

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**BY-LAW NO. 2008 - 81**

BEING A BY-LAW FOR THE LICENSING AND REQUIRING THE REGISTRATION OF **DOGS**, AND FOR THE PROHIBITING AND REGULATING THE RUNNING AT LARGE OF DOGS

WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25, as amended, provides the broad authority that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and that a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction regarding animals;

AND WHEREAS Section 103 of the Municipal Act, S.O. 2001, Chapter 25 as amended, provides municipalities with the authority for regulating or prohibiting with respect to the being at large or trespassing of animals it may provide for;

AND WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen desires to further amend By-law 2002-15 and to consolidate the new amendment and previous amendments into this by-law law for the licensing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

SECTION 1 DEFINITIONS:

For the purpose of this by-law, the definition and interpretations given in this section shall govern. Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular number. The word “SHALL” is mandatory and not directory. In this by-law the following definitions shall apply:

- (a) **“Dog”** shall mean a male or female dog whether neutered or spayed.
- (b) **“Officer”** shall mean a person appointed by the Corporation of the Township of Havelock-Belmont-Methuen to enforce the provision of this by-law as a Provincial Offences Officer.
- (c) **“Owner”** of a dog includes a person who owns or harbours the dog and where the owner is a minor, the person responsible for the custody of the minor and “owns” and “owned” have corresponding meaning.

- (d) **“Minor”** is a person who has not achieved the age of majority as defined by applicable provincial law.
- (e) **“Clerk”** means the Clerk of the Corporation of the Township of Havelock-Belmont-Methuen.
- (f) **“Corporation”** means the Township of Havelock-Belmont-Methuen.
- (g) **“Purebred”** means:
 - (i) registered or eligible for registration in the register of the Canadian Kennel Club Incorporated, or
 - (ii) recognize as such pursuant to the Animal pedigree Act (Canada), or
 - (iii) the American Field Trials Association.
- (h) **“Possession or Harboring”** of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property of the premises which he owns or occupies or which is habitually kept on such property.
- (i) **“Kennel”** means a facility or enclosure for the purpose of breeding or housing dogs, as may be defined in the Corporation Zoning By-Law.
- (j) **“Guide Dog”** means a dog trained and actively used to assist a person who is legally blind or legally deaf.
- (k) **“Prohibited Area”** means any area or areas designated by Council where dogs are not allowed and posted with signs informing the public accordingly.
- (l) **“Running At Large”** shall mean any dog(s) found in any place other than the premises of the owner of the dog and not under the control of any person.

SECTION 2 REQUIREMENTS FOR LICENSE:

- 2. (1) Every person who owns a dog over ten (10) weeks old, which is kept in the Corporation, shall obtain a license for such dog from the Clerk (or designate) and shall pay to the Clerk (or designate) the license fee for such dog as prescribed in Schedule “A” to this by-law.

- (2) Every person who owns a kennel within the Corporation in which the dog or dogs are kept that are purebred shall pay an annual license fee as prescribed in Schedule "A", as a fee for the kennel instead of a license fee for each dog so kept relating to the operation of the kennel.
- (3) The requirement to obtain a license as prescribed in Section 2(1) and 2(2) shall occur when the person:
 - (a) becomes the owner of the dog, kennel, as the case may be and the same is kept within the Corporation; or
 - (b) when the dog is possessed or harbored in the Corporation for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.
- (4) A kennel license will only be granted in areas property zoned to permit the use of dog kennels in accordance with the Corporations by-laws.
- (5) The "kennel license" issued pursuant to Section 2(2) shall recite the number and breed of all dog(s) composing the kennel.
- (6) All licenses and license tags and kennel licenses under this by-law shall expire on the 31st day of December in each year and the owner shall obtain a new license or licenses not later than the 31st day of March the following year.

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 tag for such dog, and such tag shall indicate an identification serial number thereon for such tag, the year in which it was issued, and the same shall be provided to the person by the Clerk, or his/her designate.
- (2) Every person who is provided with a 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) 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.
- (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 located.

