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**BEING A BY-LAW TO REGULATE THE KEEPING AND CONTROL OF ANIMALS, OR ANY CLASS THEREOF, THE ANIMAL IDENTIFICATION SYSTEM, LICENCING AND THE RESTRAINT OF DOGS AND CERTAIN OTHER ASPECTS OF ANIMAL CONTROL WITHIN THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA**

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**WHEREAS** pursuant to Section 11 of the Municipal Act, R.S.O. 2001, Chapter 25, as amended authorizes a municipality to pass By-Laws respecting matters within the jurisdiction of animals;

**AND WHEREAS** The Municipal Act, R.S.O 2001 Section 103. (1) states a municipality may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals;

**AND WHEREAS** The Animals for Research Act, R.S.O. 1990, Chapter A. 22, provides for the impounding and sale or destruction of any Dog pursuant to the provisions thereof;

**AND WHEREAS** the Dog Owners Liability Act, R.S.O. 1990, Chapter D. 16, provides for the protection of persons and property:

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA ENACTS AS FOLLOWS:**

**1.0 TITLE**

This By-Law shall be known as “THE ANIMAL CONTROL BY-LAW”.

**2.0 DEFINITIONS**

As used in this By-Law, the following terms shall have the meaning hereinafter ascribed to them:

- a. **“Animal Control Officer”** means a person appointed or employed by the Corporation of the Township of Greater Madawaska for the purposes of supervising all Animal husbandry matters within the limits of the Township of Greater Madawaska.
- b. **“At Large”** means any Animal will be deemed to be at large when it is off the property of its owner and not under control of a competent person.
- c. **“By-law Enforcement Officer”** shall mean a person designated by Council to act in the position of a Municipal Law enforcement Officer responsible for the enforcement and provision of this By-law and related Provincial Offences by authority of the Ontario Police Services Act, 1990, Chapter P.15, Section 15.
- d. **“Dog”** means any male or female animal of the genus CANIDAE.
- e. **“Dog Pound”** means any premises designated by the Corporation of the Township of Greater Madawaska for the purpose of impounding and caring for Animals taken by the agents of the Corporation in violation of this By-Law.
- f. **“Dangerous Dog”** means any dog that:
  1. Has inflicted an injury on a human being without provocation,
  2. Has killed or severely injured a domestic animal without provocation,
  3. Is receiving or has received attack training

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4. Is kept for the purpose of security or protection whether residential, commercial or industrial of persons or property
  5. Chases, approaches or acts in an aggressive manner any person or domestic animal on any property whether public or private
  6. Is subject to a control order made under the Dog Owners Liability Act or any other order made by a recognized judicial body due to an aggressive act
  7. Is a Pit Bull as detailed in the Dog Owners Liability Act
- g. **“Farm”** shall mean land used for the tillage of soil, the raising and harvesting of field, bush, vine, forest or tree crops, the growing of vegetables, fruits, grains and other staple crops. This definition may also apply to land used for livestock raising, horses, dairying, woodlots, grazing, trapping, horticultural crops, fish farming and beekeeping and includes a farm dwelling and accessory farm buildings and uses. Farm also means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising of swine or goats, the raising of cattle on feed lots or the growing of mushrooms.
- h. **“Farm Animal”** shall mean any animal normally raised or kept on a farm including but not limited to cows, pigs, chickens, horses, rabbits, goats, sheep or ducks.
- i. **“Kennel”** shall mean an establishment in which greater than three (3) dogs or domesticated animals are housed, groomed, boarded, bred or trained.
- j. **“Leash”** includes any form of material lead or restraint, which has the capability to control an animal from annoying, bothering or irritating persons or other Animals.
- k. **“Nuisance Animal”** shall mean any Animal domestic or farm found to be causing a common nuisance, irritation, annoyance or bother to other persons or other Animals.
- l. **“Owner”** means and includes any person who possesses, keeps, feeds or harbours an Animal and “owns” or “owned” shall have a corresponding meaning.
- m. **“Pet”** shall include Dog and any other common Animal, fish or bird that may be kept as a pet that is not prohibited in this By-Law.
- n. **“Pit Bull”** means any dog that is:
  1. A pit bull terrier
  2. A Staffordshire bull terrier
  3. An American Staffordshire terrier
  4. An American pit bull terrier
  5. A dog that has an appearance and physical characteristics substantially similar to any of those dogs.
- o. **“Puppy”** shall mean any Dog less than six (6) months of age.
- p. **“Pet Shop”** shall mean any person, group of persons, partnership or corporation operating an establishment where live Animals, birds and fish, other than those domestic Animals, farm Animals, wild Animals, exotic Animals, amphibians, reptiles, arachnids, birds and fish that are prohibited within the Township, are kept and offered for sale.
- q. **“Prohibited Animal”** shall mean any animal as defined herein this By-Law.

