

THE CORPORATION OF THE TOWNSHIP OF FARADAY

BY-LAW NO. 25-2016

A By-Law for the licensing of dogs and for regulating the being at large of dogs

WHEREAS Councils of municipalities have the authority under Section 11 of the Municipal Act, 2001, to pass by-laws respecting matters within various spheres of jurisdiction, including "animals";

AND WHEREAS the Council of the Township of Faraday deems it advisable to enact this By-law for the purpose of requiring dogs to be registered, licensed and tagged; for the purpose of prohibiting dogs being at large; for the purpose of requiring the removal of dog waste; and for the purpose of generally regulating the keeping of dogs in the Municipality;

AND WHEREAS Councils of municipalities may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

NOW THEREFORE the Council of the Corporation of the Township of Faraday enacts as follows:

1. (a) In this By-law:
 - (i) **"Being at Large"** shall mean when a dog is found in any place other than the premises of the owner of the dog and not under the control of any person;
 - (ii) **"By-law Enforcement Officer"** shall mean the officer or employee of the Municipality from time to time charged with the duty of enforcing the provisions of the By-laws of the Municipality;
 - (iii) **"Canine Control Officer"** shall be the person so designated by Council from time to time;
 - (iv) **"Clerk"** shall mean the Clerk of the Municipality;
 - (v) **"Council"** shall mean the Council of the Municipality;
 - (vi) **"Dog"** shall mean any dog, male or female whether neutered or spayed;
 - (vii) **"Guide and/or Service Dog"** shall mean a dog that is trained to aid the visually challenged and hearing impaired and is in active use for such purposes;
 - (viii) **"Minor"** shall mean any person who has not achieved the age of majority as defined by the applicable provincial law;
 - (ix) **"Municipality"** shall mean the Corporation of the Township of Faraday;
 - (x) **"Owner"** includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning;
 - (xi) **"Pound Keeper"** shall mean a person appointed by the Municipal Pound Board to maintain and administer the Pound.
 - (b) This By-law shall apply to all lands within the municipal boundaries of the Municipality.
2. 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.
 3. Every owner of a dog shall register with the Clerk on or before the first day of April in each year each dog owned, possessed or harboured by him and at that time pay to the Clerk the fee prescribed in Schedule "A" to this By-Law and the Clerk shall issue to such owner a receipt acknowledging

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- 3.1 Every person who becomes the owner of a dog on or after the first day of April in each year shall register the dog and pay the fee therefore as provided in Schedule "A" within fifteen days after acquiring or otherwise becoming the owner or in possession or commencing to harbour the dog.
- 3.2 No person shall use a dog tag upon a dog other than the dog for which the tag was issued.
- 3.3 No licence is required for a Guide and/or Service Dog.
- 3.4 No licence shall be required for any dog before it is sixteen weeks old.
- 3.5 Not more than three dogs shall be kept at any residence within the boundaries of the Municipality.
- 3.6 A tag shall be supplied by the Clerk or Canine Control Officer or the Pound Keeper for each dog with respect to which a licence is issued hereunder, and the owner shall keep the tag securely fixed on the dog at all times during the year and until the owner procures a tag for the following year.
- 3.7 The tag shall bear a serial number and the year for which it was issued and a record shall be kept by the Clerk for the purpose of showing the name and address of the owner and the serial number of the tag.
- 3.8 No person shall permit a dog within the Municipality to become a public nuisance by:
 - (i) causing damage to public or private property;
 - (ii) interfering with, dumping or scattering garbage;
 - (iii) chasing pedestrians or individuals using public or private lands, pathways or roadways adjacent to property where the dog is kept;
 - (iv) consistently barks so as to disturb the quiet, peace, enjoyment or comfort of any person who resides in the vicinity.
- 3.9 No person shall allow a dog to defecate on any property, including public land, other than the property of its owner or other private property by permission unless the droppings are forthwith cleaned up.
- 3.10 Every dog shall be fed and watered regularly, kept in a clean healthy condition free from vermin and disease as well as treated in a humane manner.
- 3.11 Dogs being at large are prohibited. The owner of any dog which is found being at large is guilty of an offence under this By-law and liable on conviction to the penalty provided in this By-law.
- 3.12 Any dogs caught being at large in the Municipality may be seized, impounded and/or destroyed (killed) whether before or after impounding, by any such officer or person as may be designated by the Municipality
- 3.14 The Canine Control Officer, may capture and impound every dog being at large contrary to the provisions of this By-law.
4. Every dog caught by the Canine Control Officer under the provisions of this By-Law and delivered to the Pound Keeper shall be confined in the pound for seventy-two (72) hours and at the end of such period may, if not redeemed or sold as hereinafter provided may be destroyed by the Pound Keeper, and the carcass shall be disposed of to the satisfaction of the applicable authorities or the Municipality.
- 4.1 The owner of any dog impounded under the provisions of this By-law may redeem the dog within seventy-two (72) hours after its delivery to the Pound Keeper by paying into the hands of said officer:
 - (i) pound fees; and
 - (ii) dog licence fee (if unlicensed) as outlined in Schedule "A".

If the dog is not redeemed by the owner, the Pound Keeper may sell any impounded dog for not less than the fee as specified in Schedule "A" and shall receive a receipt for payment which shall vest title of such dog to the new owner.
- 4.2 The voluntary release of any dog to the Dog Pound shall require a payment to the Pound as specified in Schedule "A".

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- 4.3 It shall be the duty of the Pound Keeper to provide suitable quarters as may be approved by the Inspector of the Veterinary Branch of the Ministry of Agriculture, Food and Rural Affairs, to keep in a humane manner any dogs that maybe brought to him pursuant to the regulation of the said Ministry and the Ministry of the Environment. The Pound Keeper shall, in a book to be furnished by the Pound Board, keep an accurate account of all dogs placed in the pound, including the date of receipt, times of feeding and watering, manner of final disposal, amounts received by way of redemption fees and sales, the name and addresses of purchasers of dogs, separate records for municipal dog tag sales and any other particulars the Pound Board may deem necessary.
- 4.4 No dog seized or impounded shall be released or sold to any person unless or until it is properly licensed and registered, the licence fee paid and a tag securely fixed on the dog.
5. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable:
- (i) on a first conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$25,000.00; and
 - (iii) on each subsequent conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than \$50,000.00
6. If any term or provision of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
7. In this By-Law, words importing the masculine gender shall include the feminine gender and neuter gender and vice versa and words importing the singular shall include the plural where the context requires.
8. Schedule "A" may be amended from time to time by resolution passed by Council without an amendment to this By-law.

All by-laws or parts of by-laws heretofore passed inconsistent with the provisions hereof and respecting the registration of dogs and the collection of licence fees, the securing of dog tags and the being at large of dogs are hereby repealed

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS THE

1st DAY OF JUNE, 2016

C. A. Tinney - Reeve

D. Switzer – Deputy-Clerk

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SCHEDULE "A"

FEE FOR REGISTRATION OF DOGS \$10.00 per dog

POUND FEES (To be governed by the Municipality's Dog Pound Board)