

THE CORPORATION OF THE TOWNSHIP OF PERTH EAST

BY-LAW NUMBER 09-2017

BY-LAW TO AMEND BY-LAW 02-2007

**BEING A BY-LAW FOR REGULATING THE KEEPING OF DOGS, FOR TAGGING
DOGS AND FOR PROHIBITING THE RUNNING AT LARGE OF DOGS IN THE
MUNICIPALITY**

February 21, 2017

WHEREAS the *Municipal Act, 2001*, as amended grants local municipalities the authority to pass by-laws respecting animals;

AND WHEREAS the Council of the Township of Perth East hereby deems it expedient to amend By-law 02-2007; being a By-law for Regulating the Keeping of Dogs, for Tagging Dogs and for Prohibiting the Running at Large of Dogs in the Municipality;

AND WHEREAS it is considered desirable to amend Section 4.4 to reflect - Any dog seized and impounded, and after three days of impoundment, where no owner has come forward to claim the dog or pay the fines, impoundment fees, and purchase a valid Dog Tag, may be offered for adoption; (amended from 4 Days) as per the *Animals for Research Act*;

NOW THEREFORE the Council of the Corporation of the Township of Perth East enacts the following:

1. This By-Law comes into force upon final passing thereof.

READ A FIRST AND SECOND TIME THIS 21st DAY OF FEBRUARY, 2017.

READ A THIRD TIME AND PASSED THIS 21st DAY OF FEBRUARY, 2017.

Theresa Campbell, Clerk

Bob McMillan, Mayor

THE CORPORATION OF THE TOWNSHIP OF PERTH EAST

BY-LAW NUMBER 02-2007

**BEING A BY-LAW FOR REGULATING THE KEEPING OF DOGS, FOR
TAGGING DOGS AND FOR PROHIBITING THE RUNNING AT LARGE OF
DOGS IN THE MUNICIPALITY**

JANUARY 16th, 2007

WHEREAS sections 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended ("Municipal Act), confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

AND WHEREAS section 9(3)(b) of the Municipal Act confers the power upon a municipality, in exercising its powers to regulate and prohibit a matter, to provide for a system of licences, permits, approvals or regulations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS section 103 of the Municipal Act confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS section 396 of the Municipal Act provides that a by-law passed under section 391 may provide for fees and charges that vary on any basis the municipality considers appropriate and specifies in the by-law, and for different classes or persons and deal with each class in a different way;

AND WHEREAS the Council of The Corporation of the Township of Perth East deems it necessary, desirable and in the public interest to enact a by-law restricting the number of dogs that may be kept by any person in or about a dwelling unit or premises, tagging dogs, imposing a dog tag fee on the owners of the dogs, and prohibiting the running at large of dogs.

AND WHEREAS under provisions of Section 2 of the *Livestock, Poultry and Honeybee Protection Act*, R.S.O. 1990, Chapter.L 24, as amended, any person may kill a dog that is (a) found killing or injuring livestock or poultry; (b) that is found straying at any time and not under proper control, upon premises where livestock or poultry is habitually kept.

NOW THEREFORE, the Municipal Council of The Corporation of the Township of Perth East, enacts as follows:

PART 1 DEFINITIONS:

In this By-law:

CANINE OFFICER: shall mean a person or agent appointed to issue Dog Tags under this By-law;

CANINE CONTROL OFFICER: shall mean the person(s) or agent(s) appointed by the Corporation of the Township of Perth East to enforce this By-law;

CLERK: means the Clerk of The Corporation of the Township of Perth East.

DEAF PERSON: means a deaf person who, because of deafness, is dependent on a guide dog.

DOG: means a species *canis familiaris* and shall include a male or female, spayed or neutered dog

over the age of sixteen weeks.

DWELLING UNIT: means one or more habitable rooms occupied or capable of being occupied on a permanent basis by one or more persons as an independent and separate housekeeping unit in which kitchen and sanitary facilities and sleeping accommodation are provided for the exclusive use of such person or persons and having a private entrance from outside of the building or through a common vestibule.

GUIDE DOG: means a dog trained and actively used to assist a person with a disability.

IMPOUNDMENT: shall mean the holding and keeping of dogs within a pound facility designated by the Township of Perth East.

LEGALLY BLIND: shall be defined as such pursuant to applicable provincial law.

MINOR: is a person who has not achieved the age of majority as defined by applicable provincial law.

OWNER: of a dog includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor, and OWNS and OWNED have a corresponding meaning.

