

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW NO. 05-66

Being a By-law to provide for the regulation of animals and for the licensing of dogs within the Corporation of the Municipality of Greenstone.

WHEREAS Section 11(1) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, authorizes a Council of a single-tier municipality to pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals;

AND WHEREAS Sections 103, and 105 of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, provide for the impounding of animals and the muzzling of dogs;

AND WHEREAS Council deems it necessary and advisable to prohibit and regulate the keeping of animals within the Corporation of the Municipality of Greenstone;

AND WHEREAS the Corporation of the Municipality of Greenstone deems it necessary to require the owners of dogs in the Corporation of the Municipality of Greenstone to register the same, keep them under proper control at all times, and to provide for the imposition of the licence fee in respect thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE ENACTS AS FOLLOWS:

1. **THAT** the Mayor and the Clerk be authorized on behalf of the Municipality, to execute, and to affix the Corporate Seal of the Municipality, as per Schedule "A" attached and forming part of this by-law.
2. **AND THAT** By-law 01-17, By-law 01-26 and By-law 02-50 are hereby repealed.

ENACTED and PASSED this 12th day of December 2005.

Original signed by M. Power

Michael Power
Mayor

Original signed and sealed by D.Stevens

Deborah Stevens
Clerk

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SECTION 1

DEFINITIONS:

1. "Animals" shall mean cows, goats, swine, horses, mules, reptiles, and all other animals normally considered as livestock.
2. "Animal Control Officer", for the purposes of this Bylaw, shall mean a person or persons that designated by the Council to enforce the provisions of this Bylaw.
3. "Council" shall mean the Council of The Corporation of the Municipality of Greenstone.
4. "Dog" shall mean any member of the species Canis Familiaris.
5. "Domestic Fowl" shall mean live domestic fowl including chickens, ducks, geese, turkeys and pigeons.
6. "Enforcement Area" shall mean the urban settlement area, and MacLeod Townsite as in the Geraldton Ward, Beardmore Ward, Nakina Ward, Longlac Ward, the Jellicoe Settlement area, the Caramat settlement area and the rural area East of 2nd bridge.
7. "Guide Dog" shall mean a dog that is trained to aid the blind and actively in use for such purposes.
8. "Kennel" shall mean a place or confine for the breeding, raising, boarding or sheltering of dogs.
9. "Licence", for the purpose of this Bylaw, shall be deemed to be the receipt issued by the Treasurer of the Municipality, or his authorized agent, upon payment of the appropriate tax or licence fee.
10. "Owner" of a dog includes a person who possesses or harbours a dog.
11. "Pets" shall mean dogs, cats, guinea pigs, birds and other animals and birds such as are normally considered to be domestic pets.
12. "Police Work Dog" shall mean 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 of crime and the apprehension of law violators.
13. "Pound" shall mean such premises and facilities designated by The Corporation of the Municipality of Greenstone as a pound.
14. "Pound Keeper" shall mean a person appointed by The Corporation of the Municipality of Greenstone to maintain and administer the pound.

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15. “Pure-Bred” shall mean:

- a) registered or eligible for registration in the registrar of the Canadian Kennel Club Incorporated, or
- b) of a class designated as purebred in the regulations of the Dog Licensing and Livestock and Poultry Protection Act.

SECTION 2

DOG LICENSING, REGULATION AND REGISTRATION:

1. Every person and resident in the enforcement area who is the owner of a dog shall, immediately when a dog comes into his or her possession, register the dog with the respective sector office, and thereafter annually on or before the 15th day of February in each and every year pay to the sector office, a licence fee calculated in accordance with Appendix “A” attached to this Bylaw.
2. On payment of the licence fee in accordance with Subsection 1 of this Section, the appropriate sector office shall issue for each dog so registered, a tag bearing a serial number and the year of issue and shall cause the name of the owner, his or her address, and the number of the dog tag, to be kept for this purpose.
3. Every owner shall affix to his or her dog a current licence tag, issued in accordance with Subsection 2 of this Section, and shall keep such tag affixed on the dog at all times when the dog is not on the owner’s property.
4. No licence tag or registration under this section shall be transferable and the licence tag shall expire and become void upon the sale, death, or other means of disposal of the dog.
5. Every licence under this section shall expire on the 31st day of December next following the date of issue.
6. No person, other than the owner or his agent, shall remove the licence tag from a dog.
7. No licence shall be required for any dog until it has attained the age of two (2) months. The onus of proving that the dog is under the age of two (2) months shall be on the owner.
8. Every applicant for a licence tag for a spayed female dog or a neutered male dog, shall produce to The Corporation of the Municipality of Greenstone, or its authorized agent, at the time of making application, a certificate of a veterinary surgeon or other proof that such female dog has been spayed, or that such male dog has been neutered.
9. The replacement fee for a lost licence tag is set out in Appendix “A” to this Bylaw.

