

THE CORPORATION OF THE TOWNSHIP OF SABLES-SPANISH RIVERS

BYLAW NUMBER 2013 - 36

Being a Bylaw for the Licencing
and Requiring the Registration of Dogs and Cats
and for the Control and Keeping of Dogs and Cats

WHEREAS Section 10 of the Municipal Act 2001, as amended, provides for bylaws to be passed respecting matters dealing with animals;

AND WHEREAS Councils deems it desirable to licence and regulate dogs and cats within the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Sables-Spanish Rivers ENACTS AS FOLLOWS:

1. Short Title: The Short Title of this Bylaw is “Animal Control Bylaw”.
2. Enforcement of Bylaw: The Bylaw shall be enforced by the “Animal Control Officer”.
3. Definitions:
 - 1) “Animal Control Officer” includes the person or association who has entered into a contract with the municipality to control dogs and cats and to operate a pound and any servants of such person or association and all servants thereof are hereby appointed Municipal Bylaw Enforcement Officers pursuant to Section 15, subsection 1 & 2 of the Police Services Act, 1990, Chapter 10, and pursuant to Bill 74, the Provincial Offences Act, who shall be Peace Officers for the purpose of enforcing the animal control and licencing bylaw and related legal serving process and shall include any police officer or Agent of the Ontario Society for the prevention of Cruelty to Animals.
 - 2) “Cat” means a male or female cat;
 - 3) “Dog” means a male or female dog;
 - 4) “Kennel” includes any building, part of a building or area used for the keeping of dogs;
 - 5) “Leash” means a chain, rope or other restraining devise of not more than two (2) metres;
 - 6) “Licence Agent” means the Animal Control Officer;
 - 7) “Municipality” means the Corporation of the Township of Sables-Spanish Rivers;
 - 8) “Muzzle” means a humane devise designed to fit over the mouth of a dog to prevent the dog from biting. A muzzled dog means a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle;
 - 9) “Owner’ includes any person who keeps, possesses, harbours a dog, cat or animal or allows the animal to remain on his premises, and shall include any person who fosters any animal from a recognized shelter or animal rescue; and, where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning;
 - 10) “Recognized animal shelter or rescue” A not-for-profit or charitable organization, registered with the Licence Issuer, whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, or for animal welfare purposes.

- 11) “Service Dog” means a dog trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes a dog used in therapy, registered with a recognized organization for that purpose. Proof in the form of a photo ID or a signed letter from the relevant organization on its letterhead is acceptable.
- 12) “Tether” means a rope or chain or similar restraining device that prevents an animal from moving, beyond a localized area.
- 13) “Treasurer” means the Treasurer of the Township of Sables-Spanish Rivers.

