THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2000/20

BEING A BY-LAW TO PROHIBIT OR REGULATE THE RUNNING AT LARGE OF DOGS; AND TO LICENSE AND REGULATE THE REGISTRATION OF DOGS

WHEREAS SUBSECTION 210 (11) of the Municipal Act, 1990, R.S.O., Chapter M.45 as amended, authorizes a municipal council to pass a by-law licensing, regulating and requiring the registration of dogs in the municipality and for imposing a license fee on the owners of dogs; and requiring an owner to keep the dog leashed;

AND WHEREAS subsection 210 (3) of the Municipal Act, 1990, R.S.O., Chapter M.45, as amended, authorizes a municipal council to pass a by-law prohibiting or regulating the running at large of dogs in the municipality, for seizing and impounding and for destroying, whether before or after impounding, dogs running at large contrary to the provisions of the by-law;

NOW THEREFORE the Corporation of the Municipality of West Nipissing hereby enacts as follows:

1.0 DEFINITIONS

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

a) **The Corporation:** The Corporation of the Municipality of West Nipissing.

b) **The Municipality:** The Corporation of the Municipality of West Nipissing.

c) **Owner:** Any person, group of persons, partnership, or corporation owning, keeping or harbouring a domesticated canine or canines, or other animals. "Owns" or "Owned" shall have a corresponding meaning. Where the owner is a minor, the person responsible for the custody of the minor.

d) **Kennel:** Any person, group of persons, partnership or corporation engaged in the commercial business or breeding, buying, selling or boarding dogs.

e) **Veterinary Hospital:** Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment or diseases and injuries of animals.

f) **Dog:** Any member of the species canis familiaris.

g) **Animal Shelter:** Any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by any officer appointed by the Corporation of the Municipality of West Nipissing in violation of this by-law;

h) **Animal Control Officer:** A municipal law enforcement officer, a provincial offence officer or persons appointed by by-law of the Corporation of the Municipality of West Nipissing for animal control.

i) **At Large:** Any dog shall be deemed to be running at large when it is off the property of his owner and not under the control of a competent person.

j) **Restraint:** A dog is under restraint within the meaning of this by-law if it is on his owner's property; out on a leash; or at "heel" beside a competent person and obedient to that person's commands.

k) **Spayed female:** A bitch or female animal which has been operated upon by a licensed veterinarian to prevent conception.

l) **Guide Dog:** A dog that is trained to aid the blind and is actively in use for such purposes.
m) Police Work Dog: A dog trained to aid law enforcement officers and is actually being used for police work purposes for the protection of the public including the investigation or crime and the apprehension of law violators.

n) Purebred: Registered or eligible for registration in the register of the Canadian Kennel Club incorporated or of a class designated as purebred in the regulations.

o) Exposed to rabies: A dog has been exposed to rabies within the meaning of this by-law if it has been bitten by any animal known to have been infected with rabies.

p) Dangerous: A dog is considered dangerous under this by-law if it has attacked or bitten a person or other domestic animal.

q) Potentially Dangerous: Dogs that have a greater proclivity to create a danger. e.g. Recent studies have shown that a pit-bull dog is easily aroused, has great perseverance, is insensitive to pain and has deceptive body signaling. The chemical 1-tyrosine is thought to play a role in determining the level of arousability in the pit-bull. This chemical is genetically controlled. Selective breeding can result in higher levels of 1-tyrosine, cited as an explanation of the pit bull’s great perseverance. Once an attack has begun, the pit-bull is incredibly tenacious. It is not easily distracted or deferred. Combining these attributes with the tremendous physical power of the animal may result in disastrous consequences.
v) License: The receipt issued by the municipality or its authorized agents, upon payment of the appropriate license fee.

s) Farm Dog: A dog that is trained for the purpose of controlling or protecting livestock and poultry.

1.0 The provisions of this by-law shall be enforced by the Corporation, its servants, agents, workmen, employees or any appointed individuals.