- (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).
- (6) Tags which are lost may be replaced by providing sufficient proof that the dog possessed a license for the current year and paying to the Clerk or his/her designate the sum of two dollars (\$2.00) for each lost tag.

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

5(B) DOG WASTE:

- (a) Any person who owns or controls a dog shall remove forthwith any faeces left by such dog on a highway or on any public property or on any private property other than the property owner of such dog.
- (b) The Provision of sub section (a) does not apply to a

handicapped person accompanied by a Guide Dog.

- 5(C)** No person being the owner of a dog or in control of a dog shall permit such dog to be present in any prohibited area at any time.

SECTION 6 RESTRICTING THE NUMBER OF DOGS:

- (1) Within all areas of the Corporation of the Township of Havelock-Belmont-Methuen, the number of dogs requiring a license that a person may keep is hereby restricted to three (3), and the number of dogs requiring a license that may be kept in or about a dwelling unit is hereby restricted to three (3).
- (2) This restriction does not apply to the number of dogs that may be kept in a kennel under a kennel license issued under this by-law.
- (3) A person in possession of a dwelling unit shall ensure that the provisions of this Section as they apply to that dwelling unit are complied with.
- (4) A person who keeps dogs shall ensure that the provisions of this Section as they apply to dogs kept by that person are complied with.

SECTION 7 SEIZURE AND IMPOUNDING OF DOG(S):

7. The Dog Control Officer/Provincial Offences Officer may:

- (1) Seize and impound the dog(s) found running at large within the Corporation. Any dog found running at large pursuant to Section 5 may be seized, impounded and killed, whether before or after impounding by the Small Animal Control Officer or appointed Provincial Offences Officer within the Corporation without permitting any person to claim damages or compensation from the Corporation on account of its killing or other disposition.
- (2) Any dog so impounded pursuant to Section 7(1) may be kept at the Peterborough Humane Society, a secure place and a fee charged to the owner prior to the release of the dog, for all costs of the distainer.
- (3) When a dog is so impounded and kept pursuant to Section 7(2) then it shall not be destroyed until any minimum redemption period has expired as established by applicable Provincial law.
- (4) Where in the opinion of the Small Animal 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 Small Animal 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).

- (5) Where the Small Animal Control Officer/Provincial Offences Officer finds a dog(s) running at large contrary to the provisions of this by-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or another animal, he/she may destroy the dog(s).
- (6) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Small Animal Control/Provincial Offences Officer.

SECTION 8 OFFENCE:

- (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 9 SEVERABILITY OF PROVISIONS:

If any section or sections 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 of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

SECTION 10

- (1) By-Law No. 2002-15 and amendments 2002-21 and 2005-62 are hereby repealed.
- (2) This by-law shall come into force upon the final passing thereof.

Read a FIRST, SECOND and THIRD time and finally passed in open Council this 2nd day of December, 2008.

Reeve

Clerk

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

SCHEDULE "A"

BY-LAW NO. 2008-81

TO ESTABLISH THE FOLLOWING FEES:

1. That Section 2(1) shall read:

For each male or female dog the sum of \$10.00 if the fee is paid on or before March 31st of the current year.

2. That Section 2(1) shall read:

For each male or female dog the sum of \$20.00 if the fee is paid after March 31st of the current year.

3. That Section 2(2) shall read:

For each kennel license a sum of \$100.00 (if legally permitted).

4. LET IT BE KNOWN that the Ministry of Health recommends that all dogs are required to be inoculated against rabies every year.

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**SCHEDULE "B"****BY-LAW NO. 2008-81**

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Offence creating provision or defining offence	<u>COLUMN 3</u> Set Fine (including costs)
1.	Keeping dog without having paid license fee to do so	Section 2 (1)	\$75.00
2.	Being the owner of a dog and allowing such dog to make a persistent noise	Section 5 (3)	\$75.00
3.	Being the owner of a dog and allowing such dog to run at large	Section 5 (1)	\$180.00
4.	Keeping dogs in a kennel without having paid for a license to do so	Section 2 (2)	\$100.00
5.	Keeping more than three (3) dogs at a residence	Section 6 (1)	\$75.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 8 (1) of By-Law No. 2008-81.