

TOWN OF COLLINGWOOD

BY-LAW NO. 98 - 74

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210, authorizes the council of a local municipality to pass by-laws for prohibiting or regulating the keeping of animals within the municipality and to prohibit or regulate noise which is likely to disturb the inhabitants of the municipality;

AND WHEREAS the Municipal Act, R.S.O. 1990, Chapter M.45, Section 210, authorizes the councils of municipalities to pass by-laws for licensing and for requiring the registration of dogs;

NOW THEREFORE THE COUNCIL THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law,

- 1.1 "Act", means the Municipal Act, R.S.O. 1990, Chapter M.45, as amended from time to time;
- 1.2 "Animal Control Officer" means an Animal Control Officer appointed by by-law of the Corporation of the Town of Collingwood;
- 1.3 "Clerk" means the Clerk appointed by the Council of the Corporation of the Town of Collingwood pursuant to the Act;
- 1.4 "Council" means the Council of the Corporation of the Town of Collingwood;
- 1.5 "Dog" means a male or female dog over the age of 12 weeks;
- 1.6 "Dog Tag" means a metal license bearing a serial number and the current year in which it was issued by the Clerk, his designate, or the Animal Control Officer of the Corporation of the Town of Collingwood;
- 1.7 "Dwelling unit" means a room or suite of two or more rooms, designed or intended for use by any person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment;
- 1.8 "Harbour" does not include the provision of shelter to a dog for a period of time of less than seven days, provided that the dog is owned by someone other than the household group normally a resident in the dwelling unit in which the dog is harboured and can provide proof of a permanent address;
- 1.9 "Household group" means two or more persons who live in the same dwelling unit whether or not they are related to one another;
- 1.10 "Kennel" shall mean an establishment where more than two (2) dogs are kept for the purpose of show, training, keeping, breeding and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment;
- 1.11 "Municipal Law Enforcement Officer" shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Town of Collingwood.
- 1.12 "Owner of a dog" shall include any person who possesses or harbours a dog and

'owned' or 'owns' have a corresponding meaning.

1.13 "Peace Officer" means a provincial offences officer with the meaning of the Provincial Offences Act, R.S.O. 1990, Chapter P.33;

2.0 LIMIT OF TWO DOGS IN A DWELLING UNIT

2.1 No more than two dogs shall be harboured, at any one time, in a dwelling unit located within the boundaries of the Town of Collingwood.

3.0 LICENSING OF DOGS

3.1 Every dog owner shall, on or before the 15th day of February in each and every year, or upon becoming the owner of a dog after the 15th day of February, register such dog or dogs with the Town Clerk or his designate or with the Animal Control Officer, pay the prescribed fee and procure a metal dog tag bearing a serial number and the year in which it was issued, for each dog owned, up to the allowable maximum of two dogs.

3.2 Upon application for a licence, the owner shall produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an Anti-Rabies Vaccine with a period of twelve (12) months prior to the date of application for a license.

3.3 A record of dog tags issued shall be kept by the Clerk or other officer designated by the Corporation of the Town of Collingwood for that purpose, showing the name and address of the owner and the serial number of the dog tag.

4.0 EXPIRATION OF LICENCES

4.1 A licence issued pursuant to Section 3.1 of this By-law shall expire on the 31st day of December in the year for which it was issued.

5.0 FEES FOR DOG LICENSES

5.1 Yearly fees payable for dog licenses shall be as follows:

	January 1 st
Each Dog	\$30.00
Replacement tag	\$ 5.00

6.0 KENNEL LICENSING

6.1 No person shall operate a kennel without, on or before the 30th day of January in each year or upon the commencement of the operation of a kennel after the 30th of January in each year, first applying for and obtaining a kennel license and paying the prescribed fee in the amount of \$100.00 to the Corporation of the Town of Collingwood.

6.2 A kennel operator with a kennel license is not required to apply for a license pursuant to Section 3.1 in respect of dogs harboured at the kennel.

