

**THE CORPORATION OF THE TOWN OF
NORTHEASTERN MANITOULIN AND THE ISLANDS
BY-LAW NO. 1998-25
AS AMENDED BY BY-LAW 2001-16,
AND AS AMENDED, July 21, 2009**

Being a by-law for the licensing and requiring the registration of dogs and for the control and keeping of dogs within the Municipality of the Town of Northeastern Manitoulin and the Islands.

WHEREAS Section 103 of The Municipal Act 2001 as amended provides that by-laws may be passed by the Councils of local municipalities for licensing, keeping and prohibiting or regulating the running at large of dogs within the Municipality,

AND WHEREAS Council deems it desirable to license and regulate dogs within the Municipality,

NOW THEREFORE the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands ENACTS as follows:

1. **Short Title**: The Short Title of this By-law is “Animal Control By-law”.
2. **Enforcement of By-law**: The By-law shall be enforced by the “Animal Control Officer”.
3. (1) “Animal Control Officer” includes the person or association who has entered into a contract with the Municipality to control dogs and to operate a dog pound and any such person or association and all servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Bill 74, The Provincial Offences Act, 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) “Kennel” includes any building, part of a building or area used for the keeping of dogs.

(4) “License Issuer” means the Clerk of the Municipality;

(5) “License Agent” means the Rainbow District Animal Control;

(6) “Muzzle” means a humane device designed to fit over the mouth of a dog to prevent a dog from biting. A muzzled dog means a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle.

(7) “Owner” of a dog includes a person who possesses or harbours a dog and “owns” and “owner” have corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor.

(8) “Treasurer” means the Treasurer of the Municipality.

(9) “Leash” means a chain, rope, or other restraining device of not more than two (2) metres.

(10) “Vicious Dog” means a dog which has been declared to be vicious pursuant to section 22 of the By-law.

PART 1- LICENSING

4. No person in the Municipality shall own, harbor or possess a dog unless or until he has procured a license so to do as herein provided and every owner of a dog shall be subject to the provisions of this By-law.
5. The Rainbow District Animal Control is hereby appointed License Agent, and authorized to issue licenses under this By-law, and every such license shall be issues for and on behalf of the Municipality and on behalf of the License issuer by the License Agent.
6. A license shall be procured and renewed pursuant to this By-law by applying to the License Agent for said License or renewed License as the case may be and by paying the License Agent fee.
7. Any License procured, issued or renewed pursuant to this By-Law shall be in the form of a dog tag.
8.
 - (1) Every dog tag must bear a serial number, year of issue and the name of the License Issuer or License Agent.
 - (2) A record shall be kept by the License Agent showing the Name and Address of the owner and the serial number of the tag.
9.
 - (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. Failure to do so constitutes a breach of the By-law.
 - (2) No owner of a dog shall use a tag on a dog other than that for which it was issued.
10.
 - (1) In the event the tag issued for a dog is lost, the owner may obtain a second tag upon the payment of a fee.
 - (2) If there is a change in ownership of a dog during the license year, the license holder shall notify the License Agent immediately of the change of ownership and the new owner must pay a license transfer fee for this service. Failure to do so constitutes a breach of this By-law.
 - (3) Where a certificate is produced from the Canadian National Institute for the Blind or a certificate from a recognized dog guide training school stating that a dog is being used as a guide for a blind person, no fee shall be charged for a license or tag under this By-law.
 - (4) Where a certificate is produced from Hearing Ear Dogs of Canada stating that a dog is being used for the assistance of a deaf person, no fee shall be charged for a license or tag under this By-law.
11.
 - (1) Every license 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) Every license shall be renewed yearly on or before the 15th day of February and the fee to be paid to the License Agent.
12. The license fees to be paid to the License Agent at the time of the issuing of the License shall be specified in Schedule "A", which schedule is hereby incorporated as part of this By-law

PART 2- KENNELS

13. (1) Notwithstanding the provisions of section 11 and 12 above, no person in the Municipality shall own, harbor or possess a kennel of dogs until he or she has paid an annual license fee to the treasurer for the kennel and he or she is not liable to pay in respect of such dogs any license fee under this By-law;
- (2) The Kennel License fee to be paid to the Treasurer at the time of issuing of the license shall be specified in Schedule "C", which schedule is hereby incorporated as part of this By-law.
- (3) Owners and operators of kennels shall comply with the following regulations:
- (a) The license shall expire on the 31st day of December.
- (b) Every license shall be renewed yearly between the 1st day of January and the 15th day of February of the next year, inclusive.
- (c) A Kennel shall be permitted only in premises zoned for the purpose of the boarding and breeding of dogs.
- (d) No Kennel shall be permitted on a property of less than 10 acres.
- (e) No Part of a Kennel shall be constructed or maintained closer than 30 meters from the nearest property line of any adjacent residence.
- (f) The floors of each room in which dogs are kept shall be:
- i) constructed of an impermeable material and,
 - ii) flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done, and
 - iii) if such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewage system or sewage disposal system.
- (g) Each room that is used for the housing of dogs shall be equipped with a lighting system that is so designed, constructed and maintained that:
- i) it distributes light as evenly and with as little glare as possible;
 - ii) it provides adequate light for the proper observation of every animal in the room, and
 - iii) it is adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.
- (h) Each room that is used for the housing of dogs shall provide ventilation for the health, welfare, and comfort of every dog by either:
- i) having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room, or
 - ii) having a mechanical ventilation device in working order which changes the air at least two times each hour.
- (i) Each room that is used for the housing of dogs shall at all times, be maintained at a minimum temperature of nine degrees Celsius for the health, welfare and comfort of every dog therein.
- (j) Each cage or pen used for the housing of dogs shall be so constructed and maintained that :

- i) every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
 - ii) it is not likely to harm any dog therein;
 - iii) any dog therein cannot readily escape therefrom; and
 - iv) it may be readily cleaned;

- (k) Each doorway, window, and outside opening shall be screened during the period of May 1st to October 1st of each year.

