

The Township of Cavan Monaghan

By-law No. 2013-71

Being a by-law to provide for the licencing and registration of dogs, and for prohibiting or regulating the running at large of dogs

Whereas the Ontario Municipal Act, S.O. 2001. c. 25, Sections 11, 103 & 105 provide that Municipalities may pass By-laws to regulate the above;

And Whereas the Dog Owners' Liability Act, R.S.O. 1990, c. D16 provides for liability of owner and sets out the amount of penalty;

And Whereas the Council of the Township of Cavan Monaghan deems it advisable to pass a By-law for the licencing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the Township;

Now Therefore the Council of the Township of Cavan Monaghan hereby enacts as follows:

1. Definitions: For the purpose of this By-law:

Chief Building Official – means the person with the Township's administration who fulfills the function of Chief Building Official as required by the Ontario Building Code Act, 1992, or his or her designate.

Dog – means a male or female dog whether neutered or spayed that is over 12 weeks of age.

Dog Control Officer – includes any person employed by the Township of Cavan Monaghan to enforce the provisions of this By-law.

Minor – is a person who has not achieved the age of majority as defined by applicable provincial law.

Owner of Dog – includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for custody of the minor.

Purebred – means:

- (a) registered or eligible for registration in the register of the Canadian Kennel Club Incorporated; or
- (b) recognized as such pursuant to the Animal Pedigree Act (Canada)

Possession or Harboring – of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property or the premises which he/she owns or occupies or which is habitually kept on such property.

Service Dog – means a dog trained and actively used to assist a person who is disabled.

Township – means the Township of Cavan Monaghan.

Township Clerk – means the person within the Township's administration who fulfills the function of the Clerk as required by the Municipal Act, 2001 or his or her designate.

2. Requirements for a Licence

2.1 Every person who owns a dog which is kept in the Township shall obtain a licence for such dog and shall pay the licence fee for such dog as prescribed in Schedule 'A' to this By-law.

2.2 The requirement to obtain a licence as prescribed in Section 2(1) shall occur when a person:

- (a) becomes the owner of the dog, and is kept within the Township; or
- (b) when the dog is possessed or harboured in the Township for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.

2.3 All annual licences issued under this By-law shall expire on the 31st day of December in each year and the owner shall be required to renew the licence prior to March 31st of the current year.

2.4 Registration and licencing of a dog under the age of six (6) months is not required by this By-law.

3. Identification of Dog(s) and Issuance of Tags

3.1 Every person who is issued a licence pursuant to Section 2(1) shall be given a lifetime tag for such dog, and such tag shall indicate an identification serial number thereon for such tag, and the same shall be provided to the person.

3.2 Every person who is provided with a tag pursuant to Section 3(1) shall ensure that the tag is affixed to the collar of the dog, or otherwise placed on or around the dog, in such a manner that the tag can identify such dog to any person at all times and the same shall be secured on the dog until the tag is renewed or replaced.

3.3 Section 3(2) does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting in the bush.

3.4 A record shall be kept by the Township, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3(1).

3.5 Tags which are lost may be replaced by providing sufficient proof that the dog possessed a licence for the current year and paying to the Township the sum set out in Schedule 'A'.

4. Service Dog

Sections 2 and 3 of this By-law shall not apply to any person who is disabled and owns a dog (or dogs) for his or her assistance as a service dog.

5. Dogs at Large

5.1 No person shall permit a dog owned by him or her to run at large in the Township, and running at large shall be deemed to occur when the dog is found in any place other than the property or premises of the owner, and not under the control of any person, and held securely in or on a leash to prevent the possibility of any person or other animal (including another dog) from being attacked or bitten by such dog.

5.2 Section 5(1) shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.

6. Restricting the Number of Dogs

The maximum number of mature dogs allowed shall be three (3) maximum on any one property within the Township, unless governed by a kennel licenced under By-law No. 2013-72.

7. Seizure and Impounding of Dogs

7.1 The Officer responsible for the enforcement of this By-law may:

- (a) Seize and impound any dog(s) found running at large within the Township and impose fees as attached in Schedule 'A'.
- (b) Where it is impossible to identify the owner of the dog(s), the Officer shall deliver the animal(s) to the Peterborough Humane Society.

- (c) Where, in the opinion of the Officer responsible for the enforcement of this By-law, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Officer may destroy the dog(s) as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog.
 - (d) Where the Officer responsible for the enforcement of this By-law finds a dog(s) running at large contrary to the provisions of this By-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or another animal, he/she may destroy the dog(s).
 - (e) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Officer responsible for the enforcement of this By-law.
- 7.2 (a)** Any dog, impounded pursuant to Section 7.1 may be kept at the Peterborough Humane Society, a secure place, and a fee charged to the owner as set out in Schedule 'A' payable to the Township and any fees charged by the Peterborough Humane Society, prior to the release of the dog, for all costs of the distrainer.
- (b) When a dog is so impounded and kept pursuant to Section 7.1 and is kept at the Peterborough Humane Society, the dog shall be dealt with after the minimum redemption period has expired as established by the current Provincial Legislation.

8. Offence

Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine or penalty of not more than five thousand dollars (\$5000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

9. Dangerous Goods

Any person who owns/harbours a dog trained for the purpose of attack or guard shall so notify the Clerk in writing. The premises where such a dog is normally kept shall be securely fenced and posted in order that such a dog can be restricted. If it is necessary for such a dog to leave the owner's premises, the dog shall be on a short leash and shall be muzzled.

10. Stoop and Scoop

10.1 The owner of a dog is required to remove immediately excrement left by the said dog anywhere in the Township.

10.2 Section 10.1 does not apply if the said dog is a "service dog".

11. Severability of Provisions

If any section or sections of this By-law, or parts thereof, are to be found by any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable, and all other sections or parts thereof of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12. Repeal of Previous By-laws

By-law No. 2009-68 and By-law No. 2010-74 are hereby repealed in their entirety.

13. This By-law comes into force and effect on the 1st day of January 2014.

Read a first, second and third time this 4th day of November, 2013.



John Fallis
Mayor



Elana Arthurs
Clerk

**Dog Control
By-law No. 2013-71**

**Schedule 'A' to By-law No. 2013-71
Licence Fees for Dogs**

Licence Fees:

1. If paid on or before March 31st of the current year:
 - (i) For each spayed female or neutered male \$15.00 per dog
 - (ii) For each female or male, untreated \$20.00 per dog

2. If paid after March 31st of the current year:
 - (i) For each spayed female or neutered male \$30.00 per dog
 - (ii) For each female or male, untreated \$40.00 per dog

Other Fees:

1. Replacement Tag Fee \$5.00 per tag

2. Impound Fee
 - (i) For each dog without the animal control licence \$150.00 per dog
 - (ii) For each dog with the animal control licence \$75.00 per dog

Pick up Charges:

Any person owning a dog which is found running at large and is confined by the Dog Control Officer shall pay pick-up fees as set out below:

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|---|------------------|
| 1 st Offence in any 12 month period | \$30.00 per dog |
| 2 nd Offence in any 12 month period | \$60.00 per dog |
| 3 rd and subsequent offence in any 12 month period | \$120.00 per dog |

❖ Additional impound fees may apply