

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW #18-18

BEING A BY-LAW for the licensing and requiring the registration of dogs and for the control and keeping of dogs within the Township of Assiginack.

WHEREAS Councils of municipalities have the authority under Section 11 of the Municipal Act, 2001, to pass by-laws respecting matters within various spheres of jurisdiction, including “animals”;

AND WHEREAS the Council of the Township of Assiginack deems it advisable to enact this By-law for the purposes of prohibiting dogs “being at large,” for the purpose of requiring the removal of dog waste, and for the purposes of generally regulating the keeping of dogs in the Municipality;

AND WHEREAS Councils of municipalities may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

NOW THEREFORE the Council of the Corporation of the Township of Assiginack enacts as follows:

1. Short Title: The short title of this by-law is “Animal Control By-law”.
2. Enforcement of By-law: The By-law shall be enforced by the “Animal Control Officer” or any By-law Enforcement Officer designated by the Township.
3. Definitions:
 - (1) “Animal Control Officer” includes the person or association who has entered into a contract with the Municipality to control dogs and to operate a dog pound and any such person or association and all servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Bill 74, The Provincial Offences Act, who shall be Peace Officers for the purpose of enforcing the animal control and dog licensing by-law and related legal process serving;
 - (2) “Running at Large” shall mean when a dog is found in any place other than the premises of the owner of the dog and not under the control of any person;
 - (3) “Dog” shall mean a male or female dog;
 - (4) “Cat” means a male or female cat;
 - (5) “Guide Dog” shall mean a dog that is trained to aid the visually challenged and hearing impaired and is in active use of such purposes;
 - (6) “Kennel” shall mean a building, structure or fenced area (or part of) where dogs are kept, raised, boarded and used for commercial purposes including but not limited to the keeping of rescued animals and operating Doggie daycares;
 - (7) “Leash” means a chain, rope, or other restraining device of not more than two (2) meters;
 - (8) “License” shall mean a valid dog tag purchased through the municipality;
 - (9) “License Agent” means any individual or organization contracted by the municipality to provide services;
 - (10) “License Issuer” means the Clerk or designate of the Municipality;
 - (11) “Muzzle” means a humane device designed to fit over the mouth of a dog to prevent a dog from biting. A “muzzled dog” means a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle;

- (12) "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;
- (13) "Noise" shall mean barking, crying or howling;
- (14) "Vicious Dog" means a dog which has been declared to be vicious pursuant to Part 5 Section 23 of the By-law;

PART 1 – LICENSING

4. No person in the Municipality shall own, harbor or possess a dog unless or until they have procured a license to do so as herein provided and every owner of a dog shall be subject to the provisions of this By-law.
5. The License Agent is authorized to issue licenses under this By-law, and every such license shall be issued for and on behalf of the Municipality and on behalf of the License Issuer by the License Agent.
6. A license shall be procured and renewed pursuant to this By-law by applying to the License Agent for said License or renewed License as the case may be and by paying the License fee.
7. Any License procured, issued or renewed pursuant to this By-Law shall be in the form of a dog tag.
8. (1) Every dog tag must bear a license number.
- (2) A record shall be kept by the License Agent showing the name and address of the owner and the serial number of the tag by the issuing agent.
9. (1) 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 the by-law.
- (2) No owner of a dog shall use a tag on a dog other than that for which it was issued.
10. (1) In the event the tag issued for a dog is lost, the owner may obtain a second tag upon the payment of a fee.
- (2) If there is a change in ownership of a dog during the license year, the license holder shall notify the License Agent immediately of the change of ownership and the new owner must pay a license transfer fee for this service. Failure to do so constitutes a breach of this By-law.
- (3) 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 license or tag under this By-law.
- (4) 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 license or tag under this By-law.
11. (1) Every license issued pursuant to this By-law shall expire on the 31st day of December of the year in respect of which it was issued.
- (2) Every license shall be renewed yearly on or before the 31st day of March and the fee to be paid to the License Agent.

