

**THE CORPORATION OF THE TOWN OF DESERONTO
BY-LAW NO. 14-03**

A By-law for the licensing of dogs, and for regulating the running at large of dogs and for regulating kennels for the breeding and boarding of dogs within the Municipality of The Corporation of the Town of Deseronto.

WHEREAS the Municipal Act R.S.O. 2001, c. M.25, Section 11, authorizes a lower tier municipality to pass By-laws respecting matters within spheres of authority.

AND WHEREAS the Municipal Act R.S.O. 2001, c. M. 25, Section 11, Subsection 2, Paragraph 1, assigns to every Lower Tier Municipality exclusive jurisdiction in respect to animals;

WHEREAS the Municipal Act R.S.O. 2001, c.M.25, Section 103, provides for the seizure and impounding of dogs being at large or trespassing contrary to the By-law, and for the sale of impounded dogs.

WHEREAS the Council of The Corporation of the Town of Deseronto deems it necessary and expedient to regulate the licensing and the running at large of Dogs and for regulating Kennels for the Breeding and Boarding of Dogs within the Municipality of the Town of Deseronto.

NOW THEREFORE the Council for The Corporation of the Town of Deseronto enacts as follows:

TITLE

1. This By-law may be referred to as the Dog Control By-law by all Municipalities under the enforcement of the Community Dog Control.

DEFINITIONS

2. (a) **DOG CONTROL OFFICER:** shall mean a person or persons employed by The Community Dog Control Board for such purposes of enforcing this By-law.
- (b) **DOG:** means a male/female dog of this species canis familiaris.
- (c) **COMMERCIAL KENNEL:** any establishment or premises other than a Veterinary Hospital or pet shop where three (3) or more dogs or aggregate thereof are kept for commercial purposes including but not limited to board, propagation and treatment.
- (d) **DWELLING UNIT:** means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.
- (e) **GUIDE DOG:** means a dog that is trained to aid the visually challenged and is actively in use for such purposes.
- (f) **KENNEL:** means
- (i) A place or confine where purebred dogs are bred and raised and registered in the Register for The Canadian Kennel Club Incorporated or
 - (ii) A place or confine where dogs are bred or raised as a recognized class, or as a class designated as "purebred" in the Regulations of the aforesaid Club,
 - (iii) A place where Working Dogs are kept.
- (g) **LICENCE:** For the purpose of this By-law shall be deemed to be the receipt issued by the Municipality or its authorized agent on payment of the appropriate licence fee.
- (h) **MUNICIPALITY:** means The Corporation of the Town of Deseronto.
- (i) **OWNER:** shall include any person, organization or corporation who possesses or harbours a

dog and where the owner is a minor, shall include the person responsible for the custody of the minor. Owns or owned shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of dogs.

- (j) **OUTSIDE DOG:** shall mean a dog which is kept as a pet on residential property and is regularly kept outside the residence and associated out buildings on a full-time basis,
- (k) **PERSON:** shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.
- (l) **PET ENCLOSURE:** a place, confine or structure, constructed of appropriate material to prevent the dog from running at large.
- (m) **POLICE WORK DOG:** shall mean a dog trained to aid law enforcement officers and is actually being used for Police work purposes for the protection of the public, and can mean the investigation of crime and the apprehension of law violators, (n) **POUND:** shall mean such premises and facilities designated by the Community Dog Control Board for the keeping and impounding of dogs,
- (o) **POUND KEEPER:** shall mean a person, persons, Association or Society appointed by the Community Dog Control Board to maintain and administer the pound,
- (p) **PUREBRED:** shall mean
 - (i) Registered or eligible for registration in the register of The Canadian Kennel Club Incorporated or
 - (ii) Of a class designated as purebred in the regulations,
- (q) **RUNNING AT LARGE:** is a dog found in any place other than the premises of the owner of the dog and not under control of any person,
- (r) **SOCIETY OR HUMANE SOCIETY:** means the Branch of the Ontario Humane Society (Ontario Society for the Prevention of Cruelty to Animals), (s) **TAG:** means a metal disc bearing a registration number for the dog for which it has been issued and the year of issue.
- (t) **URBAN AREA:** for the purpose of this by-law shall be the geographic areas known as the Town of Deseronto as defined in the Municipality's zoning by-law.
- (u) **UNDER CONTROL:** a dog is not under control of a person unless it is on a leash or lead of not more than six (6) feet in length,
- (v) **VICIOUS DOG:** means any dog known to have a propensity, tendency or disposition to attack domestic animals or humans, without provocation or any dog which has bitten another domestic animal or human without provocation, (w) **WORKING DOG:** shall include sheep dogs and mean a dog trained to aid in herding or protecting sheep and is actually being used for that purpose.

