

**THE CORPORATION OF THE TOWNSHIP OF
SMITH-ENNISMORE-LAKEFIELD**

BYLAW NO. 2001-2

**A BYLAW FOR LICENCING AND REQUIRING
THE REGISTRATION OF DOGS, AND FOR
PROHIBITING AND REGULATING THE RUNNING
AT LARGE OF DOGS**

WHEREAS the Ontario Municipal Act R.S.O. 1990, Chapter 45, Section 210, as amended, provides that Bylaws may be passed by the Council of a local Municipality for licensing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the municipality;

AND WHEREAS the Council of the Township of Smith-Ennismore-Lakefield deem it advisable to pass a Bylaw for licensing and requiring the registration of dogs and for prohibiting or regulating the running at large of dogs in the Municipality, and to repeal the Township of Smith-Ennismore Bylaw No. 1998-19 as amended, and the Village of Lakefield Bylaw No. 97-05 as amended;

NOW THEREFORE the Council of the Township of Smith-Ennismore-Lakefield **HEREBY ENACTS AS FOLLOWS:**

SECTION 1 – DEFINITIONS:

For the purpose of this Bylaw the definitions and interpretations given in this section shall govern. Words used in the present tense include the future. Words used in the singular include the plural, and words used in the plural include the singular number. The word "SHALL" is mandatory and not directory. In this Bylaw the following definitions shall apply:

1. "DOG"- shall mean a male or female dog whether neutered or spayed.
2. "OFFICER" - shall mean a person appointed by the Corporation of the Township of Smith-Ennismore-Lakefield to enforce the provisions of this Bylaw as a Provincial Offences Officer.
3. "OWNER" of a dog includes a person who owns or harbours the dog and where the owner is a minor, the person responsible for the custody of the minor, and "OWNS" or "OWNED" have corresponding meaning.
4. "MINOR" is a person who has not achieved the age of majority as defined by applicable provincial law.
5. "CLERK" means the Clerk of the Corporation of the Township of Smith-Ennismore-Lakefield.
6. "CORPORATION" means the Township of Smith-Ennismore-Lakefield.
7. "PUREBRED" means: i) registered or eligible for registration in the register of the Canadian Kennel Club Incorporated; or ii) recognized as such pursuant to the Animal Pedigree Act (Canada); or iii) The American Field Trials Association.
8. "POSSESSION of a dog shall be deemed to occur when a person OR permits a dog to remain at or about or on the property.

9. HARBOURING" of the premises which he/she owns or occupies or which is habitually kept on such property.
10. "KENNEL" means a facility or enclosure for the purpose of breeding or housing dogs, as may be defined in the Corporations Zoning Bylaw.
11. "GUIDE DOG" means a dog trained and actively used to assist a person who is legally blind or legally deaf.

SECTION 2 – REQUIREMENTS FOR LICENCE:

2. (1) Every person who owns a dog which is over six (6) months old, which is kept in the Corporation, shall obtain a license for such dog from the Clerk or his/her designate and shall pay to the Clerk or his/her designate the license fee for such dog as prescribed in Schedule "A" to this Bylaw.
- (2) Every person who owns a kennel within the Corporation in which the dog or dogs are kept that are purebred shall pay an annual license fee as prescribed in Schedule "A", as a fee for the kennel instead of a license fee for each dog so kept relating to the operation of the kennel.
- (3) The requirement to obtain a license as prescribed in Section 2.(1) and 2.(2) shall occur when the person:
 - (a) becomes the owner of the dog, or kennel, as the case may be and the same is kept within the Corporation; or
 - (b) when the dog is possessed or haboured in the Corporation for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.
- (4) The "kennel license" issued pursuant to Section 2.(2) shall recite the number and breed of all dog(s) composing the kennel.
- (5) All licenses and license tags and kennel licenses under this Bylaw shall expire on the 31st day of December in each year and the owner shall obtain a new license or licenses not later than the 31st day of March of the following year.

SECTION 3 – IDENTIFICATION OF THE DOG(S) AND ISSUANCE OF TAGS:

3. (1) Every person who is issued a license pursuant to Section 2.(1) shall be given a tag for such dog and such tag shall indicate an identification serial number thereon for such tag, the year in which it was issued, and the same shall be provided to the person by the Clerk, or his/her designate.
- (2) Every person who is provided with a tag pursuant to Section 3.(1) shall ensure that the tag is affixed to the collar of the dog, or otherwise placed on or around the dog, in such a manner that the tag can identify such dog to any person at all times, and the same shall be secured on the dog until the tag is renewed or replaced.
- (3) Section 3.(2) does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the

tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting.

