

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NO. 65-2014

**A BY-LAW TO REQUIRE THE REGISTRATION OF
ANIMALS AND PROHIBIT THE RUNNING AT LARGE OF
ANIMALS WITHIN THE MUNICIPALITY OF NORTH PERTH**

WHEREAS Section 9 and 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 9(3) of the said Act provides that a by-law passed under Section 11 may regulate or prohibit respecting a matter, provide for a system of licences, permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS Section 103 of the said Act confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-law under certain conditions;

AND WHEREAS Section 105 of the said Act provides the municipality to require the muzzling of a dog when deemed appropriate;

AND WHEREAS Section 391 of the said Act enables a municipality to pass a by-law imposing fees or charges for services so activities provided or done by or on behalf of it;

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of North Perth enacts as follows:

1. For the purposes of this By-Law
 - (a) "Animal Control Officer" means any person or persons so designated by the Municipal Council of the Corporation of the Municipality of North Perth.
 - (b) "Animal Control Contract" shall mean an agreement between the designated "Animal Control Officer" and the Municipality of North Perth outlining the duties and responsibilities of both parties.
 - (c) "animal" means any male or female dog in the Municipality of North Perth.
 - (d) "By-law Enforcement Officer" shall mean the person appointed by the Council of the Municipality of North Perth to administer the provisions of by-laws.
 - (e) "Clerk" shall mean the Clerk of the Municipality of North Perth or designate.
 - (f) "kennel" means a kennel of dogs registered or eligible for registration in the register of the Canadian Kennel Club Incorporated or any premises in which more than three dogs are kept, possessed or harboured or boarded.
 - (g) "owner" includes any person who possesses or harbours an animal and, where the owner is a minor, the person responsible for the custody of the minor.
 - (h) "pound" shall mean the place so designated by the Council of the Municipality of North Perth.

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- (i) "pound fee" includes any daily charge that may be collected by the operator of the pound.
- (j) "Pound Keeper" shall mean the person or persons designated by the Council of the Municipality of North Perth as the "Animal Control Officer".
- (k) "running at large" shall mean when the animal is found in any place other than the premises of the owner of the animal and not under the control of any person.

DUTIES OF ANIMAL CONTROL OFFICER

- 2. Council may, by by-law, appoint an Animal Control Officer, or officers who will be responsible for the duties and responsibilities as set forth in the Animal Control Contract:
- 3. Council may, by resolution, appoint a person recommended by the Animal Control Officer as a Deputy Animal Control Officer whose duty shall be to replace the Animal Control Officer during the absence from the Municipality of the Animal Control Officer. During the absence from the Municipality of the Animal Control Officer, the Deputy Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.
- 4. The Animal Control Officer shall be paid such remuneration as set forth in the Animal Control Contract.

POUND

- 5. Council shall, from time to time, designate a place or places within or outside the Municipality as Municipality of North Perth Pound or Pounds.

LICENSES, DOG TAGS

- 6.
 - (a) Every person residing temporarily or permanently within the limits of the Municipality being the owner of a dog, shall on or before the 30th day of April in each and every year cause such animal to be registered with the Clerk and shall procure a license therefore, which license shall expire on the 31st day of December in each year in which the same was issued.
 - (b) Every owner of a dog in the Municipality, shall cause a dog tag to be securely affixed on the dog at all times and no person shall remove the tag from a licensed dog; however, a dog tag may be removed while a dog is being lawfully used for hunting in the bush.
- 7. No dog tag or kennel license shall be transferable.

LICENSE FEES

- 8.
 - (a) The fee charged for a dog registration tag shall be in accordance with the Municipality of North Perth Fees and Licenses By-law.

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- (b) It is hereby imposed and shall be collected by the Animal Control Officer from the owner of every dog or the owner of a kennel in the Municipality, an annual license fee in accordance with the Municipality of North Perth Fees and Licenses By-law.
9. Notwithstanding the provisions of this By-Law, the Municipality Clerk, or designate, is authorized and directed to have dog, and kennel licenses for sale in the Municipal Office and the Clerk shall have the same authority as the Animal Control Officer to collect license fees, issue licenses and supply tags. All license fees collected by the Animal Control Officer shall be paid to the Clerk within one (1) month of the receipt thereof together with an appropriate explanatory statement.

KENNELS

10. (a) Notwithstanding the provisions of Section 6 of this By-Law the owner of a kennel shall obtain a Kennel License from the Municipality of North Perth before December 31st in each year and shall pay the license fee in accordance with the Municipality of North Perth Fees and Licenses By-law. and in addition shall be required to register any animals harboured at the kennel on a permanent basis.
- (b) The owner of a kennel shall not be required to register an animal that is being boarded.
- (c) Prior to the issuance of a kennel license written evidence must be delivered to the Animal Control Officer confirming that:
- (i) all dogs harboured in the kennel are registered or eligible for registration with an Association incorporated under The Animal Pedigree Act (Canada); or
 - (ii) The dogs harboured in the Kennel are hunting dogs, which dogs are all licensed through the Ministry of Natural Resources for the purpose of hunting moose, deer, raccoons or other animals as approved by the Ministry; or
 - (iii) The dogs harboured in the Kennel are all actively used for snow sleds.
11. No kennel shall be erected or maintained subsequent to the passing of this By-Law contrary to the provisions of the Municipality's Comprehensive Zoning By-Laws.
12. No owner, or person in control of, or in apparent control of an animal shall allow or permit such animal to run at large within the limits of the Municipality of North Perth.
13. The owner of every animal impounded, shall be liable for the payment of the pound and boarding fee in accordance with the Municipality of North Perth Fees and Licenses By-law and shall pay all fees on demand to the Pound-Keeper.

