

Corporation of the Municipality of West Perth

By-Law 50-2005

A By-law to provide for the registration and licensing and control of dogs within the Municipality of West Perth

WHEREAS the Municipal Act, 2001, Part II, Section 11 provides lower-tier municipalities the power to pass by-laws regarding animals;

AND WHEREAS Part III, Section 103, 104, and 105, Municipal Act, 2001 outlines the specific powers of the municipalities regarding the impounding of animals, fine recovery, and the muzzling and leashing of dogs;

AND WHEREAS the Council of the Municipality of West Perth deems it desirable to pass a by-law to register, license and control dogs within the Municipality of West Perth;

NOW THEREFORE the Council of the Municipality of West Perth enacts as follows:

Part I Definitions

1. “Dog” – shall mean a domesticated canine animal, male or female, three months of age and older.
2. “At Large” – shall mean an animal found in any place other than the premises of the owner of the animal and not under control of any person.
3. “Owner” of a dog includes a person, group of persons, firm, incorporated group or business entity who possesses or harbours a dog, and “owns” and “owned” shall have a corresponding meaning.
4. “Purebred” means:
 - i) registered or eligible for registration in the Canadian Kennel Club Incorporated, or
 - ii) of a class designated as purebred in the regulations, or
 - iii) registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada)
5. “Kennel” means a place or confine where purebred dogs are bred and raised and registered in the register for the Canadian Kennel Club Incorporated.
6. “Animal Control Officer or Pound Keeper” means a person appointed from time to time by the Council of the Municipality of West Perth to enforce the provisions of this by-law and includes any person, company or association who enters into a contract with the Municipality of West Perth to control dogs and maintain a dog pound.
7. “Service Animal” means any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability.
8. “Working” means performing a task(s) to assist human companions. This may include activities such as: hunting, herding, tracking, detecting and/or police work.

Part II
Licensing and Registration

1. Every owner of a dog in the Municipality of West Perth shall register the dog and obtain an annual dog tag license for each dog owned by that owner within ten (10) days after the dog comes into his possession.
2. The fee for such dog tag license shall be payable to the Municipality of West Perth as set out in the Municipality of West Perth Tariff of Fees By-law.
3. Service animals shall be registered with the Municipality. There will be no fee for the registration of a service animal.
4. Every tag license issued pursuant to this By-law shall expire on the 31st day of December of the year it was issued.
5. The owner shall keep the tag license securely fixed on the dog at all times until the tag is renewed or replaced.
6. Every dog tag license shall bear the serial number and the year in which it was issued and a record shall be kept by the Municipality of West Perth showing the name and address of the owner and the serial number of the tag license.
7. No tag license or registration shall be transferable. A tag license and registration shall expire and become void upon the sale, death or disposal of the dog for which such license and registration relates.
8. The owner of a kennel of purebred dogs registered in the registry of the Canadian Kennel Club shall pay an annual registration fee in accordance with the Tariff of Fees By-law. No person shall register a dog which is not a pure bred as part of a kennel of pure bred dogs
9. No person shall remove a tag license from a registered dog.
10. Provisions of Part II of this by-law do not apply to any dog before it is twelve (12) weeks old, but when any such dog becomes twelve (12) weeks old, the owner shall be liable to register and obtain a licence in accordance to Part II of this by-law.
11. In accordance with Section 5.24 (e) of By-law 100-1998 of the Municipality (Zoning By-law) types of animals, and numbers are restricted in residential zones. Three or fewer dogs are permitted on one lot.

