

CORPORATION OF THE TOWNSHIP OF ASSIGINACK

BY-LAW #21-15

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 Assiginack.

WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. c25, as amended permits municipalities to pass by-laws for licensing, keeping and prohibiting or regulating dogs within the Municipality;

AND WHEREAS Section 103 of the Municipal Act, 2001, S.O. 2001, c25 as amended permits municipalities to provide for the seizure and impounding of animals found at large contrary to this by-law;

AND WHEREAS Section 129 of the Municipal Act, 2001, S.O. 2001, c25 as amended, permits municipalities to pass by-laws to prohibit noises likely to disturb inhabitants:

AND WHEREAS Council deems it necessary to licence and regulate dogs within the Municipality;

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

1. Short Title: The short title of the By-law is “Animal Control By-law”.
2. Enforcement of By-law: The By-law shall be enforced by the “Animal Control Officer”.

SECTION 3 – DEFINITIONS

- 3.1 “**Animal Control Officer**” includes the person or Association who has been appointed by the Municipality to control dogs and to operate a dog pound to administer this by-law.
- 3.2 “**Commercial Kennel**” means a Breeding Kennel for the breeding of purebred dogs that are registered or eligible for registration; a Boarding Kennel for the temporary lodging of dogs; OR a Kennel used for the lodging of more than 4 dogs kept for activities resulting in monetary gain.
- 3.3 “**Dog**” means a male or female dog over the age of 12 weeks.
- 3.4 “**Licensed Agent**” means any individual or organization contracted by the Township of Assiginack to provide or render services.
- 3.5 “**Owner**” of a dog includes a person who possesses or shelters a dog and where “owns” and “owner” have corresponding meaning.
- 3.6 “**Pound or Shelter**” means the premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to this by-law.
- 3.7 “**Private Kennel**” means a non-commercial private property where more than 4 dogs are kept for the private enjoyment of the owner of the property not resulting in monetary gain.
- 3.8 “**Public Property**” Shall mean any property in the Township of Assiginack owned by the Corporation of the Township of Assiginack.

- 3.9 **“Running at Large”** shall mean being found in any place other than the premise of the owner and not under the physical control of any person.

SECTION 4 – LICENSING

- 4.1 No person shall, within the Township of Assiginack, own or keep any dog without registering and obtaining a license for the dog with the Township.
- 4.2 No person shall, within the Township of Assiginack, own or keep four (4) or more than four dogs without obtaining a Kennel License.
- 4.3 The license shall be taken out annually on or before the 15th day of February each year. The cost of the license shall be as prescribed in the attached Fees Schedule, forming part of this By-law.
- 4.4 An owner at the time of purchasing a dog license shall furnish the following information to the Township:
- a. The name, address, phone number and email of the owner of the dog and
 - b. The breed, name, vaccinations and description of dog.
 - c. Authorization to receive and accept annual invoices by email in the same manner as courier mailed letters for legal documents.
- 4.5 Upon payment of the license fee the owner of the dog shall be supplied with a dog tag.
- a. The said tag shall kept securely affixed to the dog in which it was assigned at all the times.
 - b. The dog tag shall not be affixed to any other dog other then the one it was issued for.
- 4.6 The replacement for a lost license tag shall be as prescribed in the Fee Schedule “A” attached to and forming part of this By-law.
- 4.7 If there is a change in ownership of a dog during the licensing year, the license holder shall notify the Township of Assiginack immediately of the change of ownership and the new owner must pay a license transfer fee as prescribed in Schedule “A” of this By-law.
- 4.8 Commercial and Private Kennels shall be issued separately to dog tags under Section 7 and tags will therefore be required for each dog on the premises.
- 4.9 Every dog license issued pursuant to this By-law shall expire on the 31st of December of the year it was purchased.
- 4.10 Every dog license shall be renewed prior to March 31 of each calendar year and the fee paid to the Township of Assiginack. Fees remitted late shall be imposed a penalty and remitted as per attached Schedule “A”.
- 4.11 Licensing fees shall be remitted to the Township of Assiginack at the time of the issuance of the license and shall be as prescribed in the Schedule “A” attached and hereby incorporated into this By-law.

SECTION 5 – RESPONSIBILITIES OF THE OWNER

- 5.1 No owner of a dog shall permit it to run at large in the Township of Assiginack and further to this statement understand the full scope of the parameters of Section 8: Running at Large.