PART 1 – LICENCING

4. No person in the Township shall own, harbour or possess a dog or cat unless or until he has procured a licence to do so as herein provided and every owner of a dog or cat shall be subject to the provisions of this bylaw.
5. The Animal Control Officer is hereby appointed as Licence Agent, and is authorized to issue licences under this bylaw, and every such licence shall be issued for and on behalf of the municipality and on behalf of the Licence Issuer by the Licence Agent.
6. A licence shall be procured and renewed pursuant to this bylaw by applying to the Licence Agent for said licence or renewed licence as the case may be, and by paying the Licence Agent the fee.
7. Any licence procured, issued or renewed pursuant to this bylaw shall be in the form of a dog or cat tag;
 - 1) Every dog or cat tag must bear a serial number, year of issue and the name of the Licence Agent.
 - 2) A record shall be kept by the Licence Agent showing the name and address of the owner and the serial number of the tag.
 - 3) The owners shall keep the tag securely fixed on the animal at all times until the tag is renewed or replaced, but the tag may be removed while the dog or cat is within the premises of the owner. Failure to do so constitutes a breach of this bylaw.
 - 4) No owner of a dog or a cat shall use a tag on a dog or a cat other than that for which it was issued.
 - 5) The onus of proving a person has a valid and subsisting licence is on the person alleging the licence which must be produced upon request of an Animal Control Officer.
 - 6) In the event the tag issued for a dog or cat is lost, the owner may obtain a second tag upon payment of a fee.
 - 7) If there is a change of ownership of a dog or cat during the licence year, the licence holder shall notify the Licence Agent immediately of the change of ownership and the new owner must pay a licence transfer fee for this service. Failure to do so constitutes a breach of this bylaw.
 - 8) Where a dog is defined as a Service Dog, there shall be no fee charged for a licence and a tag under this bylaw, upon submission of required proof.
 - 9) Where the dog or cat is fostered from a recognized animal shelter or rescue, there shall be no fee charged for a licence and a tag under this bylaw, upon submission of required proof.
 - 10) Every licence issued pursuant to this bylaw shall expire on the 31st day of December of the year in respect of which it was issued.
 - 11) Every licence shall be renewed yearly on or before the 15th day of February and the fee to be paid the Licence Agent.
 - 12) The licence fees to be paid to the Licence Agent at the time of the issuing of the licence shall be consistent with the provisions of the bylaw appointing the Animal Control Officer.

PART 2 – KENNELS

8. 1) Notwithstanding the provisions of section 7 subsections 11 and 12 above, no person in the municipality shall own, harbour or possess a kennel of dogs until he has paid an annual licence fee for the kennel and he is not liable to pay in respect of such dogs any licence fee under this bylaw.
- 2) The Kennel Licence Application as attached hereto as Schedule 'A; to this bylaw, shall be completed and submitted to the municipality together with the required fee at the time of issuing of the licence.
- 3) Owners and operators of kennels shall comply with the following regulations:
 - a) The licence shall expire on the 31st day of December;
 - b) Every licence shall be renewed yearly between the 1st day of January and the 15th day of February, inclusive;
 - c) A Kennel shall be permitted only in premises zoned for the purpose of the boarding and breeding of dogs;
 - d) No Kennel shall be permitted on property of less than 4 hectares;
 - e) No part of a Kennel shall be constructed or maintained closer than 30 metres from the nearest property line of any adjacent residence;
 - f) The floors of each room in which dogs are kept shall be:
 - i) constructed of an impermeable material, and
 - ii) flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done, and
 - iii) if such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewage system or sewage disposal system.
 - g) Each room that is used for the housing of dogs shall be equipped with a lighting system that is so designed, constructed and maintained that:
 - i) it distributes light as evenly and with as little glare as possible;
 - ii) it provides adequate light for the proper observation of every animal in the room, and
 - iii) it is adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.
 - h) Each room that is used for the housing of dogs shall provide ventilation for the health, welfare and comfort of every dog by either:
 - i) having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room, or
 - ii) having a mechanical ventilation device in working order which changes the air at least two times each hour.
 - i) Each room that is used for the housing of dogs shall at all times, be maintained at a minimum temperature for the health, welfare and comfort of every dog therein.
 - j) Each cage or pen used for the housing of dogs shall be so constructed and maintained that:
 - i) every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position;
 - ii) it is not likely to harm any dog therein;
 - iii) any dog therein cannot readily escape, and
 - iv) it may be readily cleaned.
 - k) Each doorway, window and outside openings shall be screened during the period of May 1st to October 1st of each year.

