

## THE MUNICIPALITY OF CENTRAL MANITOULIN

### BY-LAW NUMBER 2009-24 ( A By-law to replace By-law 99-05)

BEING A BY-LAW TO PROVIDE FOR THE REGISTRATION OF DOGS, THE COLLECTION OF LICENCE FEES FROM THE OWNERS THEREOF, TO IDENTIFY AND CONTROL VICIOUS DOGS AND TO PROHIBIT DOGS FROM RUNNING AT LARGE IN THE MUNICIPALITY OF THE MUNICIPALITY OF CENTRAL MANITOULIN.

WHEREAS the Council of the Municipality of Central Manitoulin recognizes the right of residents and property owners to enjoy the possession of dogs;

AND WHEREAS it is the intention of the Council of the Municipality of Central Manitoulin to protect its residents and their properties from nuisance and vicious dogs;

AND WHEREAS the Municipal Act R.S.O. 1990 Chapter M45 Sec. 210, as amended, authorizes Council of the Municipality of Central Manitoulin to pass a by-law to regulate the keeping and licensing of dogs;

THEREFORE the Council of the Municipality of Central Manitoulin hereby enacts as follows:

1. For the purpose of this by-law the following definitions shall apply:
  - a) "Dog" shall mean any dog, male or female;
  - b) "Owner" of a dog shall include any person who possesses or harbors a dog and for the purpose of licencing shall include any one household where dogs are kept;
  - c) "Animal Control Officer" shall mean the person appointed under the provisions of this By-law as an Animal Control Officer.
  - d) "Municipality" shall mean the Municipality of Central Manitoulin;
  - e) "Clerk Treasurer" shall mean the Clerk-Treasurer of the Municipality;
  - f) "Running at Large" in addition to its generally understood meaning shall also be deemed to include any dog that is found in any place other than the premises of the owner of the dog and not under the control of any person.
  - g) "Kennel" shall mean more than 2 (two) dogs who are securely fenced at all times.
  - h) "Vicious Dog" shall mean any individual dog with a known propensity, tendency or disposition to attack without provocation, other domestic animals or persons; or any dog which has bitten another domestic animal or person without provocation.
2. (a) Every owner of a dog shall register on or before the first day of April in each year for each dog owned, possessed or harbored by him in the Municipality and at that item shall pay to the municipality the licence fee prescribed in Section 4 of this By-law.
  - (b) Every person who becomes the owner of a dog on or after the first day of April in each year shall register the same and pay the licence fee therefore as prescribed in Section 4, within fifteen days after acquiring or otherwise becoming the owner.
3. (a) A tag shall be supplied by the Municipality for each dog registered hereunder and the owner shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year.
  - (b) The said tag shall bear a serial number and the year for which it is issued and a record shall be kept by the Municipality for the purpose of showing the name and address of the owner and the serial number of the tag.

- 4.(a) The fee payable as provided in Section 2 of this by-law shall be as follows:
- |      |                                     |   |         |
|------|-------------------------------------|---|---------|
| (i)  | for a dog                           | - | \$15.00 |
| (ii) | for each dog kept in addition to i) | - | \$20.00 |
| (iv) | for a kennel (more than 2 dogs)     | - | \$55.00 |
- (b) The owner of a kennel is not liable to pay any fee other than that required of kennel owners in section 4(a) hereof.
- (c) Where the certificate of a Veterinary Surgeon is produced showing that a dog has been spayed or neutered the licence fee as shown in (i) above shall be reduced to \$10.00.
5. (a) Everyone who allows a dog to be running at large in the municipality or whose dog is running at large in the municipality is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$2000.
- (b) Everyone who owns a dog, which is not licenced under the terms of this by-law, is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$2000.
6. The owner of a vicious dog shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in one of the following manners, so as to prevent the dog from escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands:
- a) The dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard, or
- b) The dog shall be located within an enclosed run designed in such a fashion and with such material which will prevent the dog from digging its way out of or otherwise escaping from the enclosed run and not to restrict the generality of the foregoing having sides and top constructed of chainlink fencing, or
- c) The dog's shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 metres (8 feet ) in length.
7. The owner of a vicious dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog unless the dog is on the lands of a person who has consented to it being on his lands in which case the provisions of Section 6 apply.
8. Every person who contravenes Section 6 & 7 of the by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300.00.

9. a) Anyone served with notice in writing of a violation of any part of Section 5, 6 or 7 of this by-law may voluntarily pay the fine set out in the notice to the Municipality within fifteen days of service of this notice. In the event that the fine is not voluntarily paid, the fine, exclusive of costs, is recoverable under the Provincial Offences Act.
- b) Notice of a violation shall be in a standard form approved by Council and may be served personally on the owner or by registered mail to the owner in which case service shall be deemed to be on the fourth day of mailing.
10. (a) The person appointed by council as Animal Control Officer may capture any dog for the purpose of identification of its owner by its dog tag and shall as soon as practicable release the dog to its owner.
- (b) Any dog that is not known to the Animal Control Officer and does not have a dog tag will be impounded and held according to the provisions of the Animals for Research Act – R.S.O. 1990 Chapter A A.22.
11. The owner of any dog impounded in the Municipality shall be responsible for paying a per diem boarding rate as set, from time to time, by Council.
12. Council shall, by by-law, provide for the appointment of an Animal Control Officer and shall provide for the terms of such appointment.
13. All by-laws or parts of by-laws inconsistent with the provisions of this by-law in respect of the registration of dogs, the collection of licence fees, the securing of dog tags, the fines amounts, and the running of dogs at large are hereby repealed.
14. This by-law shall come into force and take effect on the date that it is finally read and passed by the Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8<sup>th</sup>  
DAY OF OCTOBER , 2009.

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Acting Reeve, Sarah Bowerman

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Clerk, Ruth Frawley

I, \_\_\_\_\_, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law No.2009-24 passed by the Council of the Municipality of Central Manitoulin on the 8<sup>th</sup> day of October, 2009.

