

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2014-07

Being a By-Law to provide for the licensing and regulating of dogs in the Municipality of Tweed.

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 2001, Sections 103 and 104; the Protection of Livestock and Poultry from Dogs Act, R.S.O. 1990; and the Animals for Research Act, 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, c.D.16, 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

1. In this By-Law:
 - (a) "*Animal Control Officer*" shall be the contractor designated by the Corporation of the Municipality of Tweed.
 - (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 any person who possesses or harbours a dog, and, where the owner is a minor, the person responsible for the custody of the minor.
 - (e) "*Kennel of Purebred Dogs*" means 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 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 sixteen (16) weeks of age, are raised and kept.
 - (g) "*Poundkeeper*" shall mean any person, persons, association or society appointed by the Corporation of the Municipality of Tweed to maintain and administer the pound.
 - (h) "*Pound*" shall mean such premises and facilities designated by the Corporation of 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

Licensing 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 licences 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 required licence fee in accordance with Schedule “A” to this By-Law.

A late penalty fee shall come into effect on the second day of April each and every year, or a period greater than seven (7) days after becoming the owner of a dog. This late penalty fee is in addition to any licence fee and shall be in accordance with Schedule “A” to this By-Law.

4. On payment of the licence 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 this By-Law shall pay an annual fee to the Corporation of the Municipality of Tweed in accordance with Schedule “A” to this By-Law, subject to dates and late penalty set out in Part II, Sections 1 and 3, and shall receive individual tags for each dog.
7. The owner of a kennel of non-purebred dogs as defined in this By-Law shall pay an annual fee to the Corporation of the Municipality of Tweed in accordance with Schedule “A” to this By-Law, subject to dates and late penalty set out in Part II, Sections 1 and 3, and shall receive individual tags for each dog.
8. The Animal Control Officer shall issue all kennel licences.
9. No kennel licenses will be issued for any property in the Village of Tweed, or in the Hamlets of Marlbank, Stoco, Sulphide, Thomasburg, Actinolite and Queensborough or for any property zoned the Rural Residential Zone in the Municipality of Tweed zoning by-law schedules.

Kennel licenses for properties in the Rural and Prime Agricultural Zones in the Municipality of Tweed zoning by-law schedules will be issued in accordance with the provisions of the Municipality of Tweed Comprehensive Zoning By-Law for those zones.

PART III

Keeping of Dogs – General Provisions

1. Every animal shall be:
 - (a) treated in a humane manner; and
 - (b) kept so that:
 - (i) the transfer of pathogenic agents is minimized;
 - (ii) there are no offensive odours; and
 - (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 one lot on any residential land in the Municipality of Tweed except in a licenced kennel. Kennel licences will be issued in accordance with Part II Sections 8 and 9 of this by-law.
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 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 it:

- (i) persistently barks or howls;
 - (ii) causes damage to public or private property;
 - (iii) interferes with any standard garbage disposal methods;
 - (iv) persistently barks at or chases pedestrians; or
 - (v) defecates on any property, other than the private property of the dog owner.
6. Dog owners or handlers must remove forthwith excrement left by their dog on any location other than the 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 of the dog 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. An 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 Poundkeeper shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the licence 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 Schedules "A" and "B" of this By-Law 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 statutory holidays and Sundays), the dog may be sold by the Poundkeeper for such price as deemed reasonable, or may dispose of the dog pursuant to the Animals for Research Act and Regulations thereunder. The Poundkeeper 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 Poundkeeper 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 licence tag, the Poundkeeper shall immediately attempt to notify the owner of the impounded dog and, upon payment of the applicable fines and fees, 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. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
2. 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 licence.

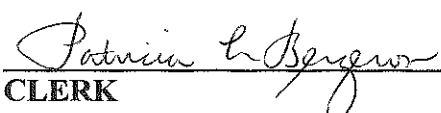
Municipality of Tweed By-Law No. 99-4, as amended and By-Law No. 2011-25 are hereby repealed.

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 18th day of February, 2014.

READ a third and final time, passed, signed and sealed in open Council this 18th day of February, 2014.


MAYOR


CLERK

SET FINE SCHEDULE

CORPORATION OF THE MUNICIPALITY OF TWEED

PART 1, PROVINCIAL OFFENCES ACT

By-Law No. 2014-07, as amended, being a By-Law to provide for the licensing and regulating of dogs in the Municipality of Tweed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1	Fail To License Dog	Part II Section 1	\$ 40.00
2	No Tag Affixed To Dog	Part II Section 5	\$ 40.00
3	Fail To Treat Dog Humanely	Part III Section 1 (a)	\$ 75.00
4	Keep More Than Three Dogs	Part III Section 3	\$ 55.00
5	Fail To Prevent Offensive Odour	Part III Section 1 (b) (ii)	\$ 55.00
6	Persistent Barking	Part III Section 5 (i)	\$ 55.00
7	Damage To Public Or Private Property	Part III Section 5 (ii)	\$ 55.00
8	Scatters Garbage Or Trash	Part III Section 5 (iii)	\$ 55.00
9	Barks At Or Chases Pedestrians	Part III Section 5 (iv)	\$ 55.00
10	Defecates On Any Property Other Than Owner's Private Property	Part III Section 5 (v)	\$ 55.00
11	Owner Fails To Remove Excrement	Part III Section 6	\$ 75.00
12	Dog Running At Large	Part IV Section 1	\$ 55.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

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BY-LAW NO. 2014-07

SCHEDULE "A"

At the time of registration the owner of a dog shall be required to pay to the Corporation of the Municipality of Tweed the following annual licence fees:

Dog Tags:

January 1st to April 1st \$15.00/dog

April 2nd to December 31st \$45.00/dog (includes late penalty fee of \$30.00/dog)

Kennel Licences:

January 1st to April 1st \$100.00/licence

April 2nd to December 31st \$150.00/licence (includes late penalty fee of \$50.00/licence)

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BY-LAW NO. 2014-07

SCHEDULE "B"

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.

Impound Fee: \$25.00/dog

Maintenance Fee: \$15.00/day/dog