

TOWNSHIP OF PRINCE
By-law 2001-3

Licensing: A by-law for licensing dogs, for requiring the registration of dogs and for prohibiting the running at large of dogs

THE COUNCIL of the Corporation of the Township of Prince pursuant to The Municipal Act, R.S.O. 1990, c. M.45 as amended, ENACTS as follows:

1. **INTERPRETATION**

In this by-law:

- (1) "Kennel" means an establishment where a kennel of purebred dogs are registered with the Canadian Kennel Club under the owner's name
- (2) "Mature Dog" means a female dog over six months old or a male dog over eight months old
- (3) "Owner" of a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor
- (4) "Poundkeeper" means the shelter operated by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals Humane Society on behalf of the Corporation of the Township of Prince
- (5) "By-law Enforcement Officer" means the by-law enforcement officer of the Township of Prince

2. **POUNDKEEPER**

For the purpose of this by-law, the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals shall be deemed to be the Poundkeeper of the City of Sault Ste. Marie and the Animal Shelter operated by the Society shall be deemed to be the Pound.

3. **LICENCE REQUIREMENT**

- (1) On or before the first day of March in each year, every person who owns a dog shall:
 - (a) register every dog owned with the By-law Enforcement Officer; and
 - (b) obtain a licence and tag for every dog owned from the By-law Enforcement Officer
- (2) New dog owners shall comply with section 3, subsection (1)(a) and (b) within seven (7) days of acquiring the dog.

4. **PENALTY FOR NON-RENEWAL**

Any person who fails to renew a dog licence on or before March 1st of each year shall be subject to a penalty of Fifteen Dollars (\$15.00) on renewal.

5. **LICENCE FEE AND REGULATION**

The By-law Enforcement Officer shall not issue a licence and tag to any person for any dog unless:

- (1) a certificate signed by a Doctor of Veterinary Medicine is provided to the By-law Enforcement Officer that indicates that such dog has been inoculated against rabies within 24 months of the 1st day of January of the year in which the application is made; and
- (2) the following fees are paid:

For each neutered mail dog	7.50
For each spayed female dog	7.50
For each male dog	15.00
For each female dog	15.00
For a kennel of purebred dogs	37.50

- (3) If a kennel licence is issued for a kennel of purebred dogs registered in the register of the Canadian Kennel Club, no further licence fee is required to be paid in respect of such purebred dogs while they are part of the kennel.
- (4) If an application is made for a licence for a dog which at the time of the application is less than 8 months old, subsection 1 of section 5 shall not prevent the issue of a licence for such dog if the owner undertakes to file with the By-law Enforcement Officer, in a form satisfactory to him, a certificate signed by a Doctor of Veterinary Medicine providing that the dog has been inoculated for rabies when the dog attains the age of 8 months.
- (5) No female dog shall be licenced as a spayed female dog and no male dog shall be licenced as a neutered male dog unless a certificate signed by a Doctor of Veterinary Medicine is provided to the By-law Enforcement Officer certifying that such female dog has been spayed or that such male dog has been neutered.
- (6) With respect to a dog that is less than 8 months old, subsection 5 is satisfactorily complied with if the owner of such dog files with the By-law Enforcement Officer a certificate signed by a Doctor of Veterinary Medicine that an appointment has been made with him or her to spay the said dog at some time prior to the day on which such dog will be 8 months old.
- (7) If a person becomes an owner of a dog after the first day of July in each year, the fee payable for each licence applied for in that year shall be one-half of the yearly licence fee required by this by-law.
- (8) A blind owner of a guide dog shall be issued a dog licence free of charge upon production of a card from the Canadian National Institute for the Blind issued to such owner and provided that all other provisions of this by-law are satisfied.
- (9) A hearing impaired owner of a hearing ear dog shall be issued a dog licence free of charge upon production of a card from the Hearing Ear Dogs of Canada issued to such owner and provided that all other provisions of this by-law are satisfied.