6.3 Kennels may only be licensed if they are located where kennels are permitted by the applicable zoning by-laws.

6.4 No person or persons shall keep more than two (2) dogs over 12 weeks of age at one location unless a kennel license is obtained.

6.5 Every person who holds a kennel license or applies for a kennel license shall comply with the following requirements:

- 6.5.1 The kennel shall be registered in the register of the Canadian Kennel Club Incorporated.
- 6.5.2 The kennel shall be in a separate building.
- 6.5.3 The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code.
- 6.5.4 The kennel building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often if necessary.
- 6.5.5 The kennel building shall have electric lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.
- 6.5.6 Where dogs are permitted to use an outside area, there shall be constructed
Around such area a fence having a height of at least four feet (4'); the wall of an adjacent building may be included as part of such fenced in area.
- 6.5.7 Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- 6.5.8 While the license is in force, it shall be continuously exposed in a conspicuous place in the interior of the premises for which the license is obtained.
- 6.5.9 At all times the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odors.
- 6.5.10 The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthful temperature at all times.
- 6.5.11 The operator shall feed and give water to the dogs periodically each day and keep same in a clean, health condition, free from vermin and disease.
- 6.5.12 The Municipal Law Enforcement Officer and any other person authorized by the Corporation of the Town of Collingwood may inspect any place where dogs are kept, pursuant to this by-law.
- 6.5.13 If the kennel is found not to conform, under the requirements set out herein, the Municipal Law Enforcement Officer may direct that the dogs be seized and impounded by the Animal Control Officer appointed by the Corporation of the Town of Collingwood and may revoke the license issued to the kennel.

7.0 HARBOURING DOG WITHOUT A LICENCE OR TAG

- 7.1 Except as provided herein, no person shall harbour a dog or dogs within the boundaries of the Town of Collingwood unless such dog has affixed to it a current dog tag issued under this By-law.

8.0 IMPROPER USE OF DOG TAG

- 8.1 No person shall use a dog tag for a dog other than the dog for which the dog tag was issued.

9.0 DOGS RUNNING AT LARGE

- 9.1 No person shall permit a dog to run at large within the boundaries of the Town of Collingwood.
- 9.2 For purposes of this section, a dog shall be deemed to be running at large if found at any place within the boundaries of the Town of Collingwood other than the premises of the owner of the dog and, when so found it is not under the control of a competent and responsible person.
- 9.3 A dog shall be deemed to be running at large if found on municipal property and not on a leash.
- 9.4 A dog shall not be deemed to be running at large if, while off the premises of its owner, the dog is within an enclosed area from which it does not appear to be able to escape, with the consent of the owner of such enclosed area.
- 9.5 A dog shall be deemed to be under the control of a competent and responsible person if it is on a leash and which leash is in the hands of an individual who appears to be able to restrain the dog and/or maintain control over the dog or, if the individual exercising control over the leashed dog is able to exercise such control by way of voice commands to which the dog readily responds.
- 9.6 An Animal Control Officer or Peace Officer shall seize any dog found running at large and the owner of such dog is liable to pay the Animal Control Officer upon presentation of an invoice, a seizure/pound fee of \$30.00 to cover the costs associated with such seizure. Failing such payment, the owner shall have committed an offence under this By-law.

10.0 CAUSING DISTURBANCE

- 10.1 No person, being the owner of a dog or the operator of a kennel, shall permit a dog or dogs to howl or bark so as to cause noise, which disturbs, or is likely to disturb the inhabitants of the Town of Collingwood.
- 10.2 If, upon being warned of a complaint by the Animal Control Officer or Peace Officer, the owner of the dog or kennel which is the subject of complaint, fails to restrain the dog or dogs from causing noise, the owner of the dog or the operator of the kennel shall be deemed to have committed an offence under this By-law.

11.0 REMOVAL OF DOG EXCREMENT

- 11.1 Every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public or private lands within the boundaries of the Town of Collingwood.
- 11.2 In any prosecution pursuant to a violation of Section 11.1 of this by-law, proof that the defendant is either a blind person or a handicapped person shall constitute a defense to such prosecution.

