

THE CORPORATION OF THE VILLAGE OF SUNDRIDGE
BY-LAW NO. 2005-015

BEING A BY-LAW TO PROVIDE FOR THE LICENCING AND REGULATION OF DOGS IN ACCORDANCE WITH PART II SECTION 11 (1), ITEM 9, OF THE MUNICIPAL ACT 2001, S.O. 2001, C.25, AS AMENDED.

WHEREAS Sections 103, 104 and 105, of the Municipal Act, S.O. 2001, C. 25 as amended permits municipalities to pass By-laws regulating or prohibiting animals being at large or trespassing and the muzzling of dogs, within the municipality;

AND WHEREAS Section 129 (1) of the Municipal Act, S.O. 2001, C. 25 as amended permits municipalities to pass By-laws to prohibit noise likely to disturb inhabitants within the municipality;

AND WHEREAS it is deemed expedient that such a By-law be passed;

NOW THEREFORE the Corporation of the Village of Sundridge hereby enacts as follows:

SHORT TITLE: This By-law may be cited as “The Dog By-law”.

1. DEFINITIONS:

“Animal” means any member of the animal kingdom, other than a human being;

“Animal Control Officer” shall mean any person so designated by Council to administer and enforce this By-law;

“Blind Person” shall mean a person who because of blindness is dependent on a guide dog and has been issued an identification card under the Blind Persons Rights Act, R. S. O. 1990 c. C.7;

“Council” shall mean the Council of the Corporation of the Village of Sundridge;

“Dog” shall mean a male or female dog, over the age of twelve (12) weeks;

“Kennel” shall mean any building or structure where domestic household pets are kept, raised and boarded for commercial purposes;

“Owner” of a dog shall mean any persons who possess or harbor a dog and “owns” or “owned” have a corresponding meaning and where the owner is a minor, the person responsible for the custody of the minor shall be deemed the owner of the dog.

“Public Property” shall mean any property in the Village of Sundridge owned by the Village of Sundridge and the Near North Board of Education;

“Responsible Person” shall mean a person who has reached the age of reason and shall not include infants or mentally incompetent persons;

“Running at Large” shall mean a dog found off the property on which it is kept and not under control of any responsible person, and restrained by a leash.

“Village” shall mean the Corporation of the Village of Sundridge.

2. LICENSING:

- (a) No person shall within the Village of Sundridge own or keep any dog without having obtained a license for the dog and registering the dog with the Village.
- (b) Every owner of a dog, within thirty (30) days of becoming a resident of the Village of Sundridge or within thirty (30) days of becoming the owner of a dog, shall obtain a license and register each dog with the Village.
- (c) The license shall be taken out annually on or before the 15th day of February of each year and shall expire on the 14th day of February of the following year.
- (d) The cost of the license shall be as prescribed in the current Tariff of Fees By-Law. This schedule may be amended by Council from time to time and shall not affect the remaining sections of the By-law.
- (e) An owner at the time of purchasing a dog license shall furnish the following information to the Issuer of Licenses:
 - i) The name, address and phone number of the owner of the dog.
 - ii) The breed, name, age and description of the dog, including any number tattooed upon the dog or information concerning an implanted microchip that may assist in the identity of the dog.
 - iii) The gender of the dog and whether it is spayed or neutered.
- (f) Upon payment of the license fee the owner of a dog shall be furnished with a serially numbered dog tag and the said tag shall be kept securely fixed on the dog at all times and shall not use the dog tag upon a dog other than the one it was issued for.
- (g) The replacement fee for a lost license shall be as prescribed in Schedule "A". This schedule may be amended by Council from time to time and shall not affect the remaining sections of the By-law.
- (h) A record shall be kept by the Clerk showing:
 - i) The name, address and phone number of the dog owner
 - ii) The breed, name, age and description of the dog, including any number tattooed upon the dog or information concerning an implanted microchip that may assist in the identity of the dog.
 - iii) The gender of the dog and whether it is spayed or neutered.
 - iv) The serial number of the Dog Tag and the fees paid in respect of each dog.
- (i) Kennels of dogs are not allowed in the Village of Sundridge, as they are not permitted under Zoning By-law 89-002 of the Village of Sundridge.

3. RESPONSIBILITIES OF THE OWNER:

- (a) No owner of a dog shall permit it to run at large in the Village of Sundridge.
- (b) No owner or owners living at the same address shall keep more than two dogs in any one household over the age of twelve (12) weeks.
- (c) No owner shall permit their dog, whether leashed or unleashed to trespass on private property.
- (d) No owner shall allow their dog to be on a public road or in a public place at any time unless the dog is on a leash and such leash is held onto by a responsible person.
- (e) Notwithstanding section 3 (d) no dog shall be allowed at any time in any area designated as:
 - i) A public park, which includes a children's play area, a public beach or swimming area.
 - ii) A public beach or swimming area.
 - iii) Any schoolyard during school hours.
- (f) Every owner of a dog shall forthwith, clean up and dispose of any excrement left by their dog on any property other than their own. This section 3 (f) does not apply to the owners of Seeing Eye dogs or registered handicap assist dogs.
- (g) No owner shall permit any dog or domestic pet owned by them to persistently bark, whine, whimper or create any noise that is likely to disturb any inhabitants of the Village of Sundridge.
- (h) Every owner upon receiving an Order in writing from the "Animal Control Officer" shall:
 - i) Keep the dog or dogs muzzled
 - ii) Keep the dog or dogs leashed at all times, and
 - iii) Under control of a responsible person, or
 - iv) Locked in a kennel or dog run,at all times such dog is outside of the owner's residence.

