

**THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH**

By-Law No. 12-2001

Being a by-law for licensing and regulating and requiring the registration of dogs; for imposing a licence fee on the owners; and for prohibiting or regulating the running at large of dogs within the municipality of the Township of Ashfield-Colborne-Wawanosh.

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M. 45, Section 210, paragraph 11, authorizes the council of municipalities to pass by-laws for licencing and regulating and requiring the registration of dogs and for imposing a licence fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person or in an one household and a lower fee in the case of dogs that are at least six (6) months old that have been spayed or neutered.

AND WHEREAS the Municipal Act, R.S.O. 1990, Chapter M. 45, Section 210, paragraph 13, authorizes the council of municipalities to pass by-laws for prohibiting or regulating the running at large of dogs in the municipality, for seizing and impounding and for killing, whether before or after impounding, dogs running at large and for selling dogs so impounded at such time and in such manner as is provided by the by-law;

AND WHEREAS the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990 allows for the protection of Livestock and Poultry;

AND WHEREAS the Corporation of the Township of Ashfield-Colborne-Wawanosh has appointed, by By-law, an Animal Control Officer who shall have the authority to enforce the provisions of said By-Law;

AND WHEREAS the Corporation of the Township of Ashfield-Colborne-Wawanosh deems it expedient to pass said By-Law;

NOW THEREFORE the Corporation of the Township of Ashfield-Colborne-Wawanosh **ENACTS** as follows;

PART 1- DEFINITIONS:

In this by-law;

- 1.1 "Dog" means a male or female dog; neutered male or spayed female minimum 12 weeks of age;
- 1.2 "Owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning;
- 1.3 "Animal Control Officer" shall mean the person, department or agent appointed by the Corporation of the Township of Ashfield-Colborne-Wawanosh to enforce this By-Law;
- 1.4 "Pound" shall mean the premises of the Clinton Veterinary Services.
- 1.5 "Pound Keeper" shall mean the operator of a yard and /or enclosure for the safe keeping of such animals as it may be the duty of a pound keeper to impound;
- 1.6 "Agreement" shall mean the current agreement duly signed by the Officer of the Corporation setting out the fees and duties of the Pound Keeper.
- 1.7 "Vicious Dog" shall mean a dog which has, without provocation, attacked or bitten a person or another animal or has demonstrated a propensity to do so.

PART 2- LICENSING AND REGISTRATION OF DOGS

- 2.1 Every owner of a dog shall cause such dog to be licensed in the office of the Township Clerk for a period which will expire annually on or before the 31st day of December and in each year cause such dog to be again licensed for one year from the 1st day of January.
- 2.2 The maximum number of dogs allowed per household, where the property is located within a plan of subdivision, registered plan of subdivision, mobile home park, over the age of 12 weeks shall be 4.

LICENSE FEE

- a) The License fee to be paid as follows;
- | | | |
|---|---|---------------------|
| For each male or spayed female dog |) | as per |
| For each additional male or spayed female dog |) | |
| | | <u>Schedule</u> |
| For a female dog, if only one is kept |) | <u>'A'</u> attached |
| | | |
| For each additional female dog |) | hereto |
- 2.3 On payment of the license for a dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
- 2.4 No person other than the owner of the dog, shall remove the tag from the dog.
- 2.5 The tag shall bear a serial number and the year in which it was issued and a record shall be kept by the Clerk, showing the name and address of the owner and serial number of the tag.
- 2.6 No tag shall be used for a dog other than the one for which it was issued.
- 2.7 Upon application for a license tag, the owner shall produce evidence that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months of the date of the application for the tag.
- 2.8 Every applicant for a tag for a spayed female dog or neutered male dog, shall produce to the Corporation of the Township of Ashfield-Colborne-Wawanosh, or its authorized agent, at the time of making application a certificate of a veterinary surgeon that such female dog has been spayed, or that such male dog has been neutered.
- 2.9 A dog which is found without a tag, off the premises upon which it is habitually kept and whether or not under the control of any person, may be apprehended by the Animal Control Officer and delivered to the Pound Keeper, If a dog is found without a tag, on the premises upon which it is habitually kept, the Animal Control Officer may demand to see the dog's license tag and the owner must produce the license forthwith. If the license is not produced, the Animal Control Officer shall apprehend the dog and deliver it to the Pound Keeper. In either case, a dog so impounded shall be held for a period of three days, exclusive of the day it was impounded, Sundays and Statutory holidays. If it is not claimed and released to the owner within a period of three days, it becomes the property of the Municipality and may be destroyed, sold, given away or otherwise disposed of. Each dog so impounded shall not be released until all fees are paid as set out in the current Agreement with the Pound Keeper.
- 2.10 When a dog which has not been licensed by the Township of Ashfield-Colborne-Wawanosh or has been licenced and found off the premises of the owner, has been delivered to the Pound Keeper, such dog shall not be released from the pound to its owner until a Dog Release Certificate has been issued to the owner and submitted to the Pound Keeper confirming that;

- i) the dog has been licensed
- ii) the license fee, as set out in Part 2 has been paid
- iii) a municipal administration fee of \$50.00 has been paid
- iv) boarding and veterinary fees as set out in Agreement with Pound Keeper have been paid.

