

# THE CORPORATION OF THE MUNICIPALITY OF TWEED

## BY-LAW 99-4

*BEING* a By-Law to provide for the Licencing and Regulating of Dogs.

*WHEREAS* it has been deemed expedient by the Council of the Corporation of the Municipality of Tweed to license and regulate dogs pursuant to the Municipal Act, Chapter M45 R.S.O. 1990, and Livestock, Poultry and Honey Bee Protection Act, Chapter L24 R.S.O. 1990 and amendments thereto, and Animal Research Act Chapter 22 R.S.O. 1990 and amendments thereto; and

*WHEREAS* it has been deemed expedient by the Council of the Corporation of the Municipality of Tweed to regulate dogs, pursuant to the Dog Owners' Liability Act, Chapter D16 R.S.O. 1990 and amendments thereto;

*NOW, THEREFORE*, the Council of the Corporation of the Municipality of Tweed enacts as follows:

### **PART I**

#### **Definitions**

In this By-Law:

1. (a) "*Animal Control Officer*" shall be the employee of the Corporation of the Municipality of Tweed as designated.
- (b) "*By-Law Enforcement Officer*" shall be the employee of the Corporation of the Municipality of Tweed as designated.
- (c) "*Dog*" shall mean any dog, male or female, over the age of sixteen (16) weeks.
- (d) "*Owner*" shall mean a person who possesses or harbors a dog, and, where the owner is a minor, the person responsible for the custody of the minor.
- (e) "*Kennel of Purebred Dogs*" shall mean any place or confinement where more than three (3) and less than twenty-one (21) dogs over sixteen (16) weeks of age are bred, raised, kept and registered as a recognized class or as a class designated as "purebred" in the regulations of a nationally recognized breeding or kennel club.
- (f) "*Kennel of Non-purebred Dogs*" shall mean any place or confinement where more than three (3) and less than twenty-one (21) non-purebred dogs over 16 weeks of age, are raised and kept.
- (g) "*Pound-Keeper*" shall mean a person or persons, association or society appointed by the Municipality of Tweed to maintain and administer the pound.
- (h) "*Pound*" shall mean such premises and facilities designated by the Municipality of Tweed as the Municipal Pound.
- (i) "*Live trap*" shall mean a baited cage to capture dogs in a humane manner.

**PART II**

Licencing of Dogs

1. The owner of a dog shall annually, but not later than April 1st in each year or within seven (7) days of becoming an owner at a later date, register and license the dog pursuant to this By-Law.
2. All licenses and tags issued pursuant to this By-Law shall be serially numbered and a record kept by the Municipality of Tweed. Registration shall set out the name and address of the owner, the name and description of the dog.
3. At the time of registration, the owner/applicant shall be required to pay to the Municipality of Tweed, the following required license fee;  
  
For any dog, if only one is owned, possessed or harbored in any one household the fee shall be ..... \$10.00  
  
for the second dog, the fee shall be..... \$10.00  
  
for the third dog, the fee shall be..... \$10.00  
  
A late penalty fee of five dollars (\$5.00) shall come into effect on the second day of April each and every year or a period of greater than seven (7) days of becoming the owner of a dog. This late payment is in addition to any license fee.
4. On payment of the license fee for a dog the owner shall be furnished with a dog tag which shall bear the serial number and the year in which it was issued.
5. The owner of a dog shall keep the dog tag securely fixed on the dog at all times, unless the dog is being lawfully used for hunting.
6. The owner of a kennel of purebred dogs as defined in the Dog Licencing and Livestock, Poultry and Honey Bee Protection Act shall pay an annual fee of Forty Dollars (\$40.00) to the Corporation of the Municipality of Tweed subject to dates and late penalty set out in Part II Section 1 and Section 3.
7. The owner of a kennel of non-purebred dogs shall pay an annual fee of Forty Dollars \$40.00 to the Corporation of the Municipality of Tweed, subject to dates and late penalty set out in Part II Section 1 and Section 3, and shall receive individual tags for each dog.
8. The Animal Control Officer shall issue all kennel licenses.

