

CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

By-Law Number 2007-84 ANIMAL CONTROL BY-LAW

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet to license, regulate and prohibit the running at large of dogs within the municipality and to regulate the keeping of dogs.

WHEREAS Section 11(3) of the *Municipal Act, 2001*, provides that the Council of a Municipality may pass by-laws respecting the licensing and registration of dogs, prohibiting the running at large of dogs in the Municipality and to regulate the keeping of animals or any class thereof, and the licensing and regulation of pounds for the retention, maintenance and disposal of animals that have been impounded; and

WHEREAS the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

NOW THEREFORE the Council of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

- a) This by-law may be cited as the "Animal Control By-Law".

2. DEFINITIONS

In this by-law:

- (a) **"Animal Control Officer"** shall mean the person or persons appointed by the Township of Alfred and Plantagenet to enforce this by-law and any servant or agent of such person or persons employed for such purposes.
- (b) **"Corporation"** shall mean the Corporation of the Township of Alfred and Plantagenet.
- (c) **"Dog"** means any member of the species *Canis familiaris*, or any hybrid thereof, over the age of 8 weeks.
- (d) **"Dog Catcher"** shall mean the Dog Catcher appointed by the Council of the Corporation of the Township of Alfred and Plantagenet.
- (e) **"Kennel"** shall mean an establishment for breeding or boarding of dogs and/or dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada).
- (f) **"Municipal Law Enforcement Officer"** shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet.
- (g) **"Neutered Dog"** shall mean a male dog which has been castrated or a spayed female dog.
- (h) **"Owner"** means a person who possesses or harbors a dog, where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
- (i) **"Township"** shall mean The Township of Alfred and Plantagenet;

(j) "Vicious dog" means any dog which has bitten another animal or person without provocation.

(k) "Zoning Administrator" shall mean the Zoning Administrator appointed by the Council of the Corporation of the Township of Alfred and Plantagenet.

3. DOG LICENSING, REGULATION AND REGISTRATION

a) Every resident in the Township of Alfred and Plantagenet who is the owner of a dog shall, within thirty (30) days following the date that a dog comes into his or her possession, or where applicable, upon the dog reaching the age of (8) weeks, register the dog with the Township, and thereafter annually pay a fee as prescribed in Schedule "A" of this By-Law.

b) Upon application for a license for a neutered dog the owner shall produce a certificate of a Veterinary Surgeon that such dog has been neutered.

c) Upon payment of the prescribed license fee, the Township shall issue a tag bearing a serial number and year of issue and shall cause to be entered in a file kept for that purpose the following information:

- a) Name of Owner
- b) Address of owner
- c) Telephone number of owner
- d) Name of dog
- e) Description and breed of dog

d) It shall be the responsibility of the owner to notify the Municipal Law Enforcement Officer of any changes in the information provided at the time the tag was issued.

e) The owner of a dog shall keep the 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 being lawfully used for hunting.

f) The fee charged for the replacement of lost dog tags shall be five dollars (\$5.00).

g) No tag or registration under this By-Law shall be transferable and the tag shall expire and become void upon the sale, death, or other disposal of the dog.

h) No person other than the owner or his agent shall remove the licence tag from a dog.

4. ANIMAL PROVISIONS

a) No person shall operate a Kennel without first obtaining written confirmation from the Zoning Administrator that such operation complies with the Zoning By-Law of the Township of Alfred and Plantagenet.

b) Notwithstanding the provisions of Section 3, the owner of a Kennel shall pay an annual licence fee as prescribed in Schedule "A" and such owner is not liable to pay any further licence fee in respect to dogs harbored therein.

c) No person who owns or harbors a dog within the Township shall permit such dog to become a public nuisance. A dog shall be considered a public nuisance if:

- (1) It persistently barks or howls.
- (2) It causes damage to public or private property.
- (3) It interferes with or dumps or scatters garbage or trash.
- (4) It chases pedestrians, bicyclists or vehicles.

- d) No person shall keep or allow to be kept within the boundaries of the Township more than three (3) dogs per household, with the exception of those holding a kennel licence.

e) **Transition rule:**

Every person who registered more than three (3) dogs in any one household by March 31, 2001, may be recognized as being legal non-conforming until such dogs over the prescribed amount of three (3) should die or be adopted out. Afterward, the legal non-conforming owner is subject to all the requirements of this By-law.