12.0 SEIZURE AND IMPOUNDING

- 12.1 A Peace Officer or/and Animal Control Officer appointed by the Corporation of the Town of Collingwood may seize and impound any dog found running at large.
- 12.2 If a dog found running at large is injured and should, at the discretion of the Peace Officer or the Animal Control Officer, be destroyed without delay for humanitarian reasons, the Peace Officer or Animal Control Officer may destroy the dog in a humane manner after the seizure as he/she thinks fit and no damages or compensation shall be recoverable by the owner of the dog on account of such destruction.

- 12.3 A Peace Officer or Animal Control Officer may destroy any animal found at large which animal cannot be seized with a reasonable time and which animal threatens the safety of the Peace Officer or Animal Control Officer or other persons, and no damages or compensation shall be recoverable by the owner of the dog on account of such destruction.
- 12.4 Where a dog has been impounded and has not been destroyed, the Animal Control Officer shall release possession of the dog to its owner where:
- 12.4.1 the owner attends at the pound and claims possession of the dog within three days, excluding the day in which the dog was impounded and statutory holidays and Sundays,
- and
- 12.4.2 the owner provides proof that the animal is licensed prior to release,
- and
- 12.4.3 the owner pays to the Animal Control Officer, a seizure/pound fee of \$30.00 and a maintenance fee of \$5.00 per day for each day the dog has been in the pound, commencing the day the dog is seized and including the day the dog is removed from the pound.

13.0 LIABILITY FOR FEES

- 13.1 Where a dog is impounded, the owner of the dog shall be liable for the pound and maintenance fees prescribed herein, including the fees for destruction of the dog where the dog has been destroyed, whether or not the dog is claimed by the owner. All such fees shall be payable on written demand to the owner from the Clerk or Animal Control Officer.
- 13.2 If the owner has not paid the fees demanded in writing, within 30 days of the demand for payment, such fees may be collected by action or in the same manner as taxes.

14.0 DISPOSAL OF DOGS

- 14.1 Where a dog has been seized while found running at large and impounded and the owner has not claimed the dog within three days, excluding the day on which the dog was seized, statutory holidays, and Sundays, or having attended at the pound to claim the dog but not paid the prescribed seizure, pound and maintenance fees, the Animal Control Officer may sell the dog for such price as he/she deems fit, destroy the dog in a humane manner, or otherwise dispose of the dog as he/she deems fit in his/her discretion, and no damages or compensation shall be recoverable by the owner as a result of any such action.

15.0 ENFORCEMENT

This by-law shall be enforced by a Police Officer, Animal control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purposes of enforcing the Municipality's by-laws.

16.0 PENALTIES FOR OFFENCES

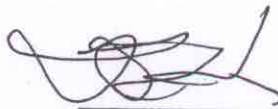
Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

17.0 GENERAL

17.1 By-law No. 90-33 is hereby repealed.

17.2 This By-law shall come into force and take effect upon the third and final passage thereof..

Enacted and passed this 14th day of DECEMBER 1998



Mayor



Clerk

Set Fine Schedule

THE CORPORATION OF THE TOWN OF COLLINGWOOD

PART I Provincial Offences Act

By-law 98 - , licensing and registration and control of dogs

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (Includes Costs)
1.	Harbour more than two dogs in dwelling unit	Section 2.1	\$105.00
2.	Fail to acquire a licence for the current year	Section 3.1	\$50.00
3.	Operate a kennel without a licence	Section 6.1	\$150.00
4.	Harbour dog without a licence affixed	Section 7.1	\$50.00
5.	Use dog tag for a dog not being the licenced dog	Section 8.1	\$50.00
6.	Permit dog to run at large	Section 9.1	\$50.00
7.	Fail to restrain dog from causing noise	Section 10.1	\$105.00
8.	Fail to remove excrement left by dog	Section 11.1	\$50.00

Note: The penalty provision for the offences indicated above is Section 16.0 of By-law 98 - a certified copy of which has been filed.

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