- 5.2 No owner shall permit their dog, whether leashed or unleashed to trespass on private property.
- 5.3 No owner shall allow their dog to be on a public road or in a public place at anytime unless the dog is on a leash and such leash is held onto by a responsible person.
- 5.4 Notwithstanding Section 5.3, no dog shall be allowed at anytime in any area designated as a public park or public beach and swimming area.
- 5.5 Every owner of a dog shall forthwith clean up and dispose of any excrement left by the dog on any property of their own. This section 5.5 does not apply to the owners of seeing eye dogs or registered handicap assist dogs.
- 5.6 No owner shall permit their dog to bark or create any noise that is likely to disturb any inhabitant of the Township.
- 5.7 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 to keep it in good health.
- 5.8 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 of the ground flooring.
- 5.9 No person in the Township of Assiginack shall keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 meters in length.
- 5.10 Any owner of dog licence shall inform the Township of Assiginack of a change of address within ten (10) business days of the effective change date.

SECTION 6 – VICIOUS DOGS

- 6.1 The Animal Control Officer shall investigate any dog bite incident
 - a. Where the Animal Control Officer is satisfied that the dog has, without provocation, bitten a person or domesticated animal, he or she may declare a dog to be vicious dog and require the dog be muzzled and leashed. Dog bite incidence are investigated on a case-by-case basis in order to review the individual circumstances of any given incident.
 - b. Where a dog has been required to be muzzled and leashed, pursuant to Section 6.1a of this By-law, the dog owner shall be provided with a copy of a written notice of the requirements to that effect and shall be formalized on the form as attached to and forming part of this By-law.
 - c. Where a dog has been required to be muzzled and leashed, the dog owner may apply to the Township of Assiginack for a hearing as to whether the requirement should be revoked. An application for a hearing shall be field with the clerk by letter or email within ten (10) business days of the date of delivery of the notice of such requirement.
- 6.2 No person shall, within the Township of Assiginack 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 this By-law.
- 6.3 For the purposes 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 provisions in 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.
- 6.4 Every person who owns a dog required to be muzzled and leashed, upon relocation of their residence, shall immediately notify the Township of Assiginack of the change of address.

SECTION 7 – KENNELS

- 7.1 Kennels shall only be allowed in those areas within the municipality zoned rural in the most current Zoning By-Law for the Township of Assiginack. The Kennel Application shall be submitted as a letter to the Township of Assiginack and shall include the authorization of the owner of the land where the Kennel will reside accompanied by the licence fees as prescribed in the Fee Schedule "A" attached to and forming part of this by-law. Failure to do so constitutes a breach of this By-law.
- 7.2 Further to the provisions of Sections 4 and 5, no person in the Township of Assiginack shall own, harbor, or possess a Kennel until he or she has received an acceptance to the application submitted and remitted the required fees associated thereto.
- 7.3 Owners and operators of kennels shall also 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 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 the 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, and,
 - h. Where a Kennel License has been revoked, the kennel owner may apply to the Township of Assiginack for a hearing as to whether or not the Kennel License should be revoked. An application for a hearing shall be received by letter to the Clerk within ten (10) business days of the date of delivery of the written notice that the Kennel License has been revoked.

SECTION 8 – RUNNING AT LARGE

- 8.1 No person, within the Township of Assiginack, shall 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 Pursuant to Section 5.1. Failure to do so constitutes a breach of this law.

- 8.2 For the purposes 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 control of any person.
- 8.3 For the purposes 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 and held by a person or is not on a leash which is securely affixed to a permanent structure from which the dog cannot escape.
- 8.4 No person shall allow or permit a dog under their control or of which they are 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.
- 8.5 No person shall allow or permit a dog under his or her control or of which they are the registered owners to be on a Public Beach whether on a leash or not.
- 8.6 The owner of any dog that is found to have killed livestock or poultry will be held responsible and shall reimburse the Township of Assiginack for any and all costs incurred.
- 8.7 Every person who is the owner of a dog at a time when the dog fouls a property anywhere within the Township of Assiginack, shall forthwith remove, or cause the removal of the excrement from such property and sanitarily dispose of the excrement. Failure to do so constitutes a breach of this By-law.
- 8.8.1. Subject to subsection 8.8.5, 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:
 - i. 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 the seizure.
 - ii. The owner pays 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,
 - iii. The owner has procured a current license for the dog pursuant to this By-law.
- 8.8.2. Where a dog is seized and impounded under section 8.8.1 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 Township of Assiginack, which shall be recoverable for the municipality under the Provincial Offences Act.
- 8.8.3. Where at the end of the three (3) days mentioned in subsection 8.8.1, the dog has not been restored to the owner, the Animal Control Officer may sell the dog for such price as he or she deems reasonable.
- 8.8.4. Where the owner of a dog has not claimed the dog within three (3) days of after its seizure under 8.8.1 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 dog(s) as they see fit in accordance to the provisions of the Province of Ontario Animals for research Act as it relates to pounds and no such damages nor compensation shall be recovered by the dog owner on account of its destruction or other disposition.
- 8.8.5. Where a dog is seized under subsection 8.1 is injured or should be destroyed without delay for humane reasons or for the 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 the seizure as they see fit, without permitting any person to reclaim the dog or without offering it for sale, and no damages nor compensation shall be recovered by the owner on account of its destruction.