- r. **“Registration Period”** shall mean the period from January 1 to December 31 of each year with an extended period to March 15 of the next year which shall be an extension of the prior year registration period to allow owners of Animals that were registered in the prior year to purchase new dog tags.
- s. **“Township”** shall mean the Corporation of the Township of Greater Madawaska.
- t. **“Veterinary Hospital”** shall mean any establishment maintained and operated with a licensed veterinarian for the diagnosis and treatment of disease and injuries of Animals and birds.
- u. **“Vicious Animal”** shall mean any Animal that displays vicious tendencies such as growling, baring of teeth, charging or lunging, attacking or biting a person or other domestic Animal.

### 3.0 KEEPING OF ANIMALS

It is prohibited to own, keep, harbour, feed or raise any animal commonly identified as a farm Animal in any building, structure or on any property in the Township of Greater Madawaska Ward 1 (Village of Calabogie) and Ward 3 ( Hamlet of Griffith).

#### 3.1

It is prohibited to own, keep, harbour or possess any Animal that is found to be a Vicious Animal or Nuisance Animal in any building, structure or on any property in the Township of Greater Madawaska.

#### 3.2

No person shall own, keep or harbour more than three (3) dogs per location that are not puppies.

### 4.0 LICENSING AND ANIMAL IDENTIFICATION SYSTEM

- a. The owner of every Dog three (3) months of age or older, within (3) days of his / her becoming such, shall cause it to be licensed with a valid pet tag, numbered and described with the Township, which provision shall be called the Animal Identification System.

The Pet Tag, Registration and Identification Fees are as follows:

Before March 31 in any year .....	\$15.00 per dog, spayed or neutered;
	\$ 30.00 per dog NOT spayed or neutered
	and
After March 31 in any year .....	\$20.00 per dog, spayed or neutered;
	\$40.00 per dog, NOT spayed or neutered

Such license and registration shall expire on December 31<sup>st</sup> of each year.

- b. Upon payment of the required fee, the owner shall be furnished with a tag for each Dog owned by him with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the Dog for which it was issued at all times during the year and until he procures a tag for the following year. A record shall be kept by the licensing officer showing the name and address of the owner and the serial number on the tag. In the event that a tag is lost, the person to whom it was issued shall immediately claim another from the License Issuer and shall pay, therefore, the sum of SIX DOLLARS (\$6.00) for each tag.

c. Every owner or harbourer of a Dog shall obtain a tag and keep it securely fixed on his Dog and shall not affix the tag upon a Dog other than the Dog for which the said tag was issued. Affixing a tag upon a Dog other than the Dog for which the said tag was issued shall subject the owner or the harbourer to the penalty provided for in this By-Law.

## **5.0 KENNELS**

a. Every person who owns, operates or conducts a Kennel for the purpose of breeding pure bred Dogs shall be registered with the Canadian Kennel Club pursuant to the Statutes of Ontario enacted in that behalf, shall obtain a License and shall pay to the Township of Greater Madawaska, immediately following the first day of January in any year, a License fee of ONE HUNDRED FIFTY DOLLARS (\$150.00) . Each Dog kept shall be licensed by the Township at the fee in the current Fees and Charges By-law with the exception of unweaned pups.

b. Every person who owns operates or conducts a kennel for the purpose of breeding or housing working or sporting Dogs shall obtain a License and shall pay to the Township of Greater Madawaska, a license fee of ONE HUNDRED FIFTY DOLLARS (\$150.00) Before March 31; After March 31 in any year a fee of ONE HUNDRED AND SEVENTY-FIVE DOLLARS (\$175.00). Each Dog kept shall be licensed by the Township at the fee in the current Fees and Charges By-law with the exception of unweaned pups.

