

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH ALGONQUIN
BY-LAW NO. 12-430**

Being a By-Law to Regulate the Keeping of Dogs and to Establish Licensing Fees within the Municipality. This by-law when enacted rescinds By-Law Number 06-262, 08-312 and 08-315.

WHEREAS the Municipal Act, Section 10(2)9, 2001, c. 25 as amended, provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction provided for therein, including “animals”; and

WHEREAS Subsection 103(1) of the said Act provides that, if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals and the sale of impounded animals; and

WHEREAS the *Police Services Act*, R.S.O. 1990, c. P.13 as amended provides that the council of a municipality may appoint a municipal law enforcement officer to enforce all municipal by-laws,

NOW THEREFORE the Council of The Corporation of The Township of South Algonquin enacts as follows:

Definitions:

1. In this by-law, the following terms shall have the meanings hereinafter ascribed to them:
 - (a) “animal control officer” means that person from time to time appointed or employed by the Corporation for the purpose of administering and supervising all of the provisions of this by-law, and includes any other person appointed or employed by the Corporation as a municipal law enforcement officer and the Clerk-Treasurer of the Corporation;
 - (b) “animal shelter” means any premises from time to time designated by the Corporation as a place for the impounding and confinement of dogs seized in the course of enforcing this by-law;
 - (c) “at large” means, in relation to dogs, that dog when it is off the property of its owner and not on a leash or otherwise under the control of a competent person;
 - (d) “Corporation” means The Corporation of The Township of South Algonquin;
 - (e) “dog” means *canis familiarise*, male or female, over the age of three months;
 - (f) “kennel” means any premises at which any individual, group, partnership or corporation is engaged in the business of breeding, buying, selling or boarding dogs; any household that harbours five or more dogs is also considered a kennel;
 - (g) “leash” means any form of lead or restraint that has the capability to control a dog;
 - (h) “municipal law enforcement officer” means that person from time to time appointed or employed by the Corporation for the purpose of enforcing by-laws of the Corporation by authority of Section 15 of the *Police Services Act*, R.S.O. 1990, c. P.13 as amended;
 - (i) “owner” means and includes any person who possesses, keeps, feeds or harbours a dog and, if the owner so defined is a person who has not yet attained the age of majority, that person or any of those persons who is responsible for the custody of the infant owner, and where a dog has more than one owner, the owners are jointly and severally liable under this by-law; and
 - (j) “registration period” shall mean one calendar year, and if a particular dog has been registered for the preceding calendar year, includes the period from January 1 to March 31 of the next following year.
2. In its application, this by-law shall be read with such changes of gender or number as the circumstances and the identity of an owner requires.

Licensing and Dog Identification System:

3. The owner of every dog, within the period of seven days next following the date as of which the owner became the owner of that dog, shall apply to the Corporation and shall

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purchase a tag for the dog except those that are already licensed under another jurisdiction.

4. Licenses are issued for a fee of \$10.00 for the lifetime of the dog. Licenses are not transferable. In the event that a tag becomes lost or destroyed, the owner of the dog for which the tag has been issued may obtain a replacement tag free of charge.
5. The Corporation will maintain a register showing the name and address of the dog and its owner and the serial number of the tag issued for each dog.
6. For the purpose of discharging the powers and duties given to upon him by this by-law and of enforcing it, the animal control officer shall be entitled to demand the production by its owner of the tag issued with respect to any dog.

Licensing of Kennels:

7. Every person who owns, operates or conducts a Kennel for the purpose of breeding pure breed dogs shall be registered with the Canadian Kennel Club pursuant to the Statutes of Ontario enacted in that behalf, shall obtain a Licence and shall pay to the Township of South Algonquin, immediately following the first day of January in any year, a Licence fee of SEVENTY FIVE DOLLARS (\$75.00). Each dog kept shall be licensed by the Township with the exception of unweaned pups.
8. Every person who owns operates or conducts a kennel for the purpose of breeding or housing dogs shall obtain a Licence and shall pay to the Township of South Algonquin, immediately following the first day of January in any year, a license fee of SEVENTY FIVE DOLLARS (\$75.00). Each Dog kept shall be licensed by the Township with the exception of unweaned pups.
9. Every Kennel owner / operator of a kennel located in the Township of South Algonquin shall be subject to inspection as deemed necessary by the Animal control officer prior to the issuance of a Kennel Licence to ensure compliance with standard Animal husbandry practices.
10. Every Kennel owner operator of a kennel located in the Township of South Algonquin shall follow the guidelines and regulations as set forth by the Ontario department of Agriculture regulating Kennels in the province.
11. The Animal Control Officer of the Township of South Algonquin, upon any application may issue the required license but if he/she does not issue such license at the request of the applicant, he/she shall refer the application to the Clerk-Treasurer of the Township of South Algonquin and the Clerk-Treasurer may, at his/her discretion, grant or refuse the issuing of a permit hereunder.
12. If there is a change of ownership of a Kennel during the Licence year the new owner shall purchase a new license.
13. Until changed by resolution of the Council of the Corporation, the fee payable for each registration period by the operator of a kennel shall be \$75.00.
14. Any kennel established after the date of the passing of this by-law shall be located no closer than 1.5km to the nearest residence.

