

THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON

BY-LAW NO. 295-02

ENTITLED a By-law for licensing and requiring the registration of dogs, for the control of dogs, and for the collection of license fees within the Municipality.

WHEREAS in accordance with Chapter M.45, Section 210, Subsection 11 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities for licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them including the imposition of a higher 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 any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered;

AND WHEREAS in accordance with Chapter M.45, Section 210, Subsection 13 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as provided by the by-law;

AND WHEREAS in accordance with Chapter M.45, Section 210, Subsection 5 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities to provide for animal identification systems including tagging, tattooing or microchip implantation and for requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the by-law in respect of the identification system;

AND WHEREAS in accordance with Chapter M.45, Section 210, Subsection 7 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities for determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer;

AND WHEREAS in accordance with Chapter M.45, Section 210, Subsection 8 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities for requiring, within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found;

AND WHEREAS in accordance with Chapter M.45, section 210, Subsection 9 of the **Municipal Act**, R.S.O. 1990, as amended, by-laws may be passed by Councils of local municipalities for requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF STIRLING-RAWDON HEREBY ENACTS AS FOLLOWS:

Definitions:

1. (1) (a) "Animal Pound Keeper" means the person or organization that has entered into a contract with the Municipality to maintain and operate a dog pound and any servants, employees or agents of such person or organization.

- (b) "Dog" means a male or female dog;
 - (c) "Municipality" means the Corporation of the Township of Stirling-Rawdon.
 - (d) "Owner" shall mean and include any person who, whether temporarily or permanently, owns, possesses, keeps or harbours 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;
- (2) For the purposes of this By-law, a dog shall be deemed to be running at large if it is found on any place other than the owner's premises and not under the control of any person.

Requirement to Purchase Licence

2. (1) No person shall own any dog within the Municipality without having obtained a license for the dog and registered the dog with the Municipality pursuant to the provisions of this By-law.
- (2) Any person who owns a dog shall, on or before the thirtieth day of April in each and every year, or immediately upon becoming the owner of a dog after the thirtieth day of April register such dog with the Municipal Clerk or the Animal Control Officer, or other authorized person and procure a licence and dog tag for each dog owned by the person.
- (3) A license and dog tag shall be issued to any person who owns a dog and who has:
- (a) submitted an executed application in writing in a form approved by the Municipality;
 - (b) produced a valid certificate of immunization against rabies signed by a practicing veterinarian certifying that the dog has been immunized and that its inoculations are up to date;
 - (c) produced a certificate signed by a veterinary surgeon as proof that a dog has been spayed or neutered if the reduced license fee is being claimed; and
 - (d) paid the license fee set out in Schedule "A" to this By-law to the Animal Control Officer or Municipal Clerk.

Expiration of Licence and Rates

3. Every dog licence issued pursuant to this by-law shall expire on the 31st day of December of the year in which it was issued.

Records

4. Every dog tag shall bear the serial number and the year in which it was issued and the Municipal Clerk or animal control officer shall keep a record showing the name and address of the owner of the dog together with the serial number of the tag issued for the dog.

Attachment of Tag

5. The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced.

6. No person shall place or attach a dog tag on any dog other than the dog for which the dog tag was issued.

Lost Tag Fee

7. The fee charged for replacement of a lost dog tag is as set out in Schedule "A" to this By-law.

Kennels

8. (1) The owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) shall pay, on or before the 30th day of April in each year, an annual license fee as set out in Schedule "B" of this By-law.

(2) Every kennel license issued pursuant to the provisions of Section 8 (1) above shall expire on the 31st day of December of the year in which it was issued.