- l) The yards and runways shall be:
 - i) fenced so any dogs therein cannot readily escape,
 - ii) gravelled and well drained, or
 - iii) paved with concrete, asphalt or other impermeable materials,
 - iv) graded to an adequate drain or gutter, and
 - v) cleaned at least once daily when in use.
 - m) Each area in which dogs are kept shall at all times be maintained in a clean and sanitary condition.
 - n) Excreta, dead animals and other waste resulting from the keeping of dogs shall be removed daily from the premises.
 - o) The Medical Officer of Health for the District of Sudbury shall enter any building and order the removal of any matter or thing which is dangerous or injurious to the public health including any or all of the dogs within the kennel, whenever it appears the Medical Officer of Health that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health.
 - p) Every dog shall be supplied with:
 - i) food of a type and in amounts nutritionally adequate for the dog, and
 - ii) adequate amounts of potable water, and
 - iii) medical services for any disease or injury from which the dog may be suffering.
 - q) The owner, operator or a person designated by the owner or operator, shall attend at the Kennel at least once every 12 hours.
 - r) An Animal Control Officer or any other duly authorized person may enter upon, and may inspect without notice any kennel or any place where dogs are kept at any reasonable time.
 - s) The Animal Control Officer or any other duly authorized person may revoke any licence where the owner or operator of the Kennel does not comply with the provisions of this bylaw or any applicable municipal bylaws, provincial or federal statutes or regulations.
 - t) Where a kennel licence has been revoked, the kennel owner may apply to the municipality for a hearing as to whether or not the kennel licence should be revoked. An application for a hearing shall be filed with the Clerk within 10 (ten) business days of the date of delivery of the written notice that the kennel licence has been revoked.
- 4) The two prior existing recognized kennels of Braeview Kennels-271 Seldom Seen Road and the Kennel of Ron & Pat Hnatuik-815 Birch Lake Road, which existed prior to the passing of this bylaw, shall be exempt from *Part 2 – Kennels Section 2* as long as the ownership remains the same.

PART 3 – ANIMALS AT LARGE

9. 1) No person shall, within the municipality, fail to prohibit a dog or a cat, for which he is the owner, from being at large or permit a dog or cat to run at large.
- 2) For the purpose of this bylaw, a dog or cat shall be deemed to be at large when found in any place other than the property of the owner of the dog or cat and not under the control of any person.
- 3) For the purpose of this bylaw, a dog or a cat shall be deemed not to be under the control of any person when the dog or cat is not on a leash of a maximum length of two (2) metres held by a person.
- 4) No person shall tether and leave unattended any dog or cat on any property within the Municipality except on the premises of its owner or on private property with the consent of the owner of that private property.

- 5) No person shall allow or permit a dog or cat under their control or of which they are the registered owner, to trespass on private property whether on a leash or not, unless permission for said trespass is first obtained from the property owner.
 - 6) No person shall allow or permit a dog or cat under his control or of which he is the registered owner to be on a Public Beach whether on a leash or not.
10. The Animal Control Officer for the municipality may seize and impound any dog or cat found at large or tethered unattended except on the premises of its owner or on private property with the consent of the owner of that private property and restore possession of the dog or cat to the owner thereof where:
- 1) the owner claims possession of the dog or cat within three (3) days (exclusive of the day of its impounding and of statutory holidays) after the date of seizure, and
 - 2) the owner pays to the Peace Officer or Animal Control Officer a pound fee for a dog or cat seized and a maintenance fee for each day subsequent to the day of seizure that the dog or cat remains impounded;
 - 3) the owner has procured a current licence for the dog or cat pursuant to Part 1 – Licencing, of this bylaw.
 - 4) Where a dog or cat is seized and impounded under section 10 the owner if known, and whether the dog or cat is claimed from the pound or not, shall be liable for the impound and maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer or Licence Agent.
 - 5) Where at the end of three (3) days mentioned in section 10, the dog or cat has not been restored to the owner, the Animal Control Officer may sell the dog or cat for such price as he deems reasonable.
 - 6) Where the owner of a dog or cat has not claimed the dog or cat within three (3) days after its seizure under section 10, and where the dog or cat has not been sold, the Animal Control Officer may euthanize the dog or cat in a humane manner or otherwise dispose of the dog or cat as he sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damages or compensation shall be recovered by the dog or cat owner on account of its killing or other disposition.
 - 7) Where a dog or cat seized under section 10 is injured or should be destroyed without delay, for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer may euthanize the dog or cat in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its euthanasia.
11. Any person may seize a dog or cat at large provided that:
- 1) they turn the dog or cat over to an Animal Control Officer for impoundment or;
 - 2) make every effort to return the dog or cat to its rightful owner; and
 - 3) they forthwith report the seizure to an Animal Control Officer; and
 - 4) keep the Animal Control Officer apprised of the disposition of the animal.
12. The Animal Control Officer is authorized, upon request of a police officer, to impound a dog for protective care purposes, pursuant to an incarceration, fire, medical emergency or for any other situation that the Animal Control Officer deems appropriate and to keep such animals for a maximum of five days.
13. In the event that the owner of the dog or cat impounded for protective care does not claim the dog or cat and pay the impound fees, board fees and veterinarian fees in accordance with the provisions of the bylaw appointing the Animal Control Officer, within 5 days, then on the sixth day it shall be treated as an impounded animal and subsequently if the dog or cat is not redeemed within the time frame specified in subsection 10.1, the pound keeper may dispose of the cat or dog as it sees fit without liability to any person for the disposition of the dog or cat or the manner thereof.

