

MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW # 8 OF 2009

BEING A BY-LAW TO PROVIDE FOR THE LICENCING, CONTROL AND REGULATION OF DOGS.

WHEREAS the Council of the Municipality of North Middlesex deems it expedient to licence, regulate and control the keeping of dogs in the municipality and to prohibit the running at large of dogs pursuant to the provisions of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45:

AND WHEREAS it is deemed necessary to repeal By-law #26 of 2007 for Municipality of North Middlesex.

NOW THEREFORE the Council of the Municipality of North Middlesex enacts as follows:

1. SHORT TITLE:

This By-law shall be known as the "Dog Control By-law".

2. DEFINITIONS:

For the purpose of this by-law:

- a) "Corporation" shall mean The Municipality of North Middlesex.
- b) "Dog" means any animal over the age of 12 weeks of the canine species irrespective of sex or neutering/spaying, including any wolf or wolf cross breed, harboured or kept by any person.
- c) "Dangerous Dog" means any individual dog
 - (i) that has killed a domestic animal without provocation while off the owners' property;
 - (ii) that has bitten or injured a human being or domestic animal without provocation, on public or private property
 - (iii) that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property
 - (iv) that has shown the disposition or tendency to be threatening or aggressive.
- d) "Dwelling Unit" means one or more habitable rooms designed for use by or occupied by not more than one (1) family and in separate kitchen and sanitary facilities are provided for the exclusive use of such a family, a private entrance from outside the building or from a common hallway or stairway inside the building.
- e) "Impounded" shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law.
- f) "Leash" means a chain, rope or other restraining device of not more than 3.5 metres.
- g) "Municipality" means the geographical area of the Municipality of North Middlesex.
- h) "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.

- i) “Not Under Control of Any Person” means when a dog is not on a lead/leash held by a person or not otherwise restrained or directed in its actions.
- j) “Officer” means:
 - I. any police officer
 - II. any person or the employee or agent of any entity authorized by the Municipality for the purposes of enforcing and carrying out the provisions of this by-law.
- k) “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.
- l) “Kennel” means a place, whether enclosed or not, where dogs are kept for purposes of breeding, boarding or commercial purposes
- l) “purebred” means I) registered or eligible for registration in the register Canadian Kennel Club, Incorporated or ii) of a class that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada)
- m) “Licence” means a dog tag – which is a metal object bearing a serial number and the name of the municipality in which the dog is housed.
- n) “Pound” means those premises designated by the Municipality for the detention, maintenance or disposal of dogs that have been impounded by an officer and shall include any building or buildings and enclosures maintained on behalf of the Municipality by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this by-law and such building or buildings and enclosures shall conform to the Ontario regulations under The Animals for Research Act, R.S.O. 1990, Chapter A.22.
- o) “Poundkeeper” means the person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law.
- p) “Residential Dwelling” means a building containing a dwelling unit which is located in a residential zone.
- q) “Residential Zone” means any area of land which is zoned as residential by the provisions of the Municipalities Zoning By-laws.
- r) “Running at Large” means when a dog is found in a place other than the premises of the owner of the dog and not under control of any person.
- s) “Vicious Dog” means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, fowl or other animal and vicious and/or dangerous shall have a corresponding meaning.

3. LICENCING

- a. Every owner of a dog, within the municipality shall procure, in each year, a dog tag for each dog owned by him/her and shall pay an annual tag fee in the amount as set out in accordance with Schedule “A” to this by-law.

