

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE
METCALFE**

BY-LAW #36-2009

Being a By-Law for prohibiting or regulating the running at large of dogs in the
Township of Adelaide Metcalfe

WHEREAS the Municipal Act, Chapter 45, Section 210 (13) provides for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding dogs running at large contrary to the By-Law, and for selling dogs so impounded at such time and in such manner as is provided by the By-Law;

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

1.
 - (a) "Dog" means a male or female dog, over the age of 12 weeks.
 - (b) "Owner" means a person or persons who possesses, harbours, or has custody of a dog and where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
 - (c) "Animal Control Officer" means Glencoe Animal Shelter or any person or association in its employ.
 - (d) "Officer" means:
 - (i) any police officer
 - (ii) any person or the employee or agent of any entity authorized by the Corporation for the purposes of enforcing and carrying out the provisions of this by-law.
 - (e) "Purebred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
 - (f) "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, or other animal and vicious and/or dangerous shall have a corresponding meaning.
 - (g) "Not Under Control of Any Person" means when a dog is not on a lead/leash held by a person or not otherwise restrained.
 - (h) "Lead/leash" means a chain, rope or other restraining device of not more than 3.5 meters.
 - (i) "Muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.
2. Every owner of a dog shall, on or before the 31st day of May in each year, or upon becoming the owner of a dog after the 31st day of May register such dog with the Animal Control Officer or the Clerk and procure a license and dog tag for each dog owned by them.
3. Every tag shall bear the serial number and the year for which it was issued and a record shall be kept by the Township Clerk showing the name and address of the owner and the serial number of the tag.
4. The owner shall keep the dog tag securely fixed on the dog at all times.

5. The fee charged for replacement of lost tags shall be Five Dollars (\$5.00).
6. Every person who fails to comply with Section 2 of the By-Law or who uses a tag upon a dog other than that which it was issued to is liable to a fine of not less than One Hundred Dollars (\$100.00), exclusive of costs.
7. 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 and the license shall be as follows:

(i) First dog -	\$ 25.00
(ii) Second dog -	\$ 35.00
(iii) Every dog over two -	\$ 45.00
(iv) Kennel License -	\$100.00
(v) Replacement tag -	\$ 5.00
(vi) Enabling Dog -	No Charge
(vii) Payment added to property taxes per dog plus license fee -	\$ 20.00

KENNELS

- 1) A separate application shall be made for each kennel on an annual basis, as shown on the attached Schedule A.
- 2) No kennel shall be erected, maintained or operated unless a kennel permit has been issued, as per attached Schedule B.
- 3) Every owner of a kennel shall pay to the Municipality a kennel permit fee for each year or any portion thereof as may be established annually.
- 4) Every kennel shall provide adequate, property-confining and be kept in a clean and sanitary condition free of refuse of any kind at all times.
- 5) The total number of dogs allowed in a kennel may be restricted by the Animal Control Officer(s).
- 6) Kennel premises may be inspected at any time, before a new permit is issued, renewal of a permit or upon receipt of specific complaints by the Municipality. Such inspections are to be carried out by the Animal Control Officer(s) or any other person designated by Council.
- 7) Proof of "up to date" membership in the Canadian Kennel Club shall be submitted with the application for kennel permit.
- 8) No kennel shall be established except as permitted under the applicable Zoning By-Law.
- 9) Where an owner or operator of a kennel fails to maintain the required standards or is guilty of an infraction under any part of this by-law, the permit may be suspended or revoked.
8. (a) No person, being the owner or keeper of any dog within the municipality, shall permit any such dog to run at large.
- (b) Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipality contrary to the provisions of this by-law.

- (c) Where a dog seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog in a humane manner.
- 9.
- 1) 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 five days (exclusive of statutory holidays and Sundays) after the day of seizure; and
 - (ii) The owner pays to the Peace Officer or Animal Control Officer or other duly authorized person a pound fee of Twenty-Five Dollars (\$25.00), plus a maintenance fee of Five Dollars (\$5.00) for each day subsequent to the day of seizure that the dog remains impounded.
 - 2)
 - a) Where, at the end of five (5) days possession, if the dog(s) has not been restored to the owner, the Animal Control Officer or other duly authorized person shall sell or dispose of the dog.
 - b) Where the owner of a dog has not claimed the dog(s) within five (5) days after its seizure and the dog has not been sold, the Animal Control Officer may destroy the dog in a humane manner or otherwise dispose of the dog(s) as they see fit and no damages or compensations shall be recovered on account of the disposition.
 - c) Where a dog seized is injured or should be destroyed without delay for humane reasons or for reasons to safety to persons or animals, the Peace Officer or Animal Control Officer may destroy 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 compensations shall be recovered on account of its destruction except where the owner of the animal is known, they may be permitted to make arrangements for the animal to be transferred at their expense to a Veterinary Hospital.
 - 3)
 - a) Every person who contravenes Section 8 of this By-Law is guilty of an offence and on summary conviction is liable to a fine of not less than One Hundred and Fifteen Dollars (\$115.00) exclusive of costs, and every fine is recoverable under the Provincial Offences Act, 1989, s84, s4(4).
10. KEEPING OF DOGS
- a) Every person who owns a dog within the municipality shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
 - b) 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, weather-proof enclosure with off the ground flooring.
 - c) Every person who owns an unsprayed female dog shall during each period the dog is in heat, keep it confined so that it will not attract other dogs.
 - d) No person within the municipality shall keep a dog tethered on a chain, rope or similar restraining device of less than 3.5 metres in length.