c. Every Kennel owner / operator of a kennel located in the Township of Greater Madawaska shall be subject to inspection as deemed necessary by the Animal control officer prior to the issuance of a Kennel License to ensure compliance with standard Animal husbandry practices.

d. Every Kennel owner/ operator of a kennel located in the Township of Greater Madawaska shall follow the guidelines and regulations as set forth by the Ontario Department of Agriculture regulating Kennels in the province.

e. The Animal Control Officer of the Township of Greater Madawaska, 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 CAO of the Township of Greater Madawaska and the CAO may, at his/her discretion, grant or refuse the issuing of a permit hereunder.

f. If there is a change of ownership of a Kennel during the License year the new owner shall purchase a new license.

## **6.0 IMMUNIZATION**

a. Every person who resides within the Township of Greater Madawaska and owns or harbours any Dog over the age of six (6) months shall ensure that the Dog is inoculated for rabies and such inoculation shall be repeated bi-annually from the date of first inoculation.

## **7.0 IMPOUNDMENT**

a. Animals found running at large shall be taken up by the agents of the Township and impounded in a pound designated by the Township of Greater Madawaska and there confined during the redemption period. Animals not claimed by their owners at the expiration of the redemption period shall become the property of the Township and disposed of by the Township, except as hereinafter provided in the cases of certain Animals.

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b. Sick or injured Animals found at large and taken up by the agents of the Township shall not be placed into the Animal shelter to save harm to other Animals and possible contamination of the pound facility. A quick attempt shall be made by the agents to find the owner. If the owner is not ascertainable during the attempt the agent may seek medical attention for the Animal or may have euthanasia performed to save further pain and/or suffering to the Animal.

c. Animals found at large by an appointed agent or any police officer that pose a threat to the safety of persons or other domestic Animals may be destroyed forthwith at the discretion of the agent or officer.

## **8.0 REDEMPTION OF IMPOUNDED ANIMALS**

a. The owner shall be entitled to regain possession of any impounded Animal except as hereinafter provided in the cases of certain Animals, upon compliance with the license or identification provisions of Section 4 of this by-law and the payment of impoundment fees set forth in Section 9 of this By-Law.

b. Any Animal impounded under the provisions of this by-law and not reclaimed by its owner at the expiration of the seven (7) day redemption period as defined by Animals for Research Act Chapter 22 may be destroyed by the Township or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this By-Law and such other regulations as shall be fixed by the Township.

## **9.0 IMPOUNDMENT FEES**

a. Any Animal picked up by the by-law enforcement officer and identifiably returned to the owner will be subject to a fee in the amount of THIRTY-FIVE DOLLARS (\$35.00), which shall cover the costs of returning the Animal to its rightful owner.

b. Any dog picked up by the Animal Control Officer and taken to the pound shall be subject to a fee in the amount of Fifty (\$50.00) to cover Municipal costs which must be paid prior to the release of said animal from the place of impoundment

c. Any dog impounded hereunder may be reclaimed as herein provided upon payment by the owner to the dog pound at time of recovery of the Animal. All recoverable costs for impounding the Animal including but not limited to transportation costs to the kennel, wages for travel time plus the kennel fee of TEN DOLLARS (\$10.00) which shall cover the impoundment.

## **10.0 RESTRAINT**

a. No person shall allow their animal to run at large.

b. For the purpose of this By-Law, an Animal shall be deemed to be running at large if found in any place other than that of its owner/keeper and not under the control of any person.

c. No person shall allow their Animal to become a common nuisance by: barking; howling; chasing or biting at livestock; chasing or barking or biting at motor vehicles; chasing or barking or biting at bicycles; chasing or barking or biting or scaring persons walking or riding thereon any street; causing property damage when running at large; causing damage to commonly shared property.

d. Any such person who owns or possesses any Animal that is found repeatedly to be a nuisance Animal shall be subject to the penalties provided for in this By-law and may be ordered to leash, muzzle or otherwise put in place measures to correct or control the behaviors of such nuisance Animal.