2.0 LICENSING

2.1 Every person in the Municipality who is the owner of a dog, shall immediately following the date that a dog comes into his or her possession, or where applicable, register the dog with the Corporation or its authorized agents and thereafter annually on or before the first day of February in each and every year, pay to the Corporation or its authorized agents, a license fee calculated in accordance with Schedule “A” attached to this by-law.

2.2 On payment of the license fee in accordance with subsection 2.1 of this section, the Corporation or its authorized agents, shall issue to each dog so registered, a serial numbered license tag and shall cause the name of the owner, his or her address, the name, breed, sex, color and age of the dog and the number of his or her license to be entered in a book to be kept for that purpose.

2.3 Every owner shall affix to his or her dog a license tag, consisting of a metallic plate having raised, cast or stamped thereon figures indicating the year of issuance, together with a number registered in the office of the Corporation; issued in accordance with subsection 2.2 of this section and shall keep such tag affixed to the dog at all times until a tag for the next year is purchased and so affixed.

2.4 Every license under this section shall expire on the 31st day of December following the date of issue.

2.5 The replacement fee for a lost license tag is set out in Schedule “A” to this by-law.

2.6 The licensing requirements of this by-law shall not apply to any dog
belonging to a non-resident of the municipality and kept within the municipality for no longer than thirty (30) days provided such dog shall, at all times while in the municipality, be kept within a building or be under restraint by the owner.

3.0 KENNELS

3.1 Every person who owns, operates or conducts a kennel of pure bred dogs which are registered with the Canadian Kennel Club Incorporated pursuant to the Statutes of Ontario enacted in that behalf, shall pay to the Municipality of West Nipissing immediately following the 1st day of January in any year, a tax or license fee in accordance with Schedule "A".

3.2 Every person who owns, operates or conducts a boarding kennel shall pay to the Municipality immediately following the 1st day of January in any year, a license fee in accordance with Schedule "A", and it shall be the responsibility of the operator of the boarding kennel to see that all provisions of this by-law, including Section 2.1 are complied with.

3.3 If there is a change of ownership of a dog or kennel during the license year the owner may have the current license transferred to his name upon payment of a transfer fee as stated in Schedule "A".

3.4 Any new applicant for a kennel license not previously licensed must first obtain confirmation that the property location of such kennel complies with the requirements of the Municipality's zoning by-law. Notice of the application shall be given to all assessed owners of land lying within a 300 meter radius of the applicant's proposed kennel location. Property owners within this defined area shall be given the opportunity to approve or object to the granting of a kennel license. The granting of a license will be determined by Council.

4.0 RESTRICTIONS

4.1 No more than two dogs shall be kept or permitted in or about a dwelling unit or any one suite in an apartment building within the limits of the Municipality.

4.2 This section does not apply to:
   i) a licensed kennel
   ii) a veterinary hospital
   iii) a pet shop
   iv) a pound
   v) a newborn litter of dogs kept for a period of six to eight weeks from the date of birth

5.0 RUNNING AT LARGE

5.1 The owner shall keep his or her dog under restraint at all times and shall not permit such dog to be off the premises or property of the owner unless under the control of a competent person.

5.2 No person shall allow or permit any dog of which he is the owner, to run at large within the limits of the Municipality.

5.3 A dog shall not be considered running at large if it is;
   i) a guide dog
   ii) Police work dog
   iii) farm dog

5.4 Any dog running at large may be captured by a police constable or other duly appointed officer and delivered to the Animal Control Officer of the municipal pound.
5.5 Any person may capture any dog running at large and trespassing on his or her property and deliver same to the Animal Control Officer or the municipal pound.

5.6 An Animal Control Officer may enter on any public property, or private property with the consent of the owner or tenant, for the purpose of capturing any dog running at large.

5.7 While in a park, no person or owner or persons have in control of any dog, cat or domesticated wildlife shall;
   a) allow it to run at large;
   b) permit any dog, cat or domesticated wildlife to enter any municipal beach/waterfront area, swimming area, pond, garden, landscaped area or any other area posted to prohibit access, excluding a guide dog.
   c) ensure that it is on a leash or chain not exceeding 6 feet in length;
   d) pick up and remove forthwith excrement left by the dog, cat or domesticated wildlife and dispose of it in a receptacle for litter of in some other suitable container, excluding excrement from guide dogs.

