

CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NO. 831

Being a by-law to provide for the licencing, registration and regulation of dogs and for prohibiting the running at large of dogs in the Township of Nipissing pursuant to the provisions of the Municipal Act, section 210 and the Livestock, Poultry and Honeybee Protection Act.

The Council of the Corporation of the Township of Nipissing enacts as follows:

1. In this by-law:

(a) the following words have the meanings set out herein:

"dog" - means a male or female dog including a neutered or spayed dog, but does not include a dog which is less than twelve weeks of age;

"Municipality" - means the geographic Township of Nipissing, including the former geographic Township of Gurd, both in the District of Parry Sound and Province of Ontario;

"owner" - of a dog includes a person who possesses or harbours a dog within the Municipality, whether or not he or she is the owner of the dog at law, and where the owner is a minor, the person responsible for the custody of the minor; "owns" and "owned" have a corresponding meaning;

"pure-bred" - means a dog which is registered or eligible for registration with an association incorporated under the Animal Pedigree Act of Canada;

"Treasurer" - means the Treasurer of the Corporation of the Township of Nipissing.

(b) a dog shall be deemed to be "running at large" when found in any place other than the premises of the owner of the dog, and not under the control of any person.

2. REGISTRATION:

Every person who owns a dog which is habitually kept in the Municipality shall register such dog with the Treasurer annually and procure a licence and dog tag annually for each dog owned by him in accordance with the following regulations:

(a) every dog tag shall bear a unique serial number and the year in which it was issued and the records shall be kept by the Treasurer or other officer designated for that purpose by the Treasurer, showing the name and address of the owner and the serial number of the tag.

(b) the owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced.

(c) every licence and dog tag issued pursuant to this by-law shall expire on the 31st day of December in the year in which it is issued, provided that the owner of a

dog which was licenced in the Municipality for the previous calendar year shall have until the 31st day of March in the following year to renew such licence and obtain a new dog tag.

(d) every person who becomes the owner of a dog during a calendar year shall register such dog with the Treasurer and procure a licence and dog tag for each such dog within 15 days of becoming the owner of the dog.

(e) the requirements set out in this section with respect to the individual registration, licencing and tagging of dogs do not apply to a pure-bred dog kept by a person licenced by the Municipality to operate a kennel under the provisions of section 3 of this by-law.

(f) every person who registers a dog or who applies for a replacement tag for a lost dog tag shall pay the fee prescribed in schedule "A" annexed to and forming part of this by-law to the Treasurer.

3. REGISTRATION OF KENNELS:

In lieu of registering individual dogs pursuant to section 2 of this by-law, the owner of one or more pure-bred dogs may apply to the Treasurer for a kennel licence. Upon being satisfied that the applicant is an owner of one or more pure-bred dog, the Treasurer shall issue a kennel licence to the applicant which shall be valid for the calender year in which it was issued and which shall expire on the 31st day of December in that year. Every holder of a kennel licence during the previous calendar year shall have until March 31st of the next year in which to obtain a renewal of such licence by application to the Treasurer. Every applicant for a kennel licence shall pay to the Treasurer, the fee prescribed in schedule "A" annexed to and forming part of this by-law.

4. CONTROL OF DOGS RUNNING AT LARGE:

If any dog is found running at large within the Municipality, the following provisions shall apply. The measures authorized in this section and the fees prescribed are in addition to any other civil or criminal penalty imposed by this by-law or any other Act of the legislature of Ontario or the parliament of Canada.

(a) Any person in the Township of Nipissing may kill a dog:

(i) that is found killing or injuring livestock or poultry or persons;

(ii) that in this Municipality is found between sunset and sunrise straying from the premises where the dog is habitually kept;

(iii) that is found straying at any time, and not under proper control, upon premises where livestock or poultry are habitually kept;

(b) Any by-law enforcement officer appointed by the Corporation of the Township of Nipissing or any constable having jurisdiction in this Municipality may seize any dog found running at large and:

(i) if the dog can be identified, he may restore the possession of the dog to the owner upon payment of the fee prescribed in schedule "A" annexed to and forming

part of this by-law payable upon the return of a dog seized but not impounded.