- b. A person who acquires a dog in any year shall obtain from the Municipality a tag within fourteen (14) days of acquiring such dog.
- c. The owner of any dog(s) not tagged by March 1st of each year will be required to pay a penalty as set forth in Schedule "A" to this by-law.
- d. A dog tag shall be renewed each year according to Schedule A
- e. The Municipality shall register in a record book maintained for that purpose, the serial number of the dog tag along with the name, address and telephone number of the owner, the breed and sex of the dog and date that the dog tag is furnished to the owner.
- f. A dog tag may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to other special needs.
- g. There shall be no refund or rebate to any owner for any portion of a dog tag fee when such tags have been issued in accordance with the provisions of this by-law.
- h. No tags issued for a dog pursuant to the provisions of this by-law is transferable between dogs or between owners.
- i. No person shall own, possess or harbour a dog within the municipality or allow a dog to be owned, possessed or harboured on the premises of that person unless a tag fee for the current year, for the dog, as required by this by-law, has been paid and every owner of a dog shall keep the dog tag securely fixed on the dog at all times when the dog is not on the premises of the owner unless said dog is harboured in a licenced kennel.
- j. Where a dog tag is issued pursuant to the provisions of this by-law has been lost, or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in Schedule "A" attached to this by-law.
- k. Every dog owner who takes up residence within the municipality and where a current dog tag has been issued by another municipality, shall be required to obtain a new dog tag of the Municipality and pay only a transfer fee as set out in Schedule "A" attached to this by-law.
- l. The Municipality may direct an officer(s) to licence each dog door to door. The officer(s) shall be authorized to require the owner of any dog(s) to pay the prescribed licence fee and upon payment issue a receipt to the owner and a tag for each dog owned.
- m. Every officer appointed under this by-law or any other by-law has the authority to issue a certificate of offence to the owner of any dog which has not been registered and licenced in accordance with the provisions of this by-law. The owner of the unlicenced dog may be subject to a penalty in accordance with the amount as set out in the Schedule "B" attached to this by-law.
- n. This issuing of a certificate of offence does not relieve the owner of an unlicenced dog, of the responsibility of obtaining a licence for the current year.
- o. i) Kennel licences shall be issued through the municipal office, subject to proof of registered animal and subject to proper zoning. Those kennels that are legal non-conforming must produce previous licences as proof of such status.

ii) Every kennel owner shall submit on a monthly basis to the Municipality's dog licencing officer, the names and addresses of the municipality residents who have purchased dogs from their kennels.

4. RUNNING AT LARGE

- 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.
- d) The owner of a dog which is found running at large may be issued a certificate of offence by an officer and shall be subject to the payment of a penalty in accordance with the amount as set out in Schedule "B" to this by-law.

5. IMPOUNDING

- a) When a dog is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a maximum of three (3) days (excluding the day of seizure and any holidays) unless claimed by the owner during this three day period. Any dog that is not claimed within the three day redemption period may be disposed of subject to the requirements of The Animals for Research Act. R.S.O. 1990, Chapter A.22.
- b) The owner of any dog impounded pursuant to paragraph 4 a) may claim the dog from the pound upon payment to the Poundkeeper of any fee that may apply as per Schedule "A" to this by-law.
- c) Any person claiming an unlicensed dog shall first pay to the Poundkeeper the required licence fee for a current dog tag and any other charges that may apply in accordance with the provisions of Schedule "A" to this by-law.
- d) Where in the opinion of the poundkeeper, in consultation with a veterinarian, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely if reasonable efforts to locate the owner of the animal have failed.
- e) If a dog is injured or ill and the services of a veterinarian have been secured, the owner shall be responsible for the fees incurred. The owner shall not be entitled to redeem the dog unless the charges for such veterinarian services are paid by the owner, the Veterinarian Clinic or to the Poundkeeper.
- f) During the impoundment period, the owner may claim the dog upon proof of ownership of the animal, and payment to the municipality of:
 - a) the appropriate fine where applicable as outline in Schedule A,
 - b) the appropriate licence fee where the dog is not licensed,
 - c) maintenance fees as identified in Schedule A, and
 - d) veterinary fees where applicable

6. 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 unspayed 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 no less than 3.5 metres in length and no more than 7 metres providing the radius is within the owners' lot boundaries.
- e) Any person contravening any of the provision of Section 6 (a) through 6(d) of this by-law is guilty of an offence and shall result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "B" of this by-law.

7. KENNELS

- (1) Every person who owns or operates a kennel shall, upon application and payment of a licence fee as set out in Schedule A and upon the approval of the municipality, obtain, no later than the date established by the municipality in each year, a licence to operate such kennel.
- (2) Every kennel licence shall be for one year.
- (3) Every person who owns or operates a kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" as attached.
- (4) Every person who owns or operates a kennel shall comply with the By-laws of the municipality.
- (5) Where an owner or operator of a kennel fails to comply with a bylaw of the municipality, the license may be suspended or revoked.
- (6) Every person who owns or operates a kennel shall permit an inspector to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this by-law.
- (7) Where an inspector finds that the owner or operator of a kennel does not comply with any regulation in this section, he may direct that the animals be seized and impounded by the poundkeeper.

8. VICIOUS DOG / DANGEROUS DOG

- 1a) The owner of any dog that has been determined to be vicious/dangerous by an officer in accordance with the definition as set out in this by-law shall 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 under the control of a responsible person over the age

of eighteen, 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 shall be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet (1.5 m x 3m), capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping or causing personal injury;
 - iii) conspicuously display a sign on the owner's 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 and/or officer 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 7 a) shall result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "B" to this by-law.
- c) The owner of a dangerous dog shall ensure that
- i) such dog is licenced with the municipality as a dangerous dog in accordance with the fees outlined in Schedule A
 - ii) such dog is spayed or neutered, within 30 days of an order
 - iii) they comply with the responsibilities as outlined within this by-law
 - iv) a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least five hundred thousand dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.

