIME THIS 20th DAY OF NOVEMBER 2001.

Gary Stefan
Clerk/Administrator

Phil Leonard
Mayor