3. SUPERVISION

- (a) Not more than a total of three (3) dogs shall be kept in or about any dwelling unit, in an urban area. This section does not apply to:
 - i) The operation of a kennel for the purpose of breeding or boarding animals.
 - ii) An Animal Hospital owned and operated by a Veterinarian licensed by the Ontario Veterinarian Association.
 - iii) Pet Store.
 - iv) An Ontario Humane Society Shelter, or a Pound, which complies with the Municipality's Zoning By-laws.
 - v) This section does not apply to dogs under the age of three (3) months.
- (b) Any person who is so required by the Municipality, or its authorized agent, shall forthwith deliver to the Municipality, or its authorized agent, a statement in writing showing the number of dogs owned by such person or habitually kept upon the premises for which such person is assessed as owner or otherwise.
- (c) Any concerns in regards to any dog's health and care shall be referred to the Humane Society.

4. DOG LICENCING RESTRICTIONS AND REGULATIONS

- (a) The owner of any dog shall, on the first day of January in each year or as soon thereafter as such dog shall attain the age of (3) months, cause the dog to be registered, numbered, described and licenced by the Municipal Offices in the Municipality or at such other place as Council may from time to time designate. The deadline for registration and licencing of a dog shall be the 31st day of March in each year.
- (b) A Working Dog shall be registered as a working dog with a description of the type of work being performed.
- (c) Each owner, upon the registration of a dog and application for a dog licence, shall be furnished with a tag, the price of which is incorporated in the licence fee hereinafter provided, with the registration number for such dog on the tag, and shall be required to pay the appropriate fee for such licence and registration.
- (d) A licence fee per dog as detailed in Schedule "A" to this by-law shall be paid regardless of the number owned. On payment of the licence fee for each dog, the owner shall be furnished with a dog tag which shall be kept securely fixed on the dog at all times until the tag is renewed or replaced, this tag may be removed when the dog is being lawfully used for herding or protecting sheep on public or private lands.
- (e) Each tag shall bear a registration number for/and in the year in which it was issued. A record shall be kept by the Dog Control Officer for the purpose of showing the name and address of the owner and the registration number of the tag. The replacement fee for a lost tag is as set out in Schedule "A" to this Bylaw.
- (f) All dogs shall be scanned for micro chips. However, this does not eliminate the requirement for any required "tag".

5. KENNEL / COMMERCIAL KENNEL LICENCE AND REGULATIONS

- a) The owner of a Kennel / Commercial Kennel, shall pay the annual licence fee as detailed in Schedule "A" to the Municipality as a licence for all dogs composing such Kennel for one year, and the Municipality shall issue a special licence for such Kennel provided that the owner of such Kennel / Commercial Kennel holds a current Kennel licence issued by the Municipality. Failure to renew a Kennel licence while continuing to operate a Kennel will result in a charge under the Provincial Offences Act.
- (b) Any new applicant for a Kennel Licence for a Kennel / Commercial Kennel not previously licensed must first obtain confirmation that the property location of such Kennel complies with the requirements of the Municipality's Zoning Bylaws. Failure to obtain a Kennel Licence will result in a charge under the Provincial Offences Act.
- (c) All Kennel Licences shall be due on the first day of January in each year. The deadline for renewing a licence shall be the 31st day of March in the same year. All Kennels are to be registered, numbered and licenced by the Municipal Offices in the Municipality.
- (d) Where the owner of a Kennel keeps dogs outside of a dwelling unit, they shall be kept in a pet enclosure.
- (e) It shall be unlawful for any person to keep, use or maintain within the Municipality any Kennel / Commercial Kennel, in such a manner that the same is found by the Ontario society for the Prevention of Cruelty to Animals to be nauseous, foul or offensive or a public nuisance, and upon such a finding any licence therefore may be revoked by the Municipal Council.
- (f) It shall be unlawful for any person to keep, use or maintain within the Municipality any Kennel / Commercial Kennel in such a manner that the same is found, by the inspector of the Ontario Society for the Prevention of Cruelty to Animals to be in violation of their guidelines, and upon such findings any license may therefore be revoked by the Municipal Council.

6. PET ENCLOSURES

- (a) A pet enclosure shall be constructed in such a manner as to prevent a dog or dogs from running a large.