POSSESSION OR HARBOURING: of a dog shall be deemed to occur when a person permits a dog to remain at or about, or on the property of the premises which he owns or occupies, or which is habitually kept on such property.

POUND: shall mean facilities designated by the Township of Perth East for the safekeeping of stray dogs or dogs running at large.

PREMISES: shall mean a property vacant or developed, including a house and its grounds and/or other buildings.

PURE-BRED: means registered or eligible for registration in the register of the Canadian Kennel Club, Incorporated; or recognized as such pursuant to the Animal Pedigree Act (Canada); or The American Field Trials Association; or the American Kennel Club

TOWNSHIP: means: The Corporation of the Township of Perth East. Singular -plural -masculine -feminine The singular includes the plural, and the masculine includes the feminine where the context permits in this by-law.

PART 2 NUMBER OF DOGS:

2.1 No more than two (2) dogs over the age of 16 weeks (4 months) may be kept in or about a dwelling unit or premises within the corporate limits of the Township of Perth East, notwithstanding provisions set out in Section 2.2.

2.2 This section shall not apply to any person who is entitled to and has obtained a Kennel License issued by the officer appointed by Council, under the provisions of the Kennel License By-law.

PART 3 TAGGING AND REGISTRATION OF DOGS:

3.1 Every owner of a dog or dogs kept within the Corporate limits of the Township shall in each calendar year pay to the Clerk of the Township, or to a Canine Officer of the Township, a Dog Tag fee as set out in Schedule "A" attached hereto and in the most current Fees and Charges By-law.

3.2 Within fifteen (15) days of the purchase of a dog or bringing a dog into the Township, the owner of said dog shall ensure that a current Dog Tag has been purchased from the Township.

3.3 On payment of the fee or fees, the owner shall be furnished with a Dog Tag for each dog. This dog tag shall be kept securely affixed to the dog at all times.

3.4 No person shall use a dog tag on any dog other than that dog for which the said tag was issued.

3.5 Exemptions:

a) Dogs whose primary function on the premises is to serve as a guide dog are exempt from the Tagging provisions of the by-law. Such dogs are required to be registered in a registry kept by the Township.

3.6 Transition Provisions:

a) Where an owner did in 1998, purchase and receive a Permit to Harbour Dogs, or a Permit to Keep Dogs in Confinement, the owner shall be permitted to purchase a Kennel License in 2001, 2002, 2003 and 2004, after which time all requirements of the Kennel License By-law must be met.

b) Where an owner did in 1998, purchase and receive a Dog Tag for more than two dogs, the owner may continue to purchase additional Dog Tags at the second dog Dog Tag fee for each additional dog that was in his/her possession in 1998, until the dogs are no longer in the owners possession.

3.7 The Township of Perth East does not provide a refund or part refund of Dog Tag fees in the event a dog dies or if the owner is no longer in possession of the dog.

PART 4 DOGS RUNNING AT LARGE:

4.1 No person owning, possessing or harbouring a dog shall allow the said dog to run at large within the Township.

4.2 For the purposes of this By-law, a dog shall be deemed to be running at large when found in any place other than the premises of its owner or keeper and not under the control of any person.

4.3 Any dog found running at large within the municipality may be seized and removed to the pound(s) as established by the Township, by any peace officer or by any Canine Control Officer of the Township. All provisions of Part 1, Section 2 of the Livestock, Poultry and Honey Bee Protection Act may apply.

4.4 Any dog seized and impounded, and after four days of impoundment, where no owner has come forward to claim the dog or pay the fines, impoundment fees, and purchase a valid Dog Tag, may be offered for adoption, sale or euthanize in a humane manner and disposed of.

4.5 Where in the opinion of the Canine Control Officer or any other peace officer, a dog cannot be captured while running at large, and where the safety of persons or animals are endangered, the officer or any other trained person may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

4.6 All provisions of Part 1, Section 2 of the Livestock, Poultry and Honey Bee Protection Act may apply to Sections 4.3, 4.4, and 4.5 of the by-law.

PART 5 PENALTY:

5.1 Any person who contravenes any section of this By-law is guilty of an offence and upon conviction, shall be liable to a fine in accordance with the *Provincial Offences Act*, R.S.O.1990, Chapter P.33 as amended, plus the costs provided for in the said Act, and such penalty shall be recoverable as set out under the said Act.

