

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NUMBER 94-7

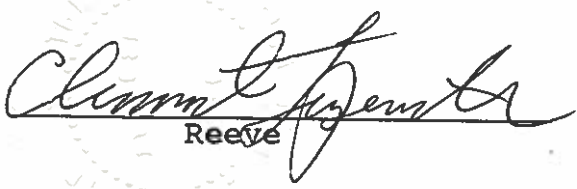
BEING A BY-LAW FOR LICENSING AND REQUIRING THE REGISTRATION OF DOGS AND FOR THE CONTROL OF DOGS WITHIN THE CORPORATION OF THE TOWNSHIP OF MCGARRY

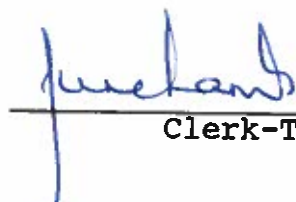
THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCGARRY ENACTS AS FOLLOWS:

1. (1) "Animal Control Officer" includes the person or Association who has entered into a contract with the Corporation of the Township of McGarry to control dogs and to operate a dog pound and any servants of such person or Association and all servants thereof are hereby appointed Municipal Law Enforcement officers who shall be peace officers for the purpose of enforcing the animal control and dog licensing by-law and related legal process serving;
- (2) "Dog" means a male or female dog;
- (3) "Owner" of a dog includes a person who possesses or harbours a dog and "owns" and "owner" have a corresponding meaning. A registered owner of a dog shall be sixteen (16) years of age or over;
- (4) "Treasurer" means the Treasurer of the Corporation of the Township of McGarry.
2. No person in the Corporation of the Township of McGarry shall own, harbour or possess a dog unless or until he has procured a licence so to do as herein provided, and every owner of a dog shall be subject to the provisions of this by-law.
3. A licence shall be procured and renewed pursuant to this by-law by applying to the Animal Control Officer for said licence or renewed licence as the case may be and by paying the Animal Control Officer the fee prescribed in Section 8 or Section 9, as the case may be, of this by-law.
4. Any licence procured, issued or renewed pursuant to this by-law shall be in the form of a dog tag or renewal sticker.
5. (1) Every dog tag shall bear a serial number and where applicable a renewal sticker for the current year.
- (2) Where renewal stickers are not used the dog tag must bear a serial number, year of issue and the name of the Township of McGarry.
5. (3) A record shall be kept by the Animal Control Officer showing the name and address of the owner and the serial number of the tag.
6. (1) The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is within the premises of the owner.
- (2) No owner of a dog shall use a tag on a dog other than that for which it was issued unless it has been transferred as provided for in subsection (2) of Section 7.
7. (1) The fee charged for the replacement of lost dog tags shall be two (2) dollars for each tag.

7. (2) If there is a change of ownership of a dog during the licence year, the Licence holder shall notify the Animal Control Officer immediately of the change of ownership and the new owner must pay a two (2) dollar licence transfer fee for this service. Failure to do so constitutes a breach of this by-law.
8. (1) Every licence issued pursuant to this by-law shall expire on the 31st day of December of the year in respect of which it was issued.
- (2) The licence fee to be paid to the Animal Control Officer at the time of the issuing of the licence shall be as follows:
- (a) For each dog \$ 20.00
9. Every licence shall be renewed yearly on or before the 15th day of February and the fee to be paid to the Animal Control Officer at the time of the issuance of the renewed licence shall be as follows:
- (a) For each dog \$ 20.00
10. (1) Notwithstanding the provisions of Section 8 and 9 above, the owner of a kennel of dogs shall pay an annual licence fee of twenty-five dollars (\$ 25.00) to the Treasurer as a licence fee for the kennel and he is not liable to pay in respect of such dogs any licence fee under this by-law.
- (2) That one-half the licence fee authorized in paragraph 8 (1) (2) be charged to any person who acquires a dog after August the First, during any year.
11. (1) No person shall suffer, allow or permit any dog of which he is the owner to run at large within the limits of The Corporation of the Township of McGarry.
- (2) 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.
- (3) For the purpose of this by-law a dog shall be deemed not to be under the control of any person when the dog 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 cannot escape.
- (4) 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.
12. (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) Restore possession of the dog to the owner thereof where
- the owner claims possession of the dog within 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 of twenty dollars (\$ 20.00) for a dog seized and impounded plus a maintenance sum of eight dollars (\$8.00) for each day subsequent to the day of seizure that the dog remains impounded.

12. (2) Where a dog is seized and impounded under subsection (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 all fees on demand by the Animal Control Officer.
 - (3) Where, at the end of the three days mentioned in subsection (1) (b) of this section the dog has not been restored to the owner, the Animal Control Officer may sell the dog for such price as he deems reasonable.
 - (4) Where the owner of a dog has not claimed the dog within three days after its seizure under subsection (1) above, and where the dog has not been sold, the Animal Control Officer may kill the dog in a humane manner, or otherwise dispose of the dog as he sees fit, in accordance with 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.
 - (5) Where a dog 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 Animal Control Officer may kill the dog in a humane manner as soon after the seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its killing.
13. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on summary conviction is liable to a fine of not less than fifty dollars (\$ 50.00) and not more than one hundred dollars (\$ 100.00) exclusive of costs, and every such fine shall be recoverable under the Summary Convictions Act.
 - (2) Notwithstanding the provisions of subsection (1) of this section, any person may, upon presentation of a violation tag pursuant to this by-law alleging the commission of an offence under this by-law, pay out of court within 5 days from the date of the said tag (exclusive of Saturday, Sunday and holidays);
 - a) the sum of twenty dollars (\$ 20.00) for a first offence, and
 - b) the sum of fifty dollars (\$ 50.00) for a second and any subsequent offence committed within the same calendar year.and upon such payment no further proceedings are to be taken under this by-law in respect of the said offence alleged in the violation tag.
14. By-laws numbers 80-1 and 82-1 shall be and are hereby repealed.
 15. This by-law shall come into force from and after the final passing thereof.
 16. Read a first and second time in open council this 15th day of September, 1994.
 17. Read a third time in open council, enacted and passed this 15th day of September, 1994.


Reeve


Clerk-Treasurer