

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2004-57

BEING A BY-LAW FOR LICENSING AND REGULATING OF DOGS AND KENNELS AND FOR THE CONTROL OF DOGS WITHIN THE TOWNSHIP OF SEVERN

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WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11., provides that a municipality may pass By-laws respecting animals;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 103.(1), provides for the regulating or prohibiting of animals to be at large or to trespass;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 103.(1) (a), provides for the seizure and impounding of animals being at large or trespassing;

AND WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 103.(1)(b), provides for the sale of impounded animals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

**"Animal"** shall mean any member of the animal kingdom, other than a human.

**"Dog"** shall mean a male or female dog, over the age of twenty (20) weeks.

**"Owner"** shall mean any person who possesses or harbours a dog and "own", "owns" or "owned" have a corresponding meaning.

**"Animal Control Officer"** includes the persons, Corporations or Associations who have entered into a Contract with the Corporation of the Township of Severn either severally or singly, to control dogs and to maintain a dog pound and any servants or agents of such persons, Corporations or Associations who are appointed to control dogs and maintain a dog pound.

**"Kennel"** shall mean the keeping of pure-bred dogs, which

have been registered with the Canadian or American Kennel Club, for the purpose of breeding and sale; the keeping of working or sporting dogs where such dogs are registered with a bona fide club or the boarding of dogs for profit or gain.

2. Every owner of a dog or dogs shall, on or before the 31<sup>st</sup> day of March in each and every year, or upon becoming the owner of a dog or dogs, register such a dog with the Corporation of the Township of Severn and procure a license and dog tag for each dog owned.
3. Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Township of Severn showing the name and address of the owner and the serial number of the tag.
4. The owner shall keep the dog tag securely fixed on the dog at all times and shall not use a dog tag upon a dog other than that for which it is issued.
5. The fee charged for the replacement of lost dog tags shall be five dollars (\$5.00).
6. LICENSES
  - 6.1 Every license issued pursuant to this By-law shall expire on the 30<sup>th</sup> day of March, following the year in respect of which it was issued and the license fee paid to the Corporation of the Township of Severn at the time of issuing of the license shall be as provided for in Schedule "A" attached hereto.
  - 6.2 No person or persons shall keep a dog or dogs in a single dwelling unit unless each dog has a license issued pursuant to the fees provided for in Schedule "A" of this By-law.
7. KENNELS
  - 7.1 Notwithstanding the provisions of Section 6 above, the owner of a kennel of pure-bred dogs shall pay an annual kennel license fee as provided in Schedule "A" to the Corporation of the Township of Severn and such owner is not liable to pay any further license fee in respect of such pure-bred dog. The annual kennel license fee for Boarding Kennels or kennel of registered, working or sporting dogs shall also be as provided in Schedule "A".
  - 7.2 Every kennel license issued pursuant to this By-law shall expire on the 30<sup>th</sup> day of March of the year following the year in respect of which it was issued.
  - 7.3 No kennel shall be established on property or in such a manner that it does not conform to the applicable sections of the Township of Severn's Zoning By-law.
8.
  - 8.1 No owner of a dog shall allow the dog to run at large within the limits of the Municipality of the Township of Severn.
  - 8.2 For purposes of this section a dog shall be deemed to be running at large when found elsewhere than on the property of the owner and not under the control of a competent and responsible person.
  - 8.3 (a) Any person who owns or harbours a dog shall remove forthwith and dispose of any excrement left by such dog on

any public or private property within the limits of the Township of Severn, other than the owner's property.

(b) The provisions of this section do not apply to a blind or physically handicapped person accompanied by a guide dog.

8.4 No owner of a dog shall allow the dog to howl or bark excessively or otherwise become a nuisance.

9. 9.1 Subject to Section 5 of this section, a Peace Officer or Animal Control Officer may:

(a) seize and impound any dog found running at large, and

(b) restore possession of the dog to the owner thereof, where

1. the owner claims possession of the dog within five days (exclusive of statutory holidays and Sundays) after the date of seizure, and
2. the owner pays to the Peace Officer or Animal Control Officer a pound fee for a dog seized and impounded plus a maintenance sum for each day subsequent to the day of seizure that the dog is impounded as provided for in Schedule "A".
3. any female dog found to be running at large in heat shall be held at the pound until no longer in heat, but in any case no longer than 21 days, and the owner shall be liable for a pound maintenance fee as provided for in Schedule "A".
4. where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed, and shall pay all fees on demand to the Animal Control Officer.
5. no dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this By-law and any purchaser of a dog without a license or a dog tag shall obtain a license and dog tag for the current year before delivery is made.

9.2 Where, at the end of the said five days, possession of the dog has not been restored to the owner under Subsection 9.1, the Animal Control Officer may sell the dog for such price as he deems reasonable.

9.3 Where the owner of a dog has not claimed the dog within five days after its seizure under Subsection 9.1 above, and the dog has not been sold, the Animal Control Officer may kill the dog in a humane manner or otherwise dispose of the dog as he sees fit and no damages or compensations shall be recovered on account of its killing or other disposition.

9.4 Where a dog seized under Subsection 9.1 of this section is injured or should be destroyed without delay for humane reasons of safety to persons or animals, the Peace Officer or Animal Control Officer

may kill the dog in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensations shall be recovered on account of its killing.

10. Every person who contravenes Sections 2, 4, 6.2 and 8 of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
11. All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.
12. FORCE AND EFFECT OF THIS BY-LAW
  - 12.1 This By-law shall come into force and effect on the date of passing thereof.
13. REPEAL
  - 13.1 That By-law No. 1994-56, as amended, be and it is hereby repealed.

By-law read a first and second time this 6<sup>th</sup> day of May, 2004.

By-law read a third time and finally passed this 6<sup>th</sup> day of May, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

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MAYOR

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CLERK-TREASURER

**SCHEDULE "A" TO BY-LAW NO. 2004-57**

**Fees required for initial license or renewal**

a)	For one dog male	\$25.00
b)	For one dog female	\$30.00
c)	For one spayed or neutered dog	\$20.00
d)	For a second dog	\$30.00
e)	For a third dog	\$50.00
f)	For a fourth or more dogs	\$100.00 each

**Kennel License Fees**

A kennel of pure-bred dogs	\$35.00
A kennel of working or sporting dogs	\$50.00
A boarding kennel	\$50.00

**Pound Fees**

Seizure of dog to impound	\$25.00
Daily pound fees	\$ 7.00