5.2 Any person wishing the release by the Canine Officer of a dog, once in the custody of said officer, shall;

(a) where the dog has not been transported to the pound, be liable to a Set Fine plus costs as set out in Schedule "A" before said dog shall be released;

(b) where the dog has been transported to and kept at a pound, be liable to Set Fine plus a Daily Pound Fee before said dog shall be released; pursuant to 4.4

(c) where the known owner of a seized dog does not claim the dog for release, the owner

shall be liable to a one hundred and fifty (\$150.00) dollar Set Fine plus costs, pursuant to Section 4.4.

5.3 Outstanding Dog Tag fees and costs shall be recovered in a like manner as municipal taxes in accordance with the Municipal Act.

5.4 An owner must have or obtain a valid Dog Tag for any dog before the Canine Control Officer may release it.

PART 6 REPEAL

6.1 By-law Number 75-2002 is hereby repealed.

PART 7 ENACTMENT

7.1 This by-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 16th DAY OF JANUARY, 2007.

READ A THIRD TIME AND PASSED THIS 16th DAY OF JANUARY, 2007.

“Kerrie Ann O’Rourke” “Ian Forrest”

Kerri Ann O’Rourke, Municipal Clerk

Ian Forrest, Mayor

**TOWNSHIP OF PERTH EAST
SCHEDULE "B" BY-LAW
60-2015 OCTOBER 6, 2015
REPEAL BY-LAW 56-2014**

ANIMAL CONTROL	MGR	SERVICE	DESCRIPTION	2016 Rates
	Clerk	PRIOR TO LAST DAY OF FEBRUARY	1st dog Neutered	\$ 19.65
	Clerk	PRIOR TO LAST DAY OF FEBRUARY	1st dog Non-neutered	\$ 25.05
	Clerk	PRIOR TO LAST DAY OF FEBRUARY	2nd dog Neutered	\$ 25.05
	Clerk	PRIOR TO LAST DAY OF FEBRUARY	2nd dog Non-neutered	\$ 31.15
	Clerk	PRIOR TO LAST DAY OF FEBRUARY	Replacement of Lost Tag	\$ 5.50
	Clerk	MARCH 1 st TO DECEMBER 31 st	1st dog Neutered	\$ 22.95
	Clerk	MARCH 1 st TO DECEMBER 31 st	1st dog Non-neutered	\$ 28.90
DOG TAGGING	Clerk	MARCH 1 st TO DECEMBER 31 st	2nd dog Neutered	\$ 28.90
	Clerk	MARCH 1 st TO DECEMBER 31 st	2nd dog Non-neutered	\$ 34.35
	Clerk	MARCH 1 st TO DECEMBER 31 st	Replacement of Lost Tag	\$ 5.50
	Clerk	NEW DOGS JULY 1 st TO DEC. 31 st	1st dog Neutered	\$ 19.65
	Clerk	NEW DOGS JULY 1 st TO DEC. 31 st	1st dog Non-neutered	\$ 25.05
	Clerk	NEW DOGS JULY 1 st TO DEC. 31 st	2nd dog Neutered	\$ 25.05
	Clerk	NEW DOGS JULY 1 st TO DEC. 31 st	2nd dog Non-neutered	\$ 31.15
	Clerk	NEW DOGS JULY 1 st TO DEC. 31 st	Replacement of Lost Tag	\$ 5.50
	Clerk	GUIDE DOGS	Seeing Eye Dog	\$ -
	Clerk	GUIDE DOGS	Hearing Ear Dog	\$ -
DOGS RUNNING AT LARGE	Clerk	DOGS RUNNING AT LARGE FEES	Daily Pound Fees	\$ 27.30
	Clerk	DOGS RUNNING AT LARGE FEES	Set Fine – dogs running at large	\$ 150.00
	Clerk	KENNEL LICENSE FEES	Purebred Kennel Discount -Before February 1st (annually)	\$ 151.15
	Clerk	KENNEL LICENSE FEES	Purebred Kennel Regular -After February 1st (annually)	\$ 168.60
	Clerk	KENNEL LICENSE FEES	Boarding Kennel Discount -Before February 1st (annually)	\$ 151.15
	Clerk	KENNEL LICENSE FEES	Boarding Kennel Regular -After February 1st (annually)	\$ 168.60
KENNEL LICENCING	Clerk	KENNEL LICENSE FEES	Hunting/Sporting Kennel Discount Before February 1st (annually)	\$ 98.75
	Clerk	KENNEL LICENSE FEES	Hunting/Sporting Kennel Regular -After February 1st (annually)	\$ 116.20
	Clerk	KENNEL LICENSE FEES	New Application Review Fee	\$ 116.20