

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

BY-LAW NUMBER 2010-86

Being a By-Law to regulate the keeping and control of Animals, or any class thereof, The Animal Identification System, Licensing and Restraint of Dogs and certain other aspects of Animal Control within the Township of Madawaska Valley.

WHEREAS Section 210 of The Municipal Act, R.S.O. 1990, chapter M.45, provides that Council may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system pursuant to the provisions thereof;

AND WHEREAS Section 20 of the Animals for Research Act, R.S.O. 1990, Chapter A.22, provides for the impounding and sale or destruction of any dog pursuant to the provisions thereof;

AND WHEREAS the Dog Owner's Liability Act, R.S.O. 1990, Chapter D.16 provides for the protection of persons and property;

AND WHEREAS the Ontario Police Services Act, R.S.O. 1990, Chapter P.15, as amended, provides that Council may appoint Municipal Law Enforcement Officers to enforce all municipal by-laws;

AND WHEREAS the Ontario Game and Fish Act, R.S.O. 1990, Chapter G.1, Section 82, provides for the prohibition of keeping or harbouring of wild animals;

NOW THEREFORE the Council of The Corporation of the Township of Madawaska Valley enacts as follows:

1. DEFINITIONS:

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

Animal Control Officer means a person appointed or employed by the Township of Madawaska Valley for the purposes of supervising all the provisions of this by-law within the limits of the Township of Madawaska Valley.

Municipal Law Enforcement Officer means a person appointed by the Township of Madawaska Valley for the purposes of enforcing the provisions of this By-law and related provincial offences by authority of the Ontario Police Services act, 1990, Chapter P.15, Section 15.

Animal Shelter means any premises designated by the Corporation for the purpose of impounding and caring for animals taken by the agents of the Corporation in violation of this by-law.

At Large Any animal will be deemed to be at large when it is off the property of it's owner and not under control of a competent person.

Corporation shall mean the Corporation of the Township of Madawaska Valley.

Dog shall mean Canis Familiarise, male or female, over the age of three (3) months and shall not include wolf or fox or any other wild or part wild species of Canis Familiarise.

Immunization shall mean to protect against disease by annual inoculation of immunizing serums and vaccines.

Kennel shall mean any person, group of persons, partnership or corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs where three (3) to twelve (12) adult dogs are lodged, treated, kept, boarded or raised.

Leash includes any form of lead or restraint that has the capability to control an animal from annoying, bothering or irritating persons or other animals.

Nuisance Animal shall mean any domestic animal found to be causing a common nuisance, irritation, annoyance or bother to other persons or other animals.

Owner means and includes any person who possesses, keeps, feeds or harbours an animal and “owns” or “owned” shall have a corresponding meaning.

Pet shall include dog.

Pet Shop shall mean any person, group of persons, partnership or corporation operating an establishment where live animals, birds and fish, other than those domestic animals, farm animals, wild animals, exotic animals, amphibians, reptiles, arachnids, birds and fish that are prohibited within the Corporation, are kept and offered for sale.

Registration Period shall mean the period from January 1 to December 31 of which year with an extended period to March 31 of the next year which shall be an extension of the prior year registration period to allow owners of animals that were registered in the prior year to purchase new pet tags.

Sterilized Animal shall mean any spayed/neutered dog that is in support of such certificate from a licensed veterinarian.

Veterinary Hospital shall mean any establishment maintained and operated with a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals and birds.

Vicious Animal shall mean any animal that displays vicious tendencies such as growling, baring of teeth, charging or lunging, attaching or biting a person or other domestic animal.

2. **ENFORCEMENT:**

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

3. **KEEPING OF ANIMALS:**

- (a) It is prohibited to own, keep, harbour or possess any animal that is found repeatedly to be a nuisance animal on any lot or in any building or structure on such lot within the limits of the Township of Madawaska Valley.

4. **LICENCING AND ANIMAL IDENTIFICATION SYSTEM**

- (a) The owner of every dog three (3) months of age or older, within three (3) days of his/her becoming such, shall cause it to be licensed with a valid pet tag, numbered and described with the Township, which provision shall be called the Animal Identification System.

The Pet License and Registration fees are as follows:

For all Spayed/Neutered Pets: (Certificate of Proof Required)

Before March 31, in any year	\$10.00
After March 31, in any year	\$15.00

For all Unsterilized Pets:

Before March 31, in any year	\$15.00
After March 31, in any year	\$20.00

And such license and registration shall expire on December 31st of each year.

