

THE CORPORATION OF THE TOWN OF NORTH PERTH

BY-LAW NO. 53-AD-1998

AS AMENDED by BY-LAW 125-AD-2000

A BY-LAW TO REQUIRE THE REGISTRATION OF ANIMALS AND PROHIBIT THE RUNNING AT LARGE OF ANIMALS WITHIN THE TOWN OF NORTH PERTH.

WHEREAS the Municipal Council of the Corporation of the Town of North Perth deems it desirable to prohibit the running at large of animals in the Town and to provide for the seizing, impounding and killing of animals in the Town found running at large as hereinafter set forth and for licensing and regulating the owners of animals in the said Town within the meaning of The Municipal Act, R.S.O., 1990, Chapter M.45, as amended;

AND WHEREAS the Municipal Council may, under the authority of Section 210, Paragraph 1 of The Municipal Act, R.S.O. 1990, Chapter M.45, pass by-laws for restricting the number of animals or any class thereof that may be kept by any person or in or about any dwelling unit within the municipality or defined area thereof.

NOW THEREFORE the Municipal Council of the Corporation of the Town of North Perth enacts as follows:

1. For the purposes of this By-Law
 - (a) “Animal Control Officer” means any person or persons so designated by the Municipal Council of the Corporation of the Town of North Perth.
 - (b) “animal” means any male or female dog in the Town of North Perth.
 - (c) “running at large” shall mean when the animal is found in any place other than the premises of the owner of the animal and not under the control of any person.
 - (d) “owner” includes any person who possesses or harbours an animal and, where the owner is a minor, the person responsible for the custody of the minor.
 - (e) “kennel” means a kennel of dogs registered or eligible for registration in the register of the Canadian Kennel Club Incorporated or any premises in which more than three dogs are kept, possessed or harboured or boarded.
 - (f) “Clerk” shall mean the Clerk of the Town of North Perth or his designate.
 - (g) For the purpose of this By-Law, the person or persons designated as the “Animal Control Officer” shall be deemed to be a Pound Keeper for the Town and the place or places so designated by the Municipal Council of the Corporation of the Town of North Perth shall be deemed to be the Town Pound or Pounds as the case may be.

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DUTIES OF ANIMAL CONTROL OFFICER

2. Council may, by Resolution, appoint an Animal Control Officer, or officers who will be responsible for the following duties in relation to this By-Law:
 - (i) issue licenses and dog tags in the Town of North Perth in accordance with the provisions of this By-Law;
 - (ii) collect license fees in accordance with the provisions of Schedule "A" Part I of this By-Law;
 - (iii) assist in the prosecution of any contraventions of this By-Law;
 - (iv) keep accurate records of all licenses, dog tags issued pursuant to this By-Law and such records must show the dog owner's name and address and the serial number of the dog tag;
 - (v) report to Council once per month on all matters related to this By-Law; and
 - (vi) carry out other related duties as requested by Council.

3. Council may, by resolution, appoint a person recommended by the Animal Control Officer as a Deputy Animal Control Officer whose duty shall be to replace the Animal Control Officer during the absence from the Town of the Animal Control Officer. During the absence from the Town of the Animal Control Officer, the Deputy Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.

4. The Animal Control Officer shall be paid such remuneration as fixed by Council.

POUND

5. Council shall, from time to time, designate a place or places within or outside the Town as Town of North Perth Pound or Pounds.

LICENSES, DOG TAGS

6. (a) Every person residing temporarily or permanently within the limits of the Town being the owner of a dog, shall on or before the 1st day of March in each and every year cause such animal to be registered with the Clerk and shall procure a license therefore, which license shall expire on the 31st day of December in each year in which the same was issued.

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- (b) Every owner of a dog in the Town, shall cause a dog tag to be securely affixed on the dog at all times and no person shall remove the tag from a licensed dog; however, a dog tag may be removed while a dog is being lawfully used for hunting in the bush.
7. No dog tag or kennel license shall be transferable within the corporate limits of the Town of North Perth.

LICENSE FEES

- 8. a) The fee charged for a dog registration tag shall be in accordance with Schedule “A” Part I attached hereto.
 - b) It is hereby imposed and shall be collected by the Animal Control Officer from the owner of every dog or the owner of a kennel in the Town, an annual license fee as set out in Schedule “A”.
9. Notwithstanding the provisions of this By-Law, the Town Clerk, or designate, is authorized and directed to have dog, and kennel licenses for sale in the Municipal Office and the Clerk shall have the same authority as the Animal Control Officer to collect license fees, issue licenses and supply tags. All license fees collected by the Animal Control Officer shall be paid to the Clerk within one (1) month of the receipt thereof together with an appropriate explanatory statement.

KENNELS

10. (a) Notwithstanding the provisions of Section 6 of this By-Law the owner of a kennel shall obtain a Kennel License from the Town of North Perth before December 31st in each year and shall pay the license fee outlined in Schedule “A” Part I and in addition shall be required to register any animals harboured at the kennel on a permanent basis.
- (b) The owner of a kennel shall not be required to register an animal that is being boarded.
 - (c) Prior to the issuance of a kennel license written evidence must be delivered to the Animal Control Officer confirming that all dogs harboured in the kennel are registered or eligible for registration with an Association incorporated under The Animal Pedigree Act (Canada).