12. The license fees to be paid to the License Agent at the time of the issuing of the License shall be specified in Schedule "A", which schedule is hereby incorporated as part of this By-law.

PART 2 – KENNELS

13. (1) Notwithstanding the provisions of section 11 and 12 above, no person in the Municipality shall own, harbor or possess a kennel until he or she has paid an annual license fee of twenty-five (\$25.00) to the municipality for the kennel and they are not liable to pay in respect of such dogs any license fee under this By-law;
- (2) Owners and operators of kennels shall comply with the following regulations:
- (a) The license shall expire on the 31st day of December of the year of issue;
 - (b) Every license shall be renewed yearly between the 1st day of January and the 31st day of March of the next year, inclusive;
 - (c) A Kennel shall be permitted only in premises zoned for the purpose of the boarding and breeding of dogs and associated commercial activity;
 - (d) No Kennel shall be permitted on a property of less than 5 acres.
 - (e) No part of a Kennel shall be constructed or maintained closer than 30 meters from the nearest property line of any adjacent residence.
 - (f) The owner, operator or a person designated by the owner or operator shall attend the kennel at least once every 12 hours and operate such kennel in a professional standard consistent with current legislation.
 - (g) The Animal Control Officer or any other duly authorized person may revoke any license where the owner or operator of the kennel does not comply with the provisions of this by-law or any applicable municipal by-laws, provincial or federal statutes or regulations.
 - (h) Where a Kennel License has been revoked, the kennel owner may apply to the Municipality for a hearing as to whether or not the kennel license should be revoked. An application for a hearing shall be filed with the Clerk within ten (10) business days of the date of delivery of the written notice that the kennel license has been revoked.

PART 3 – RUNNING AT LARGE

14. (1) No person shall, within the Township of Assiginack, fail to prohibit a dog, for which he or she is the owner, from running at large or permit a dog to run at large. Failure to do so constitutes a breach of the by-law.
- (2) 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.
- (3) 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) meters held by a person or is not on a leash which is securely affixed to some permanent structure from which the dog cannot escape.
- (4) No person shall allow or permit a dog under their control or of which they are 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.
- (5) No person shall allow or permit a dog under his control or of which he is the registered owner to be on a Public Beach whether on a leash or not.

- (6) The owner of any dog that is found to have killed livestock or poultry will be held responsible and shall reimburse the Municipality for any and all costs incurred.
15. Every person who is the owner of a dog at a time when the dog fouls a property anywhere within the Municipality, shall forthwith remove, or cause the removal of the excrement from such a property and sanitarily dispose of the excrement. Failure to do so constitutes a breach of this By-law.
16. (1) Subject to subsection (5) of this section, a Peace Officer or Animal Control Officer may:
- a) Seize and impound any dog found running at large, and
 - b) 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;
 - the owner pays to the Peace Officer or Animal Control Officer a pound fee for a dog seized and a maintenance fee for each day subsequent to the day of seizure that the dog remains impounded; and;
 - the owner has procured a current license for the dog pursuant to Part 1 - Licensing of this By-law.
- (2) Where a dog is seized and impounded under subsection (1) 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 maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer or License Agent, which may be recoverable under the Provincial Offences Act.
- (3) Where at the end of three (3) days mentioned in subsection (1) 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 deems reasonable.
- (4) Where the owner of a dog, has not claimed the dog within three (3) days after its seizure under subsection (1) above, and where the dog has not been sold, the Animal Control Officer may euthanize the dog in a humane manner or otherwise dispose of the dogs as he 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 destruction or other disposition.
- (5) Where a dog seized under subsection (1) 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 euthanize the dog in a humane manner as soon after seizure as they think 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 destruction.
- (6) In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
17. Dogs shall be accepted by the licensed agent of the Municipality.
18. Fees for the services outlined in Part 3 are as specified in Schedule "A", which schedule is hereby incorporated as part of this By-law.