2.11 No dog shall be released from the Pound on Sundays or statutory holidays except, at the discretion of the Poundkeeper.

PART 3 – RUNNING AT LARGE OF DOGS

- 3.1 For the purpose of this part, a dog shall be deemed to be running at large when found off the premises upon which it is habitually kept and not under the control of any person.
- 3.2 No owner of a dog shall permit such dog to run at large in the Township of Ashfield-Colborne-Wawanosh. The owner of every dog within the Township of Ashfield-Colborne-Wawanosh shall restrain or cause such dog to be restrained by a leash when it is not on land or within any building or structure owned or leased by the owner of such dog or is not within any building in which the owner of such dog temporarily and permanently resides.
- 3.3 The running at large of dogs is prohibited within the municipality and the owner of any dog so found running at large shall be guilty of breach of this By-Law and liable for a \$50.00 administration fee and upon conviction, a penalty provided in Section 3 of this By-Law.
- 3.4 A dog which is running at large contrary to the provisions of the by-law may be seized and impounded. A dog must be held for the appropriate time as specified in Part 3.5 and if not claimed and released, sold or given away to an interested party, then may be destroyed by the Pound Keeper. If the dog is sold by the Pound Keeper, the selling price must be credited to the Municipality.
- 3.5 With respect to any dog impounded under this by-law the maximum period for redemption shall be three days, exclusive of the day of which the dog was impounded, Sundays and Statutory Holidays.
- 3.6 A dog impounded under Part 3 of this by-law may be reclaimed by the owner on proof of his ownership of such dog to the satisfaction of the Pound Keeper and evidence that the current year's license fee, and administration fee have been paid in respect of such dog. All other dogs in accordance with the "agreement" and pound fees must be paid by the owner.
- 3.7 Female dogs in heat must be confined to a building isolated from other dogs and must remain there until such time as the heat has ended.
- 3.8 If the dog is injured or should be destroyed without delay for humane reasons or for reasons of safety to a person or animal or at the request of the Ontario Provincial Police the Pound Keeper or the Animal Control Officer may destroy the dog in a humane manner whether before or after impounding without permitting any person to reclaim the dog and no damages or compensation shall be recovered as a result of the dog being destroyed.
- 3.9 It shall be lawful for the Reeve or the Animal Control Officer of the Township of Ashfield-Colborne-Wawanosh at any time to direct that a dog shall be destroyed if such dog is found running at large and cannot be apprehended by the Animal Control Officer.
- 3.10 A dog must be tied or in a chained or fenced area but which shall not be within three (3) feet of the property line.

- 3.11 A dog owner shall be required to remove forthwith excrement left by the dog anywhere in the municipality of the Township of Ashfield-Colborne-Wawanosh.
- 3.12 The Poundkeeper shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, and the date of disposition and the disposition made.
- 3.13 person contravening the provisions of Section 3.11 of this by-law shall pay a \$50.00 administration charge.

PART 4-BARKING OF DOGS

- 4.1 No person having control of a dog, or being the owner of a dog, shall permit such dog to engage in persistent barking, calling or whining or other similar persistent noise likely to disturb the inhabitants, such that the sound is clearly audible at any point on the premises of a person other than those premises where the sound originates for a longer continuous period than one-half hour between the hours of 0800 and 2200 of one day or that persists for a period of longer than 15 minutes between the hours of 2200 hours of one day and 0800 hours of the following day.

PART 5- RABIES CONTROL

- 5.1 When a dog is known to have bitten a person, the Medical Officer of Health may order that the dog be kept under supervised quarantine for a period of 10 days and the owner, if known, shall be responsible for the cost of such quarantine.

PART 6-KENNEL LICENSE

A license to operate a Breeding Kennel may be issued.

A license to operate a Boarding & Breeding Kennel may be issued, subject to the following conditions:

- 6.1 Adequate, properly-confining and sanitary facilities are provided as per Schedule 'B' attached hereto;
- 6.2 The total number of animals allowed in a kennel may be restricted at the discretion of the Animal Control Officer.
- 6.3 Kennel premises may be inspected at any time, before a license is issued or renewed or upon receipt of specific complaints by the municipality. Such inspections are to be carried out by the Animal Control Officer or other person designated by Council;
- 6.4 If a Kennel operator fails to maintain the required standards or is guilty of an infraction under any part of this by-law, he may be required to appear before Council or a committee thereof and give acceptable assurance that he can and will maintain proper standards in future. Failure to provide such assurance could result in cancellation of his license under this part;
- 6.5 In the event of a dispute concerning Part 6.4 a veterinarian shall be consulted and his decision will be binding.

