

THE CORPORATION OF THE TOWNSHIP OF AMARANTH

BY-LAW NUMBER 45-2005

BEING A BY-LAW TO LICENSE AND REGISTER DOGS AND TO COLLECT A LICENSE FEE FROM THE OWNERS OF DOGS AND FOR PROHIBITING THE RUNNING AT LARGE OF DOGS WITHIN THE MUNICIPALITY

WHEREAS Section 11 of the *Municipal Act, 2001* authorizes the Municipality to pass by-Laws regulating and licensing the keeping of dogs;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF AMARANTH HEREBY ENACTS AS FOLLOWS:

1 DEFINITIONS

- 1.1 "Clerk" means Clerk of the Corporation.
- 1.2 "Corporation" means the Corporation of the Township of Amaranth.
- 1.3 "Council" Shall mean the Council of the Corporation of the Township of Amaranth.
- 1.4 "Dog" means a male or female dog of any age and includes a puppy.
- 1.5 "Municipality" means the Corporation of the Township of Amaranth.
- 1.6 "Owner of a Dog" includes a person who possesses or harbours a dog and "owns" and "owned" have a corresponding meaning.
- 1.7 "Provincial Offences Officer" is a by-law enforcement officer for the Township as appointed by the Council to enforce by-laws.
- 1.8 "Running at Large" for the purpose of this by-law, dogs shall be deemed to be running at large when found in any place other than the premises of the owner of the dog, and not under the control of any person.
- 1.9 "Treasurer" means the Treasurer of the Corporation.

2 LICENSING OF DOGS

- 2.1 Every person residing temporarily or permanently within the limits of the Municipality, being the owner of a dog shall within ten (10) days of becoming such owner, and each calendar year thereafter, cause the dog to be registered, numbered, described and licensed at the office of the clerk.
- 2.2 The owner of every dog shall keep the dog tag, furnished by the municipality, securely fixed on such dog at all times until the tag is renewed or replaced.
- 2.3 No license or dog tag shall be transferable.
- 2.4 The license fees to be paid in accordance with Schedule "A" to this by-law.

3 POUND

- 3.1 The Council of the Municipality shall, from time to time, designate a place or places, within or outside the municipality as a pound or pounds.

4 DOGS RUNNING AT LARGE

- 4.1 No owner shall permit or cause to be permitted a dog or dogs to run at large in the municipality.
- 4.2 A Provincial Offences Officer may seize and impound any dog found running at large and restore possession of the dog to the owner thereof when:
- 4.2.1.1 The owner claims possession within the redemption period, and
 - 4.2.1.2 The owner pays all costs and fines incurred to the Township
 - 4.2.1.3 The fine described in Schedule "B" shall be paid for the above.
- 4.2.2 At the end of the redemption period, when possession of the dog had not been restored to the owner pursuant to Section 4.2.1.1, the pound keeper may sell said dog and all moneys so received shall become the property of the pound keeper.
- 4.2.3 When Section 4.2.1.1 and 4.2.1.2 have not been fulfilled, then the Pound Keeper may destroy the dog or dispose of it in a manner deemed fit and no damage or compensation shall be recovered against the pound keeper and the pound keeper shall charge the owner a fee for disposal of the said dog.

- 4.2.4 If the dog is injured or should be destroyed without delay for humane reasons or for reasons of safety to a person or animal, the pound keeper may destroy the dog in a humane manner whether before or after impounding without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered as a result of the dog being destroyed.

5 PENALTIES

- 5.1 Every owner or person who contravenes any section of this by-Law is guilty of an offence and upon conviction is liable for a fine up to \$2,000.00, exclusive of costs recoverable under the Provincial Offences Act.

6 INDEMNITY

- 6.1 The Municipality, its agents and servants, the by-law enforcement officer and/or pound keeper shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

7 SEVERABILITY

- 7.1 If for any reason whatsoever, any provision or subsection of this by-law or the application therefor to any person or circumstances, is to an extent held or rendered invalid, unenforceable or illegal, then such provision or subsection is deemed to be independent of the remainder of the by-law and to be severable and divisible there from its invalidity, or unenforceability does not affect, impair or invalidate the remainder of the by-law or any part thereof, and this by-law continues to be applicable to and enforceable to the fullest extent permitted by law against any person in circumstances other than those as to which it has been held or rendered invalid, unenforceable or illegal.

8 THAT By-law 39-79, By-Law 23-90, By-Law 25-99 and By-Law 25-2005 and any other by-laws inconsistent with this by-law are hereby repealed in their entirety.

9 THAT Schedule "B" shall be effective upon the approval and/or amendment of Schedule "B" of this by-law by the Regional Senior Justice of the Ontario Court of Justice.

BY-LAW GIVEN A FIRST AND SECONDED READING THIS 17th DAY OF AUGUST 2005

BY-LAW GIVEN A THIRD READING AND BE PASSED THIS 17th DAY OF AUGUST 2005



CLERK



HEAD OF COUNCIL

SCHEDULE "A" TO BY-LAW 45-2005

The license fees to be paid under Section 2 shall be:

1. For the First dog shall be \$20.00
2. For the Second dog shall be \$40.00
3. For the Third dog shall be \$60.00
4. For the Fourth and any additional dog shall be \$100.00
5. An additional fee of \$10.00 will be charged for each dog which has not been spayed or neutered.
6. The owner of hunting dogs, upon approval by the Council of the Township of Amaranth, shall pay an annual license fee of \$100.00 in place and instead of a license fee for each dog.

Schedule "B" to By-law Number 45-2005

Item	Short Form Wording	Provision creating or defining offence	Set Fine (Includes Costs)
1	Keeping an unlicensed dog	Section 2(a)	\$150.00
2	Causing or permitting dog to run at large	Section 3(a)	\$150.00

Township of Amaranth
By-law no. 45-2005: Dogs
Part I Provincial Offences Act

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Fail to license dog	Section 2.1	\$125.00
2	Causing or permitting dog to run at large	Section 4.1	\$125.00

NOTE: the general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.



PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and the Municipal By-Law No. 45-2005, of the Corporation of the Township of Amaranth, attached hereto are the set fines for those offences to take effect November 7, 2005.

DATED at Hamilton, this 7th day of November, 2005.



TIMOTHY CULVER, Regional Senior Justice
Central West Region
Ontario Court of Justice