

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2004-34

BEING A BY-LAW TO REGULATE THE KEEPING AND THE CONTROL OF ANIMALS:
The licensing and restraint; taking up and impoundment; destruction of dogs or cats in certain instances, restricting of dogs and any other matter of animal control within the Municipality of Powassan, under authority of the Municipal Act, 2001 Section 11(1) Subsection 9 and Sections 8-10 and Sections 103 to 105.

The Council of the Corporation of the Municipality of Powassan hereby enacts as follows:

DEFINITIONS:

1. For the purpose of this by-law

“Animal” means a live animal not with a human like vertebrae.

“Animal Control Officer or Agent” shall mean the person or persons appointed under the provisions of the by-law.

“Animal Shelter” means any premises designated for the purpose of impounding and caring for animals taken up by any officer appointed by the Municipality under the provisions of this by-law.

“At Large” means that a dog or cat shall be deemed to be running at large when not under the control of any person or found in any place other than the premises of the owner, without prior consent of the owner of land on which the dog is found.

“Clerk” means the Clerk of the Municipality.

“Cat” means a male or female cat, singular or plural of any age.

“Dog” means a male or female dog, singular or plural of any age.

“Municipality” means the Corporation of the Municipality of Powassan.

“Owner” means any person, group of persons, partnerships or corporation owning, keeping or harbouring a domesticated canine or canines, or other animals.

“Owns” or “owned” shall have a corresponding meaning.

“Provincial Offences Officer” means a Police Officer, or any other person designated as a Provincial Offences Officer by a Minister and includes for the purposes of municipal law enforcement all employees whose duties include the enforcement of by-laws for the purposes of all by-law offences.

“Restraint” means that a dog is on a chain, rope, leash, or within an enclosure, or run or on his owner’s property.

Restricted dog shall mean; a dog that is a Pit Bull dog; "pit bull" includes,

- i) (a) a pit bull terrier,**
 - (b) a Staffordshire bull terrier,**
 - (c) an American Staffordshire terrier,**
 - (d) an American pit bull terrier,**
 - (e) a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d); ("pit-bull")**
- ii) Any dog that the courts have deemed as vicious.**

“Vicious Dog” means any individual dog that has been determined, in a proceeding commenced pursuant to Section 4 of the Dog Owners Liability Act, to have attacked a person or domestic animal or any dog whose owner has acknowledged in writing, that the dog has attacked a human or other domestic animal.

“Veterinary Hospital” means any establishment, maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

- 2.(a) No person shall own, keep or harbour any dog within the limits of the Municipality unless such dog is licensed according to the provisions set out in Schedule “A” which is attached and forms part of this by-law.
- (b) Every owner of one or more dogs shall register, on or before the 31st day of March, in each and every year, each dog owned or possessed or harboured by them, in the Municipality, with the Animal Control Officer or Agent or the Municipal Office, and at the same time pay to the Animal Control Officer or Agent of the Municipality or the Municipality the license fee prescribed in Schedule “A” Column “A” to this by-law, and the Animal Control Officer or Agent or the Municipal Office shall issue to such owner a receipt acknowledging the registration of the dog and the payment for the fee, and shall issue to said owner a tag for the year in which the registration was made. No person shall use for any dog a license, receipt or a license tag issued for another dog.
- (c) Any person who owns, possesses or harbours a dog(s) within the Municipality and fails to obtain a dog tag by the 31st day March of each and every year will be subject to the increased license fees as prescribed in Schedule “A”, Column “b” of this by-law.
- (d) Any person(s) who owns, possesses or harbours a dog(s) within the Municipality and fails to obtain a dog tag by 31st day of March of each and every year, will be sent a final notice

- to obtain a dog license(s) on the 1st of April of each and every year. The individual will be notified that they have until the 30th of April of the current year to obtain the prescribed license(s), that they are subject to the increased fees provided for under sub-section 2(c) and that failure to obtain a license by the 30th of April will result in a fine under the Provincial Offences Act.
- (e) Every person who becomes the owner of a dog, or harbours a dog after the 31st day of March of each and every year, shall register the same and pay the fee therefore as provided by sub-section 2(a) within possession or commencing to harbour the same.
 - (f) Every person who owns, harbours, or possesses a dog(s) and fails to obtain a dog license(s) by the 30th of April of each and every year, will be issued a Provincial Offences Ticket(s) for failure to comply, by the By-law Enforcement Officer. The By-Law Officer will only issue a Provincial Offences Ticket after the 30th of April of each and every year, and will not accept payment for a dog license after 30th April. The fine levied with the issuance of a provincial Offences Ticket for failure to comply is \$100, plus court costs.
3. (a) A tag shall be supplied by the Animal Control Officer or Agent, or the Municipal Office, for each dog with respect to which the license is issued hereunder.
- (b) The said tag shall bear a serial number and the year for which it was issued, and a record shall be kept by the Animal Control Officer or Agent or the Municipal Office for the purpose of showing the name and address of the owner and the serial number of the dog.
4. The running at large of dogs and cats within the Municipality is prohibited, and the owner of any dogs or cats so found running at large shall be guilty of a breach of this by-law and shall be liable to a penalty as provided for in Schedule I of this by-law.
- 5.(a) The Animal Control Officer or Agent being the person or persons appointed by the Council may seize and impound every dog or cat found running at large as to the provisions of Section 4 hereof.
- (b) It shall be the duty of the Animal Control Officer or Agent to provide suitable quarters as may be approved by the Council, in which to keep, in a humane manner, all dogs and cats that may be brought to the Animal Control Officer or Agent for disposal under the provisions hereof. The Animal Control Officer or Agent shall record in the appropriate ledger, an accurate account of all dogs and cats placed in the kennel, including date of receipt, times of feeding and watering, and the manner of final disposal, the amounts received by way of redemption fees and sales, the names and addresses of the purchasers of dogs and cats, and any other particulars the municipality may deem necessary.
- (c) Every dog or cat seized by the Animal Control Officer or Agent under the provisions of subsection (a) hereof and delivered to same, shall be confined in the kennel for 5 days, excluding holidays, and at the end of such period may, if not redeemed or sold, as hereinafter provided, be destroyed by a licensed veterinarian.