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- e. All animal owners shall comply with an order to leash or muzzle.
- f. Any such person who owns or possesses any Animal that is found repeatedly to be a Nuisance Animal shall be subject to the penalty provided for in this By-Law and may be ordered to remove such Animal from the limits of the Township of Greater Madawaska.

Any animal owner ordered to remove the animal from the Township shall comply with such order. If proven that such Animal has been enrolled into a recognized Animal training facility and has completed a course for the correction of the nuisance behavior, the Animal Control Officer may permit re-entry within the limits of the Township of Greater Madawaska. Any person who possesses such Animal not having permission to re-enter such Animal shall be subject to the penalty provided for in this By-Law.

- g. No person who owns, keeps, harbours or possesses any Animal shall allow it to trespass on private property even when on a leash.

- h. No person who owns, keeps, harbours or possesses any Animal shall allow it to run on Township-owned property except when on a leash.

- i. Any person:

i) Who owns keeps, harbours or possesses any Animal, which defecates on public, commonly shared or private property, other than that of the said owner, or keeper thereof, shall forthwith clean up excrement after it.

ii) No person who owns, keeps, harbours or possesses any Animal shall allow a build up of Animal fecal matter on the property where the Animal is kept and where it becomes offensive to other members of the community.

#### **11.0 DANGEROUS DOGS SPECIAL RESTRICTIONS**

- a. No person shall keep or harbour any dangerous dog on or in any property or building in the Township of Greater Madawaska except where all the provisions of this Bylaw have been met and a Dangerous Dog permit has been issued by the Municipality.

- b. The Owner or any other person having care or control of a Dangerous Dog shall, at all times when it is off the property of the Owner, have it:

- i) under control;
- ii) muzzled; and
- iii) on a leash not exceeding two metres in length held by a competent and responsible person of the of age of 16 years or older

- c. When such a dog is on the property of the owner it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure side and a secure top. If it has no bottom secured to the side, the sides must be embedded into the ground no less than thirty (30) centimeters deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three (3) metres of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement. A sign is displayed at each entrance to the property and building as a means of confinement. A sign is displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

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- d. A policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least one million dollars(\$1,000,000), covering the twelve month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- e. Off leash areas do not apply to Potentially Dangerous or Dangerous Dogs. Potentially Dangerous or Dangerous Dogs are not permitted off leash in any public area whatsoever.
- f. No person shall allow any dangerous dog within 100 meters of any school or playground.
- g. Any person, corporation, owner, keeper or harbourer of such Animal found to be a dangerous dog as defined in this By-Law who does not meet all of the provisions detailed in this by-law shall be subject to the penalties or restrictions provided for in this By-Law.
- h. Any dangerous dog found to be in violation of this by-law shall be immediately seized and kept at the Pound facility contracted by the Township until such time as a competent court has made determination on the dog.
- i. The By-Law enforcement officer has authority to seize any Animals that have bitten or attacked a person or other domestic animal within the limits of the Township of Greater Madawaska where the owner is unwilling to surrender the Animal for quarantine for a period in accordance with the Ministry of health requirements.

## **12.0 REPORT OF BITE CASES**

- a. It shall be expected that every physician or other practitioner shall report the names and addresses of persons treated for bites inflicted by Animals, together with such other information as will be helpful in rabies control to the Renfrew County and District Health Unit.

## **13.0 RESPONSIBILITIES OF VETERINARIANS**

- a. It shall be expected of every licensed veterinarian to report to the Renfrew County and District Health Unit his diagnosis of any Animal observed by him as a rabies suspect.

## **14.0 EXEMPTIONS**

- a. Hospitals, clinics, and other premises in operation with licensed veterinarians for the care and treatment of Animals are exempt from the provisions of this By-Law, except where such duties are expressly stated.
- b. (i) The licensing and pet identification system of this By-Law shall not apply to an Animal belonging to a non-resident of the Township of Greater Madawaska and kept within the Township for not longer than thirty (30) days provided such Animals shall, at all times while in the Township, be kept within a building or vehicles, or under restraint by the owner by means of a leash not measuring more than two (2) meters in length. The Animal must be duly immunized for rabies within the last 12 months.
- (ii) Any person who owns, keeps, harbours or possesses any non-resident Animal within the limits of the Township shall ensure valid pet identification, licensing and immunization papers are kept with the Animal at all times while in the Township. Should the requirements of Section 14 (b) (i) and (ii) be ignored, the owner, keeper, harbourer or possessor shall be subject to the penalty provided for in this By-Law.