14. Dogs or cats shall be accepted at the premises of the Animal Control Officer.
15. Fees for services outlined in Part 3 shall be consistent with the provisions of the bylaw appointing the Animal Control Officer.

PART 4 – STOOP AND SCOOP

16. Every person who is the owner of a dog or cat at a time when the dog or cat fouls any place within the municipality, other than the property of the owner of the dog, shall forthwith remove, or cause the removal of the excrement from such property and sanitarily dispose of the excrement. Failure to do so constitutes a breach of this bylaw.
17. Subject to section 16 any person in the control of a dog or cat on any property except the property owned by the person shall have in their possession a suitable means of facilitating the removal of the animal's excrement. Failure to do so constitutes a breach of this bylaw.
18. Section 16 shall not apply to a person who owns or uses a seeing-eye dog registered with the Canadian National Institute for the Blind.

PART 5 – KEEPING OF ANIMALS

19. Every person who keeps a dog or cat within the municipal boundaries shall provide the animal, or cause it to be provided with, adequate and appropriate care as may be required to meet the need of the species.
20. If a dog is customarily kept out of doors, the person who owns such a dog shall, at all time, provide for its use, a structurally sound, weatherproof enclosure with off-the-ground flooring.
21. No person shall keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 metres in length.

PART 6 – REQUIREMENT FOR THE MUZZLING & LEASHING OF DOGS

22. The Animal Control Officer may investigate any dog bite incident. Where the Animal Control Officer is satisfied that the dog has bitten a person or a domesticated animal, he may require a dog to be muzzled and leashed.
23. Where a dog has been required muzzled and leashed pursuant to section 22, the dog owner shall be provided with a copy of a written requirement to that effect.
24. Where a dog has been required muzzled and leashed, the dog owner may apply to the municipality for a hearing as to whether or not the requirement should be revoked. An application for a hearing shall be filed with the clerk within ten (10) business days of the date of delivery of the notice of requirement.
25.
 - 1) No person within the municipality shall fail to restrain a dog for which he is the owner that has been required muzzled and leashed.
 - 2) For the purpose of this bylaw where restrain is used in connection with a dog required muzzled and leashed at its owner's property shall be deemed to mean muzzled and leashed and under the control of a person at least 16 years old, except when:
 - a) kept indoors in a manner respective of its environmental needs which prevents contact with persons who have not consented to contact, or
 - b) kept in a pen or other outdoor enclosure respective of its environmental needs which prevents the dog from:
 - i) leaving the owner's household or property (except in accordance with the provisions of this bylaw), and
 - ii) coming into contact with persons who are not at the owner's household or property or have not consented to have contact with the dog.
 - c) For the purpose of this bylaw where restrain is used in connection with a dog required muzzled and leashed at a place other than its owner's property it shall be

deemed to mean a dog muzzled, leashed and under the control of a person at least 16 years old.