4. ANIMAL CONTROL OFFICER:

- (a) The Animal Control Officer or their agent as appointed by the Municipal Council is authorized to collect the poundage levied upon this By-law and to maintain a pound as directed by the Council and as approved by the Ministry of Agriculture and Food.
- (b) The Animal Control Officer may seize and impound any dog found running at large, with or without a license, within the Village of Sundridge contrary to the provisions of the By-law. The dog will be impounded in the Animal Shelter designated by Council.
- (c) The minimum period of time within which the owner of a dog that has been impounded has the right to redeem it shall be four (4) days, excluding the day on which the dog was impounded and holidays shall not be included in calculating any redemption period. If the dog is claimed within four (4) days, the dog may be redeemed for poundage, levied at the current rate per day by the Animal Shelter.

- (d) An Animal Control Officer shall within twenty-four (24) hours from the impounding of any dog, make every reasonable effort to notify the owner that the dog is impounded and the conditions whereby custody of the dog may be regained.
- (e) After the expiration of the redemption period, all dogs impounded become the property of the Village of Sundridge who may dispose of them to new owners or may destroy them. An attempt will be made to give the recorded owner a twenty-four (24) hour advance notice prior to the animal being destroyed.
- (f) Any person shall be entitled to take charge of any dog found running at large and deliver same to the Animal Control Officer.
- (g) Where 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 fees and shall pay all fees on demand to the Animal Control Officer.
- (h) Nothing in this section shall prevent the Animal Control Officer from destroying an animal, which is ill or injured and where, in the opinion of the Animal Control Officer, is incapable of being cured.
- (i) If the Animal Control Officer or their agent is unable to seize any dog found to be running at large or trespassing, and the owner is known to the Animal Control Officer or their agent, the owner shall receive written notice of the fine described in the current Tariff of Fees By-Law.
- (j) Where a dog has been injured on property other than that where it is kept and should be destroyed for humane reasons or safety to persons or animals, the Animal Control Officer or their agent may kill the dog in a humane manner as soon after seizure as they think fit without permitting any person to reclaim the dog, or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its disposal.
- (k) Any person may surrender their dog to the Animal Shelter for the purpose of adoption or euthanasia upon payment of a surrender fee as set by the Animal Shelter.

5. MUZZLING OF DOGS:

- (a) The Animal Control Officer upon receiving a complaint or complaints concerning a dog or dogs that place the public safety at risk shall issue an order to the owner to:
 - i) Keep the dog or dogs muzzled
 - ii) Keep the dog or dogs leashed at all times, and
 - iii) Under control of a responsible person, or
 - iv) Locked in a kennel or dog run,
 at all times such dog is outside of the owner's residence.
- (b) The Village of Sundridge delegates the powers of Council to hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement to muzzle their dog or dogs to the Animal Control Officer
- (c) The Animal Control Officer shall cause a hearing to be held within fourteen (14) days of receiving a written request from a dog owner requesting an exemption from a muzzling order.

6. SEVERABILITY:

If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced council to pass the remainder of the By-law and it is hereby declared, the remainder of the By-law shall be valid and shall remain in force.

7. PENALTIES:

Anyone who contravenes any provision of the By-law, governing an animal running at large or trespassing, may be subject to written notice of a fine of not less than fifty dollars (\$50) with provisions for payment to be made to the Municipal Office or the Animal Control Officer within seven (7) days of the date of such offence, exclusive of Saturday, Sunday and Public Holidays. All fines levied under the provisions of this By-law are recoverable under the Provincial Offences Act, and further that each day the offence continues shall be considered a separate offence.

Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine not exceeding the maximum provided under the Provincial Offences Act, exclusive of costs and every fine shall be recoverable under the Provincial Offences Act.

Notwithstanding any of the provisions of this By-law, any person who has been served with a Violation Notice alleging the commission of an offence contrary to the provisions of this By-law may, where a Violation Notice is issued specifying that a payment may be made, present the Violation Notice within ten (10) days from the date of issue of the Violation Notice, excluding Saturdays, Sundays and Public Holidays to a location specified on the Violation Notice, and if the said amount is paid, no further proceedings shall be taken under this By-law in respect of the offences alleged in the Violation Notice.

8. REPEAL:

By-laws No.96-007, By-law No.97-016 and By-law No.98-022 are hereby repealed.

This By-law shall take effect upon being passed.

INTRODUCED AND READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS_9th DAY OF AUGUST, 2005.

Mayor Elgin Schneider

Clerk-Treasurer Lillian S. Fowler

SCHEDULE "A"

Dog Licensing Fees shall be in accordance with the current Tariff of Fees By-Law.

Proposed out of court fines

<u>Wordings</u>	<u>Fines</u>
1. Owner fail to purchase a dog license	\$ 50.00
2. Have more than two dogs	\$125.00
3. Permit dog to run at large	\$ 50.00
4. Permit dog to trespass on private property	\$
50.00	
5. Fail to leash dog in public place or public roadway	\$
50.00	
6. Have dog in an area designated as:	
i) A public park, which includes a children's play area, a public beach or swimming area.	\$ 50.00
ii) A public beach or swimming area	\$
50.00	
iii) Any school yard during school hours	\$ 50.00
7. Fail to clean up dog excrement	\$ 50.00
8. Owner permit persistent barking	\$ 50.00
9. Owner fail to pay dog pound fee	\$100.00
10. Owner fail to comply with muzzle order	\$125.00

Fines for Impounded Dogs

First offence	\$ 50.00
Second Offence	\$ 75.00
Third Offence	\$100.00

Plus daily pound fee

An offence shall be deemed second or third offences if occurring within a six-month period.