

THE CORPORATION TOWN OF MATTAWA

COMMITTEE: BY-LAW DEPARTMENT
CHAIRPERSON: COUNCILLOR L. MICK
DEPT. HEAD: WAYNE P. BELTER
TITLE: KEEPING OF DOGS BY-LAW

08-21 Draft By-Law _____ Item _____ Policy Recommendation

Mayor D. Backer and Members of Council:

The existing Keeping of Dogs By-Law 92-14 has been updated over the years and the present By-law has been in use for 16 years. As a housekeeping exercise the By-Law has been updated reflecting the powers of the municipality to pass Dog By-Laws and enforcing their provisions as provided under the new Municipal Act, R.S.O., 2001.

The intent and wording of the former Keeping of Dogs By-Law has been kept in tact and the fines and penalties have been kept the same as By-Law 92-14 prescribed.

Recommendation:

That the Town of Mattawa adopts By-Law 08-21 which is a new consolidated Keeping of Dogs By-Law passed under the Municipal Act, R.S.O. 2001.

Respectfully submitted

Councillor L. Mick

CORPORATION OF THE TOWN OF MATTAWA

BY-LAW NUMBER 08-21

BEING A BY-LAW TO PROVIDE FOR THE REGULATION AND KEEPING OF DOGS WITHIN THE MUNICIPALITY.

WHEREAS Section 10 (2) subsection 9, Section 11 (1) and sections 103 to 105 of the Municipal Act R.S.O 2001, authorizes that By-laws may be passed by the Councils of local municipalities to provide for licensing and prohibiting on regulating the control of dogs within the municipality.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MATTAWA ENACTS AS FOLLOWS:

Section 1

Definitions

In this By-law:

- a) "Animal Control Officer" means the officers or employees of the Corporation of the Town of Mattawa responsible for the enforcement of this By-law
- b) "Dog" means any member of the species *Canis Familiaris*, over the age of 16 weeks
- c) "Guide Dog" means a dog that is trained to aid the blind and actively in use for such purposes.
- d) "Owner" means any person, or group of persons, partnership or corporation owning, keeping or harbouring dogs.
- e) "Bitch" means the female of the domesticated canine species.
- f) "Spayed female" means a bitch or female dog, which has been operated upon by a licensed veterinarian to prevent conception.
- g) "At Large" means any dog shall be deemed at large when it is off of the property of its owner and not under the control of a competent person.
- h) "Restraint" means a dog is under restraint if it is on the owner's property out on a leash or at heel beside a competent person and obedient to that person's command.
- i) "Exposed to Rabies" means an animal exposed to rabies if it has been bitten by any animal known to have been with rabies.

- e) Every owner shall keep a licence tag securely fixed on their dog at all times until the tag is renewed or replaced.
- f) No licence tag for any registered dog under this section shall not be transferable and the licence tag shall expire and become void upon the sale, death, or disposal of the dog.
- g) No person other than the owner or his agent shall remove the licence tag from a dog.

Section 4

Dogs Running at Large

- a) The owner shall keep his 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 and leashed at all times. No dog shall be permitted to run at large within the Town of Mattawa at any time.
- b) No person who owns a dog shall allow such dog to trespass on private property or municipal property.
- c) Every person who is the owner of a dog at a time when the dog fouls property other than that of the owner, shall forthwith remove or cause the removal of the excrements from such property.

Section 5

Impoundment of Dogs

- a) Any dog running at large contrary to the provisions of this by-law shall be impounded and taken to the animal shelter.
- b) An Animal Control Officer or other duly appointed officer, may enter on any public property, or private property with the consent of the owner or tenant of the property for the catching of any dogs running at large.
- c) Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or appointed officer can kill the dog in a humane manner as soon as he or she thinks fit, and in any event no damages or compensation shall be recovered on account of its disposal.
- d) For the impounding of all dogs under the provisions of this by-law, a Pound shall be established which complies with the regulations made pursuant to the Animals for Research Act and under the care and control of the Pound Keeper, whose duty it shall be to impound all dogs brought to him or her to be running at large contrary to this by-law, 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, any dogs returned to any owner, and the amount collected for poundage fees and proceeds of sale.

e) 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 6

Redemption Period

a) The minimum redemption period shall be five (5) days, excluding the day on which the dog was impounded. Holidays or any day which the pound is closed shall not be included in the calculation of the redemption period in accordance with the Animals for Research Act.

b) All dogs impounded under the provisions of this By-law shall be reclaimed by the owner upon the payment of impoundment fees set fourth herein.

c) In the event that the dog is not claimed within the period prescribed above, the dog shall become the property of the Town of Mattawa who may sell the dog or give it away, or dispose of it. No damages or compensation shall be recovered on account of its disposal.

d) Immediately upon the impoundment of every dog, the Animal Control Officer for the Town of Mattawa shall make every possible effort to notify the owner or owners of the dog and inform the owner or owners of the conditions whereby they may regain custody of such animals.