- 8.8.6. 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.
- 8.9 Dogs shall be accepted by the licensed agent of the Township of Assiginack.
- 8.10 Fees for the services outlined in Section 8 are as specified in Schedule "A", which schedule is hereby incorporated as part of this By-law.

SECTION 9– ANIMAL CONTROL OFFICER

- 9.1 The Animal Control Officer may seize and impound any dog found running at large within the Township of Assiginack with or without a license. If claimed within four (4) days the dog may be redeemed for poundage, levied at the current rate per day as set out in the current Fee By-law, or may destroyed if not claimed within seven (7) days. An attempt will be made to give the recorded owner 24-hour notice prior to the dog being destroyed.
- 9.2 Every dog, if impounded and not claimed within a four (4) day period may be sold by the pound keeper.
- 9.3 The Animal Control Officer or their Agent, as appointed by the Council of the Corporation of the Township of Assiginack, is authorized to collect the poundage levied upon this by-law and to maintain a pound as directed by Council.
- 9.4 Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound fees and daily care costs and that they shall pay all fees on demand to the Animal Control Officer.
- 9.5 Nothing in this section shall prevent the Animal Control Officer from destroying an animal which is ill or injured and where, in the opinion of the Animal Control Officer, is in capable of being cured. As it relates to the fees associated with the incident(s), no damages nor compensation shall be given to the owner of the animal being disposed of in accordance with the provisions of this By-law.
- 9.6 The Animal Control Officer may accept a surrendering of a dog by the owner, whereby the owner would pay the prescribed fee as per Schedule "A" attached to this By-law.
- 9.7 This by-law shall be enforced by the Animal Control Officer, By-law Enforcement Officer or by any Police Officer, and/or as Council authorizes.

SECTION 10 – OTHER PROVISIONS

- 10.1 No person shall, within the Township of Assiginack, forcibly retrieve a dog from
 - a. an Animal Control Officer, live trap or vehicle under the Officer's control.
 - b. The pound keeper, an Animal Control Officer, break and enter into a vehicle or retrieve a dog without payment in full of all fees and charges imposed on the under this By-law.
- 10.2 Dog Tags will be supplied by the Township of Assiginack. The Township of Assiginack will keep a log and record of every tag sold and specific information obtained. Information shall be remitted to the Animal Control Officer as required to complete their duties. All revenues from the sale of tags will remain with the Township of Assiginack. The Annual licence renewal will not require the issuance

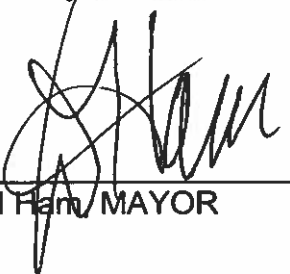
of a new tag annually. A fee remitted to the Township of Assiginack for annual licensing confirms the data on file for that record. If a new tag is required, it will be deemed to have replaced the tag and charged accordingly.

- 10.3 Impounded Animals captured and held according to this By-law, will be located at 169 Monument Hill Road.
- 10.4 Any person who contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable for the Township of Assiginack under the Provincial Offences Act.
- 10.5 That all sections of this By-law shall be deemed separate and independent, the validity of any section or provision thereof shall not affect the remaining sections or the validity of this By-law.
- 10.6 Schedule "A" and Schedule B are attached to this by-law and form an integral part of this By-law.

SECTION 11 – REPEALS

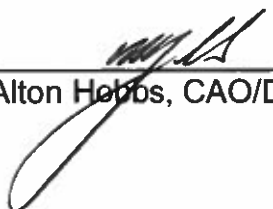
- 11.1 The passing of this By-law hereby rescinds all prior relative By-laws.
- 11.2 This By-law shall come into full force and effective after the third and final reading.

That this By-law shall come into force and take effect upon the signing of this By-law.