PART 7- PITBULLS and PITBULLS CROSS

- 7.1 Pitbulls and pitbull cross shall have a special licence fee as set out in licence Fee Schedule 'A'.
- 7.2 Pitbulls and pitbull cross shall be muzzled while walking and comply with all other aspects and conditions as stated in this by-law.

PART 8- VICIOUS DOGS

- 8.1 “Vicious dog” means a dog which has, without provocation, attacked or bitten a person or another animal or has demonstrated a propensity to do so.
- 8.2 Vicious dog-signs-warning or vicious dog on property.
An owner of a vicious dog shall post or cause to be posted signs on the perimeters of the property which shall clearly notify persons that vicious dog (s) are on the property.
- 8.3 Vicious dog-confined-at all times.
An owner of a vicious dog shall, at all times when it is on the lands and premises of the owner:
- (a) keep such dog confined within the premises; or
 - (b) keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping there from and preventing the entry therein of unsupervised children.
- 8.4 Vicious dog – walking – muzzled.
A vicious dog must and shall only be walked by an adult and must be muzzled while walking and comply with all other aspects and conditions as stated in this by-law.

PART 9 – ENFORCEMENT

- 9.1 The Animal Control Officer of the Township of Ashfield-Colborne-Wawanosh shall be responsible for the enforcement of the provisions of this by-law.
- 9.2 The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police in enforcing any provision of this by-law.

PART 10 – OFFENCES

- 10.1 Any person contravening the provisions of this By-Law shall pay a \$50.00 administration charge.
- 10.2 Every person who contravenes a section of this by-law is guilty of an offence and subject to a penalty as provided for under the Provincial Offences Act.

PART 11 – SEVERABILITY

- 11.1.1 Each and every of the provisions of this Chapter is severable and if any provisions of this Chapter should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

PART 12 – SHORT FORM NAME

- 12.1 that By-law No. 12-2001 of the Township of Ashfield-Colborne-Wawanosh be hereby referred to as the “Dog Licensing and Regulating By-Law”.

**TOWNSHIP OF ASHFIELD-COLBORNE-WAWWANOSH
BY-LAW NO. 12-2001**

SCHEDULE "B"

Standards of Operating a Breeding and/or Boarding Kennel

Part 1 – EACH RUN,

- 1.1 is at least 2.5 feet (or .075 metres) wide, 6 feet (or 1.8 metres) high and 15 square feet (or 1.35 square metres) in area.
- 1.2 has a floor of solid (no slatted floors), readily sanitized and fluid-impervious materials, or
- 1.3 is,
 - a) enclosed by walls or solid, readily sanitized and fluid-impervious material, or
 - b) surrounded by partitions in which solid, readily sanitized and fluid-impervious material extends from the floor for at least 4 feet (or 1.2 metres) and, above the solid material, other material that will prevent an animal confined in the run from escaping extends to a height of at least 6 feet (or 1.8 metres) above the floor,
- 1.4 is constructed so that liquid cannot escape or pass to another run except through a drain, or a drainage channel leading directly to a drain, which is inaccessible to another animal in the run,
- 1.5 has a door which does not open onto another dog run.

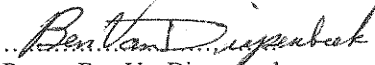
PART 2 – EACH RUN


- 2.1 is well constructed and secure,
- 2.2 is well ventilated,
- 2.3 is properly drained.

By-Law No. 6, 1998, as amended, of the former Township of Ashfield, By-Law No. 11, 1995, as amended, of the former Township of West Wawanosh and By-Law No. 5, 1998, as amended, of the former Township of Colborne are hereby repealed.

Read a first and second time this 6th day of March, 2001.

Read a third and final time this 6th day of March, 2001.


Reeve, Ben VanDiepenbeek


Clerk, Wm. C. Norris

**TOWNSHIP OF ASHFIELD-COLBORNE-WAWANOSH
BY-LAW No. 12-2001**

SCHEDULE "A"

2001 DOG LICENSE FEES

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| Neutered Male or Spayed Female..... | \$ 15.00 |
| Male/Female dog..... | \$ 20.00 |
| Second Female dog..... | \$ 20.00 |
| Second Male or Spayed Female..... | \$ 20.00 |
| Three dogs or more..... | \$ 75.00 |
| Pitbull and Pitbull Cross..... | \$100.00 |
| Boarding and /or Breeding Kennel License..... | \$ 60.00 |
| Replacement licence tag..... | \$ 3.00 |