

THE CORPORATION OF THE TOWNSHIP OF CARLING

BY-LAW NO. 2004-4

Being a By-law for the Licencing and Control
of Dogs Within the Township of Carling

Whereas pursuant to Sections 11 (1) of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass by-laws for the regulating and prohibiting of animals; and

Whereas pursuant to Section 103 of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass by-laws for the impounding of animals; and

Whereas pursuant to Section 105 of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass by-laws for the muzzling of dogs, and

Whereas pursuant to Section 128 of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass a by-law to prohibit and regulate a public nuisances; and

Whereas pursuant to section 129 of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass a by-law to prohibit and regulate noise; and

Whereas pursuant to section 391 (1) of the Municipal Act, S.O., 2001, c.25, Council is authorized to impose fee and charges for services provided; and

Whereas pursuant to section 130 of the Municipal Act, S.O., 2001, c.25, Council is authorized to pass a by-law to regulate matters for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

Whereas The Corporation of the Township of Carling wishes to regulate dogs and noises from dogs within the Municipality:

Now Therefore the Council of the Corporation of the Township of Carling hereby enacts as follows:

1. DEFINITIONS

- a) "Animal Control Officer" means and includes the Ontario Society for the Prevention of Cruelty to Animals or any agency which has entered into a contract with the Corporation of the Township of Carling to maintain a dog pound and any servants or agents of such agency;
- b) "Corporation" means the Corporation of the Township of Carling;
- c) "Boarding Facility, Domestic Animal" means any building, structure, run or facility, or part thereof used for the boarding (for hire) of domestic animals, but does not include a veterinarian clinic;
- d) "Dog" means a male or female dog over the age of twelve weeks;
- e) "Impound" means to deliver to the Ontario Society for the Prevention of Cruelty to Animals (S.P.C.A.);
- f) "Kennel, Commercial Breeding" means any kennel used for the keeping of purebred dogs for the purpose of breeding the dogs for sale;
- g) "Owner" of a dog means and includes any person who possesses, harbours, or has care and control of a dog, and where the owner or person who has care and control of a dog is a minor, the person responsible for the custody of the minor, and "owns" or "owned" have a corresponding meaning; "Pound" means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to this by-law;

- h) "Peace Officer" means and includes the Municipal By-law Enforcement Officer and any person so designated by Council to administer and enforce this by-law;
- i) "Purebred" means any dog that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada);
- j) "Running at Large" shall have the same meaning as in the Municipal Act, R.S.O. 1990, c.M.45, Section 210 (13);

2. LICENCE

- a) Every owner of a dog shall, on or before the 1st day of January in each year, or upon becoming the owner of a dog after the first day of January, register such dog with the Township and procure a license and dog tag.
- b) Upon application for a licence, the owner shall produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty four months of the date of application for the licence.
- c) Every dog tag shall bear a serial number and the year in which it was issued and a record shall be kept with the Corporation, showing the name and address of the owner and the serial number of the tag.
- d) The owner shall ensure that the dog tag is securely fixed on the dog at all times.
- e) Every license issued pursuant to this By-law shall expire on the 31st day of December in the year for which it was issued.
- f) The license fee payable to the Corporation at the time of issuing of a license shall be in accordance with the Township's Fee Schedule by-law.
- g) Notwithstanding the provisions of Section 6 of this By-law, the owner of a kennel of pure bred dogs registered in the register of the Canadian Kennel Club Incorporated, shall pay an annual license fee in accordance with the Township's Fee Schedule by-law.
- (h) No owner or owners living at the same address shall keep more than three (3) dogs over the age of three (3) months in any one household located within Township of Carling.
 - i) This section does not apply to:
 - a) a legally established kennel, pound or shelter;
 - b) an animal hospital owned and operated by a Veterinarian licenced by the Ontario Veterinarian Association;
 - c) a pet store.

3. RUNNING AT LARGE

- a) No owner of a dog shall allow the dog to run at large within the limits of the Township of Carling.
- b) For the purposes of this By-law, a dog 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.

4. SEIZE AND IMPOUND

- a) Subject to sub-section (d) of this Section, an Animal Control Officer may:
 - i) seize and impound any dog found running at large;
 - ii) restore possession of the dog to the owner where:

- a) the owner claims possession of the dog within 3 days (exclusive of statutory holidays and Sundays) after the date of seizure; and
 - b) the owner pays to the Animal Control Officer a pound fee in accordance with the fee schedule of the Ontario Society for the Prevention of Cruelty to Animals (S.P.C.A.)
- b) any female dog found to be running a large in heat, shall be held at the pound until no longer in heat, but in any case no longer than 21 days.
 - c) if a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall pay all fees on demand to the Animal Control Officer.
 - d) Where, at the end of 3 days, possession of the dog has not been restored to the owner of the dog, the Animal Control Officer may sell the dog for such price as he deems reasonable.
 - e) Where the owner of a dog has not claimed the dog within 3 days after it is impounded and the dog has not been sold, the Animal Control Officer may kill the dog in a humane manner or otherwise dispose of the dog as he deems fit and no damages or compensation shall be recovered on account of its disposal from the Animal Control Officer or the municipality;
 - f) Where a dog seized is injured or should be destroyed without delay for humane reasons or the safety of persons or animals, the Animal Control Officer may kill the dog in a humane manner as soon after seizure as he deems fit without letting any person reclaim the dog or without offering it for sale and no damages or compensation shall be recovered by the owner from the Animal Control Officer or the municipality.

5. PERSISTENT NOISEMAKING

- a) No owner of a dog shall permit such a dog to engage in persistent barking, calling or whining or other similar persistent noisemaking, such that the sound is clearly audible at any point on the premises of a person, other than the premises where the sound originates.

6. MUZZLING AND LEASHING OF DOGS

- a) Where a dog has bitten a person or domestic animal, the By-law Enforcement Officer, at their discretion, may Order the dog to be muzzled or leashed or both, for a period of time to be determined by the By-law Enforcement Officer.
- b) Should the owner of the dog disagree with the Order to muzzle and/or leash, he or she may appeal the decision to the Township of Carling Council.
- c) Upon receipt of notification of an appeal, the Township of Carling Council shall, as soon as practicable, conduct a hearing and shall hear evidence presented by both the By-law Enforcement Officer and the owner of the dog, it being understood that in the interim between the date of the Order to muzzle and/or leash and the date of the hearing of the appeal, the owner shall comply with the Order and the dog shall remain muzzled and/or leashed.
- d) At such time as the Township of Carling Council makes its decision to confirm, modify or quash the Order, the decision shall be considered to be final and binding and the owner of the dog shall comply therewith.

7. CONTRAVENTIONS

- a) Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a maximum fine of \$5,000.00 for each offence committed, exclusive of costs, as established in the Provincial Offences Act.

8. SEVERABILITY/VALIDITY

If any section or sections of this by-law or parts thereof are found by a Court of law to be illegal or beyond the powers of 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.

9. REPEALS

- a) By-law No. 97-5 and By-law 2001-15 are hereby repealed.

10. EFFECTIVE DATE

- a) This By-law shall come into force and take effect upon approval of the short form wording.

READ a FIRST and SECOND time in Council this 2nd day of February, 2004.

Mike Konoval, Reeve

Susan Murphy, Clerk-Administrator

READ a THIRD and FINAL time and passed in Council this 2nd day of February, 2004.

Mike Konoval, Reeve

Susan Murphy, Clerk-Administrator