

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

BY-LAW NUMBER 2-95

A BY-LAW TO REGULATE AND LICENSE DOGS

WHEREAS Section 210 of the Municipal Act, being Chapter M45, R.S.O. 1990, as amended, allows Councils of local municipalities to pass by-laws regulating the keeping of animals, to provide for animal identification systems for licensing, requiring leashing of dogs, regulating and requiring registration of dogs, and for prohibiting and regulating the running at large of dogs in the municipality;

NOW THEREFORE the Council of the Township of East Garafraxa enacts as follows:

1.0 DEFINITIONS

- (a) Boarding Kennel - shall mean a kennel for the purposes of boarding dogs
- (b) Breeding Kennel - shall mean a kennel where purebred dogs are kept for the purposes of breeding and sale
- (c) Clerk - shall mean the Clerk of the Corporation of the Township of East Garafraxa
- (d) Council - shall mean the Council of the Corporation of the Township of East Garafraxa
- (e) Dog - shall mean any dog male or female
- (f) Kennel - shall mean that part of a building or structure where dogs are kept for the purpose of breeding or boarding
- (g) Municipality - shall mean the Corporation of the Township of East Garafraxa
- (h) Owner - includes any person who possesses or harbours a dog or causes a dog to remain on or about his or her premises, whether the premises be owned or rented, and where the owner is a minor, the person responsible for the custody of the minor
- the words "owned" and "owns" have corresponding meanings
- (i) Provincial Offences Officer- is a by-law enforcement officer for the Township as appointed by the Council to enforce this by-law
- (j) Purebred - shall mean in relation to a distinct breed, an animal that is a purebred of the breed as determined by the by-laws of the association authorized to register animals of that breed pursuant to the Animal Pedigree Act, Chapter 13, Statute of Canada 1988, as amended

- (k) Redemption Period - for the purpose of this by-law the redemption period shall be three days excluding the day on which the dog was impounded and excluding Saturday, Sundays and legally declared holidays in calculating any redemption period
- (l) Regulations - shall mean regulations made under the Municipal Act, Chapter M45, R.S.O., 1990, as amended and the Animal Pedigree Act, Chapter 13, Statute of Canada 1988, as amended, as applicable
- (m) Running at Large- for the purpose of this by-law, dogs shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person

2.0 - TERRITORY

- 2.01 This by-law shall apply to the entire Township of East Garafraxa.

3.0 - LICENSING OF DOGS

- 3.01 Every person residing temporarily or permanently within the limits of the Township, being the owner of a dog shall, within ten (10) days of becoming such owner, and thereafter within the first sixty (60) days of each calendar year, cause the dog to be registered, numbered, described and licensed at the office of the Clerk.
- 3.02 For the purposes of Section 3.01 a dog shall not include a puppy under the age of three (3) months.
- 3.03 The license fee to be paid under Section 3.01 shall be:
- (a) if the dog is a male or is a spayed female that is a least three months old then for each of the first and second such dog \$10.00
 - (b) if the dog is an unspayed female, then for each first and second such dogs, \$15.00
 - (c) for a third dog, whether male, female, spayed or unspayed \$25.00
 - (d) for a fourth dog, whether male, female, spayed or unspayed \$50.00
 - (e) for each additional dog, whether male, female, spayed or unspayed \$100.00
- 3.04 No person shall register a female dog as a male dog or an unspayed female dog as a spayed female dog.
- 3.05 The owner of every dog shall keep the dog tag, furnished by the Clerk on payment of the license fee set out in this by-law, securely fixed on such 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 in the bush.

- 3.06 The tag provided shall bear a serial number and the year in which it was issued and a record shall be kept by the Clerk or other Officer designated for that purpose, showing the name and address of the owner and the serial number of the tag.
- 3.07 A replacement dog tag may be purchased for the sum of twenty-five (.25¢) cents.
- 3.08 The owner of a breeding or boarding kennel, upon approval by the Council of the Township of East Garafraxa, shall pay an annual license fee as a license fee for the kennel of \$100.00 in place and instead of a license fee for each dog housed in the kennel.
- 3.09 No license or dog tag shall be transferable within the Corporation of the Township of East Garafraxa unless that license or dog tag was issued by the Township of East Garafraxa in the first instance.