Part III
Control & Enforcement

1. No person shall allow a dog to run at large in the Municipality of West Perth.
 - i) An owner shall keep his dog under control at all times.
 - ii) If the dog is secured by a tie-out, chain or tether, the dog shall not be within six (6) feet of the property line at the length of the tether.
 - iii) A dog actively engaged in working and under the direct control of the owner shall not be deemed to be at large.
2. No person shall have a dog on public property within the Municipality of West Perth unless the dog is on a leash securely holding the dog from wandering freely. The maximum leash length permitted shall be eight feet.
3. Any dog found running at large contrary to this by-law may be seized and impounded by an Animal Control Officer or Pound Keeper.
4. The Animal Control Officer may enter on any public property, or private property with the consent of the owner or tenant, for the purpose of capturing any dog running at large.
5. Where an animal has been seized and impounded by an animal control officer, the owner has three (3) days from the time of impoundment to redeem the dog, by paying to the Municipality of West Perth the fees as set out in the Municipal Tariff of Fees By-law. The period of three days shall be reckoned exclusive of the day on which the dog is seized, Saturdays, Sundays and statutory holidays.
6. Where a dog has been seized and impounded by an animal control officer or police officer and the owner has not claimed the dog within three (3) days of seizure (as noted in III Section 5), the animal control officer or police officer may order the dog to be terminated in a humane manner and dispose of the dog as he/she sees fit and the owner shall be liable for the payment of the pound fee, the boarding fee and any euthanasia and disposal fees as applicable, and shall pay all fees on demand to the Municipality of West Perth.
7. No dog shall be returned to the owner unless it has been licensed and registered in accordance with the provisions of Part II of this by-law.
8. An animal control officer or police officer may seize any dog that is being neglected, sick or has suffered serious injury, or represents a threat to the safety of persons or animals and may order its termination without delay and without the owners permission by reason of the said dog being suspected rabid, or unduly suffering, or for reasons of safety to persons or animals. No damage or compensation shall be recovered on account of its termination, or other disposition.
9. When a dog is found running at large in the Municipality of West Perth and the dog cannot be seized or a danger exists to attempt seizure and the presence of a dog or the location in which it is found causes a danger or a nuisance, a person authorized to enforce the provisions of this By-law may terminate the dog or instruct another person to do so as safely and humanely as possible.

10. Any owner or person in possession or control of a dog, which is allowed to defecate on any public or private property within the municipality other than the property of the owner of the dog, shall remove such excrement forthwith, and sanitarily dispose of such excrement.
11. Any person in possession or control of a dog shall not be permitted to take a dog into the area of Keterson Park, Mitchell ward, as designated in schedule "A" attached hereto and forming part of this by-law, and where signs are erected at the site (Service animals excepted).
12. Any person in possession or control of a dog shall not be permitted to take a dog into the Mitchell & District Arena and Community Centre unless by written agreement (Service animals excepted).
13. Any person in possession or control of a dog shall not be permitted to take a dog into the Lions pavilion at the Lions Park in the Mitchell ward (Service animals excepted).
14. Any person in possession or control of a dog shall not be permitted to take a dog on to any bleachers or other such public seating areas in the Municipality of West Perth (Service animals excepted).
15. The provisions of this By-law shall be enforced by a police officer, an animal control officer, a pound keeper or other person or persons authorized by Council of the Municipality of West Perth.
16. In accordance with By-law 100-1998 (permitted uses) of the Municipality (Zoning By-law), a kennel of purebred dogs shall be located only in an Agricultural Zone (A), or Light Industrial Zone (M1).

PART IV
Penalties

1. General

Every person who contravenes any of the provisions of this By-law shall be guilty of an offence and upon conviction shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, or any other successor thereof.

2. Voluntary Payment of Penalties

- (i) Notwithstanding any other provisions of this Part in respect to penalties for a violation of the provisions of this By-law, any person, upon presentation of a certificate of offence issued by a police officer or by-law enforcement officer alleging commission of any offences under this By-law set out in Schedule "B" may, pay out of Court within the time limit specified on the said infraction notice, the penalty set out for such offence as indicated in Schedule "B" to this by-law. Upon such payment no further proceedings shall be taken under this By-law in respect to the said alleged offence.

- (ii) If voluntary payment is not made in accordance with the procedure provided in Subsection (i) of this section, the procedures of the Provincial Offences Act, or any successors thereof, shall apply.

Upon coming into force this by-law, shall repeal By-law 7-2002, By-law 59-1998, and By-law 23-2001.

Read a first & second time this 6th day of June 2005.

Read a third time and finally passed this 6th day of June 2005.

John Van Bakel, Mayor

Patricia Taylor, Clerk-Administrator