David Han, MAYOR

seal



Alton Hobbs, CAO/DEPUTY CLERK

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

SCHEDULE "A" – BY-LAW # 21-15

1. Set Animal Control Fees

FEES DESCRIPTION	PROVISION	2020	2021
Dog License, New	4.3	\$20.00	\$20.00
Dog Licence, Annual Renew	4.3	\$10.00	\$10.00
Dog Licence, Late after Mar 31st	4.10	\$15.00	\$15.00
Dog Licence, Replacement	4.6	\$20.00	\$20.00
Dog Licence, Transfer fee	4.7	\$10.00	\$10.00
Dog Licence, Seeing Eye Dog	5.5	n/a	n/a
Dog Licence, Hearing Eye Dog	5.5	n/a	n/a
Commercial Kennel	4.8 / 7.1	n/a	\$250.00
Private Kennel	4.8 / 7.1	n/a	\$250.00
Dog Redemption Impound Fee	8.8.1.b.ii/ 9.1 / 9.4	\$50.00	\$50.00
Per Diem Animal Care Fee	8.8.1.b.ii/ 9.1 / 9.4	\$20.00	\$20.00
Animal Surrender Fee	9.6	\$50.00	\$50.00
COLUMN	1	2	3

2. Set Animal Control Fines

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Fail to obtain dog license	Section 4.1	\$50.00
2.	Fail to obtain a Kennel License	Section 4.2	\$75.00
3.	Fail to affix the dog license	Section 4.5a	\$50.00
4.	Misuse of dog license	Section 4.5b	\$50.00
5.	Fail to notify of change of ownership	Section 4.7	\$50.00
6.	Fail to register Kennel	Section 4.8/ 8	\$50.00
7.	Permit dog to be at large	Section 5.1	\$75.00
8.	Permit dog to trespass on private property	Section 5.2	\$75.00
9.	Permit dog to be in a public place without leash	Section 5.3	\$75.00
10.	Permit dog to be in a public park or public swimming area	Section 5.4	\$75.00
11.	Fail to clean-up and dispose of dog excrement	Section 5.5 /8.7	\$75.00
12.	Permit dog to bark or make excessive noise	Section 5.6	\$75.00
13.	Permit dog to disturb others	Section 5.6	\$75.00
14.	Fail to keep dog in good health	Section 5.7	\$50.00
15.	Fail to provide outside enclosure	Section 5.8	\$50.00
16.	Keeping dog on improper leash	Section 5.9	\$50.00
17.	Fail to notify of change of address	Section 5.10, 6.4	\$50.00
18.	Failure to restrain a dog required muzzled and leashed	Section 6	\$100.00
19.	Forcible retrieve dog from Animal Control Officer, vehicle, or pound	Section 10.1	\$100.00
COLUMN	1	2	3

3. All revenues from the redemption, care and surrender of captured animals 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. All revenues from the collection of dog licensing remain with the Township of Assiginack.

THE CORPORATION OF THE TOWNSHIP OF ASSIGINACK

SCHEDULE "B" – BY-LAW # 21-15

MUZZLING AND LEASHING REQUIREMENT NOTICE

Owner's Name:	Dog's Name:
Address:	License Number:
	Breed:
	Colour:
Telephone:	Age: M / F

An investigation of an incident on the date of _____ involving your above-described dog and Victim: _____ at the following address: _____ was required. The investigation has been conducted, and it has been determined that your dog has bitten a person and or a domestic animal.

Accordingly, this dog is therefore required to be muzzled and leashed pursuant to the By-law #21-15 as may be amended, and you, 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, always leashed and under the control of a person at least 16 years old 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 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 the building or property and persons who have not consented to have contact with the said dog. If the dog is not in an enclosed area the dog is required to be muzzled, leashed and under the control of an individual of at least 16 years of age.
3. If you transfer ownership or possession of this dog or relocate your place of residence within the Township of Assiginack, you shall immediately notify us.

Contravention of the By-law #21-15 as it may or may not be amended, may result in persecution of you, as the owner of a dog required to be muzzled and leashed, and if convicted be imposed the following:

- Set fine of \$100 "Failure to Restrain a dog required muzzled or leashed" S.6
- Set fine of \$50 "Failure to notify of change of address" S.5.10 & S.6.4

You may appeal this Requirement by making an Application to the Township Clerk within ten (10) business days of the date of delivery of this Muzzling and Leashing Requirement Notice.

Animal Control Officer Name:	
Date of the Requirement / Issue:	
Date of the Serving of the Notice:	
At the location of:	
By, Date & Time	

This form is made in triplicate copy for Township of Assiginack, Animal Control Officer, Owner