4.0 - POUND

- 4.01 The Council of the Municipality shall, from time to time, designate a place or places, within or outside the municipality as the Township of East Garafraxa pound or pounds.

5.0 - DOGS RUNNING AT LARGE

- 5.01 No owner shall permit or cause to be permitted a dog or dogs to run at large in the municipality.
- 5.02 A Provincial Offences Officer may seize and impound any dog found running at large and;
- (a) restore possession of the dog to the owner thereof when:
- (i) The owner claims possession within the redemption period, and
- (ii) The owner pays all costs and fines incurred to the Township.
- (iii) The fine described in Schedule "A" attached hereto shall be paid for the above.
- (b) at the end of the redemption period, when possession of the dog has not been restored to the owner pursuant to Section 5.02 (a) herein, the pound keeper may sell said dog and all moneys so received shall become the property of the pound keeper.
- (c) when Section 5.02 (a) and (b) have not been fulfilled then the Pound Keeper may destroy the dog or dispose of it in a manner deemed fit and no damage or compensation shall be recovered against the pound keeper and the pound keeper shall charge the owner a fee for disposal of the said dog, as set out in a separate by-law establishing fees.
- (d) if the dog is injured or should be destroyed without delay for humane reasons or for reasons of safety to a person or animal, the pound keeper may destroy the dog in a humane manner whether before or after impounding without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered

as a result of the dog being destroyed.

- (e) the owner of every dog impounded, if known, whether or not the dog is claimed by the owner from the pound keeper, shall be liable for the payment of the pound maintenance fees as set out in paragraph 5.02 (a) and shall pay all fees on demand to the pound keeper.
- (f) if the owner claims possession of the dog outside the redemption period and before the dog is either sold or destroyed, pursuant to Section 5.02 (b), (c) or (d) of the by-law, then possession of the dog may be restored subject only to the terms as set out in paragraph 5.02 (a) as if the request was made during the redemption period.

6.0 - KENNELS

- 6.01 No person shall own, operate, manage, control or supervise any kennel except in accordance with this by-law.
- 6.02 The owner of a breeding kennel or a boarding kennel shall:
 - (a) obtain a kennel license from the Council within the first sixty (60) days of each calendar year;
 - (b) as a pre-requisite to obtaining a kennel license the owner shall:
 - (i) have the kennel inspected by a Provincial Offences Officer;
 - (ii) meet the requirements as contained in the Township's comprehensive zoning by-law;
 - (iii) pay the annual license fee as set out in Section 3.08 of this by-law.
- 6.03 Each kennel shall:
 - (a) Be soundly constructed;
 - (b) Provide sufficient space therein for the dog or dogs which are kept therein to stand and lie in comfort;
 - (c) Be kept in a sanitary, well ventilated, clean condition and free of offensive odours;
 - (d) Contain therein facilities to which each dog has adequate access for fresh water for drinking;
 - (e) Be kept at a reasonable temperature and be adequately ventilated having regard to the season or weather conditions;
 - (f) Be constructed so as to ensure that each dog kept therein shall have space for adequate exercise wither within the kennel or adjacent thereto.
- 6.04 Dogs shall not be kept in larger numbers than may be adequately cared for upon the premises and they shall be in the charge or care of the owner or owners or operator of the kennel or of a responsible person designated by the owner or operator.
- 6.05 The By-Law Enforcement Officer or any other Officer of the peace having jurisdiction within the Township of East Garafraxa may at any time enter the kennel and inspect such kennel to ensure compliance with this by-law.
- 6.06 The kennel operator shall at all times take the necessary

steps to prevent a nuisance by undue noise caused by the barking of dogs housed within the kennel.

