

CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW 2015-180

A BY-LAW TO PROVIDE FOR THE LICENSING OF DOGS AND THE REGULATING OF THE KEEPING OF DOGS

WHEREAS Sections 8, 9, and 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25 and amendments thereto provides that every municipal Corporation may pass by-laws for the purpose of governing its affairs as it considers appropriate;

WHEREAS the Corporation of the City of Clarence-Rockland deems it appropriate to actualize the by-law for the licensing of dogs and the regulating of the keeping of dogs.

The Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. **DEFINITIONS:**

- a) **Corporation** means the Corporation of the City of Clarence-Rockland;
- b) **Dog** means a male or female dog member of the species *Canis familiaris*.
- c) **Kennel** means any building or structure which is used to maintain, board, breed, or train pure-bred dogs registered in the Canadian Kennel Club Incorporated or any other lawfully established kennel club.
- d) **Municipal Law Enforcement Officer** means a Peace Officers for the purpose of enforcing municipal by-laws.
- e) **Muzzled** means to have securely affixed around the snout or the mouth and the nose of a dog a device commonly known as a muzzle manufactured by a recognized manufacturer of muzzles for dogs such that the dog when muzzled will be prevented from biting a person or animal;
- f) **Owner of a dog** includes any person who owns, possesses, harbours or has the care and control of a dog and the words "owns" and "owned" have a corresponding meaning, where the owner is a

minor, the person responsible for the custody of the minor;

- g) **Person** means an individual, a partnership, or a corporation, to whom or to which the context can apply;
- h) **Residential Zone** means those areas designated as residential in the zoning by-laws of the Corporation of the City of Clarence-Rockland of the City of Clarence-Rockland;
- i) **Vicious dog** means any dog which has bitten another domestic animal or person without provocation.

2. Every owner of a dog shall annually, not later than March 31 of each year or within seven (7) days of becoming an owner of a dog, cause the dog to be licensed with the Corporation. If the last day of registration falls on a Saturday, Sunday, or a Holiday, the next working day shall be the last day of registration.
3. All licences and tags issued pursuant to this by-law shall be serially numbered and a record of their issue shall be kept by the municipal law enforcement officer. Such record shall set out the name and address of the owner.
4. At the time of registration, the owner\applicant shall be required to pay to the Corporation the required licence fee as established in current fee by-law.
5. On payment of the licence fee for a dog, the owner shall be furnished with a dog tag from the Corporation which shall bear the serial number relating to the application, the name and address of the owner and the year in which the tag is valid.
6. The owner of a dog shall:
 - a) keep the dog tag securely affixed on the dog for which it was issued at all times until renewed or replaced but the tag may be removed while the dog is being lawfully used for hunting in the bush; and
 - b) not use the tag upon a dog other than the one for which it was issued.
7. The set fee for the replacement of lost dog tags shall be that set out as established in current fee by-law.

- 8.** Every person operating a kennel shall annually and not later than March 31 in each year obtain a licence from the Corporation to operate a kennel and shall pay the licence fee as established in current fee by-law.
- 9.** Every licence for a dog issued hereunder is personal to the owner thereof and may not be transferred.
- 10.** No person shall keep or allow to be kept in a residential zone of the Corporation more than three (3) dogs.
- 11.**
 - a)** No person shall permit a dog owned by him or under his care and control to run at large within the limits of the Corporation.
 - b)** For the purposes of this section, a dog shall be deemed to be running at large when found elsewhere than on the property of the owner and not under the control of a competent and responsible person and is not on a leash securely attached to the owner and having a length of less than 2.4 metres (8 feet).
- 12.**
 - a)** Any dog found to be running at large may be seized and impounded by the municipal law enforcement officer or any person acting under his or her authority;
 - b)** The municipal law enforcement officer or any person acting under his or her authority may kill any dog found running at large if:
 - i)** he\she reasonably believes that the dog is likely to cause imminent harm to any person or animal; or
 - ii)** the dog is injured or should be destroyed without delay for humane reasons;and no damage or compensation shall be recovered on the account of such disposition.
- 13.** Any dog seized pursuant to section 12 a) of this by-law, shall be taken to the municipal pound. Whether the dog is claimed or not, the owner shall be liable for the pound and maintenance fee prescribed, and shall pay all fees on demand by the Municipal Law Enforcement Officer.
 - (i)** Where, at the end of the said three (3) days, possession of the dog

has not been restored to the owner, the Municipal Law Enforcement Officer may destroy the dog in a humane manner.

- (ii)** the Municipal Law Enforcement Officer may sell the dog for such price as established in current fee by-law, and no damages or compensation shall be recovered on account of its killing or other disposition.
- 14.** A release form can be obtained by the owner upon payment of the fee established in current fee by-law. However if the dog does not have a valid and subsisting licence, the owner shall be required to pay in addition to the release fee, the licence fee as established in current fee by-law.
- 15.** The owner of a vicious dog shall at all time, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in the following manners:
 - a)** the dog shall be muzzled so as to prevent it from biting a person or animal.
- 16.** The owner of a vicious dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog.
- 17.**
 - a)** Every owner of a dog shall remove forthwith and dispose of any excrement left by the dog on any property located in the corporation.
 - b)** The provision of Subsection 17 a) of this by-law does not apply to a blind person accompanied by a dog used as a guide or lead dog.
- 18.** No person shall obstruct, interfere or hinder the Municipal Law Enforcement Officer or any person acting under his\her authority in the lawful performance of his\her duties.
- 19.** Every person who contravenes any provisions of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, and amendments thereto.
- 20.** Where any provision of this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court

of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 21.** It is declared that if any section, subsection or part(s) thereof be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part(s) shall be deemed to be separate and independent and enacted as such.
- 22.** By-law 1998-04, 2002-21, 2011-211 and amendments are hereby repealed.
- 23.** This by-law shall come into effect upon its adoption.

READ, DONE AND PASSED IN OPEN COUNCIL THIS 21ST DAY OF DECEMBER 2015.

GUY DESJARDINS, MAYOR

MONIQUE OUELLET, CLERK