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SECTION 3

RESTRICTIONS:

1. No more than a total of three (3) dogs may be kept in any residential, commercial or industrial building in the enforcement area.
2. This Section does not apply to:
 - a) the operation of a kennel for the purposes of breeding or boarding animals;
 - b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian association;
 - c) a pet store;
 - d) an Ontario Humane Society shelter; or
 - e) a pound.
3. This Section does not apply to dogs under the age of two (2) months.

SECTION 4

CONTROL OF DOGS:

1. No person who owns, harbours or possesses any dog shall allow the dog to run-at-large or trespass on private property even when on a leash.
2. For the purpose of this Bylaw, a dog shall be deemed to be running-at-large if found in any place other than the premises of the owner of the dog and not under the control of any person.
3. A dog shall not be considered to be running-at-large if it is a guide dog or a police work dog, or if it is a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in hunting or training for hunting, on unposted land, or on posted land with the permission of the owner.
4. A dog running-at-large contrary to the provisions of this Bylaw may be captured by the Animal Control Officer.
5. Any person may capture any dog running-at-large and trespassing on his property and deliver same to the Animal Control Officer, or person duly authorized by that Officer, who shall impound the said dog.

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6. An Animal Control Officer or other duly appointed Officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of catching any dog running-at-large contrary to the provisions of this Bylaw.
7. Any dog running-at-large contrary to the provisions of this Bylaw may be impounded.
8. The duty of the Pound Keeper shall be to impound all dogs brought to him or her or found by him or her to be running-at-large contrary to this Bylaw, and which have not been returned to their owner and to dispose of the same as hereinafter provided. He or she shall also keep a record of all dogs impounded and how disposed of, and make return as required to the Council of The Corporation of the Municipality of Greenstone or such Officer as may be designated by the said Council, showing the number of dogs impounded, how disposed of and the amount collected for poundage fees.
9. It shall be the duty of the Animal Control Officer to capture and impound all dogs running-at-large contrary to this Bylaw and take the animal to the pound where they shall be confined, subject to the right of the owner to redeem the dog within seventy-two (72) hours from the time of impounding, exclusive of holidays and weekends and the day of impoundment, by paying to the Animal control Officer, the fees prescribed in Appendix "B" of this Bylaw and in the event the same are not redeemed within seventy-two (72) hours as aforesaid, the dog may be sold for fees as set out in Appendix "B", and no damages or compensation shall be recovered by the owner on account of the disposition of the dog.
10. Any dog, which has a propensity to bite any person, or has bitten any person, shall be muzzled and under strict control by means of a leash at all times when not on the property of the owner.
11. Where a dog alleged to have bitten any person, such dog may be impounded by the Animal Control Officer and held by the Pound Keeper until the proceedings referred to in the Dog Owners Liability Act, R.S.O. 1990 has been followed, provided that no dog shall be so impounded for a period in excess of twenty-one (21) days, unless otherwise ordered by a Provincial Judge.
12. Any person who owns, harbours or possesses any dog shall not allow the dog to defecate anywhere on property other than that of the owner, unless the owner ensures that the excreta is removed and disposed of in a sanitary manner.
13. When a dog is known to have bitten a person, the Medical Officer of Health may order the agent for The Corporation of the Municipality of Greenstone to confine the dog under supervised quarantine for a period not to exceed fourteen (14) days, in accordance with the Public Health Act, R.S.O. 1990.
14. Any dog suspected of being rabid, shall be placed in quarantine and examined by a licensed veterinarian who may order the dog to be held in quarantine for a period of up to twenty-one (21) days or may order the dog to be killed in such a manner that the brain is not damaged and the head shall be submitted to a competent laboratory for diagnosis.

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15. It shall be the duty of the Pound Keeper to care for all animals after they have been impounded in accordance with the regulations made pursuant to the Animals for Research Act.