26. Every person who owns a dog required muzzled and leashed, upon relocation of his or her residence, shall immediately notify the Licence Agent of the change of address. Failure to do so constitutes a breach of this bylaw.

27. Hearing Panel: The municipality hereby delegates the Animal Control Officer or any other persons as designated by the Animal Control Officer, to hear matters arising out of section 8(3)(t) or section 24.

PART 7 – GENERAL

28. 1) No person within the municipality shall forcibly retrieve a dog from the Animal Control Officer or a vehicle under an Officer's control.

2) No person shall forcibly retrieve a dog from the Animal Control Officer, or break and enter into a patrol vehicle of the Animal Control Officer or retrieve a dog without payment in full of all fees and charges required to be paid under this bylaw.

29. If any part, section, subsection, clause or paragraph of this bylaw is for any reasons, held invalid, such portion shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the bylaw as a whole or any part thereof, other than the provisions so declared to be invalid.

30. Every person who contravenes any of the provisions of this bylaw is guilty of an offence and is subject to the Set Fines as attached hereto as Schedule 'B' to this bylaw.

31. This bylaw hereby repeals Bylaws 99-20B, 2009-08, 2012-23 and any other amending bylaw or resolution passed that is inconsistent with this bylaw.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF NOVEMBER, 2013.

MAYOR – L. GAMBLE

CLERK – K. SLOSS

READ A THIRD AND FINAL TIME AND PASSED IN OPEN COUNCIL THIS 13TH DAY OF

NOVEMBER 2013.

MAYOR – L. GAMBLE

CLERK – K. SLOSS

KENNEL LICENCE APPLICATION

New _____ Renewal _____

Kennel Name

Registration Affiliation: CKC AKC Other

Applicant Tel. No.

Address

Property Description: Twsp. Lot Con.

Zoning:

Year Established: Distance to closest property line:

Purpose of Kennel: Breeding or raising of dogs
Boarding
Other:

Description of Kennel Facilities: Separate building Part of building

Briefly describe facilities (include floor area, material, number of windows, plumbing, running water, electrical, types of cages, outside runs, etc.)

I _____, hereby give permission to the Township of Sables-Spanish Rivers' Animal Control Officer or other duly authorized person to enter at any time, this kennel and the lands upon which the kennel is situated, for the purpose of inspection.

Date: _____ Signature of Applicant: _____

Annual Kennel Licence Fee: \$100.00

Date Paid: _____

Receipt No. _____

Original to Applicant as Licence
Copy to Property File _____

SET FINE

ITEM	COLUMN 1 Short Form Wording	COLUMN 2	COLUMN 3 Set Fine excluding Court Costs
1.	Failure to procure a licence	Section 4	\$100.00
2.	Failure to affix the dog or cat licence	Section 7(3)	\$100.00
3.	Misuse of a dog or cat licence	Section 7(4)	\$100.00
4.	Failure to notify change of ownership	Section 7(7)	\$100.00
5.	Failure to register a kennel	Section 8(1)	\$100.00
6.	Fail to prohibit dog or cat from running at large	Section 9	\$100.00
7.	Fail to clean up and dispose of dog or cat excrement	Section 16	\$100.00
8.	Fail to keep dog or cat in good health	Section 19	\$100.00
9.	Fail to provide outside enclosure	Section 20	\$100.00
10.	Keep dog on improper chain or rope	Section 21	\$100.00
11.	Fail to restrain a vicious dog	Section 25	\$250.00
12.	Fail to notify change of address	Section 26	\$100.00
13.	Forcibly retrieve dog from Animal Control (officer/vehicle)	Section 28	\$100.00

The penalty provision for the offences indicated above is Section 30 of Bylaw 2013- 36