Section 7

Impoundment Fees

The impoundment fee for each dog under the provisions of this By-law shall be as follows:

a)(i) Impoundment Fee on the first impoundment of a dog\$35.00

(ii) On the second or subsequent impoundment of the same dog during a calendar year, the owner pays a supplementary fee, in addition to the fees set out in subsection (i) of an additional \$10.00 on the second impoundment, an additional \$20.00 on the third impoundment, and so on with such fee increasing by \$10.00 for each subsequent impoundment of the same dog during a calendar year.

b) For each day the dogs are kept in the pound.....\$15.00

Section 8

Kennel Licence

a) Every person who owns or operates a kennel of purebred dogs which are registered with the National Kennel club pursuant to the Statutes of Ontario, shall pay to the Town of Mattawa following the 1st day of January in a year for a licence fee of \$35.00 and in addition shall purchase dog tags from the Town for each dog at a cost of \$10.00.

Section 9

Vicious Dog/Nuisance of Dogs

- a) No person shall permit a dog to attack any domestic animal or to fight with another animal.
- b) The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such secure enclosure unless animal is securely muzzled.
- c) No person shall permit an unspayed female dog, during each period in heat, to be unconfined and shall not attract other dogs. Such female unspayed dog shall be kept in a secure enclosure, or in a veterinary hospital or boarding kennel in such a manner that the female dog cannot come in contact with another animal except for breeding purposes.
- d) No person who owns or harbours a dog within the Town of Mattawa shall permit such dog to become a nuisance.
- e) Without restricting the generality of the foregoing a dog shall be deemed to be a nuisance in the following circumstances:
 - i) If a dog persistently cries, howls or barks;
 - ii) If a dog causes damage to municipal or private property;
 - iii) If a dog interferes with dumps or scatters garbage or trash;
 - iv) If a dog persistently chases or intimidates pedestrians using public or private paths or sidewalk adjacent to the property where the dog is kept or harboured.

Section 10

Dog Bites

- a) No person shall permit a dog to attack or bite any persons.
- b) Where a dog is alleged to have bitten any person, such dog shall be impounded by the Animal Control Officer and held by the Pound Keeper until the proceeding referred to in the Dog Owners' Liability Act have been followed.
- c) When a dog is known to have bitten a person, the Medical Officer of Health may order the agent for the Town of Mattawa to confine the dog under supervised quarantine for a period not to exceed fourteen (14) days in accordance with the revised regulation of Ontario pursuant to the Public Health Act.
- d) Any dog known to be rabid or suspected of being rabid shall be placed in quarantine or it shall be destroyed in such a manner that the brain is not damaged and the head shall be submitted to a laboratory for diagnosis.

- e) The owner, upon demand made by the Town, shall forthwith surrender any dog which has bitten a person, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by owner upon payment of the fees set forth in section 7 (b) of this By-law.
- f) In case of stray dogs, or in the case dogs whose ownership is not known, such quarantine shall be at the shelter designated as the Town Animal Shelter.
- g) It shall and may be lawful for the Mayor, at any time his/her discretion with the assent from Council of the Town of Mattawa, and with the discretion of the Medical Officer of Health whenever the disease of rabies is prevalent to issue a proclamation directing all dogs to be confined or muzzled for a limited period of time. It shall and may be lawful for the Animal Control Officer to destroy or tranquilize any dog which may be at large or suspected of being rabid during such period.

Section 11

Investigation

- a) For purpose of discharging the duties by this By-law and enforce its provisions, the Animal Control Officer is empowered to enter upon any premises upon which a dog is kept or harboured and demand the exhibition by the owner of such dog or the licence of such dog.
- b) No person shall abuse, mistreat or treat a dog in an inhumane manner.
 - i) It is further provided that the Animal Control Officer may enter the premises where any animal is kept in reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when it is his/her opinion it requires humane treatment. Such dog shall be transported to the Town's Animal Shelter, and placed into the custody of the Town.
 - ii) No person shall interfere, hinder, obstruct or molest the Animal Control Officer or any agent of the Town in the performance of any duty of such agent or officer or to seek release of any animal in the custody of the Town or its agent, except as provided herein.

Section 12

Penalties

- a) Any person who contravenes any provisions of this By-law is guilty of an offence and such fine shall be recoverable under the Provincial Offences Act.


- b) When a person has been convicted of an offence under this by-law, the Divisional Court or competent jurisdiction thereafter may, in an addiction to any other penalty imposed on the person convicted, issue and order prohibiting the continuation or repetition of the offence of the doing of any act or act by the person convicted directed toward the continuation or repetition of the offence.

By-Law No.92-14 is hereby repealed.

READ a first, second and third time this 25th day of August, 2008



Mayor



Clerk

THE CORPORATION OF THE TOWN OF MATTAWA – SET FINES
PART 1 – PROVINCIAL OFFENCES ACT

MLD

KEEPING OF DOGS BY-LAW NO. 08-21

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision Or Defining Offence	COLUMN 3 Set Fine
1.	Person own/harbor/keep a dog without a licence	3 (a)	\$80.00
2.	Person remove tag from dog other than owner	3 (g)	\$30.00
3.	Owner permitting a dog to run at large within the town of Mattawa	4 (a)	\$105.00
4.	Person permitting a dog to trespass on private or municipal property	4 (b)	\$80.00
5.	Failing to remove excrements from property when a dog fouls	4 (c)	\$55.00
6.	Permitting a dog to attack/fight with an animal	9 (a)	\$105.00
7.	Permitting a dog to become a nuisance	9 (d)	\$105.00
8.	Person obstruct/hinder/molest an animal control officer in the execution of his/her duties	11 (c)	\$105.00

The penalty provisions for the offences indicated above is section 12(a) of By-Law No 08-21. A certified copy of which has been filed.