- (b) The owner of every dog shall not claim such dog to be sterilized when such dog is not sterilized and wrongful claiming shall subject the owner or harbourer to the penalty provided for in this by-law.
- (c) Upon payment of the required fee, the owner shall be furnished with a tag for each dog owned by him/her with a serial number and the year in which it was issued marked thereon and the owner shall keep said tag securely fixed on the dog for which it was issued at all times during the year and until he /she procures a tag for the following year. A record shall be kept by the Licensing Officer showing the name and address of the owner and the serial number of the tag. In the event that a tag is lost, the person whom it was issued shall immediately claim another from the License Issuer and shall pay, therefore, the sum of TWO DOLLARS (\$2.00) for each tag.
- (d) Every owner or harbourer of a dog shall obtain a tag and keep it securely fixed on his/her dog and shall not affix the tag upon a dog other than the dog for which the said tag was issued. Affixing a tag upon a dog other than the dog for which the said tag was issued shall subject the owner or the harbourer of the penalty provided for in this by-law.

5. **KENNELS:**

- (a) Every person who owns, operates or conducts a kennel for pure breed dogs which is registered within the National Kennel Club pursuant to The Statutes of Ontario enacted in that behalf, shall pay to the Township of Madawaska Valley, immediately following the first day of January in any year, an annual license fee of SEVENTY-FIVE DOLLARS (\$75.00).
- (b) If there is a change of ownership of a kennel during the license year the new owner must purchase a new license.
- (c) (i) No person shall keep kennels for the breeding of dogs other than as set out in Section 5(a) of this by-law within the limits of the Township of Madawaska Valley without first having received a license so to do. Upon applying for a license to be issued, the applicant shall file with the CAO/Clerk a Certificate from the Ministry of Agriculture dated within ten (10) days of the application setting out that the quarters where the kennels for the breeding and boarding of dogs meet the health requirements and whether or not the keeping of such animals as set out in the application for a permit would constitute a nuisance to other residents in the Township of Madawaska Valley.

(ii) The CAO/Clerk of the Township of Madawaska Valley, upon any application under Section 5(c) (i), may issue the required license but if he/she does not issue such license at the request of the applicant, he/she shall refer the application to the Council of the Township of Madawaska Valley at it's next regular sitting and the Council may, at it's discretion, grant or refuse the issuing of a permit hereunder.

(iii) Any license which may be issued pursuant to an application under Section 5(c)(i) shall expire on the 31st day of January in the year following the issuing of such permit and the same requirements for the original application will apply.
- (d) Every person operating a kennel for lodging which has been approved by the Ministry of Agriculture, shall have the premises inspected by a qualified inspector as defined by the Animals for Research Act and shall be made at least once per calendar year and a written report of such inspection shall be filed with the Township of Madawaska Valley. All costs associated with the inspection are the responsibility of the owner.
- (e) No person shall operate a kennel containing a vicious dog or a dog included in **Schedule "A"** to this By-Law.
- (f) The provisions of this By-Law do not apply to a person operating a kennel who has in the kennel a vicious dog or a dog included in **Schedule "A"** to this By-Law for the purpose of providing any of the following services:
 - the temporary boarding of such dog

- the grooming of such dog
- the training of such dog, or
- medical attention of such dog,

subject to the following provision:

A person operating a kennel who has in the kennel a vicious dog or a dog included in **Schedule "A"**, must comply with the restraint of such animals as set out in this By-Law.

6. IMPOUNDMENT:

- (a) Animals found running at large shall be taken up by the agents of the Corporation and impounded in the pound maintained by the Animal Control Officer for the Township of Madawaska Valley and there confined in a humane manner for a period of not less than five (5) days, exclusive of the day of impoundment and exclusive of holidays and may thereafter be disposed of in a humane manner if not claimed by their owners. Animals not claimed by their owners at the expiration of five (5) days shall become the property of the Corporation and humanely disposed of by the Corporation, except as hereinafter provided in the cases of certain animals.
- (b) Sick or injured animals found at large and taken up by the agents of the Corporation shall not be placed into the animal shelter to save harm to other animals and possible contamination of the pound facility. An attempt shall be made by means of dog tags or other forms of identification by the agents to find the owner. If the owner is not ascertainable during the attempt the agent may seek medical attention for the animal or may perform euthanasia to save further pain/or suffering to the animal.
- (c) Animals found at large by an appointed Agent or any Police Officer that pose a threat to the safety of persons or other animals may be destroyed forthwith.