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ANIMALS RUNNING AT LARGE

14. Animals found running at large contrary to the provisions of this By-Law may be seized and impounded in a Municipality Pound. An animal so impounded shall be held for a period of seventy-two (72) hours and if not claimed and released to the owner thereof within such period of time may be then destroyed or sold by the Pound-Keeper as he deems fit. The selling price of any animal so sold shall belong to the Municipality.
15. The owners of every animal impounded, if known, whether or not the dog is claimed by the owner from the Pound, shall be liable for the payment of the Pound and boarding fee as set out in Paragraph 13 above, and shall pay all fees on demand to the Pound-Keeper.
16. No owner or person in control of, or in apparent control of, any animal shall allow it to trespass on private property, even when on a leash. while a dog is being lawfully used for hunting in the bush.
17. No owner or person in control of, or in apparent control of, any animal shall allow it to run on Municipality owned property except when on a leash. In areas designated by signs in the Listowel Ward, animals may be allowed to run off a leash when under the control of the owner thereof.
18. Where an animal is alleged to have bitten any person, such animal may be impounded and held by the Animal Control Officer until proceedings under The Dog Owners' Liability Act, R.S.O 1990 Chapter D.16, as amended have been followed, provided that no animal shall be so impounded or held for a period in excess of twenty-one (21) days unless otherwise ordered by the Provincial Judge.
19. Any animal known to be rabid shall be immediately destroyed by its owner or by the Animal Control Officer.

ANIMAL WASTE

20. Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said animal on any property in the Municipality of North Perth other than the premises of the owner of the animal.

MUZZLING OR LEASHING OF ANIMALS

21. (a) Every owner of a dog after it has bitten a person or a domestic animal shall ensure that said dog is muzzled or leashed while said dog is on any property in the Municipality of North Perth, including the premises of the owner of the animal.
- (b) Where the owner of the dog objects to the muzzling or leashing requirement set forth in Subparagraph (a) above, the owner of the dog may request and is entitled to a Hearing by the Council of the Municipality of North Perth. The Council of the Municipality of North Perth may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or a

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Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in Subparagraph (a) above.

- (c) If the owner of the dog requests a Hearing as set forth in Subparagraph (b) above the request shall be accompanied by the required fee in accordance with the Municipality of North Perth Fees and Licenses By-law.

MISCELLANEOUS MATTERS

22. Every contract for the provision of animal control services shall provide that such contractor shall endeavour to find adoptive homes for any unclaimed animals failing which such contractor may make provisions for the humane destruction of such animal. Such contractor shall agree in the contract that no animals will be sold for research.
23. Except as provided under the provisions for Kennels, no owner or occupier of a premise shall keep more than three (3) animals in said premises as regulated by the Municipality of North Perth's Comprehensive Zoning By-law. For the purposes of this paragraph, the young of animals that have not been weaned shall not be counted in determining the number of animals on the premises.

ENFORCEMENT

24. This by-law shall be enforced by the Animal Control Officer and the By-law Enforcement Officer or any other person appointed by the Council of the Municipality of North Perth as defined herein or such other person or persons as the Council may appoint.

PENALTY

25. An owner or occupant who fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

REPEAL OF CERTAIN BY-LAWS

26. By-law 53-AD-1998 as amended by 125-AD-2000, and By-law 166-2013 are hereby repealed.

READ A FIRST AND SECOND TIME this 5th day of May, 2014.

READ A THIRD TIME AND FINALLY PASSED this 5th day of May, 2014.



JULIE BEHRNS MAYOR



PATRICIA BERFELZ, CLERK

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Part I – Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Failing to procure a dog license	6(a)	\$50.00
2.	Failing to attach a dog tag at all times	6(b)	\$50.00
3.	Failing to obtain a kennel license before December 31 st of the year	10(a)	\$200.00
4.	Failing to pay a kennel license fee	10(a)	\$200.00
5.	Failing to register animals permanently harboured in a kennel	10(a)	\$50.00
6.	Erecting or maintaining a kennel contrary to Comprehensive Zoning By-Law	11	\$200.00
7.	Permitting an animal to run at large	12	\$50.00
8.	Permitting a dog to trespass	16	\$50.00
9.	Permitting dog to run unleashed on Municipal property	17	\$50.00
10.	Failing to remove dog waste	20	\$50.00
11.	Failing to muzzle or leash a dangerous dog	21(a)	\$200.00
12.	Keeping more than three animals on premises	23	\$150.00

Note the general penalty provision for the offences listed above is section 25 of bylaw 65-2014, a certified copy of which has been filed, and section 61 of the Provincial Offences act, R.S.O. 1990, c.P.33, as amended.