(b) The location of a pet enclosure shall comply with the accessory structure requirements of the Municipality's zoning by-laws.

7. CONTROL OF DOGS

(a) No person who owns, harbors or possesses any dog shall allow the dog, to run at large.

(b) No person who owns, harbors or possesses any dog shall allow the dog to trespass on private property even when on a leash.

(c) Any person who owns, harbors or posses any dog shall maintain the dog under control at all times while in a public place.

(d) Section 7 (a, c) does not apply to Guide Dogs, Police Work Dogs and Working Dogs while lawfully engaged in their work;

(e) In addition to the requirement of subsection (a,b,c) no owner possessor or harbourer of a vicious dog shall permit, the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.

(f) Every owner, possessor or harbourer of a vicious dog shall, at all times While the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of any children and adequately constructed to prevent the dog from escaping.

(g) The provisions of subsection (e) shall not apply to a vicious dog while that dog is in attendance at an event sanctioned by the Canadian Kennel Club,

(h) 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.

(i) A Dog Control Officer or other duly appointed officer may enter on private property for the purpose of catching any dog running at large contrary to the provisions of this by-law,

(j) A dog, which is found running at large, may be seized and impounded, or returned to it's owner by the Dog Control Officer,

(k) The Dog Control Officer is hereby authorized, in the course of his duties of seizing and impounding dogs running at large contrary to this by-law, to use such reasonable means at his disposal to seize and impound such dogs as may be required by the circumstances.

(l) Where, in the opinion of the Dog Control Officer, a dog seized under section 7(j) is injured or should be destroyed without delay for humane reasons, the Dog Control Officer may have the dog euthanized by a qualified veterinarian as soon after seizure as he thinks fit and no damages or compensation shall be recovered on account of its killing;

(m) Any person may capture any dog running at large and trespassing on his property and deliver the same to the Dog Control Officer, who shall impound the said dog. (n) No damage or compensation shall be recovered for the killing of a dog under this section.

8. DOGS SEIZED AND IMPOUNDED

(a) A pound shall be established for the impounding of all dogs, pursuant to the provisions of this By-law, the establishment, maintenance and operation of a pound shall comply with the Animals for Research Act R.S.O.1990 Chapter A.22 and the regulations made thereunder.

(b) Where a dog is impounded pursuant to the provisions of this By-law, the operator of the pound may and shall confine the dog subject to the provisions of the Animals for Research Act R.S.O. 1990 Chapter A. 22.

(c) Where a dog seized and impounded bears a tag issued by the Municipality, the Dog Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this by-law, which have been violated and shall indicate the location of the dog pound. Notwithstanding any other provisions of this by-law no dog shall be destroyed or sold until the expiration of 72 hours.

(d) Where a dog seized under the provisions of this By-law is called for within three (3) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of a dog licence as required in Section 4, Subsection (b), pound fees as detailed in Schedule "A".

(e) Any dog seized and impounded and not called for by the owner thereof within three (3) clear days from the time of such seizure and impounding, may be sold by the Dog Control Officer or may be destroyed in a humane manner, by a designated Veterinarian.

(f) Any dog sold as referred to in subsection (e) shall be properly licensed and registered, the licence fee paid and the tag securely fixed on the dog, a bill of sale and receipt for payment of same shall vest title of any such dog to the new owner.

9. STATEMENT OF PURCHASED LICENCES

A statement of the purchases of dog tag licences, bearing the names and addresses and description of the dogs shall be forwarded to the Dog Control Officer on a regular schedule by the Treasurer of each Municipality which is a member of the Dog Control Board

10. ENFORCEMENT

(a) The Community Dog Control Board shall be responsible for the administration and enforcement of this By-law, and any person employed by the Community Dog Control Board as a Dog Control Officer is hereby designated as a Provincial Offences Officer for the enforcement of this By-law.

(b) That Schedule "A" of this By-law may be changed by the Dog Control Board Committee and by Council resolution at any time, without notification.

11. 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 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 thereof shall have been declared to be invalid.
12. That any By-law or Section of a By-law passed prior to this by-law that would contravene or conflict with any part of this By-law be repealed.
13. (a) That any person who contravenes a section of this By-law shall be guilty of an offence, and upon conviction be liable to a penalty as provided for under the Provincial Offences Act, 1990.
(b) Any fee imposed under this By-law constitutes a debt to the person who has benefited from the service. The Municipality shall, if there is a failure by the person to pay this debt, add the fees imposed to the tax roll for any real property in the Municipality, the owners of which are responsible for paying the fees and collect them in like manner as municipal taxes.
And that this By-law shall come into force and take effect on the date of its approval of the set fines by the Chief Justices Office, Province of Ontario.