6. **PROHIBITIONS**

- (1) Every owner shall procure a tag for each dog owned and shall keep the tag affixed to the dog for which it was procured at all times during the year and until such time as he procures a tag for each dog for the following year.
- (2) No owner shall use a tag upon a dog other than that for which the tag was issued.
- (3) Every owner shall cause each dog owned to be inoculated for rabies before each dog is 8 months old.
- (4) No person shall procure a licence for a female dog as a male dog.
- (5) No person shall remove a licence tag from a licenced dog.

7. **TAGS**

A tag shall bear a serial number and the year to which it applies. A licence shall state the name of the owner, the amount paid, the name of the person who paid the fee, the year for which the receipt is issued and a description of the dog for which the licence is issued, which particulars shall be entered in the records kept in the Municipal Office.

8. **RUNNING AT LARGE**

- (1) No person shall cause or permit a dog owned by that person to run at large in the Township of Prince.
- (2) For the purpose of this section, a dog shall be deemed to be running at large:
 - (a) when found in any place other than the premises of the owner of the dog not on a leash held by a responsible person;
 - (b) when found on any private property without the consent of the person apparently in possession or having ownership of the property or
 - (c) when, although chained, tied or fastened to a particular place on private property, if the chain or other means of fastening is of sufficient length so that the dog is found on a highway, other public place, or other private property not owned by the owner of a dog
- (3) No person shall keep a dog within the Township of Prince tethered on a chain, rope or restraining device of less than ten feet in length.

9. **IMPOUNDING AND DESTRUCTION**

- (1) A dog which is found running at large contrary to the provisions of this by-law may be seized and impounded in the Pound.
- (2) A dog so impounded shall be held for a period of four days and if not claimed and released to the owner thereof within such period, such dog may then be euthanized or sold by the Poundkeeper as he or she may deem appropriate.
- (3) Where three charges are laid under this section against the owner of a dog and result in conviction, the By-law Enforcement Officer shall be entitled to retrieve the dog from the owner and keep the dog in the animal shelter for a period of ten days or until the By-law Enforcement Officer is satisfied that the owner of the dog has taken proper and effective steps to restrain the dog, whichever is the lesser.
- (4) A dog so impounded shall not be released until the owner thereof has paid to the Poundkeeper the sum of seven dollars (\$7.00) for each twenty-four hours or part thereof during which the dog has been impounded plus a \$15.00 surcharge to be forwarded to the municipality to cover the costs of mileage, plus any administrative fee approved by the Board of the Society.
- (5) Where a dog is adopted under this by-law the proceeds of the adoption shall be paid to the Poundkeeper.

10. **INJURED DOGS**

- (1) Where, in the opinion of the constable, peace officer, Poundkeeper or By-law Enforcement Officer, a dog under this by-law is injured or should be euthanized without delay for humane reasons or for safety to persons, such person may euthanize the dog as soon after the seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it by public auction or otherwise for sale, and no damages or compensation shall be recovered by the owner.

- (2) Where a dog seized or impounded by the Poundkeeper or By-law Enforcement Officer under section 9 subsection (1) is injured or ill and is treated by a veterinary surgeon, the Poundkeeper shall, in addition to any amount charged under section 9 subsection (4), be entitled to charge the person claiming the dog the cost for veterinary treatment.

11. **ATTACKING DOGS**

- (1) Where a constable or other peace officer or the By-law Enforcement Officer finds a dog running at large contrary to the provisions of this by-law and he or she believes that before the dog can be seized it may attack a human being, he or she may kill the dog.
- (2) Where a person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being, that person may kill the dog.
- (3) No damage or compensation shall be recovered for the killing of a dog under this section.

12. **CONFINEMENT OF FEMALE DOGS IN HEAT**

The owner of a female dog in heat shall confine such dog in a building or enclosed pen or kennel until such heat has ended.

13. **KENNEL LICENCES**

All kennel licensees shall abide by the provisions of this by-law, including being a member in good standing of the Canadian Kennel Club.

14. **POTENTIALLY DANGEROUS AND DANGEROUS DOGS**

(1) In this section,

(a) "potentially dangerous dog" means:

- (i) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling; or
- (ii) a dog that has been impounded or for whom the owner has been convicted on a total of three occasions within a 24 month period for such dog being at large in the municipality.