11. VICIOUS DOG

- a) The owner of any dog that has been determined to be vicious by an officer in accordance with the definition as set out in this by-law may be required to do any or all of the following:
- i) not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5 metres in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting another animal or human;
 - ii) When the dog is on the owner's premises it may be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
 - iii) conspicuously display a sign on his/her premises warning that there is a vicious dog on the property;
 - iv) so confine the said dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the said dog;
 - v) notify the poundkeeper immediately if a vicious dog is loose, unconfined, has attacked another animal or human or has died or has been given away.
- b) Non-compliance with any of the provisions as set forth in 11a) may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "C" to this by-law.

12. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises where dog(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-Law.

13. PENALTIES

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

14. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

15. All previous By-Laws of the Corporation of the Township of Adelaide Metcalfe pertaining to dogs are hereby rescinded as of the effective day of this By-Law.

16. This By-Law shall come into force and effect upon final passing hereof.

Read a first, second and third time

IN OPEN COUNCIL

This 16th day of November, 2009



John Milligan, Mayor



Fran I. Urbshott
Administrator/Clerk/Treasurer

SCHEDULE "A"

BY-LAW #36-2009
TOWNSHIP OF ADELAIDE METCALFE

APPLICATION FOR KENNEL PERMIT

Name of Kennel: _____

Owner: _____
(Full Name)

Mailing Address: _____

Telephone Number: (Home) _____ (Business) _____
(If more than one registered owner with a different address or telephone number, attach a separate sheet)

Legal Description of Property on which Kennel is to be operated:

Professional Affiliations of the Applicant:

Canadian Kennel Club Yes () No ()

Ontario Dog Kennel Organization Yes () No ()

Other (specify) _____

Breed of dogs: _____

Calendar year for which permit is requested: _____

Is this application a renewal: Yes () No ()

Kennel Permit

FOR MUNICIPAL USE ONLY:

1. Animal Control Officer:

New Permit: Inspection completed: _____
(Date)

New/Renewal Comments:

Permit Recommended? Yes () No ()

(Animal Control Officer) (Date)

2. Clerk:

Property Zoned: _____ Compliance: Yes () No ()

(Clerk) (Date)

3. Building Department:

Based upon drawing submitted, a building permit _____ required.
(is or isn't)

Comments: _____

(Chief Building Official) (Date)

Permit issued: _____
(Date) (Issued by)

SCHEDULE "B"

BY-LAW #36-2009
TOWNSHIP OF ADELAIDE METCALFE

KENNEL PERMIT

Kennel Permit No. _____ Year: _____

Date Issued: _____

Name of Kennel: _____

Applicant: _____
(Full Name)

Mailing Address: _____

Telephone Number: (Home) _____ (Business) _____

Lot No. ____ Conc./Plan No. ____ Municipal Address _____

Permit fee of _____ dollars received this _____ day of _____, 20____.

This kennel permit is issued to the owner described above, being the owner of the kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act (Canada)*, subject to the provisions of the *Municipal Act* and to the by-laws of the municipality. No further fees in respect of such dogs is payable.

Signature of Issuer

Original to owner
Copy for Municipality

Kennel Permit

NOTE: Applicant must attach hereto a diagram showing:

- The true shape and dimensions of the property (drawn to a scale of 500:1)
- The location, height and dimensions of the kennel structure (drawn to scale of 100:1)
- The location and dimensions of all runs used in connection with the kennel (drawn to a scale of 100:1)
- The location and dimensions of all other buildings and structures on the property and their distances from kennel structures.

STATEMENT OF FACT

I/We _____ hereby make application for the following permit. As part of this application, I/We make the following statement of fact:

1. The information set forth in this application is true and accurate.
2. I/We agree to comply with all By-laws and Regulations of the Township of Adelaide Metcalfe, it being expressly understood that receipt of a permit does not relieve the owner from complying with all the said by-laws or Regulations. I/We further agree that if the license is revoked for any cause of non-conformance of the said By-laws or regulations that in consideration of the issue of the permit all claims are waived arising therefrom against the Township of Adelaide Metcalfe.
3. I/We understand that making a false Statement of Fact may result in the application for a permit being refused.

This State of Fact was made before me on _____, 20____.

Witness: _____ Applicant: _____
(Name)

_____ Applicant: _____
(Address)

(Telephone Number)

THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE

SCHEDULE "C" TO BY-LAW NO. 36-2009

SHORT FORM WORDING AND SET FINES

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE (D)	COLUMN 3 SET FINE (Including Costs)
1.	Fail to prohibit dog from running at large	Section 8 (a)	\$115.00
2.	Fail to keep vicious dog leashed	Section 11(a)(i)	\$155.00
3.	Fail to keep vicious dog muzzled	Section 11(a)(i)	\$155.00
4.	Fail to keep vicious dog confined	Section 11(a)(ii)	\$155.00
5.	Fail to display dangerous dog sign	Section 11(a) (iii)	\$55.00
6.	Fail to allow officer to inspect	Section 12	\$55.00
7.	Fail to pay annual kennel fee	Section 7.3	\$105.00
8.	Fail to provide dog with basic necessities	Section 10(a)	\$105.00
9.	Tether dog on restraining device less than 3.5 meters	Section 10(d)	\$105.00
10.	Fail to provide dog(s) with adequate shelter	Section 10(b)	\$105.00
11.	Fail to confine dog in heat adequately	Section 10(c)	\$60.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 12 OF BY-LAW NUMBER 36-2009, A CERTIFIED COPY OF WHICH HAS BEEN FILED.