

**THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN**

BY-LAW # 98-15

**BEING A BY-LAW FOR THE REGISTRATION OF DOGS,
KEEPING AND CONTROLLING OF DOGS, AND THE TAKING
UP AND IMPOUNDMENT OF DOGS**

WHEREAS The Municipal Act, Section 210, Chapter M. 45, R.S.O. 1990, as amended, and the Animals for Research Act contain certain provisions relating to dogs, including provisions enabling municipalities to pass by-laws relating to dogs;

AND WHEREAS Council deems it desirable to register, prohibit and/or regulate dogs within the municipality of the Township of Nairn and Hyman;

NOW THEREFORE the Council of the Corporation of the Township of Nairn and Hyman **HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE

_____ The Short Title of this By-law is "Animal Control By-law".

2. ENFORCEMENT OF BY-LAW

The By-law shall be enforced by the Animal Control officer, or if not appointed or available, shall be replaced by the Reeve or Clerk.

3. DEFINITIONS

- _____ (i) ANIMAL CONTROL OFFICER includes the person(s) or association designated by Schedule "A" of this By-law, to control dogs, and are hereby appointed Municipal By-law Enforcement Officer(s) pursuant to the Police Act and Provincial Offences Act for the purpose of enforcing the Animal Control By-law and shall have all powers delegated to that position for the enforcement of the Municipal Act, Section 210.
- (ii) DOG includes any male or female member of the species canis familiaris or any hybrid thereof.
- (iii) HOLIDAYS shall be as defined in the Interpretation Act.
- (iv) IDENTIFICATION ISSUER shall be the Clerk of the municipality.
- (v) OWNER of a dog includes a person who possesses or harbors a dog. "Owns" and Owner" have a corresponding meaning. A registered Owner of a dog shall be sixteen (16) years of age or over; where the owner is a minor, the person responsible for the custody of the minor.
- (vi) POUND OPERATOR includes the person(s) or association who has entered into a contract with the Municipality, designated by Schedule "B" of this By-law, to operate a dog pound and any servants of such person or association and all servants thereof who are hereby appointed Municipal By-law Enforcement Officers pursuant to the Police Act and Provincial Offences Act for the purpose of enforcing the Animal Control By-law and shall have all powers delegated to that position for the enforcement of the Animals for Research Act.

4. IDENTIFICATION

- (i) No person shall own, harbor or possess a dog unless or until he or she has properly identified same as herein provided from the municipality. Every Owner of a dog shall be subject to the provisions of this By-law.
- (ii) (a) Every dog Owner shall obtain an identification tag from the Municipality subject to fees established under Schedule "D" of this By-law for his/her dog within thirty (30) days of any such dog coming into his/her possession, or as soon as it becomes three (3) months of age.
 - (b) Every dog tag shall bear a serial number.
 - (c) A record shall be kept by the identification issuer showing the name and address of the owner, the serial number of the tag, breed/type, sex and description of dog.
- (iii) (a) The Owner shall keep the dog tag securely fixed on the dog at all times. The tag may be removed while the dog is within the Premises of the Owner.
 - (b) No Owner of a dog shall use a tag on a dog other than that for which it was issued.
 - (c) Change of ownership shall be registered with the Identification Issuer within seven (7) days.

5. CONTROL OF DOGS

- (i) (a) No person shall suffer, allow or permit any dog of which he is the Owner to run at large within the limits of the municipality.
 - (b) For the purpose of this By-law, a dog shall be deemed to be running at large when found in any place other than the property of the Owner of the dog and not under the control of any person.
 - (c) No person shall suffer, allow or permit a dog under his/her control or of which he/she is the registered Owner to trespass on private property whether on a leash or not unless permission for said trespass is first obtained from the property Owner.
- (ii) Subject to Paragraph (1) of this section;
 - (i) a Peace Officer or Animal Control Officer may seize and impound any dog found running at large and,
 - (ii) a Peace Officer, Animal Control Officer or Pound Operator shall restore possession of the dog to the Owner thereof where the Owner claims possession of the dog within three (3) days (exclusive of the day of its impounding and of holidays) after the date of seizure, and on payment of a pound fee, as set out in Schedule "C", for a dog seized and impounded plus a maintenance sum, as set out in Schedule "C" for each day subsequent to the day of seizure that the dog remains impounded.

- (iii) Subject to Paragraph (1) of this Section, any female dog found to be running at large in heat shall be held at the pound until no longer in heat, but in any case no longer than twenty-one (21) days.
- (iv) Where a dog is seized and impounded under Paragraph (1) of this Section, the Owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall pay on demand by the Animal Control Officer or Pound Operator, which fees may be recoverable under the Provincial Offences Act.

6. IMPOUNDMENT

- (i) Where, at the end of the three (3) days mentioned in Section (5), Paragraph 2 b), the dog has not been restored to the Owner, the Pound Operator may sell the dog for such prices as he/she deems reasonable.
- (ii) Where the Owner of a dog has not claimed the dog within three (3) days after its seizure under Section (5), paragraph 2 above, or where the dog under Section 5, paragraph 2 above, was found to be running at large and was a female dog in heat and is either no longer in heat or has been held at the pound for twenty-one (21) days, and where the dog has not been sold, the Animal Control Officer may destroy or cause to be destroyed, the dog in a humane manner or otherwise dispose of the dog as he/she sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damage or compensation shall be recovered by the dog owner on account of its killing or other disposition.
- (iii) Where a dog is seized under Section 5, paragraph 2 above, is injured or should be destroyed without delay for humane reasons or for reasons for safety to persons or animals, the Peace Officer or Animal Control Officer may destroy or cause to be destroyed, the dog in a humane manner as soon after seizure as he thinks fit without offering it for sale. No damages or compensation shall be recoverable by the Owner on account of its killing.

7. PENALTY

Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act of Ontario.

8. SCHEDULES

Schedules "A", "B" and "C" attached hereto forms part of this By-law.

9. This By-law repeals By-law # 94-17 and all other previous By-laws regulating the keeping and control of animals in this Township.

10. SEVERABILITY

If any provisions of this By-law is for any reason held to be invalid, all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions have been declared to be invalid.

11. This By-law shall come into effect upon the third and final reading.

READ a first, second and third time
and finally passed in open council
this 10th day of February, 1998.

REEVE

CLERK

**THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN**

SCHEDULE "A"

TO

BY-LAW 98-15

Animal Control Officer(s):

Robert Deschene
Raymond Harding

64 McIntyre Street
Nairn Centre, Ontario
P0M 2L0

**THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN**

SCHEDULE "B"

TO

BY-LAW 98-15

Pound Operator:

Name:

Address:

**THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN**

SCHEDULE "C"

TO

BY-LAW 98-15

Impoundment fees:

Payable to the Municipality by the Owner: \$20.00

Maintenance Fee Per Day - (For each day subsequent to the day of seizure that the dog remains impounded)

Payable to the Municipality by the Owner: \$10.00 per day

**THE CORPORATION OF THE
TOWNSHIP OF NAIRN AND HYMAN**

SCHEDULE "D"

TO

BY-LAW # 98-15

Dog Licence Fees:

\$15.00 per licence for each dog.

For senior citizen's dog (over 65 years of age) - \$10.00 per licence for each dog.

Seeing eye dog - no charge.

Hearing ear dog - no charge.

Replacement Tag - \$2.50.

Transfer - \$2.50.