6.0 IMPOUNDMENT

6.1 Unlicensed dogs found running at large contrary to the provisions of this by-law shall be taken up by the agents of the Municipality and impounded in the animal shelter designated by Council, and there confined in a humane manner for a period of not less than three (3) days, and may thereafter be disposed of in a humane manner if not claimed by their owners. Dogs not claimed by their owners at the expiration of three (3) days, shall be placed or humanely disposed of by the Municipality except as hereinafter provided in the cases of certain animals.

6.2 Before a dog may be placed with a new owner in the Municipality, the owner will secure the necessary tag or tags and comply with the registration requirements of this by-law.

6.3 Immediately upon the impoundment of a dog, the agents of the Municipality shall make every reasonable effort to notify the owners of such dog impounded and inform such owners of the conditions whereby they can regain custody of such dog.

6.4 When dogs are impounded and are not claimed by their owners within the 3 days specified by this by-law, they shall become the property of the Municipality who may dispose of them to new owners who will agree to the conditions of this by-law.

7.0 REDEMPTION OF IMPOUNDED DOGS

7.1 The owner shall be entitled to regain possession of any impounded dog except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions of Section 2.0 of this by-law and the payment of impoundment fees and other charges set forth herein by the Municipality, all applicable fines and costs in accordance to Schedule “B”.

7.2 Any dog impounded under the provisions of this by-law and not reclaimed by its owner within 3 days, may be humanely destroyed by the Municipality, 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.

8.0 CONFINEMENT OF CERTAIN DOGS AND ANIMALS

8.1 The owner shall cause to be confined within a building or secure enclosure, dangerous or potentially dangerous dog(s) or other animal(s) and not take such dog out of such building or secure enclosure unless such dog is
securely muzzled. The owner of a dangerous or potentially dangerous dog, as declared by the municipality or its agent, shall obtain a liability insurance coverage of $1,000,000.00 per occurrence and provide proof of coverage to the municipality.

8.2 The owner shall cause every female dog in heat to be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another dog, except for breeding purposes.

8.3 Any dog described in the foregoing subsections or Section 9 of this by-law found at large, shall be impounded at the shelter designated by the Municipality by its agent and may not be redeemed by owners, until after the proceedings with respect to the violation of this by-law have been disposed of by any court having jurisdiction.

8.4 When in the judgment of the Municipality or its agents, a dog should be destroyed for humane reasons, such dog may not be redeemed.

9.0 RABIES

9.1 When deemed expedient, the Council of the Corporation of the Municipality of West Nipissing may declare a Municipality wide quarantine and a period of up to six months may be imposed and all other restrictions, rules and regulations pertaining to rabies may be imposed and will apply under the authority of the revised Statutes of Ontario.

9.2 When a dog is known to have bitten a person, the Medical Officer of Health may order the Animal Control Officer of the Corporation to confine the dog under supervised quarantine for a period not to exceed fourteen (14) days.

10.0 EXEMPTIONS

10.1 Hospitals, clinics and other premises operated by 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.

10.2 Every license fee and license tag issued by another municipality for the license year, shall be recognized as a license fee and license tag as issued by the Municipality of West Nipissing providing;

a) The owner notifies the Animal Control Officer of the date of issue of said license and license tag number and

b) The owner was a bona fide resident of said other municipality at the date of issue

c) The owner is now a bona fide resident of the Municipality of West Nipissing.

11.0 INVESTIGATION

11.1 For the purpose of discharging the duties imposed by this by-law and to enforce its provisions, any police officer, or other officer appointed by the Municipality of West Nipissing for that purpose, or any agent of the Humane Society is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license of such dog. It is further provided that any agent of the Humane Society or aforementioned officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment.
12.0 INTERFERENCE

12.1 No person shall interfere with, hinder or molest any agent of the Municipality in the performance of any duty of such agent, or seek to release any animal in the custody of the Municipality aforesaid agents, except as herein provided.