Control of Dogs:

15. No owner shall permit his dog to be at large.
16. No person who owns or harbours a dog within the Municipality of South Algonquin shall permit such dog to become a nuisance. A dog shall be deemed a nuisance in the following circumstances:

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- i) if the dog persistently cries, howls or barks.
 - ii) if the dog causes damage to municipal property or private property.
 - iii) if the dog interferes with dumps or scatters garbage or trash.
 - iv) if the dog persistently chases or intimidates pedestrians using public or private paths, roads or sidewalks adjacent to the property where the dog is kept or harboured.
17. No owner shall permit his dog to go onto or be on private property, other than the owner's property, even when on a leash, except with the consent of the owner or occupant of that private property.
18. Any dog found at large may be seized by the animal control officer and impounded in an animal shelter and confined there.
19. Where the dog is registered and wearing a licensed tag, the owner shall be notified of the impoundment of their dog and shall be directed to the approved animal shelter for the recovery of their animal.
20. Where the dog is not licensed, the Municipality shall not be responsible for notifying the owner of the dog's impoundment.
21. Any dog impounded and confined may be claimed by or on behalf of its owner within the period of five days (which shall not include any Saturday, Sunday or statutory holiday) next following the date on which the dog was impounded upon payment to the Bonnechere Valley Animal Shelter for all impoundment fees, plus the cost of \$250.00 incurred by the Township of South Algonquin for the capture and delivery of the dog(s) to the Animal Shelter in Eganville as outlined in Schedule "A" of the Animal Shelter Services Agreement, representing part of this By-Law.
22. Any dog not claimed by or on behalf of its owner within the period of five days aforesaid shall, as of the following day, become the property of the Corporation and may be humanely disposed of or otherwise dealt with as may be authorized by the Corporation.
23. The animal control officer may in his discretion obtain veterinary care for any dog that comes into his possession and which appears to require the care of a veterinarian, and the owner upon claiming his dog shall, in addition to the other fees and charges properly payable, pay or reimburse the Animal Control Officer or the Corporation for the cost of veterinary care provided for the dog.
24. Notwithstanding the immediately preceding paragraph, the Animal Control Officer may in his discretion arrange for or carry out the humane destruction of any dog that comes into his possession if, in his opinion, its destruction is necessary in order to ensure that the dog does not continue to endure pain and suffering.
25. If it is alleged that a dog has bitten or attacked a person or domestic animal, a proceeding may be commenced against its owner by or at the request of the animal control officer, pursuant to the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16 as amended.

Enforcement and Penalties:

26. This by-law may be administered and enforced by the animal control officer.
27. Any person who contravenes this by-law commits an offence, and upon conviction shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), exclusive of costs, and all prosecutions under this by-law and under the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16 as amended, and all fines recoverable, shall be governed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33 as amended.

Any other by-law inconsistent with or antedating this by-law is hereby repealed.

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READ A FIRST AND SECOND TIME this 6th day of December, 2012.

Mayor Jane Dumas

Clerk-Treasurer Harold Luckasavitch

READ A THIRD TIME, PASSED AND ENACTED this 6th day of December, 2012.

Mayor Jane Dumas

Clerk-Treasurer Harold Luckasavitch

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Schedule "A"

ANIMAL SHELTER SERVICES AGREEMENT

**BETWEEN
THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY
AND
THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN**

WHEREAS it has been recognized that the need exists for a humane shelter for stray and abandoned dogs.

AND THAT the township of Bonnechere Valley has committed to build such as facility

AND THAT the Township of Bonnechere Valley has committed to provide such dog shelter services to the township of South Algonquin under this agreement

NOW THEREFORE the township of Bonnechere valley and the township of South Algonquin agree that:

1. The Township of Bonnechere Valley shall:
 - a. Provide a shelter for stray or abandoned dogs in compliance with the regulations laid out in the Animals For Research Act and such criteria as detailed by Ontario Ministry of Agriculture and Food for the operation of animal shelters.
 - b. Collect and remit to the Township of South Algonquin all monies collected from persons redeeming their dogs from the shelter
 - c. Provide an adoption service for those dogs not claimed or redeemed and determined to be suitable for adoption.
 - d. Provide a humane system of disposing of those dogs deemed not suitable for adoption and not collected by the OSPCA.
2. The Township of South Algonquin will under this agreement pay to the Township of Bonnechere Valley:
 - a. A monthly service fee of Two Hundred Fifty Dollars (\$250.00)
 - b. A daily board rate of \$10.00 per day per dog in the shelter (to a maximum of seven (7) days per dog)
 - c. Veterinary fees for any injured animal belonging to South Algonquin interned at the shelter.
 - d. Euthanasia fees for any dog belonging to the township where it is severely injured or any deemed not suitable for adoption.
3. It is further agreed that:
 - a. The Township of Bonnechere Valley shall make available the annual General Ledger of the facility for review.
 - b. That the Service fees shall be reviewed and adjusted as necessary to reflect the actual operating costs of the facility.
 - c. The Townships reserve the right to opt out of this agreement by giving a minimum of 90 days notice of intent to the Township of Bonnechere Valley.