**PART III**

Keeping of Dogs - General

1. Every dog shall be:
  - (a) treated in a humane manner
  - (b) kept so that:
    - (i) the transfer of pathogenic agents is minimized
    - (ii) there are no offensive odors
    - (iii) conditions are clean and sanitary

2. Every person who presently owns or becomes the owner of any dog immediately thereupon assumes the responsibility of ensuring that such dog receives the necessary food, water and shelter.
3. No person shall keep, or do anything, which may cause to be kept, more than three (3) dogs on any lot on any residential land in the Municipality of Tweed except in a licensed kennel.
4. Minimum confinement or shelter shall consist of individual shelter for each dog and otherwise at the discretion of the Animal Control Officer who may inspect for appropriate shelter.
5. No kennel licenses will be issued in the Village of Tweed, Hamlets of Marlbank, Stoco, Sulphide, Thomasburg, Actinolite and Queensboro.
6. No person who owns or harbors a dog within the Municipality of Tweed shall permit such dog to become a public nuisance.

A dog shall be considered a public nuisance if:

- (i) It persistently barks or howls,
  - (ii) It causes damage to public or private property,
  - (iii) It interferes with any standard garbage disposal methods
  - (iv) It persistently barks at or chases pedestrians
  - (v) It defecates on property, other than the private property of the dog owner
7. Dog Owners or Handlers must remove forthwith excrement left by their dog on any location other than private property of the dog owner or handler, and shall dispose of it in a sanitary manner.

#### **PART IV**

##### **Dogs running at Large**

1. Dogs running at large are prohibited within the Municipality of Tweed.
2. For the purpose of Part IV, Section 1, a dog shall be deemed to be running at large when found in any place other than the premises of the owner and not under the control of any person.
3. No person shall permit a dog to attack or fight any person, domestic animal, or domestic bird.
4. The Animal Control Officer or By-Law Enforcement Officer may seize and impound any dog found running at large.
5. A dog found running at large is in contravention of Part IV Section 1 of this By-law. The Animal Control Officer or the By-Law Enforcement Officer shall issue the owner of such dog an Offence Notice or a Summons.
6. The Pound-Keeper shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, the date and method of disposition.
7. Possession of an impounded or seized dog may be restored if claimed by the owner within three (3) days (exclusive of statutory holidays and Sundays), excluding the date of seizure or impounding.

8. When any dog is impounded, the owner shall be liable for the pound and maintenance fees and fines, and shall pay all prescribed fees and fines as outlined in Schedule "A" and "B" on demand.
9. In the event that possession of any impounded dog has not been restored to the owner, within three (3) days after seizure, (exclusive of the first day of seizure statutory holidays and Sundays), the dog may be sold by the Pound-Keeper for such price as deemed reasonable, or may dispose of the dog pursuant to The Animals for Research Act and Regulations thereunder. The Pound-Keeper shall retain the sale price of any dog so sold, and no damages or compensation shall be recovered for any disposition made thereunder.
10. When an injured dog has been seized or should be destroyed without delay for humane reasons, the Pound-Keeper or Animal Control Officer may dispose of the dog in a humane manner, without permitting any person to reclaim the dog or without offering it for sale, and no damages or compensation shall be recovered on account of any disposition made thereunder.
11. Any dog, specifically trained for attack or guarding, shall not be left, or caused to be left, at large as defined in Part IV Section 2 of this By-law, in a public place, on public property, or in an unlocked vehicle in a public place.
12. Should any impounded dog bear a license tag, the Pound-Keeper shall immediately attempt to notify the owner of the impounded dog and, upon payment of the applicable fees and fines, shall release said dog to the owner.
13. Notwithstanding anything contained in this By-Law, the Animal Control Officer or By-law Enforcement Officer shall be permitted to use a tranquilizer gun or cause death for the purposes of seizing a dog or dogs running at large in any area of the Municipality, when deemed necessary in the performance of their duties. Appropriate live traps may be used when deemed necessary.

## PART V

### Penalty of Contravention

1. (a) Every person who contravenes any of the provisions of this By-law, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000.00 for a first and subsequent offence, exclusive of costs. Every fine is recoverable under the Provincial Offences Act and amendments thereto.  
  
(b) Every owner of a kennel who fails to comply with any portion of Part III of this By-law may be subject to loss of kennel license.

The attached Schedule "A" and "B" shall form part of this By-law

This By-Law repeals By-Law 98-11.

This By-Law comes into force and effect on date of passing.

READ a first and second time this...16... th day of ...February,....., 1999.

READ a third and final time, passed, signed and sealed in open Council this .....1..... st  
day of .....March,..... 1999.



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REEVE



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CLERK

25/02/99

SCHEDULE B  
BY-LAW 99-4

The following fees are to be charged by the Animal Control Officer for the Impounding and maintenance of Dogs, caught and impounded. All fees must be paid prior to the release of the animal to the owner.

Impounding Fee

\$25.00

Maintenance Fee

\$6.00/day