13.0 PENALTY

13.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction, is liable to a fine as provided for in the Provincial Offences Act.

14.0 STOOP AND SCOOP

14.1 Every dog owner shall forthwith remove and dispose of excrement left by their dog on any private or public property in the Municipality of West Nipissing.

15.0 REPEALS

15.1 By-law 99-27 relating to the keeping, licensing and regulating of dogs, in the Municipality of West Nipissing is hereby repealed.

16.0 EXEMPTIONS

16.1 Any dog owner may apply to have the licensing fee waived upon the production of a veterinary certificate showing his dog is electronically chipped for identification purposes. The owner will be required to pay the fee in accordance with Schedule "A".

That the following enumerated schedules shall form part of this by-law,
- Schedule "A" Licensing Fees
- Schedule "B" Impoundment Fees
- Schedule "C" Set Fines

This by-law shall come into force and be effective from the day of passing thereof.

READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND PASSED AS SUCH IN OPEN COUNCIL THIS 10 DAY OF APRIL 2000.

MAYOR

INTERIM CLERK
THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

SCHEDULE “A” TO BY-LAW 2006/39
AMENDING SCHEDULE “A” TO BY-LAW 2000/20

**LICENSING FEES**

For each dog $20.00

Surcharge if the dog tag is purchased on or after March 1st of any year. $10.00

For each dog that has been micro-chipped (Must show certificate) $4.00

Replacement of lost tag $4.00

Private Kennel fee $50.00

Pure bred Kennel License fee $50.00

Board Kennel $50.00

Transfer of Kennel License $10.00
COPY OF SCHEDULE “A” TO BY-LAW 2004/20
AMENDING AND REPEALING SCHEDULE “A” TO BY-LAW 2000/20

**Licensing Fees**

For each dog $20.00

Surcharge if the dog tag is purchased on or after March 1st of any year. $10.00

For each dog that has been micro-chipped (Must show certificate) $4.00

Replacement of lost tag $4.00

Private Kennel fee $100.00

Pure bred Kennel License fee $150.00

Board Kennel $150.00

Transfer of Kennel License $10.00
THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW # 2000-20

SCHEDULE "B"

IMPOUNDMENT FEES

1. Any dog impounded may be reclaimed by the owner
   Upon payment to the Corporation the sum of...............................$75.00
THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

BY-LAW 2000/20

SCHEDULE “C”

PENALTIES

Any person or persons guilty of an infraction of any of the provisions of this by-law, shall, upon conviction thereof before the Police Magistrate, or any Justice or Justices of the Peace in or for the Municipality of West Nipissing, forfeit and pay at the discretion of the said Police Magistrate, Justice or Justices convicting, a maximum fine exclusive of costs of $500.00 for each offence and a minimum fine exclusive of costs for each offence as follows:

(a) For allowing a female dog in heat to run at large a penalty of not less than $200.00

(b) For allowing a dog to run at large when contrary to this by-law a penalty of not less than $100.00

(c) For allowing a dog to run at large without a tag a penalty of not less than $130.00

(d) For harboring a dog not licensed in accordance with this by-law a penalty of not less than $50.00 and on any subsequent notices within a calendar year, a fine of not less than $100.00 and all such penalties shall be recoverable under the Summary Convictions Act of the Province of Ontario.

(e) For harboring a dangerous or potentially dangerous animal not in accordance with the provisions of his by-law, a fine of not less than $500.00

(f) For failing to pick up the wastes from your dog, left on the property of others or public property, a fine of not less than $100.00
## SCHEDULE “D”

**THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING**

**PART 1 PROVINCIAL OFFENCES ACT**

**By-law 2000-20, Regulate the running at large of dogs**

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THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
PART 1 PROVINCIAL OFFENCES ACT

By-law 2000-20, Regulate the running at large of dogs

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