ENACTED AND PASSED THIS 23rd day of June 2003.

**CORPORATION OF THE TOWN OF DESERONTO
BY-LAW NO 43-04**

A by-law to amend by-law 14-03, being a by-law to deal with the licensing of dogs, regulating the running at large of dogs and the establishment of kennels for the breeding and boarding of dogs within the Municipality of the Corporation of the Town of Deseronto.

WHEREAS Council for the town of Deseronto adopted by-law 14-03 on June 23, 2003 pursuant to the Municipal Act, S. O. 2001, c. 25, Section 11, Section 11, Subsection 2 Paragraph 1 and Section 103.

AND WHEREAS Municipal Act, 2001 Part XII Section 391 grants a Municipality authority to pass a by-law imposing a fee or charge for services or activities provided or done by or on behalf of any class of persons.

AND WHEREAS the Council for the Town of Deseronto deems it to be appropriate to amend Schedule A to by-law 14-03 to revise its schedule of fees or charges in this matter as requested by, and to be consistent with, the Community Dog Control Board established to enforce by-law 14-03.

NOW THEREFORE the Council of the Corporation of the Town of Deseronto (the "Town") hereby enacts as follows:

THAT the fees or charges for services or activities provided as per by-law 14-03 be revised as per Schedule A attached to this by-law effective January 1, 2005.

AND THAT Schedule A attached hereto be attached to and form Amended Schedule A to bylaw 14-03 effective January 1, 2005.

AND THAT all other provisions of by-law 14-03 remain unchanged. AND THAT this By-law shall come into force upon passing.

READ a first and second time this 14th day of December, 2004.

READ a third and final time, signed, sealed and number attached this 14th day of December, 2004.

THE CORPORATION OF THE TOWN OF DESERONTO
SCHEDULE " A " TO By-Law # 43 – 04

Schedule of Fees

1.	1 Dog, male or female.....	15.00
2.	Each additional dog in same household.....	15.00
3.	Kennel License (to be issued by Municipality).....	125.00
4.	If a dog license is purchased after March 31 st in any year, it will be subject to a \$5.00 additional fee.	
5.	Adoption Fee.....	40.00
6.	Surrender Fee.....	50.00
7.	First Time redemption fee.....	50.00
8.	Second Time redemption fee.....	75.00
9.	Daily board rate (for dogs impounded).....	15.00
10.	Replacement cost for tag.....	5.00

**THE CORPORATION OF THE TOWN OF DESERONTO
SCHEDULE 'B' TO BY-LAW # 14-03**

**MAXIMUM AND MINIMUM PENALTIES UPON CONVICTION UNDER PART 3
OF THE PROVINCIAL OFFENCES ACT IN EFFECT AS PER COUNCIL RESOLUTION #**

Failure to provide info, on number of dogs on site	3b	Max: 400.00
Failure to obtain licence	4a	Max: 200.00
Failure to maintain tag on dog	4d	Max: 200.00
Failure to obtain Kennel Licence	5a	Max: 500.00
Failure to control dog	7c	Max 200.00
Dog permitted to run at large	7a	Max: 200.00
Failure to provide protection while harbouring a vicious dog	7f	Max: 500.00
Dogs defecating on other than private property	7h	Max: 200.00
Keeping more than 3 dogs in an urban area	3 a	Max: 200.00

NOTE: The penalty provision for the offences indicated above is section 13 of by-law no 14-03, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWN OF DESERONTO
SCHEDULE 'C' TO BY-LAW# 14-03**

SET FINES UNDER PART 1 OF THE PROVINCIAL OFFENCES ACT

1	Failure to provide info, on number of dogs on site	3b	75.00
2	Failure to obtain licence	4a	75.00
3	Failure to maintain Tag on dog	4d	75.00
4	Failure to obtain Kennel Licence	5a	150.00
5	Failure to control dogs	7c	75.00
6	Failure to provide adequate protection while harbouring a vicious dog	7f	250.00
7	Permitting dog to run at large	7a	75.00
8	Dog defecating on other than private property	7h	75.00
9	Keeping more than three dogs in or at any dwelling unit	3a	150.00

**NOTE: The penalty provision for the offences indicated above is section 13 of by-law no. 14-03
A certified copy of which has been filed.**