PART 4 – KEEPING OF DOGS

19. Every person who owns a dog in the Township of Assiginack 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.
20. If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use, a structurally sound, weatherproof enclosure with off the ground flooring.
21. No person shall in the Township of Assiginack keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 meters in length.
22. No person shall allow a dog to unreasonably disturb the peace, quiet comfort or repose of any person or neighbor in any dwelling unit by way of barking, crying or howling. Failure to do so constitutes a breach of the by- law.

PART 5 – VICIOUS DOGS

23. (1) The Animal Control Officer shall investigate any dog bite incident. Where the Animal Control Officer is satisfied that the dog has, without provocation, bitten a person or a domesticated animal, he or she may declare a dog to be a vicious dog and require the dog to be muzzled and leashed. Dog bite incidents will be investigated on a case by case basis in order to review the individual circumstances of an incident.

(2) Where a dog has been required to be muzzled and leashed, pursuant to Section 23 (1) of this By-law, the dog owner shall be provided with a copy of a written notice of requirement to that effect.

(3) Where a dog has been required to be muzzled and leashed, the dog owner may apply to the Municipality for a hearing as to whether or not the requirement should be revoked. An application for a hearing shall be filed with the Clerk within ten (10) business days of the date of delivery of the notice of requirement.
24. (1) No person shall, within the Municipality, fail to restrain a dog for which they are the owner, that has been required to be muzzled and leashed. Failure to do so constitutes a breach of the by-law.

(2) For the purpose of this By-law, where “restrain” is used in connection with a dog required to be muzzled and leashed at its owner’s property, “restrain” shall be deemed to mean muzzled and leashed and under the control of a person at least 16 years old, except when:
 - (a) Kept indoors in a manner respective of its environmental needs which prevents contact with persons who have not consented to contact, or;
 - (b) Kept in a pen or other outdoor enclosure respective of its environmental needs which prevents the dog from, leaving the owner’s household or property (except in accordance with the provisions of this By- law) or coming into contact with persons who are not at the owner’s household or have not consented to have contact with the dog.
25. Every person who owns a dog required to be muzzled and leashed, upon relocation of their residence, shall immediately notify the municipality of the change of address.

PART 6 – OTHER PROVISIONS

26. (1) No person shall, within the Township of Assiginack, forcibly retrieve a dog from an Animal Control Officer, a live trap or a vehicle under an Officer's control.
- (2) No person shall forcibly retrieve a dog from the Pound keeper, an Animal Control Officer, break and enter into a patrol vehicle or retrieve a dog without payment in full of all fees and charges required to be paid under this by-law.
27. The owner or keeper of a dog shall not permit or allow the dog to make or continue to make a sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual. Failure to do so will constitute a breach of this by-law.
28. If any part, section, subsection, clause or paragraph of this By-law is, for any reasons, 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.
29. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine pursuant to section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
30. All former relative By-laws are hereby rescinded.
31. This By-law shall come into full force and effect after third and final reading thereof.

Read a First, Second, and Third time
and Finally Passed this
5th day of June 2018.

Mayor – P. Moffatt

Clerk – J. Rody

Seal

BY-LAW #18-18 – SCHEDULE “A”

1. Set Fees

Dog License	\$20.00
Annual Renewal	\$10.00
Renewals of Dog License after March 31st	\$15.00
Seeing Eye Dog	No Charge
Hearing Eye Dog	No Charge
Replacement Tag	\$20.00
Kennel License	\$25.00
Dog Redemption Impound	\$50.00
Per Diem Animal Care Fee	\$20.00
Animal Surrender Fee	\$50.00

