

**THE CORPORATION OF THE TOWN OF SPANISH**

**BY-LAW #2015-32**

**Being a By-Law for the Licensing and Requiring the Registration of Dogs and Cats and for the Control and Keeping of Dogs and Cats and setting the various fines and fees within the Municipality of the Town of Spanish**

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**WHEREAS** Section 103 of the Municipal Act 200, as amended provides that by-laws may be passed by the councils of the local municipalities respecting the regulation of animals;

**AND WHEREAS** Council deems it desirable to licence and regulate dogs and cats within the Municipality,

**NOW THEREFORE** the Council of the Corporation of the Town of Spanish 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”.
3. (1) “Animal Control Officer” includes the person or Association who has entered into a contract with the Municipality to control dogs and to operate a dog pound and any servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Section 15, Subsection 1 & 2 of the Police Services Act, 1990, Chapter 10, and pursuant to Bill 74, the Provincial Offences Act, who shall be Peace Officers for the purpose of enforcing the animal control and dog licensing by-law and related process serving;
- (2) “Dog” means a male or female dog;
- (3) “Cat” means any male or female domesticated cat;
- (4) “Licence Issuer” means the Clerk of the Municipality;
- (5) “Licence Agent” means Rainbow District Animal Control;
- (6) “Owner” of the dog or cat includes a person who possesses or harbours a dog or cat and “owns” and “owner” have corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor;
- (7) “Pure-bred” means:
  - i) Registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) or,
  - ii) Registered or eligible for registration in the register of the Canadian Kennel Club, incorporated;
- (8) “Treasurer” means the Treasurer of the Municipality;
- (9) “Leash” means a chain, rope, or other restraining device of not more than 2 meters.

## Part 1 – LICENCING

4. No person in the Municipality shall own, harbor or possess a dog or cat unless or until he has procured a licence to do so as herein provided and every owner of a dog or cat shall be subject to the provisions of this by-law.
5. Rainbow District Animal Control and Shelter Services is hereby appointed Licence Agent and authorized to issue licences under this by-law, and every such licence shall be issued for and on behalf of the Municipality and on behalf of the Licence issuer by the Licence Agent.
6. A licence shall be procured and renewed pursuant to this by-law by applying to the Licence Agent for said Licence or renewed Licence as the case may be and by paying the Licence Agent the fee.
7. Any licence procured, issued or renewed pursuant to this by-law shall be in the form of a license tag.
8. (1) Every dog or cat tag must bear a serial number, year of issue and the name of the Licence Issuer or Licence Agent;  
  
(2) A record shall be kept by the Licence Agent showing the Name and Address of the owner and the serial number of the tag.
9. (1) The owner shall keep the license tag securely fixed on the dog or cat at all times until the tag is renewed or replaced, but the tag may be removed while the dog or cat is within the premises of the owner. Failure to do so constitutes a breach of this by-law;  
  
(2) No owner of a dog or cat shall use a tag on a dog or cat other than that for which it is issued unless it has been transferred as provided for in Subsection (2) of Section 10.
10. (1) In the event the tag issued for a dog or cat is lost, the owner may obtain a second tag upon payment of a fee;  
  
(2) If there is a change of ownership of a dog or cat during the licence year, the licence holder shall notify the Licence Agent immediately of the change of ownership and the new owner must pay a licence transfer fee for this service. Failure to do so constitutes a breach of this by-law;  
  
(3) Where a certificate is produced from the Canadian National Institute for the Blind or a certificate from a recognized dog guide training school stating that a dog is being used as a guide for a blind person, no fee shall be charged for a licence and a tag under this by-law;  
  
(4) Where a certificate is produced from Hearing Ear Dogs of Canada stating that a dog is being used for the assistance of a deaf person, no fee shall be charged for a licence or tag under this by-law.
11. (1) Every licence issued pursuant to this by-law shall expire on the 31<sup>st</sup> day of December of the year in respect of which it was issued;  
  
(2) Every licence shall be renewed yearly on or before the 15<sup>th</sup> day of February and the fee is to be paid to the Licence Agent. After February 15<sup>th</sup> a late fee will apply.
12. The licence fees to be paid to the Licence Agent at the time of the issuing of the licence shall be as specified in Schedule “A”, which is incorporated as part of this by-law.

## Part 2 – KENNELS

13. (1) Notwithstanding the provisions of Section 11 and 12 above, no person in the Municipality shall own, harbor or possess a kennel of dogs that are pure-bred until he has paid an annual licence fee of **one hundred (\$100.00) dollars** to the Treasurer as a licence fee for the kennel and he is not liable to pay in respect of such pure-bred dogs any licence fee under this by-law;

(2) Owners and operators of kennels shall comply with the following regulations:

- a) The licence shall expire on the 31<sup>st</sup> day of December
- b) Every licence shall be renewed yearly between the last day of January and the 15<sup>th</sup> day of February of the next year.
- c) A kennel shall be permitted only in premises zoned for the purpose of boarding and breeding of dogs.

## Part 3 – RUNNING AT LARGE

14. (1) No person shall suffer, allow or permit any dog of which they are the owner to run at large within the limits of the Municipality;

(2) No person shall suffer, allow or permit any cat of which they are the owner of to cause damage or create a nuisance while running at large within the limits of the Municipality.

(3) For the purpose of this by-law, a dog or cat shall be deemed to be running at large when found in any place other than the property of the owner of the dog or cat and not under the control of the person;

(4) For the purpose of this by-law, a dog or cat shall be deemed not to be under the control of any person when the dog or cat is not on a leash of a maximum length of two (2) meters held by a person or is not on a leash which is securely affixed to some permanent structure from which the dog or cat cannot escape;

(5) No person shall suffer, allow or permit a dog under his control or of which he 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.