(2) The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.

(3) If the owner of a dog that has been designated as dangerous is unwilling or unable to comply with the requirements of this section, said dog shall then be humanely euthanized by an animal shelter, animal control agency or licenced veterinarian, after a fourteen day holding period. Any dog that has been designated as dangerous under this bylaw may not be offered for adoption.

9. ANIMAL WASTE

Any person who owns or controls a dog shall remove forthwith any excrement left by such dog on any highway, public park, sidewalk, or any property other than that where the dog is housed. Failure to remove such excrement by the owner or person having control of the dog may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "B" to this by-law.

10. 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.

11. LIMITATIONS

No person or persons shall keep more than two (2) dogs in or about any dwelling unit in the municipality within a property area, or limit, except that any person who, on the 20th day of December 1999, was keeping more than two dogs, may keep those dogs until they have died or otherwise disposed of.

12. EXCESSIVE BARKING

No owner shall allow his or her dog or dogs to become a nuisance by howling or barking excessively. Any person so aggrieved by the howling or barking of a dog or dogs may appear before a Justice of the Peace and swear an information charging the owner with a breach of this section. The Municipal Act RSO 1990 Chapter M.45 Section 210 (138)

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.

READ A FIRST TIME THIS 19th DAY OF JANUARY, 2009

READ A SECOND TIME THIS 19th DAY OF JANUARY, 2009

READ A THIRD TIME AND FINALLY PASSED THIS 19TH DAY OF JANUARY 2009

MAYOR

ADMINISTRATOR

**Schedule A to
By-Law 8 of 2009**

LICENCE FEES	<u>Spayed/Neutered</u>	<u>Unaltered</u>
By February 28, 2009 – Base rate for 1 st dog (or within 14 days of becoming the owner)	\$20	\$25
By February 28, 2009 – Base rate for 2 nd dog (or within 14 days of becoming the owner)	\$30	\$35
March 1 st to May 31, 2009 – Base + First Penalty	Additional \$10 per dog	Additional \$10 per dog
June 1 st to December 31, 2009 – Base + Second penalty	Additional \$20 per dog	Additional \$20 per dog
New dogs obtained after September 1 st , 2009	50% of fee	50% of fee
Transferring a current licence from another municipality	\$5	\$5
Replacement of a lost tag	\$5	\$5
Certified Guide / Service Dogs	No Charge	No Charge
Kennel Licence		\$200
Kennel Tags – Optional – at kennel owners discretion		\$5 per dog
Boarding Rate	As per current pound contract	As per current pound contract

MUNICIPALITY OF NORTH MIDDLESEX
 SCHEDULE "B" TO BY-LAW # 8 of 2009
Originally passed under By-law 59 of 2003

PART 1 PROVINCIAL OFFENCES ACT

ITEM SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE (Including Costs)
1. Fail to prohibit dog from running at large	Section 4a	\$100.00
2. Fail to obtain dog tag	Section 3(a)	\$ 50.00
3. Fail to keep dog tag fixed on dog	Section 3(i)	\$ 50.00
4. Fail to keep vicious dog leashed	Section 7 (a) (i)	\$150.00
5. Fail to keep vicious dog muzzled	Section 7 (a) (i)	\$150.00
6. Fail to keep vicious dog confined	Section 7 (a) (ii)	\$150.00
7. Fail to display vicious dog sign	Section 7 (a) (iii)	\$ 50.00
8. Fail to allow officer to inspect	Section 9	\$ 50.00
9. Fail to remove dog excrement	Section 8	\$ 50.00
10. Keeping more than two dogs in a dwelling unit	Section 10	\$ 55.00
11. Fail to provide dog with basic necessities	Section 6 (a)	\$100.00
12. Fail to tether dog on specified length of restraining device	Section 6 (d)	\$100.00
13. Fail to provide dog with adequate shelter	Section 6 (b)	\$100.00
14. Fail to confine dog in heat adequately	Section 6 (c)	\$ 55.00
15. Fail to keep dog from barking or howling excessively	Section 13	\$250.00

NOTE: The penalty provision for the offences indicated above is Section 12 of By-law No. 59 of 2003, a certified copy of which has been filed