SECTION 5

PENALTIES

1. Where an Animal Control Officer is unable to seize any dog found to be running-at-large contrary to this Bylaw and the owner of such dog is known to the Animal Control Officer, the Officer may issue to the owner of the dog, a serially numbered ticket bearing the general description of the dog, the general location of the alleged offence, the dog tag number and the date thereof. Such a ticket may be delivered by hand or sent by prepaid mail.
2. Any owner may, within seven (7) days, excluding weekends and holidays, of the time when such ticket was delivered or received, as provided in Section 5.1, pay to the Treasurer of the Municipality or other person designated by the Treasurer to accept such payment, the sum of fifty (\$50.00) dollars as a penalty for such contravention. If such payment is not made within the said seven (7) days, the owner of the dog shall be liable to prosecution under the Provincial Offences Act.

Dogs Seized and Impounded:

3. An Animal Control Officer may seize and impound any dog running-at-large.
4. All attempts should be made by the Animal Control Officer to notify the owner of the dog, if the Animal Control Officer knows whom the owner is or has any idea whom the owner is, whether the dog has a tag or not.
5. No dog shall be released by any person other than the Animal Control Officer, or a person duly authorized by the Animal Control Officer.
6. Any person, other than the Animal Control Officer, who releases any dog from the pound shall be deemed to have violated the provision of this Bylaw and shall be liable to the penalties as set out herein.
7. The Animal Control Officer may release an impounded dog to its owner if satisfied that the dog is licensed for the current year after identification of the dog by the owner and payment to the Officer of fees as set out in Appendix "B".

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SECTION 6

KENNELS:

1. No owner or operator of a kennel shall carry on such operation until he or she has obtained a licence therefor from The Corporation of the Municipality of Greenstone. All such licences shall be renewed upon payment of the licence fee, not later than the 15th day of February in each year.
2. The owner or operator of every boarding or breeding kennel for dogs shall be responsible to ensure that:
 - a) all dogs are adequately fenced or caged to prevent their running-at-large;
 - b) all dogs are kept in pens or cages of adequate size, in that every cage or pen used for housing of dogs shall be so constructed that every dog in the cage or pen may comfortably:
 - i) extend its legs to their full extent,
 - ii) stand,
 - iii) sit,
 - iv) turn around, and
 - v) lie down to a fully extended position;
 - c) all dogs are fed and watered regularly and kept in a clean, healthy condition, free from vermin and disease;
 - d) all droppings, soiled beddings and the like from which odour might arise, are removed not less often than weekly during the period between the 1st day of November of one year and the 31st day of March of the following year, and daily during the remainder of the year; and
 - e) the kennel does not become a nuisance by reason of odour, noise from barking or otherwise.
3. The owner of a kennel of dogs that are purebred shall pay an annual licence fee as set out in appendix "A" to the Treasurer as a licence fee for the kennel and is not liable to pay any dog licence fee in respect of such purebred dogs.

Two (2) dog tags shall be issued to every licensed owner of a purebred kennel.

4. Kennels shall only be permitted in locations of the enforcement area, zoned as Rural.

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SECTION 7

OTHER ANIMALS:

1. No person shall keep animals or domestic fowl within the limits of the enforcement area except in locations zoned as rural.
2. Pets may be kept by any resident, providing that such pets are not allowed to run-at-large, nor shall these pets be allowed to create a nuisance.
3. All pets shall be kept by the owners with regard to cleanliness and health provisions.
4. No person shall keep more than three (3) rabbits, which have attained the age of six (6) months, at his place of residence.
5. No person shall keep more than three (3) cats, which have attained the age of six (6) months, at his place of residence.
6. Section 4 and Section 5 of this Section shall not apply to the operator of a pet shop at his place of business.

SECTION 8

ANIMAL CONTROL OFFICER:

1. The Animal Control Officer shall be paid the following fees on submission of duly completed Animal Control Officer's Reports and Pound Cards as set out in Appendix "B" and Appendix "C" of this Bylaw respectively:
 - a) a monthly retainer of \$800.00;
 - b) miscellaneous amounts calculated per trip:

(i) Beardmore	\$116.50
(ii) Longlac/Caramat	\$146.50
(iii) Nakina	\$102.50
 - c) for each dog captured an amount of \$30.00;
 - d) for each animal disposed of, as required, an amount of \$30.00; and
 - e) for each day of animal care an amount of \$3.00.
2. The Animal Control Officer shall submit to the Bylaw Enforcement Officer, duly completed Pound Cards and a duly completed Animal Control Officer's Report on or before the last Wednesday of each month. In addition, the Animal Control Officer must remit all monies collected with the report.