15. Every person who is the owner of a dog at a time when the dog fouls property other than that of the owner, shall forthwith remove or cause the removal of the excrement from such property. Failure to do so constitutes a breach of this by-law.

16. (1) Subject to subsection (5) of this section, a Peace Officer or Animal Control Officer may:

- (a) seize and impound any dog found running at large, and
- (b) seize and impound any cat found at large where :
  - (i) In the opinion of the Peace Officer or Animal Control Officer, the cat is causing damage or is creating a nuisance; or
  - (ii) In the opinion of the Peace Officer or Animal Control Officer, the cat is in distress, injured or ill.
- (c) restore possession of the dog or cat to the owner thereof when:

- the owner claims possession of the dog or cat within three (3) days (exclusive of the day of its' impounding and of statutory holidays) after the date of seizure, and
- the owner pays to the Peace Officer or Animal Control Officer a pound fee for a dog or cat seized and a maintenance fee for each day that the dog remains impounded.

(2) Where a dog or cat is seized and impounded under subsection (1) of this section, the owner, if known, and whether the dog or cat is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer or Licence Agent, which fees may be recoverable under the Provincial Offences Act.

(3) Where at the end of three (3) days mentioned in subsection (1) (b) of this section the dog or cat has not been restored to the owner, the Animal Control Officer may sell the dog or cat for such a price as he deems reasonable.

(4) Where the owner of a dog or cat has not claimed the dog or cat within the three (3) days after its' seizure under subsection (1) above, and where the dog or cat has not been sold, the Animal Control Officer may euthanize the dog or cat in a humane manner or otherwise dispose of the dog or cat as he sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damages or compensation shall be recovered by the dog or cat owner on account of its' euthanasia or other disposition.

(5) Where a dog or cat seized under subsection (1) of this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Peace Officer or Animal Control Officer may euthanize the dog or cat in a humane manner as soon after seizure as he sees fit without permitting any person to reclaim the dog or cat or without offering it for sale and no damages or compensation shall be recovered by the owner on account of its' euthanasia.

17. Dogs or cats shall be accepted by the Rainbow District Animal Shelter;
18. Fees for the services outlined in Part 3 are as specified in Schedule "B", which is hereby incorporated as part of this by-law.

#### Part 5 – KEEPING OF DOGS AND CATS

19. Every person who owns a dog or cat in the Town of Spanish shall provide such dog or cat or cause it to be provided with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
20. If a dog or cat is customarily kept out of doors, the person who owns such dog or cat shall, at all times, provide for its' use a structurally sound, weather-proof enclosure with off the ground flooring.
21. No person shall in the Town of Spanish keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 meters in length.

Part 6 – FINES AND FEES

22. The various fines and fees that shall apply are outlined in Schedule “C”.
23. If any part, section, subsection, clause or paragraph of this by-law is, for any reason, held invalid, such portion shall be deemed separate, distinct and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provisions so declared to be invalid.
24. Every person who contravenes any of the provisions of the by-law is guilty of an offence.
25. All former relative by-laws are hereby rescinded on the effective date of this by-law.

This by-law shall come into full force and effect on January 1<sup>st</sup>, 2016.

Read a first time  
this 16<sup>th</sup> day of December, 2015

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Mayor – Ted Clague

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CAO – Pam Lortie

Read a second time  
this 6th Day of January, 2016

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Mayor – Ted Clague

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CAO – Pam Lortie

Read a third time and finally passed  
this 20th Day of January, 2016

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Mayor – Ted Clague

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CAO – Pam Lortie

## Schedule "A" to By-Law #2015- 32

### License Fees:

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|--|-------------|
| 1. Each Dog or Cat Licence Fee                                 | \$20.00     |
| 2. Senior Citizens' (over 65 year's<br>Of Age) each dog or cat | \$10.00     |
| 3. Seeing Eye Dog  | no charge   |
| 4. Hearing Ear Dog   | no charge   |
| 5. Renewals after Feb. 15 <sup>th</sup>                        | add \$10.00 |
| 6. Replacement Tag or Transfer of<br>Ownership                 | \$2.50      |

## **Schedule “B” to By-Law #2015- 32**

1. Dog or cat redemption:

Impound	\$50.00
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2. Per Diem Animal Maintenance Fee \$15.00

3. Animal Surrender Fee Dogs \$120.00

4. Animal Surrender Fee Cats \$ 60.00

All fees subject to HST.

**Items #3 and #4 amended by Council by by-law #2011-34**

## Schedule “C” to By-Law #2015-32

The various fines and fees that shall apply are as follows;

1. Failure to procure a license	\$ 50.00
2. Failure to affix the dog or cat license	\$ 50.00
3. Misuse of a dog or cat license	\$ 50.00
4. Failure to notify change of ownership	\$ 50.00
5. Failure to register a kennel	\$100.00
6. Permit dog to run at-large	\$100.00
7. Permit cat to cause a nuisance Section 14(2)	\$100.00
8. Failure to clean-up and dispose of dog excrement	\$100.00
9. Failure to keep a dog or cat in good health	\$100.00
10. Failure to provide outside enclosure *	\$100.00
11. Keep dog on improper chain or rope	\$100.00

\* For dogs and cats habitually kept outdoors (not house pets kept indoors overnight))

See Council resolution #12-08-03 adopted August 1, 2012