**15.0 INVESTIGATION**

- a. For the purpose of discharging the duties imposed by this By-Law and to enforce its provisions, any agent of the Township or any Police Officer is empowered to enter upon any premises upon which a Dog or Animal is kept or harboured and to request the exhibition by the Owner of such Dog or Animal.

**16.0 ENFORCEMENT**

- a. The Township By-Law Enforcement Officer shall enforce the provisions of this By-Law.
- b. No person shall interfere, hinder or molest any Township agent while enforcing this By-law.

**17. OFFENCES**

- a. Every person who contravenes any section of this by-law is guilty of an offence and upon conviction shall forfeit and pay the fine for such offence as provided for under section 61 of the Provincial Offences Act.

**18. REPEALS**

- a. By-Law Number 3 - 2002 is hereby repealed effective as of the date the fines under Section 61 of The Provincial Offences Act for this By-Law are approved.

**19. SEVERABILITY**

- a. A decision of a competent court that one or more provisions of this By-Law are invalid does not affect the validity, effectiveness or enforceability of the other provisions or part of the provisions of this By-Law.

**20. NOTE:**

- a. The general penalty provisions for the offences listed above is Appendix 'A' of By-Law number 9 - 2008, a certified copy of which has been filed.

**20. EFFECTIVE DATE**

This By-Law shall come into effect from the date of its passing by Council.

READ A FIRST AND SECOND TIME THIS 17<sup>th</sup> DAY OF APRIL, 2008.

READ A THIRD TIME AND PASSED THIS 17<sup>th</sup> DAY OF APRIL, 2008.

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Reeve Peter Emon

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CAO John Baird



**TOWNSHIP OF GREATER MADAWASKA**

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING DEFINING OFFENCE</b>	<b>SET FINE</b>
1	Failure to License Dog	Section 4.0 (a)	\$100.00
2	More than three (3) Dogs per location that are not puppies	Section 3.2	\$100.00
3	Tag not affixed to Dog	Section 4.0 (b)	\$50.00
4	Affix tag to Dog other than Dog for which it was issued	Section 4.0 (c)	\$100.00
5	Own or operate a kennel without a License	Section 5.0 (b)	\$250.00
6	Allow Animal to run at large	Section 10 (a)	\$100.00
7	Interfere, hinder or molest any Agent performing duties	Section 16 (b)	\$400.00
8	Failure to clean up forthwith excrement from Dog	Section 10i (i)	\$50.00
9	Build up of excrement where Dog kept	Section 10i (ii)	\$100.00
10	Failure to comply with an order to leash or muzzle	Section 10 (e)	\$400.00
11	Allow Animal to be a common nuisance by barking or howling	Section 10 (c)	\$75.00
12	Allow Animal to be a common nuisance by biting	Section 10 (c)	\$75.00
13	Allow Animal to chase or bite at livestock	Section 10 (c)	\$75.00
14	Allow Animal to chase, bite, bark at motor vehicles	Section 10 (c)	\$75.00
15	Allow Animal to chase, bite, bark at bicycles	Section 10 (c)	\$75.00
16	Allow Animal to chase, bite, bark at any person walking or riding on any street	Section 10 (c)	\$75.00
17	Allow Animal to cause damage while running at large	Section 10 (c)	\$75.00
18	Allow Animal to cause damage to commonly shared property	Section 10 (c)	\$75.00
19	Failure to vaccinate Animal for rabies	Section 6.0 (a)	\$100.00
20	Possession of an Animal ordered removed from the Township	Section 10 (f)	\$100.00
21	Keeping a farm Animal in a prohibited area	Section 3.0	\$100.00

Note: the general penalty provision for the offences listed above is section 17 of By-law 09-2008, a certified copy of which has been filed.