- (d) The owner of any dog or cat impounded under provisions of this by-law may redeem the same within five days, from the Animal Control Officer or Agent, by paying into the hands of said officer, bail and impound fees as listed in Schedule "A" Column (a). After the expiration of the redemption period all dogs or cats impounded shall become the property of the Municipality who may destroy them or dispose of them to new owners. If the owner does not redeem the dog or cat, the Animal Control Officer or Agent may sell the impounded dog or cat.
 - (e) The owner of the dog or cat shall be charged with all costs related to the impounding of the dog or cat and if the dog or cat is not redeemed within the redemption period and such fees not paid by the owner of the dog or cat, fees will be sent to Small Claims Court if not paid by the said owner.
6. Every person who keeps a dog, which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the dog is provided with fresh water and an enclosure that meets the following criteria:
- (a) Has a minimum of 10 feet of chain with swivel clips at both ends, either on an overhead running line or attached to the shelter;
 - (b) An envelope with a solid base, that is at least 3 feet wide and 5 times the overall length of the dog and is suitable to prevent the escape of the dog;
 - (c) Contains a house or shelter that will provide protection from heat, cold, and wet, that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position.
 - (d) In an area providing sufficient shade to protect the dog from the direct rays of the sun at all times.
 - (e) Pens and run areas must be regularly cleaned and sanitized, and excreta removed and properly disposed of daily.

7. Restricted Dogs.

- (1) A) The owner of a restricted dog shall ensure *that the following conditions are adhered to prior to a licence being issued:*
 - i) Such dog is spayed or neutered.
 - ii) When such 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 2 m by 4 m, and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty cm deep. The enclosure must also provide for protection from the elements for the dog. The pen or structure shall not be within one meter of the

property line, or within 3 m of a neighbouring dwelling. Such dog may not be chained as a means of confinement.

- iii) 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 restricted dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.
- iv) A policy of liability insurance, satisfactory to the Municipality, **must be produced as evidence of insurance** in force in the amount of at least one million dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's restricted dog. This policy shall contain a provision requiring the municipality 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.

B) Regulations applied to the handling and control of a licensed, restricted dog are as Follows;

- i) Such dog is licensed with the Municipality as a restricted dog in accordance with the fees outlined in Schedule A.
 - ii) At all times, when off the owners property, the dog shall be muzzled.
 - iii) At all times, when off the owners property, the dog shall be on a leash not longer that one metre, and under the control of a responsible person over the age of 18 years
- (2) The Municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section as **per the Municipal Act, 2001 and Provincial Offences Act authority.**
- (3) If the owner of a dog that has been designated as restricted is unwilling or unable to comply with the requirements of this section **and upon conviction of under the Municipal Act, 2001 or Dog Owners Liability Act,**
- i) **May be subject to a penalty under the Provincial Offences Act of up to \$5,000.00; or**
 - ii) Said dog shall be humanely euthanized by a licensed Veterinarian, Humane society, animal shelter, or animal control agency after a five (5) days holding period.
- (4). Any dog that has been designated as restricted under this by-law must notify the municipality if the dog is offered for adoption.

8. KENNELS

- (A) Every person who owns or operates a kennel shall, upon application and payment of a license fee as set out in Schedule "A", and upon approval of the Municipality, obtain no later than the date established by the municipality in each year, a license to operate such kennel.
 - (B) Every kennel license shall be for one year.
 - (C) Every person who owns or operates a kennel shall comply with the by-laws of the municipality.
 - (D) Every person who owns or operates a kennel shall permit an inspector to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this by-law.
 - (E) Where an owner or operator fails to comply with a by-law of the municipality the license may be suspended or revoked.
 - (F) Kennel licenses are will not permitted in areas zoned residential.
9. The Council, shall by resolution, provide for the appointment of an Animal Control Officer or Agent and shall provide for the terms of such appointment.
10. No person shall interfere with, hinder, or molest the Animal Control Officer or Agent of the Municipality in the performance of any duty of such Animal Control Officer/By-law Enforcement Officer or Agent.
11. No person shall seek to release any animal in the custody of the Animal Control Officer or Agent.
12. That By-Law no. 2002-012 be repealed upon adoption of this by-law.
13. This By-law shall come into effect January 1, 2005.

READ A FIRST time and considered read a SECOND and THIRD time and passed as such in open Council this 21st day of December 2004.

Mayor

Clerk

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN
SCHEDULE A OF BY-LAW 2004-34

	Column "A"		Column "B"	
		Before March 31 st		After March 31 st
(G) Neutered Male or Spayed Female if only one dog kept.		\$10.00		\$15.00
(H) Each Additional Dog, Spayed/Neutered owned by same person or kept in one household		\$20.00		\$25.00
(I) Unaltered Dogs(Female & Male) if only one dog kept.		\$25.00		\$30.00
(J) Each additional dog, unaltered owned by same person or kept in one household		\$35.00		\$40.00
(K) Kennel license (dogs) (includes 3 tags, additional tags \$1.00 each)		\$100.00		\$150.00
(L) Replacement of a lost tag		\$ 1.00		\$ 1.00
(M) Change of Ownership of Dog		\$ 1.00		\$ 1.00
(N) Bail		\$25.00		
(O) Impound Fees		\$10.00 (per day)		
(P) Restricted Dog License		\$250.00		