- 6.07 Each owner or operator of a kennel shall keep a record of the following at the kennel:
- (a) The name and address of each owner of each dog at the kennel.
 - (b) The date of arrival and departure of each dog.
- 6.08 The owner of a kennel shall keep each dog confined within the kennel unless such dog is out with and under the control of the said owner or some person designated by him to have such control.
- 6.09 A license may be revoked upon any breach of any of the regulations contained in this by-law.
- 6.10 No kennel license issued pursuant to this by-law may be transferred.

7.0 - MUZZLING OR LEASHING OF DOGS

- 7.01 Every owner of a dog, which has bitten a person or a domestic animal, shall ensure that said dog is muzzled or leashed while said dog is on any property in the Municipality including the premises of the owner of the dog.
- 7.02 Where the owner of the dog objects to the muzzling or leashing requirement set forth in paragraph 7.01, the owner may request and is entitled to a hearing by the Council of the Municipality, said hearing to be held within thirty (30) days of the date of the request by the owner. The Council of the Municipality, may, by resolution delegate the holding of the aforesaid hearing to a committee of Council or to the By-Law Enforcement Officer. Council or Committee of Council or the By-Law Enforcement Officer, if so delegated, may in its, his, or her sole discretion exempt the owner from the muzzling or leashing requirement contained in paragraph 7.01 above.

8.0 PENALTIES

- 8.01 Every owner or person who contravenes any section of this by-law is guilty of an offence and upon conviction is liable up to six months in jail and/or a fine up to \$2,000.00, exclusive of costs recoverable under the Provincial Offences Act, R.S.O., 1990, as amended.

9.0 - INDEMNITY

- 9.01 The Township, its agents and servants, the by-law enforcement officer and/or pound keeper shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

10.0 - SEVERABILITY

- 10.01 If for any reason whatsoever any provision or subsection of this by-law, or the application thereof to any person or circumstances, is to an extent held or rendered invalid, unenforceable or illegal, then such provision or subsection is deemed to be independent of the remainder

of the by-law and to be severable and divisible there from and its invalidity, or unenforceability does not affect, impair or invalidate the remainder of the by-law or any part thereof, and this by-law continues to be applicable to and enforceable to the fullest extent permitted by law against any person in circumstances other than those as to which it has been held or rendered invalid, unenforceable or illegal.

11.0 - BY-LAWS REPEALED

- 12.01 This by-law shall come into force at the date of its final passing.
- 12.02 By-Law 54-90 shall be hereby repealed.

Read a first and second time this 3rd day of January, 1995.

Read a third time and passed this 3rd day of January, 1995.

John Dardhouse
REEVE

Susan M. Stone
CLERK

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

Schedule A

By-Law 2-95

THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS
AS FOLLOWS:

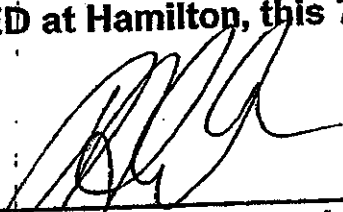
1. Schedule of Fees - Dogs Running at Large:
 - a) Fine - \$25.00 per offence
 - b) Boarding - \$10.00 per day.
 - c) Quarantine - \$15.00 per day.
 - d) Disposal - \$50.00 for any dogs not adopted out.

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the Municipal By-Law No. 2-95, of the Corporation of the Township of East Garafraxa, attached hereto are the set fines for those offences to take effect November 7, 2005.

DATED at Hamilton, this 7th day of November, 2005.



TIMOTHY CULVER, Regional Senior Justice
Central West Region
Ontario Court of Justice

Township of East Garafraxa
 By-law No. 2-95: Dogs
 Part I Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Fail to license dog	Section 3.01	\$125.00
2	Failing to keep dog tag securely fixed to dog	Section 3.05	\$125.00
3	Causing or permitting dog to run at large	Section 5.01	\$125.00
4	Owning, operating, managing, controlling or supervising an unlicensed kennel	Section 6.01	\$125.00

NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.