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3. Animal care supplies including food shall be purchased by the Animal Control Officer and such Officer shall be reimbursed for such purchases on submission of receipts for those purchases.
4. All fees paid for dogs are due and payable to the Municipality, and a numbered receipt as supplied by the Municipality be issued to the owner or purchaser and a copy of that receipt is to be attached to the Animal Control Officer's Report. All receipts must be accounted for.
5. The Animal Control Officer shall retain, for a period of not less than two (2) years, all copies of Pound Cards and Animal Control Officer's Reports.
6. All animals shall be disposed of, if necessary, in accordance with the Animals for Research Act and the regulations thereto.
7. Violation notices shall be issued to any owner who contravenes any part of this Bylaw. A fine of fifty (\$50.00) dollars is payable for each violation notice. Violation notices are to be in triplicate and numbered sequentially and be of the form as per Appendix "E".
8. The Animal Control Officer is to be paid 66.6% of all money collected for the issuance of violation notices. No collection – no payment. Payment is to be made at the Municipal office or appropriate Sector office. If necessary, the Animal Control Officer is to attend court.
9. The Animal Control Officer shall post or cause to be posted a legible sign by the entrance to the pound setting out all fees required to be paid by the public.

SECTION 9

GENERAL:

1. Any person who contravenes any provision of this Bylaw, except Section 4 hereof, is, upon summary conviction, liable to a fine not exceeding one thousand (\$1,000.00) dollars, exclusive of costs, for each offence, and every such fine shall be recoverable under the Provincial Offences Act, 1989, c.84, s.4 (4).
2. Any person who contravenes section 4 of this Bylaw, is, upon summary conviction, liable to a fine not exceeding fifty (\$50.00) dollars, exclusive of costs, for each offence, and every such fine shall be recoverable under the Provincial Offences Act, 1989, c.84, s.4 (4).
3. Each day a violation continues shall be deemed to be a separate offence.

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APPENDIX "A"

DOG LICENCE FEES

1. For each male or female dog owned (including Dog Tag) \$ 25.00
2. For each male dog (**neutered**) owned (including Dog Tag)\$ 15.00
3. For each female dog (**spayed**) owned (including Dog Tag)\$ 15.00
4. For the third (**3rd**) dog in any household\$ 50.00
5. For each replacement Dog Tag\$ 5.00
6. For each Kennel registered under the Canadian Kennel Club\$100.00
7. For each Boarding or Breeding Kennel\$100.00
8. Senior Citizens fees are to be 50% of all above-noted fees.
9. A surcharge shall be added for registration after the
licensing due date.....\$ 5.00

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APPENDIX "B"

ANIMAL CONTROL OFFICER'S REPORT

No.	Description of Dog	Tag No.	Date Impounded	Final Date of Impoundment	Total Days of Animal Care	Date of Redemption or Sale	Dog Tag Fee	Total Paid for Dog	Total to be Paid to A.C.O.	Total to Municipality
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										

- a) Redemption Rate: \$30.00 per dog, plus \$5.00 per day for animal care.
- b) Report **all** dogs, whether redeemed, sold or other.
- c) An individual copy of the Pound Card must be attached for each dog shown in the Report.
- d) Sale of Dogs: \$30.00, plus \$3.00 per day for animal care, plus Dog Tag

 (Date)

 (Signature) Animal Control Officer

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APPENDIX "C"

POUND CARD

POUND CARD FOR: _____ DATE IN: _____ 200__ POUND NO. _____

LOCATION: _____ _____ STRAYING AT LARGE <input type="checkbox"/> AM TRUCK ___ PM TRESPASSING <input type="checkbox"/> POUND ___ AM RELEASED BY OWNER <input type="checkbox"/> PM	ON ARRIVAL HEALTHY <input type="checkbox"/> SICK <input type="checkbox"/> INJURED <input type="checkbox"/> DEAD <input type="checkbox"/>	FINES CHARGEABLE _____ SERVICE CHARGEABLE _____ OTHER _____ TOTAL _____
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BREED or TYPE OF ANIMAL: _____ _____ EST. AGE _____ EST. WT. _____ COLOR _____ DESCRIPTIVE MARKINGS: _____ _____ DOG M <input type="checkbox"/> F <input type="checkbox"/> CAT M <input type="checkbox"/> F <input type="checkbox"/> IDENTIFICATION TAG NO. ETC : _____ _____ _____	DISPOSITION: RECEIPT NO. _____ RESEARCH <input type="checkbox"/> REDEEMED <input type="checkbox"/> SOLD <input type="checkbox"/> PURPOSE: _____ _____ _____ _____ _____ _____
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 POUND KEEPER'S SIGNATURE

 OWNER'S SIGNATURE

DATE OUT: _____ 200__

 OWNER'S ADDRESS