2. Set Fines

Failure to procure a license – Section 4	\$50.00
Failure to affix the dog license – Section 9(1)	\$50.00
Misuse of a dog license – Section 9(2)	\$50.00
Failure to notify change of ownership – Section 10(2)	\$50.00
Failure to register a kennel – Section 13(1)	\$50.00
Fail to prohibit dog from running at large – Section 14(1)	\$50.00
Fail to clean up and dispose of dog excrement – Section 15	\$50.00
Fail to keep dog in good health – Section 19	\$50.00
Fail to provide outside enclosure – Section 20	\$50.00
Keep dog on improper chain or rope – Section 21	\$50.00
Failure to prohibit a dog from disturbing the peace, quiet comfort or repose of any person – Section 22	\$50.00
Failure to restrain a dog required muzzled and leashed – Section 24(1)	\$100.00
Failure to notify of change of address – Section 25	\$50.00
Forcible retrieve dog from Animal Control Officer, vehicle or pound – Section 26	\$100.00

3. Impounded Animals

Animals captured will be kept for a period of 3 days as per section 16(1)(b) of By-law #18-18 in the Animal Control pound located at 169 Monument Hill Road. Contact will be made between the Animal Control Officer and the owner of each impounded dog if a dog tag is present the owner can be identified. All animals not claimed in the specified time period will be either re-homed or be destroyed utilizing humane practices as set out in the *Animals for Research Act*, R.S.O. 1990 Chapter A-22. All revenues from the redemption, care and surrender of captured shall be collected by the Animal Control Officer and remitted to the Municipality of Central Manitoulin as per Schedule “A” of By-law #18-15.

4. Dog Tags

Dog tags will be supplied by the Township of Assiginack. The municipality will keep a record/log of every tag sold and this information will be provided to the Animal Control Officer on an “as needed” basis. The log will identify the dog and address and telephone number of the owner. All revenues from the sale of tags will remain with the municipality. Annual licence renewal will not require the issuance of an annual dog tag. The annual renewal fee confirms the information in the municipal log. If a new tag is required, it will be deemed to be a replacement tag and charged accordingly.

**THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK
BY-LAW #18-18 – SCHEDULE “B”**

MUZZLING AND LEASHING REQUIREMENT

Owner's Name: _____ Dog's Name: _____

Address: _____ Licence No.: _____

_____ Breed: _____

Colour: _____ Sex: _____ Age: _____

An investigation of an incident involving your above described dog, and:

Victim: _____ at Address: _____

On Date: _____ has been conducted, and it has been determined that your dog has bitten a person/domestic animal.

Accordingly, this dog is therefore required to be muzzled and leashed pursuant to By-law No. 18-99, as may be amended, and you, as the owner, are hereby notified that if you wish to keep this dog in the Township of Assiginack, you must:

1. Keep the dog muzzled, leashed and under the control of a person at least 16 years old at all times when it is off your property.
2. At all times, when on your property or on the property of the person who has the care and control of the dog, the dog must be restrained. This is accomplished by keeping the dog inside a building or house, or in an enclosed pen or other enclosed area of sufficient dimension and strength to be humane, and to prevent the dog from either leaving the building or property or from coming into contact with persons who are not at that building or property and persons who have not consented to contact with the dog. If the dog is not in an enclosed area the dog is required to be muzzled, leashed and under the control of a person at least 16 years old.
3. If you transfer ownership or possession of this dog, or relocate your place of residence within the Township of Assiginack, you must immediately notify the municipality.

Contravention of By-law No. 18-18 may result in prosecution of you, as the owner of a dog required to be muzzled and leashed, and if convicted:

- set fine of \$100 "Failure to restrain a dog required muzzled and leashed" S.23;
- set fine of \$50 "Failure to notify change of address" S.25.

You may appeal this Requirement by making Application to the Town Clerk within ten (10) business days of the date of delivery of this Notice of Requirement.

ANIMAL CONTROL OFFICER: _____

DATE OF REQUIREMENT: _____

Notice was served upon: _____

At: _____ Date: _____

By: _____ Time: _____