

CORPORATION OF THE TOWNSHIP OF HOWICK

BY-LAW NO. 17 – 2004

A by-law to prohibit the running at-large of dogs and/or other domestic or exotic animals kept as pets; to impose a license fee on the owners of dogs; to regulate the impound and disposition of such animals found running at-large; to impose penalties for contravention; and to regulate other matters relating to dogs and/or domestic pets.

WHEREAS the *Dog Licensing & Livestock Act, Chapter 123, Part I, Section 2*, prescribes that a municipality may pass by-laws requiring the registration and licensing of dogs; and that *Section 3* provides for licensing kennels; and that *Section 4* provides for the seizing, impounding and killing of dogs running at-large;

AND WHEREAS the *Municipal Act, 2001, Section 103(1)* provides the authority for a municipality to pass a by-law with respect to the being at-large or trespassing of animals, and for the seizure, impounding and sale of such animals;

AND WHEREAS the *Municipal Act, 2001, Section 105* allows a municipality to pass a by-law requiring the muzzling of dogs;

AND WHEREAS the *Municipal Act, 2001, Section 103(1)(c)* allows for the establishment of procedures for voluntary payment of penalties out of court, and *Section 103(2)* prescribes that if payment is not made in accordance with Section (1)(c), the fine is then recoverable under the *Provincial Offences Act*;

AND WHEREAS the Council of the Corporation of the Township of Howick deems it desirable to prohibit the running at-large of dogs and/or other domestic pets, and to license and regulate the owners of dogs, and to impose penalties for the contravention of the provisions of the Animal Control By-Law;

NOW THEREFORE the Council of the Corporation of the Township of Howick enacts as follows:

PART I - DEFINITIONS: *In this By-Law,*

- a) the word “*animal*” refers to a dog or any other domestic or exotic pet which is owned, harboured or in the possession of a person;
- b) an “*owner*” of an animal includes a person who possesses or harbours an animal above-described, and where the owner is a minor, it shall be deemed to be the person responsible for the care and custody of the minor;
- c) an animal shall be deemed to be “*running at-large*” when found in any place other than the premises of the owner and not under the control of any person;
- d) “*pure-bred dog*” means a dog registered or eligible for registration in the register of The Canadian Kennel Club, Incorporated, or is of a class designated as pure-bred;
- e) the “*Animal Control Officer*” shall mean a person or persons so designated by the Council of the Corporation of the Township of Howick;
- f) a “*vicious*” animal is described as seeking to attack and injure any person.

PART II - LICENSING

1. General

- a) The owner of every dog shall, on or before the 1st day of May each calendar year, or within 10 days of becoming a dog owner, cause each dog to be registered, described, numbered, and licensed at the Municipal Office, paying the prescribed fee as set out in the Township of Howick ‘Fees and Charges’ by-law.
- b) The provisions of this by-law, only with respect to licensing, shall not apply to pups up to the age of 3 months.
- c) The owner of every dog shall cause the dog(s) to wear around the neck a durable collar securely fastened, to which shall be attached a metal plate or tag to be furnished by the Township of Howick, upon which shall be inscribed letters and figures indicating the period of time for which such license is issued and the number which corresponds with the number under which the dog is registered.

- d) No person shall remove a collar or tag from a licensed dog, except a hunting dog being used during a hunting season as prescribed by law.
- e) No person shall use or affix a tag to any dog other than the dog for which the license and tag are issued.

2. **Kennel**

- a) The owner of a kennel of pure-bred dogs, registered or eligible for registration in the Canadian Kennel Club, Incorporated or other recognized kennel club, shall each year before a kennel license is issued:
 - i) have the kennel inspected by the Animal Control Officer
 - ii) produce a certificate of registration
- b) Every kennel owner shall apply to the Township of Howick for a license and registration of the kennel on or before the 1st day of May each year, paying the prescribed fee as set out in the Township of Howick 'Fees and Charges' by-law.
- c) The Council of the Township of Howick reserves the right to refuse a kennel license.
- d) No person shall operate a kennel in any village or hamlet in the Township of Howick, with or without a licence.
- e) A kennel license may be issued to the owner of confined dogs kept exclusively for hunting purposes.

PART III - GENERAL PROVISIONS and PROHIBITIONS

1. No owner shall permit a dog or other domestic or exotic animal kept as a pet, to run at-large in the Township of Howick at anytime.
2. Any animal known to have displayed vicious behaviour at any time, shall at all times be confined and/or restrained, and shall not be closer than three (3) feet to the property line.
3. Any animal known to have displayed vicious behaviour at any time, shall at all times be muzzled and on a leash when being walked.
4. Any person who owns, harbours, or is in possession of a vicious animal, shall post signs warning of the presence of such vicious animal.
5. The owner of a dog or other domestic or exotic animal kept as a pet, is responsible to remove the pet's excrement deposited on any property other than his/her own, including private property, parks, streets, sidewalks, or any other public areas in the Township of Howick.
6. Where a dog or other domestic or exotic animal is alleged to have bitten any person, such incident shall be reported forthwith to the Public Health Unit, and said animal shall be confined at once, and distrained until such time as an investigation has been completed by a Health Unit official.
7. No owner of a dog or other domestic or exotic animal kept as a pet, shall permit persistent barking, whining, calling, or any other persistent noise made by said pet(s) likely to disturb the inhabitants, such that the sound is clearly audible on the premises of any person other than that of the premises where the sound originates for a continuous period exceeding one-half hour.

