

THE MUNICIPALITY OF MARMORA AND LAKE

BYLAW NUMBER 2012-018

Being a bylaw to amend bylaw 2011-041, being a bylaw to provide for the licensing and Registration of dogs and to prohibit the running at large of dogs and control animal waste in the Municipality of Marmora and Lake

The Municipality of Marmora and Lake (hereinafter referred to as the municipality enacts as follows:

1. In this bylaw:

“Animal Control Officer” (hereinafter referred to as the ACO), includes the person and their agents who has entered into an agreement with the Municipality to control dogs, and the Municipal Bylaw Enforcement Officer and Clerk.

“Control” means manage, direct, restrict and restrain the movements or ability to attack or bite.

“Dog” means a male or female dog.

“Dwelling Unit” means real property used or designed for use as a home or as a place in which one or more persons may sleep, or property where dogs are kept.

“Kennel” means a place or confined where dogs are kept, bred or raised.

“Owner” of a dog includes a person who possesses or harbours a dog and where the owner is a minor, the person, responsible for the custody of the minor, and shall include the person(s) who are temporarily the keeper of dogs.

“Vicious Dog” shall mean a dog which has a shown propensity to attack or bite or which has without provocation, bitten a person, domestic animal or domestic fowl.

“Guide/Service Dog” shall mean a dog that is trained to aid the visually challenged and hearing impaired and is in active use for such purposes. No license is required for a service dog being used for such purposes.

2. The ACO is hereby authorized:

- (a) To issue licenses required under this bylaw
- (b) To seize, impound, or transport to the Quinte Humane Society or other council authorized pound, any dog running at large contrary to the provisions of this bylaw
- (c) Where it is alleged by the ACO that a person has allowed his/her dog to run at large, to issue a violation notice alleging such contravention;
- (d) To deal with dogs running at large as permitted under the Dog Licensing and Livestock Act Sec 9 or as amended;

For and on behalf of the Municipality.

3. Every owner of a dog in the Municipality shall;
 - (a) within seven days of acquiring the dog, obtain a license therefore and register the dog with ACO, and
 - (b) until ceasing to be the owner of the dog, obtain a new license for the dog prior to the expiry of each license issued therefore, in accordance with the provisions of this bylaw.
4. No person shall in the Municipality, own, possess or harbour a dog unless he/she has a license therefore issued by the ACO.
 - (b) No person shall in the Municipality, operate a kennel of dogs without a kennel license.
5. Subject to as hereinafter provided, every license hereunder shall be issued with respect to a calendar year and shall expire on the 31st day of December of such year.
 - (b) Any license hereunder issued on or after the 1st day of November in any year shall in addition be for the year ensuing and shall not expire until the 31st day of December of such ensuing year.
6. A license fee shall be paid to the Municipality for each license issued under this bylaw, at the time such license is issued, as set out in Schedule A which may be amended by a resolution of Council.
 - (b) The owner of a kennel of dogs that are registered with an association incorporated under the Animal Pedigree Act (Canada), or other purebred working breeds such as sled dogs, hunting hounds, herding or livestock protection dogs, and who have paid a license fee as set out in Schedule A as a license fee for the kennel, shall not be liable to pay in respect of such dogs, any license fee under this bylaw.
 - (c) The issuance of a kennel license is subject to **an inspection by the ACO and** the following conditions:
 - (i) If unhealthy or improper housing or conditions exist, the municipality has the right to revoke the license.
 - (ii) The ACO has the right to inspect the premises at any time without notification
 - (iii) Debarment or suspension by the association incorporated under the Animal Pedigree Act is cause for the Municipality to revoke the license.
 - (iv) No person shall operate a kennel or receive a kennel license in the municipality for a kennel which breeds greater than three breeds of registered dogs.
 - (v) No kennel licenses shall be issued in Residential Zoning.
 - (vi) A kennel license will only be granted in areas properly zoned to permit the use of dog kennels in accordance with all Corporation bylaws.
 - (vii) Every person who is issued a kennel license shall ensure that the said license be posted within the kennel or in a secure area of the property where the kennel is located.
 - (viii) **Less than 21 dogs be kept**
 - (ix) **A minimum of 15 acres**
 - (d) Where a dog is identified with a recognized Microchip such as CANADACHIP, or PETNET and a copy of the certificate filed with the Municipality, no license fee will be charged.
 - (e) Where a dog is found and identified by the ACO and returned immediately to the owner, a finders fee as set out in Schedule A shall be charged and retained by the ACO.