(ii) where the dog cannot be identified or where it has been injured or is ill and should be destroyed for humane reasons or for reasons of safety to persons or animals, he may kill the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or impounding it and no damage or compensation shall be received by the owner on account of its disposal.

(iii) in any other case, he shall impound the dog at such place as the Corporation of the Township of Nipissing may designate from time to time as a Municipal dog pound by by-law, contract or otherwise.

(c) Where a dog is impounded, it shall not be released to the owner except upon payment of such fee including pound fees as are prescribed in schedule "A" annexed hereto and forming part of this by-law. The Corporation may designate any person or Corporation which operates a dog pound to collect any such fee upon the release of the dog to the owner. The pound keeper shall forthwith give notice to the Treasurer of any such fees collected and remit to the Treasurer any such fee collected other than pound fees to which he may be entitled under the terms of any contract or agreement with the Municipality.

(d) Every dog, if impounded and not reclaimed by the owner within three days, may be sold by the pound keeper.

(e) Where a dog is impounded, the owner, if known, shall be liable for the pound fee as levied by the pound keeper under agreement with the Municipality, whether the dog is reclaimed from the pound or not. The pound keeper may distrain to recover the pound fee by refusing to release the dog until the fee including any fees payable to the Municipality under the provisions of this by-law have been paid.

5. OFFENCES:

No owner of a dog shall:

(a) allow a dog to run at large within the Municipality;

(b) allow the dog to be on a public road or in a public place at any time unless the dog is on a leash and such leash is held onto by a responsible person;

(c) allow a dog at any time in any area designated as a public swimming area;

(d) keep a dog within the Municipality without a licence issued under either section 2 or section 3 of this by-law;

(e) keep a dog within the Municipality which is not a pure-bred dog kept under a kennel licence issued pursuant to section 3 of this by-law, without having affixed thereto a dog tag issued with respect to that dog for the current calendar year pursuant to section 2 of this by-law.

6. Every person who contravenes a provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.00 subject to the provisions of the Provincial Offences Act. In the case of a continuing

offence, any continuance of the offence after the date on which a charge is laid, shall be deemed to be a separate offence.

7. All sections and provisions of this by-law shall be deemed to be separate and independant and the invalidity of any section or provision hereof shall not affect the remaining sections.

8. By-law Nos. 704 and 750 be in the same are hereby repealed, provided that any licence or tag issued under either By-law 704 or By-law 750 remains valid until December 31, 1992.

READ a first, second and third time and finally passed this 8th day of September, 1992.

The Corporation of the
Township of Nipissing



Reeve



Clerk

CORPORATION OF THE TOWNSHIP OF NIPISSING

SCHEDULE "A" TO BY-LAW NO.

Schedule of administrative fees payable:

1. Upon the registration or licencing of each dog and issue of dog tag, or any annual renewal of same (section 2)
 - for the first dog registered by any owner in any year \$10.00
 - for the second dog registered by any owner in any year \$20.00
 - for the third or any subsequent dog registered by any owner in any year \$30.00

2. Upon the issue of replacement dog tag for one which has been lost or stolen (section 2) \$10.00

3. Upon the registration or licencing of each kennel for pure-bred dogs or any annual renewal of same \$50.00

4. Upon the return to its owner of a dog found running at large and seized but not impounded (section 4 (b)(i)) \$25.00

5. Upon the return to its owner of a dog found running at large and seized and impounded (section 4(c)) \$35.00 plus

(\$15.00 for each day or part thereof during which the dog has been impounded. A day is 24 hours long and begins at 12:01 a.m. and ends at 12:00 a.m. next following)

SCHEDULE OF OFFENCES

Column 1 (includes costs)	Column 2	Column 3 - set fine
1. Owner allow dog to run at large	Section 5(a)	\$100.00
2. Owner failed to keep dog leashed in public road or place	Section 5(b)	\$100.00
3. Owner allowed dog in public swimming area	Section 5(c)	\$100.00
4. Owner failed to procure licence for dog	Section 5(d)	\$100.00
5. Owner failed to procure licence for kennel	Section 5(d)	\$100.00
6. Owner failed to keep dog tag affixed	Section 5(e)	\$100.00
7. Owner used tag on dog other than dog for which issued	Section 5(f)	\$100.00