7. REDEMPTION OF IMPOUNDED ANIMALS:

- (a) The owner shall be entitled to regain possession any impounded animal except as hereinafter provided in the cases of certain animals, upon compliance with the license or identification provisions of Section 4 of this by-law and the payment of fees set forth in Section 8 of this by-law.
- (b) Any animal impounded under the provisions of this by-law and not reclaimed by it's owner within five (5) days, exclusive of the day of impoundment and exclusive of any day the pound may be closed during the impoundment, may be humanely destroyed by the Corporation 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 and such other regulations as shall be fixed by the Corporation.

8. REDEMPTION AND IMPOUNDMENT FEES:

Any animal impounded hereunder may be reclaimed as herein before provided upon payment by the owner to the animal Control Facility/Officer a redemption fee in the amount of EIGHTY-FIVE (\$85.00) plus the impoundment costs of an additional sum of \$6.00 for each day such animal is kept commencing the second day of confinement.

Redemption and impoundment fees, as set forth herein and such additional sums as herein provided for keeping animals, shall be collected by the Animal Control Facility/Officer and retained by it to help defray the costs of keeping such animal during the period set forth herein.

9. RESTRAINT:

- (a) For the purpose of this by-law, an animal shall be deemed to be running at large if found in any place other than that of its owner/keeper and not under the control of any person.
- (b) No person shall allow their animal to become a common nuisance by:

- (i) biting;
 - (ii) chasing or biting at livestock;
 - (iii) chasing or biting at motor vehicles;
 - (iv) chasing or biting at bicycles;
 - (v) chasing or biting at persons walking or riding thereon any street; or,
 - (vi) causing damage when running at large;
 - (vii) causing damage to commonly shared property.
- (c) Any such person who owns or possesses any animal that is found repeatedly to be a nuisance animal shall be subject to the penalty provided for in this By-law and shall be ordered to remove such animal from the limits of the Township of Madawaska Valley. If proven that such animal has been enrolled into a recognized animal training facility and has completed a course for the correction of the nuisance behavior, the Animal Control Officer may permit re-entry within the limits of the Township of Madawaska Valley. Any person who possesses such animal not having permission to re-enter shall be subject to the penalty provided for in this By-law.
- (d) No person who owns, keeps, harbours or possesses any animal shall allow it to trespass on private property even when on a leash.
- (e) (i) Any person who owns, keeps, harbours or possesses any animal which defecates on a public, commonly shared or private property, other than that of the said owner or keeper thereof, shall forthwith clean up after it.
- (ii) No person who owns, keeps, harbours or possesses any animal shall allow a build up of animal fecal matter on the property where the animal is kept and where it becomes offensive to other members of the Community.

10. DANGEROUS OR VICIOUS ANIMALS RESTRICTED:

- (a) Dangerous or vicious animals as described in **Schedule “A”** shall not be kept within the limits of the Township and any owner, keeper or harbourer of such animal found to be fierce, dangerous or vicious shall be dealt with under The Dog Owners Liability Act, Chapter D.16.
- (b) Any owner who is in possession of a vicious dog or a dog included in **Schedule “A”**, prior to the passing of this By-law when it is not in the owner’s house but within the boundaries of the owner’s lands 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:
- (i) 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
 - (ii) 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 chain link fencing as set out in **Schedule “B”** to this By-law and a solid base securely attached to the side, or
 - (iii) the dog 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 meters (8 feet) in length.”

11. REPORT OF BITE CASES:

It shall be expected that every Physician or other practitioner shall report the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control to the Renfrew County and District Health Unit.

12. RESPONSIBILITIES OF VETERINARIANS:

It shall be the duty of every licensed veterinarian to report to the Renfrew County and District Health Unit his/her diagnosis of any animal observed by him/her as a rabies suspect.

13. EXCEPTIONS:

Hospitals, clinics and other premises in operation with 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.

14. INVESTIGATION:

For the purpose of discharging the duties imposed by this by-law and to enforce its provisions, any agent of the Corporation or any Police Officer is empowered to demand the exhibition by the Owner of such dog or animal or the license/identification of such dog or animal. It is further provided that any agent of the Corporation may enter the premises where any animal is kept in a reported cruel or inhumane manner and deemed to examine such animal and to take possession of such animal to determine the validity of such report or complaint and to take appropriate corrective measures, if necessary.

15. PENALTY:

Any person or persons guilty of any offence under any of the provisions of this by-law shall, upon conviction, forfeit and pay the fine for such offence as provided for under Section 61 of the Provincial Offences Act and if convicted of an offence is liable to a fine of not more than \$5,000.00.