Or

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- (d) The dogs harboured in the Kennel are hunting dogs, which dogs are all licensed through the Ministry of Natural Resources for the purpose of hunting moose, deer, raccoons or other animals as approved by the Ministry.
 - Or
 - (e) The dogs harboured in the Kennel are all actively used for snow sleds.
11. No kennel shall be erected or maintained subsequent to the passing of this By-Law contrary to the provisions of the Town's Comprehensive Zoning By-Laws.
12. No owner, or person in control of, or in apparent control of an animal shall allow or permit such animal to run at large within the limits of the Town of North Perth.
13. The owner of every animal impounded, shall be liable for the payment of the pound and boarding fee as set out in Schedule "A" and shall pay all fees on demand to the Pound-Keeper.

ANIMALS RUNNING AT LARGE

14. Animals found running at large contrary to the provisions of this By-Law may be seized and impounded in a Town Pound. An animal so impounded shall be held for a period of seventy-two (72) hours and if not claimed and released to the owner thereof within such period of time may be then destroyed or sold by the Pound-Keeper as he deems fit. The selling price of any animal so sold shall belong to the Town.
15. The owners of every animal impounded, if known, whether or not the dog is claimed by the owner from the Pound, shall be liable for the payment of the Pound and boarding fee as set out in Paragraph 13 above, and shall pay all fees on demand to the Pound-Keeper.
16. No owner or person in control of, or in apparent control of, any animal shall allow it to trespass on private property, even when on a leash.
17. No owner or person in control of, or in apparent control of, any animal shall allow it to run on Town owned property except when on a leash. In areas designated by signs in the Listowel Ward, animals may be allowed to run off a leash when under the control of the owner thereof.

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18. Where an animal is alleged to have bitten any person, such animal may be impounded and held by the Animal Control Officer until proceedings under The Dog Owners' Liability Act, R.S.O 1990 Chapter D.16, as amended have been followed, provided that no animal shall be so impounded or held for a period in excess of twenty-one (21) days unless otherwise ordered by the Provincial Judge.
19. Any animal known to be rabid shall be immediately destroyed by its owner or by the Animal Control Officer.

ANIMAL WASTE

20. Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said animal on any property in the Town of North Perth other than the premises of the owner of the animal.

MUZZLING OR LEASHING OF ANIMALS

21. (a) Every owner of a dog after it has bitten a person or a domestic animal shall ensure that said dog is muzzled or leashed while said dog is on any property in the Town of North Perth, including the premises of the owner of the animal.
- (b) Where the owner of the dog objects to the muzzling or leashing requirement set forth in Subparagraph (a) above, the owner of the dog may request and is entitled to a Hearing by the Council of the Town of North Perth. The Council of the Town of North Perth may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or a Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in Subparagraph (a) above.

MISCELLANEOUS MATTERS

22. Every contract for the provision of animal control services shall provide that such contractor shall endeavour to find adoptive homes for any unclaimed animals failing which such contractor may make provisions for the humane destruction of such animal. Such contractor shall agree in the contract that no animals will be sold for research.
23. Except as provided under the provisions for Kennels, no owner or occupier of a premises shall keep more than three (3) animals in said premises. For the purposes of this paragraph, the young of animals

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that have not been weaned shall not be counted in determining the number of animals on the premises.

PENALTY PROVISIONS

24. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in The Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

REPEAL OF CERTAIN BY-LAWS

25. Subject to the matters contained in Section 26 of this By-Law, Town of Listowel By-Law No. 97-57, Elma Township By-Law No. 93-13 and Wallace Township By-Law No. 15,1991 and any other By-Law inconsistent with the provisions of this By-Law shall be deemed to be repealed on the day that the Chief Judge, Ontario Court (Provincial Division) approves the set fines with respect to the offences contained in this By-Law pursuant to Part 1 of The Provincial Offences Act.

READ A FIRST TIME this 4th day of May, 1998

READ A SECOND TIME this 4th, day of May, 1998

READ A THIRD TIME AND FINALLY PASSED this 4th,day of May, 1998.

MAYOR

CLERK

SCHEDULE "A"

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FEE SCHEDULE

1.	KENNEL LICENSE		\$55.00
2.	TAG FEES		
	(a)	One Dog, Male or Female	\$20.00
	(b)	For Each Additional, Male or Female	\$25.00
	(c)	Replacement Tag	\$ 3.00
3.	Upon production of a Certificate, in writing, from a Veterinary Surgeon that a Female Dog has been spayed or a Male Dog has been Neutered, the respective License Fee shall be reduced by \$5.00 in each category in Section 2.		
4.	Registration of Guide Dog		Nil
5.	POUND FEES		
	First Day		\$25.00
	Additional Days or Part Thereof	Per Day	\$ 7.00
6.	Return of an animal seized by the Animal Control Officer to the Registered Owner	Actual Cost + 10%	