5. RUNNING AT LARGE OF ANIMALS

- a) No person who owns, harbors or possesses any dog shall allow the dog to run at large, or trespass on private property even when on a leash.
- b) For the purposes of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and under the control of a responsible person.
- c) Any dog running at large contrary to the provisions of this by-law may be captured by the Municipal Law Enforcement Officer or Dog Catcher.
- d) No person shall permit a dog to attack any person or domestic animal or to fight with another animal.
- e) Where a dog is captured, the owner shall be liable for the pick-up, impounding and maintenance fees prescribed in Schedule "A" as pound fees and shall pay all costs to the Township of Alfred and Plantagenet.
- f) In the event that possession of any impounded dog has not been restored to the owner within three clear days, not including the date of impounding and the date of disposal (exclusive of statutory holidays and Sundays) after impounding, the dog may be killed or sold for such price as the Municipal Law Enforcement Officer deems reasonable, or he/she may dispose of the dog pursuant to the *Animals for Research Act* and Regulations thereunder. The sale price of any dog so sold shall belong to the Municipality and no damages or compensation shall be recovered on account of any disposition made thereunder.
- g) Where a dog which has been impounded is injured or should be destroyed without delay for humane reasons, the Municipal Law Enforcement Officer may dispose of the dog in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale, and no damages or compensation shall be recovered on account of such disposition. When the dog is identifiable, the Municipal Law Enforcement Officer will attempt to notify the owner in advance of its destruction.
- h) The Municipal Law Enforcement Officer shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, and the date of the disposition and the disposition made.
- i) Possession of the dog may be restored to the owner if the owner claims possession of the dog within seventy-two (72) hours (exclusive of statutory holidays and Sundays) of impounding.
- j) The Municipal Law Enforcement Officer may release a captured dog to the owner if satisfied that the dog is licensed for the current year, after identification of the dog by the owner and payment by him of the pound fees prescribed in Schedule "A".

- k) Where the owner of a dog refuses to take possession of his/her dog and/or refuses to pay the pound fees, such fees and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes.

6. VICIOUS DOG

- a) The owner of a vicious dog shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be kept within a fenced yard as prescribed in Schedule "A", paragraph 4, so as to prevent the dog from escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands.
- b) The owner of a vicious dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog unless the dog is on the lands of a person who has consented to it being on his lands, in which case the provisions of Section 6 a) may apply.

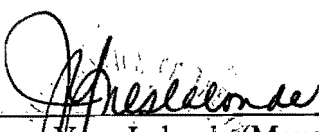
7. ENFORCEMENT OF BY-LAW

- a) That By-Law number 2001-42 is hereby repealed.
- b) Schedule "A" hereto attached is part of this By-Law.
- c) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

8. PENALTIES

- a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit and pay a penalty for each such offence and every such penalty shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, chapter P.33 and amendments thereto.
- b) When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
- c) The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
- d) This by-law shall come into force and take effect on the day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17th DAY OF DECEMBER, 2007.


Jean-Yves Lalonde (Mayor)


Diane Thauvette (Clerk-Treasurer)

SCHEDULE "A" TO BY-LAW NUMBER 2007-84

1. Fees for dog licences from January 1st to March 31st of every calendar year.

	In person	By mail
a) First dog (male or female) kept	\$ 20.00	\$ 25.00
b) For each additional dog kept (male or female)	\$ 35.00	\$ 40.00
c) Deduction for each neutered dog with proof	\$ 5.00	\$ 5.00
d) Kennel Licence	\$ 55.00	\$ 60.00

2. Fees for dog licences from April 1st to December 31st of every calendar year.

	In person	By mail
a) First dog (male or female) kept	\$ 30.00	\$ 35.00
b) For each additional dog kept (male or female)	\$ 45.00	\$ 50.00
c) Deduction for each neutered dog with proof	\$ 5.00	\$ 5.00
d) Kennel Licence	\$ 65.00	\$ 70.00

3. POUND FEES:

a) Pick-Up & Impounding	\$ 40.00
b) Daily maintenance	\$ 10.00/day
c) Disposing	\$ 95.00
d) Administration	10% of a) + b) + c) where applicable

4. FENCES:

- a) Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced-in area and that will prevent a vicious dog from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and locks located at the top of and inside the gates.

- b) A fence shall:

4.1 *if of chainlink construction:*

- a) be of not greater than 50mm (2 inches) diamond mesh,
- b) be constructed of galvanized steel wire not less than 3.6 mm in diameter (no. 9 gauge), or of a minimum of 2.9 mm diameter (no. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm in diameter (no. 9 gauge).
- c) be supported by at least 38 mm diameter (1.5 inches) galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 m (10 feet) apart. Top horizontal rails shall be at least 32 mm diameter (1.25 inches) galvanized steel. Bottom horizontal rails shall be a 12 mm diameter (.5 inch) galvanized tension rail or a 32 mm diameter (1.25 inches) galvanized rail.

4.2 *if of wood construction:*

- a) be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches).
- b) supporting horizontal members shall have a minimum dimension of 38 x 88 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 m (4 feet 6 inches) apart.
- c) horizontal members shall be supported by posts spaced not more than 2.4 m (8 feet) on centre. Such posts shall be 88 mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.

5. ADOPTION FEES:

- a) fees for any adopted dog from the pound shall be \$45.00. The forty-five dollar fee for adoption shall include the dog tag for the adopted dog for the current year.