Running at Large

9. No owner of any dog shall cause or permit the dog to run at large within the limits of the Municipality.
10. (1) A Peace Officer or Animal Control Officer who finds a dog running at large within the limits of the Municipality may:
 - (a) kill the dog before or after impounding it; or
 - (b) seize and impound the dog and deliver the dog to the Animal Pound Keeper;
- (2) Where a dog has been seized and impounded pursuant to Section 10 (1) (b) of this By-law, the dog may be returned to the owner where:
 - (a) the owner claims possession of the dog within three days, exclusive of statutory holidays and Sundays, after the date of seizure;
 - (b) the owner pays to the animal pound keeper a fee for each day or part thereof that the dog remains impounded; and
 - (c) where a dog is impounded, the owner shall be liable for the pound and maintenance fees prescribed in Schedule "A" of this By-law and the owner shall pay all fees on demand to the Animal Control Officer, the Animal Pound Keeper, the Treasurer of the Township of Stirling-Rawdon or any other person authorized by Council to accept payment in that regard.

Killing and Disposing

11. (1) Where a dog has been seized and impounded pursuant to Section 10 (1) (b) of this By-law and is has not been restored to the Owner pursuant to Section 10 (2) of this By-law, the Animal Control Officer may kill the dog in a humane manner or otherwise dispose of the dog as the Animal Control Officer sees fit and no damages or compensation shall be recovered on account of the killing or other disposition of the dog.

- (2) Where in the opinion of the Animal Control Officer or Peace Officer a dog seized under Section 10 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Peace Officer or Animal Control Officer may kill the dog in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered on account of its killing.

Dog Waste


12. No owner shall allow his dog to defecate on any property, including a public park, other than the property of its owner or other private property by permission, **UNLESS** the droppings are forthwith cleaned up.

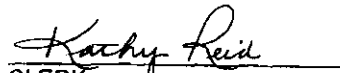
Offence

13. Any person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction, is liable to a penalty as prescribed pursuant to the **Provincial Offences Act**, R.S.O. 1990, c.P.33, as amended for each offence committed.
14. By-law No. 18-97 of the Corporation of the Township of Stirling-Rawdon is hereby repealed.
15. If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.
16. This by-law shall come into force and take effect on — May 21, 2002

READ A FIRST AND SECOND TIME THIS *21st* DAY OF *May*, 2002.

READ A THIRD TIME AD PASSED THIS *21st* DAY OF *May*, 2002.


MAYOR

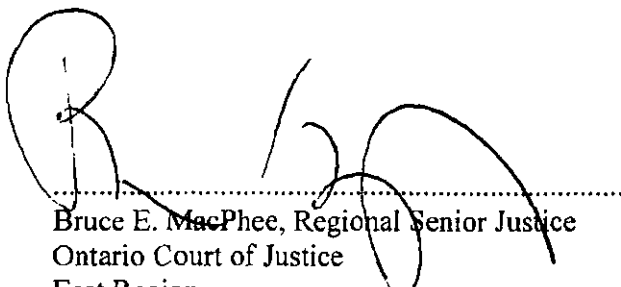

CLERK

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 295-02 of the **Township of Stirling Rawdon** attached hereto are the set fines, including costs, for those offences. This Order is to take effect July 11, 2002.

Dated at Ottawa this 11th day of July 2002.



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Bruce E. MacPhee, Regional Senior Justice
Ontario Court of Justice
East Region

Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF
STIRLING-RAWDON

PART 1, PROVINCIAL OFFENCES ACT

By-law No. 295-02, a By-law for licensing and requiring the registration of dogs, and for the collection of licence fees within the Municipality.

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (includes costs)
1	Fail to licence and register dog	Section 2(2)	\$50.00
2	Owner - fail to keep tag affixed	Section 5	\$50.00
3	Attach dog tag on dog other than dog for which it was issued	Section 6	\$75.00
4	Fail to pay annual licence fee for kennel	Section 8(1)	\$100.00
5	Permit dog to run at large	Section 9	\$50.00
6	Fail to clean up dog droppings	Section 12	\$50.00

Note: the penalty provision for the offences indicated above is Section 13 of By-law 295-02, a certified copy of which has been filed.