- (4) Every person who is issued a kennel license pursuant to Section 2.(2) shall ensure that the said license be posted within the kennel or in a secure area of the property where the kennel is situated.
- (5) A record shall be kept by the Clerk, or his/her designate, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3.(1).
- (6) Tags which are lost may be replaced by providing sufficient proof that the dog possessed a license for the current year and paying to the Clerk or his/her designate the sum of two dollars (\$2.00) for each lost tag.

SECTION 4 – GUIDE DOGS:

4. (1) Section 2 and 3 of this Bylaw shall not apply to any person who is legally blind, legally deaf or disabled and who owns a dog (or dogs) trained and actively used as a guide dog or assistant.

SECTION 5 – DOGS AT LARGE:

5. (1) No person shall permit a dog owned by him or her to run at large in the Corporation, and running at large shall be deemed to occur when the dog is found in any place, other than the property or premises of the owner, and not under control of any person or held securely on a leash to prevent the possibility of any other personal or other animal (including another dog) from being attacked or bitten by such dog.
- (2) Section 5.(1) shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.
- (3) Section 5.(1) shall not apply in cases where dogs that are used as a working farm assistant, are being used in their vocation on public property, under control of a herdsman.

SECTION 6 – RESTRICTING THE NUMBER OF DOGS:

6. (1) Within those areas of the Corporation zoned residential "R", the number of dogs requiring a license that a person may keep is hereby restricted to four (4).
- (2) This restriction does not apply to the number of dogs that may be kept in a kennel under a kennel license issued under this Bylaw.
- (3) A person in possession of a dwelling unit zoned residential shall ensure that the provisions of this Section as they apply to that dwelling unit are complied with.
- (4) A person who keeps dogs shall ensure that the provision of this Section as they apply to dogs kept by that person are complied with.

SECTION 7 – SEIZURE AND IMPOUNDING OF DOG(S):

7. (1) The Provincial Offences Officer may:
- (a) Seize and impound any dog(s) found running at large within the Corporation.
 - (b) In his/her discretion, restore possession of the dog to the owner thereof. Expenses incurred in the seizing and impounding the dog and notification to the owner plus any other additional expenses involved therewith shall be billed to the owner.
 - (c) Where the dog is taken to the Peterborough Humane Society and picked up by the owner, the additional expense the Society charges the Corporation will be billed to the owner.
 - (d) Where in the opinion of the Provincial Offences Officer, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Provincial Offences Officer may destroy the dog(s) as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog(s).
 - (e) Where the Provincial Offences Officer finds a dog(s) running a large contrary to the provision of this Bylaw and he/she believes that before he/she can seize the dog(s) it may attack a human being or other animal, he/she may destroy the dog(s).
 - (f) No damage or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Provincial Offences Officer.
- (2) (a) Any dog, impounded pursuant to Section 7(1)(c) may be kept at the Peterborough Humane Society, a secure place, and a fee charged to the owner prior to the release of the dog, for all the costs of the distrainer.
- (c) When a dog is so impounded and kept pursuant to Section 7(2)(a) then it shall not be destroyed until any minimum redemption period has expired as established by applicable provincial law.

SECTION 8 – OFFENCE:

8. (1) Every person who contravenes any of the provisions of this Bylaw, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

SECTION 9 – SEVERABILITY OF PROVISIONS:

9. (1) If any section of this Bylaw, or parts thereof may be found by any Court of Law to be illegal or beyond the power of the Council to enact, such section or section or parts thereof shall be deemed to be severable and all other sections or parts to this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

SECTION 10 – REPEAL OF VARIOUS BYLAWS:

10. (1) The Township of Smith-Ennismore Bylaw No. 1998-19, as amended, is hereby repealed. The Village of Lakefield Bylaw No. 97-05, as amended, is hereby repealed.

SECTION 11:

That this Bylaw come into full force and effect on the date of passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF January, 2001.

Original Signed

Reeve, Burritt Mann

Original Signed

Clerk, Janice Lavalley

THE CORPORATION OF THE TOWNSHIP OF
SMITH-ENNISMORE-LAKEFIELD

SCHEDULE "A"
TO BYLAW NUMBER 2001-2

TO ESTABLISH THE FOLLOWING FEES:

1. For each male or female dog the sum of \$12.50 if the fee is paid on or before March 31st of the current year.
2. For each male or female dog the sum of \$20.00 if the fee is paid after March 31st of the current year.
3. For each male or female dog obtained after March 31st of the current year, the sum of \$12.50 if the fee is paid within one month of acquiring the dog, and upon presentation of proper proof of purchase to the Clerk or his/her designate.
4. For each kennel license a sum of \$100.00 (if legally permitted).

Reeve, Burritt Mann

Clerk, Janice Lavalley