7. Upon receipt of the prescribed license fee, the ACO shall furnish a dog tag to the owner of the dog in respect of which the license is issued.
 - (b) The dog tag shall be a number and the year for which it is used and the ACO shall register the number of the dog tag, along with the name and address of the owner, the breed and sex of the dog, and the date that the dog tag is furnished to the owner in a record book maintained for that purpose.
 - (c) Replacement dog tags, or dog tags for licensed kennels, are per Schedule A.
 - (d) Current dog tags from another municipality shall be honoured for the year and dog issued subject to meeting all other requirements of this bylaw.
8. The owner of a dog shall keep the dog tag securely fixed on the dog in respect of which such tag is furnished, at all times until such tag is replaced.
9. No person shall remove a dog tag from a dog, or use a dog tag on a dog other than the dog, in respect of which the dog tag is furnished.
10. No person shall allow his dog to run at large in the Municipality.
 - (b) For the purposes of this section, a dog 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.
 - (c) Hunting dogs, during hunting season, are allowed to run at large only on property which the owner of the land has given permission to the owner of the dog.
 - (d) No person shall keep a dog when off the premises of the owner, other than on a leash which shall not exceed three metres in length;
 - (e) No person shall keep more than three dogs, in or about any dwelling unit with the municipality, save and except any person who on the passing of this bylaw, is keeping more than three dogs that have been licensed by the Municipality, may keep those dogs until the end of the license period or for up to 3 months, whichever is greater.
 - (f) A licensed and zoned board kennel will be subject to fees per Schedule A.
11. Any dog running at large, contrary to the provisions of this bylaw, may be seized, impounded, or transported to the Quinte Humane Society or other council authorized pound by the ACO;
 - (b) Any dog running at large may be dealt with as permitted under the Dog Licensing and Livestock Act Sec. 9;
 - (c) Where a dog is seized by the ACO, the ACO shall be entitled to charge the person claiming the dog under this Bylaw, a pound fee of \$50.00 with respect to such dog.
 - (d) The owner of any dog transported to the Quinte Humane Society or other council authorized pound shall be subject to their current boarding, adoption, and other fees, plus any fees per Schedule A, whether claimed or not.
 - (e) Dog owners who refuse to purchase the required dog license, kennel license, or board kennel license shall have the amount added to their taxes as a local improvement on the next available tax bill and shall be subject to a fee per Schedule A and/or the short form tickets attached.

12. Every person who keeps a dog in the Municipality shall provide such animal or cause it to be provided with such food, water, exercise, attention and veterinary care as may be required from time to time to keep it in good health.
13. If an animal is customarily kept out of doors, the person having the custody or control of the animal, shall, at all times provide for its use, a dry, off the ground accommodation.
14. Every person who has the custody or control of an unsprayed female dog, shall during each period that the animal is in heat, keep it confined so that it is not accessible to other dogs.
15. Animals shall not be permitted to defecate on municipal property. If this occurs, the owner and person in control of the animal must immediately clean up the area and remove it appropriately. Quantities of animal waste must not be allowed to accumulate uncovered on private property. Large quantities of animal waste (for example a garbage bag full) are not permitted to be taken to the landfill site.
16. Vicious Dogs
No person shall harbour, own or keep a vicious dog within the Municipality of Marmora and Lake.
17. All former dog bylaws including bylaw 2000-11 and bylaw 2004-22 are hereby repealed.
18. This bylaw shall become into force upon passing.

READ A First, Second and Third time and finally passed this 3rd day of August, 2012.

Reeve Terry Clemens

Clerk Judy Durbatch

SCHEDULE "A"
Bylaw 2011-041

SPAYED/NEUTERED LICENSE	\$10.00 \$15.00 after March 31
UNALTERED LICENSE	\$20.00 \$30.00 after March 31
BREEDING/ BOARDING KENNEL LICENSE Inspection required by Animal Control Officer	\$250.00
Renewal of Kennel Licence	\$100.00
Late Fee (after March 31)	\$ 50.00
RETURN OF IMPOUNDED DOG (A license must be obtained and any Quinte Humane Society fees are in addition)	\$50.00

SCHEDULE "B"
Bylaw 2011-041

Column 1	Column 2	Column 3
Short Form Wording	Provision Creating Or Defining Offence	Set Fines (Including Costs)
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1. Fail to have a dog license	Sec. 4(a)	\$100.00
2. Fail to have a kennel license	Sec 4.(b)	\$100.00
3. Misuse of dog tag	Sec. 9	\$100.00
4. Allow dog to run at large	Sec. 10(a)	\$100.00
5. Fail to have a dog on a leash Off property	Sec. 10(d)	\$100.00
6. Keep more than three (3) dogs	Sec. 10(e)	\$100.00
7. Fail to pick up or properly Dispose of dog waste	Sec. 15	\$100.00
8. Keep a vicious dog	Sec. 16	\$100.00

NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33