(b) "dangerous dog" means

- (i) a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
- (iii) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

(c) "mitigating factor" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- (i) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;

(ii) the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or

(iii) the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

(d) "muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.

(2) **Potentially Dangerous Dog - Notice and Owner Requirements**

Where the Poundkeeper or By-law Enforcement Officer designates a dog as a potentially dangerous dog, the By-law Enforcement Officer or Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:

(a) to keep such dog, when it is on the lands and premises of the owner, confined
(i) within the owner's dwelling; or

(ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;

(b) to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person's consent;

(c) to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a potentially dangerous dog.

(3) **Dangerous Dogs - Notice and Owner Requirements**

Where the By-law Enforcement Officer or Poundkeeper designates a dog as a dangerous dog, the By-law Enforcement Officer or Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements:

(a) to keep such dog confined
(i) within the owner's dwelling; or

(ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;

(b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with Section 15, subsection 3(a)

(c) to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a dangerous dog.

(d) to permit the By-law Enforcement Officer or Poundkeeper to deliver the dog for spaying or neutering, if unaltered, at the owner's expense.

- (4) **Notice Requirements**
 The notice referred to in Section 15, subsections (2) and (3) shall be served by hand delivery or registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:
- (a) a statement that the Poundkeeper or By-law Enforcement Officer has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
 - (b) the requirements that the owner must comply with in accordance with this Section and when such requirements take effect; and
 - (c) a statement that the Owner may request, within three working days of receipt of the Notice, and is entitled to, a hearing by the Council of the Township of Prince which may affirm or rescind the By-law Enforcement Officer's or Poundkeeper's designation of the dog as potentially dangerous or dangerous, as the case may be, and which Council may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 15 subsections (a) to (c).
- (5) **Notice Received - Hearing Requested**
 Where the owner of a dog receives a notice from the By-law Enforcement Officer or Poundkeeper designating such dog as a potentially dangerous dog or as a dangerous dog, he may request an appeal hearing. Such requests must be made in writing to the Administrator of the Township of Prince within three working days of receipt of such notice. Hearing requests shall be served by hand delivery or prepaid registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. The Council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within fifteen working days of the Administrator's receipt of the request for a hearing and the Council may:
- (a) affirm or rescind the By-law Enforcement Officer's or Poundkeeper's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
 - (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be; and/or
 - (c) substitute its own requirements of the owner of a potentially dangerous dog pursuant to section 15 subsections 2 (a) and (c).
- (6) **Complaint Inquiry by By-law Enforcement Officer**
 The By-law Enforcement Officer may either on his or her own initiative or as a result of a complaint received by him or her from the public conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.
- (7) **Compliance Deadline of Owner**
 The requirements of section 15 subsections 2(c) and 3(c) and (d) which may be imposed on a dog owner by the By-law Enforcement Officer or Poundkeeper pursuant to such sections shall not be required until either the time for appeal under section 15 subsection 5 has elapsed without the dog owner requesting an appeal pursuant to that section or the Council has ordered such requirement, whichever occurs earlier.

(8) **Change of Ownership**

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this Section shall advise the By-law Enforcement Officer immediately if he or she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the By-law Enforcement Officer with particulars of same.

(9) **Dog Owner's Liability Act**

Where it is alleged that a dog has bitten or attacked a person or domestic animal, such dog may be impounded on the order of the Chief of Police and held by the Poundkeeper until the proceedings provided in the Dog Owner's Liability Act, R.S.O. 1990 cD. 16 have been followed provided that no dog shall be so impounded for a period in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

15. **PENALTY**

Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act, as amended.

16. **BY-LAWS REPEALED**

By-law 70-5, as amended by By-laws 84-7, 90-11 and 95-6, of the Township of Prince, are repealed.

17. **EFFECTIVE DATE**

This by-law comes into force on the date of its final passing.

PASSED in Open Council this 27 day of March, 2001.


Reeve


Administrator