(a) Amount of Set Fine

Subject to the approval of the Chief Justice of the Ontario Court of Justice in accordance with the Provincial Offences Act, R.S.O. 1990 Chapter P.61 as amended, the amount of Set Fine payable on the commission of any of the offences listed in **Schedule "C"** shall be the amount set out opposite the name of the offence or such other amount set by the Chief Justice.

16. REPEALS:

That By-Law Number 2001-20 relating to the keeping, licensing, identifying, restraining and regulating of animals is hereby repealed.

17. SEVERABILITY:

If any part of this by-law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

18. This by-law shall come into force and take effect upon the date of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 15th DAY OF November, 2010.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF November, 2010.

MAYOR – John Hildebrandt

CAO/CLERK - Pat Pilgrim

SCHEDULE "A" to By-Law Number 2010-86

Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any dog or mixed breeding which includes any of the aforementioned breeds.

SCHEDULE "B" to By-Law Number 2010-86

FENCE

- a) Fences shall be 1.98 meters (6 feet) in height and installed such that no gap greater than 150 mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced-in area and that will prevent a vicious dog or a dog included in Schedule "A" to this By-law from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and locks located at the top of, and inside the gates.
- b) A fence shall:
 - i) If of chain link construction:
 1. Be of not greater than 50 mm (2 inches) diamond mesh;
 2. Be construction of galvanized steel wire not less than 3.6 mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm diameter (No. 9 gauge);
 3. Be supported by at least 38 mm (1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 m (10 feet) apart. Top horizontal rails shall be at least 32 mm (1.25 inches) diameter galvanized steel. Bottom horizontal rails shall be a 12 mm (.5inch) diameter galvanized tension rail or a 32 mm (1.25 inches) diameter galvanized rail.
 - ii) If of wood construction:
 1. Be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches).
 2. Supporting horizontal members shall have a minimum dimension of 38 x 38 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 mm (4 feet 6 inches) apart;
 3. Horizontal members shall be supported by posts spaced not more than 2.4 m (8 feet) on centre. Such posts shall be 88 mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
 - iii) If the fence design is other than specified in (i) or (ii) either in material or otherwise, such fence shall require approval by the Municipal Law Enforcement Officer.

SCHEDULE "C" to By-Law Number 2010-86**SET FINE SCHEDULE**

**TOWNSHIP OF MADAWASKA VALLEY
KEEPING AND CONTROL OF ANIMALS
BY-LAW NUMBER 2010-86**

**PART II – PROVINCIAL OFFENCES ACT
TITLE: ANIMAL CONTROL BY-LAW**

ITEM	COLUMN 1 - Short Form Wording	COLUMN 2 - Provision creating or Defining Offence	COLUMN 3 SET FINE (Including Costs)
1	Dog without a tag and license	Section 4(a)	\$ 50.00
2	Wrongful claiming of dog being sterilized	Section 4(b)	\$ 100.00
3	Tag not affixed to dog	Section 4(d)	\$ 50.00
4	Tagging dog with tag other than that issued	Section 4(d)	\$ 50.00
5	Own, operate or conduct a kennel without a license	Section 5(a)	\$ 500.00
6	Allow animal to run at large	Section 9(a)	\$ 250.00
7	Allow animal to trespass on private property	Section 9(d)	\$ 250.00
8	Allow animal nuisance by biting	Section 9(b)(i)	\$ 150.00
9	Allow animal nuisance by chasing livestock	Section 9(b)(ii)	\$ 75.00
10	Allow animal nuisance by chasing motor vehicles	Section (b)(iii)	\$ 75.00
11	Allow animal nuisance by chasing bicycles	Section 9(b)(iv)	\$ 75.00
12	Allow animal nuisance by chasing or biting at persons	Section (b)(v)	\$ 75.00
13	Allow animal nuisance by damage when running at large	Section 9(b)(vi)	\$ 75.00
14	Allowing animal nuisance by causing damage to commonly shared property	Section 9(b)(vii)	\$ 75.00
15	Own/Harbour a nuisance animal	Section 3(a)	\$ 200.00
16	Allowing Animal to defecate on public, commonly shared or private property, other than that of owner	Section 9(e)(i)	\$ 75.00
17	Allowing build up of fecal matter	Section 9(e)(ii)	\$ 75.00

NOTE: The general penalty provision for the offences listed above is Section 15 of By-Law Number 2010-86, a certified copy of which has been filed.