PART IV - SEIZURE AND IMPOUND

1. The Animal Control Officer, duly appointed by the Council of the Township of Howick, may at any time seize and impound any dog, or other domestic or exotic animal found running at-large.
2. The redemption period, during which time an owner of an impounded animal may reclaim it, shall be three (3) days excluding the day on which the animal was impounded. Saturdays, Sundays, and legally declared holidays shall not be included in calculating the redemption period.
3. The Animal Control Officer may restore possession of the animal to the owner when:
 - a) the owner claims possession within the redemption period, and
 - b) the owner provides satisfactory proof of ownership, and
 - c) the owner provides evidence that the current year license fee has been paid, and
 - d) the owner pays the Animal Control Officer / Poundkeeper the required daily boarding fee for each day of impoundment.
4. If, at the end of the redemption period, the impounded animal has not been claimed by and restored to the possession of the owner pursuant to Clause 3. above, the Animal Control Officer / Poundkeeper may sell the said animal, and all monies received shall become the property of the Animal Control Officer / Poundkeeper.

5. If, at the end of the redemption period, an impounded dog has not been claimed by and restored to the possession of the owner, and the dog has not been sold, the Animal Control Officer / Poundkeeper may destroy and dispose of it, and no damages or compensation shall be recovered against him. An additional 'disposal fee' may be levied against the owner of the said dog.

6. If a dog seized under authority of Clause 1. in this Section, is injured or should be destroyed without delay for humane reasons or for reasons of safety, the Animal Control Officer / Poundkeeper may destroy the dog in a humane manner, either before or after impounding, without permitting any person to reclaim the dog, and no damages or compensation shall be recovered as a result of the dog being destroyed.

PART V - PENALTIES FOR CONTRAVENTION

1. Any person alleged to have contravened any provision of this by-law, and served by the Animal Control Officer with a Certificate of Infraction, shall, upon conviction thereof, forfeit and pay such fines or penalties as set out in Schedule 'A' attached hereto.

2. Such fines or penalties, exclusive of costs, may be remitted voluntarily to the Clerk-Treasurer of the Township of Howick within fifteen (15) days of the Infraction Notice Date.

3. If payment is not made in accordance with Clause 2. above, such fine or penalty shall be recoverable under the *Provincial Offences Act*.

This by-law shall come into force and take effect upon final passing thereof, and shall be cited as the "*ANIMAL CONTROL BY-LAW*" for the Township of Howick.

READ A FIRST AND SECOND TIME AND PROVISIONALLY PASSED THIS DAY OF , 2004.

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF , 2004.

REEVE

DEPUTY CLERK

CORPORATION OF THE TOWNSHIP OF HOWICK

SCHEDULE 'A' of BY-LAW NO. 17-2004

Animal Control By-Law

Part I Provincial Offences Act

<u>Item</u>	<u>Column 1</u> <i>Short Form Wording</i> <i>Description of Offence</i>	<u>Column 2</u> <i>Provision</i> <i>Creating or</i> <i>Defining Offence</i>	<u>Column 3</u> <i>Set Fines</i> <i>(includes costs)</i>
1.	Failure to obtain dog license	Part II. Sec.1.(a)	\$50.00
2.	Failure to affix tag to dog collar	Part II, Sec.1 (c)	\$50.00
3.	Use of tag other than for dog issued	Part II, Sec.1 (e)	\$50.00
4.	Failure to apply for kennel license	Part II, Sec.2 (b)	\$50.00
5.	Operating a kennel in village or hamlet	Part II, Sec.2 (d)	\$50.00
6.	Permitting animal to run at-large	Part III, Sec. 1	\$50.00
7.	Failure to confine/restrain vicious animal	Part III, Sec. 2	\$100.00
8.	Failure to muzzle and/or leash vicious animal when being walked	Part III, Sec. 3	\$100.00
9.	Failure to post 'vicious animal' signage	Part III, Sec. 4	\$50.00
10.	Failure to remove pet's excrement deposited on other than own property	Part III, Sec. 5	\$50.00
11.	Permitting pet's persistent barking, whining, etc.	Part III, Sec. 7	\$50.00

**NOTE: The general penalty provision for the offences listed above is
Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33**