- (l) The yards and runways shall be:
 - i) fenced so any dogs therein cannot readily escape therefrom, and
 - ii) graveled and well drained or
 - iii) paved with concrete, asphalt, or other impermeable material,
 - iv) graded to an adequate drain or gutter, and
 - v) cleaned at least once daily when in use;

- (m) Each area in which dogs are kept shall, at all times be maintained in a clean and sanitary condition.

- (n) Excreta, dead animals, and other waste resulting from the keeping of dogs shall be removed daily from the premises.

- (o) The Medical Officer of Health for the district of Manitoulin shall enter any building and order the removal of any matter or thing which is dangerous or injurious to the public health including any or all the above mentioned dogs, whenever it appears to the Medical Officer of Health that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health.

- (p) Every dog shall be supplied:
 - i) with food of a type and in amounts nutritionally adequate for the dog and
 - ii) with adequate amounts of potable water and
 - iii) with medical service for any disease or injury from which the dog may be suffering.

- (q) The owner, operator or a person designated by the owner or operator shall attend at the kennel at least once every 12 hours.

- (r) Any Animal Control Officer or any other duly authorized person may enter upon, and may inspect without notice any kennel or any place where dogs are kept at any reasonable time.

- (s) The Animal Control Officer or any other duly authorized person may revoke any license where the owner or operator of the kennel does not comply with the provisions of this by-law or any applicable municipal by-laws, provincial or federal statutes or regulations.

- (t) Where a Kennel License has been revoked, the kennel owner may apply to the Municipality for a hearing as to whether or not the kennel license should be revoked. An application for a hearing shall be filed with the Clerk within ten (10) business days of the date of delivery of the written notice that the kennel license has been revoked.

PART 3- RUNNING AT LARGE

14. (1) No person shall, within the Town of Northeastern Manitoulin and the Islands, fail to prohibit a dog, for which he or she is the owner, from running at large or permit a dog to run at large.
- (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) metres 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 allow or permit a dog under his or her control or of which he or she 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.
- (5) No person shall allow or permit a dog under his control or of which he is the registered owner to be on a Public Beach whether on a leash or not.
15. Every person who is the owner of a dog at a time when the dog fouls a property anywhere within the Municipality, shall forthwith remove, or cause the removal of the excrement from such a property and sanitarily dispose of the excrement. Failure to do so constitutes a breach of this By-law.
16. (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 three (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 for a dog seized and a maintenance fee for each day subsequent to the day of seizure that the dog remains impounded.
 - the owner has procured a current license for the dog pursuant to Part 1 Licensing of this By-law.
- (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 or License Agent.
- (3) Where at the end of three (3) days mentioned in subsection (1) 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 (3) 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 dogs as he sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damages 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 Peace Officer or Animal Control Officer may kill the dog in a humane manner as soon after 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.

(6) In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

17. Dogs shall be accepted by Rainbow District Animal Control.
18. Fees for the services outlined in Part 3 are as specified in schedule "B", which schedule is hereby incorporated as part of this By-law.

PART 4- KEEPING OF DOGS

19. Every person who owns a dog in the Town of Northeastern Manitoulin and the Islands shall provide such dog or cause it to be provided with such food, potable water, exercise, and attention as may be required from time to time to keep it in good health.
20. If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use, a structurally sound, weatherproof enclosure with off the ground flooring.
21. No person shall in the Town of Northeastern Manitoulin and the Islands keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 meters in length.

PART 5- VICIOUS DOGS

22. (1) Declaring a dog as vicious: The Animal Control Officer may investigate any dog bite incident which has been reported to the Medical Officer of Health for the district of Manitoulin. Where the Animal Control Officer is satisfied that the dog has, without provocation, bitten a person or a domesticated animal, he or she may declare the dog to be a vicious dog.

(2) Service of a Declaration: Where a dog has been declared a vicious dog, pursuant to section 22 (1) of this by-law, the dog owner shall be provided with a copy of written declaration to that effect.

(3) Appeal of Declaration: Where a dog has been declared as a vicious dog, the dog owner may apply to the Municipality for a hearing as to whether or not the declaration should be revoked. An application for a hearing shall be filed with the Clerk within ten (10) business days of the date of delivery of the notice of declaration.
23. (1) No person shall, within the Municipality, fail to restrain a vicious dog for which he is the owner.

(2) For the purpose of this by-law where restrain is used in connection with a vicious dog at its owner's property shall be deemed to mean:
 - a) kept indoors in a manner respective of its environmental needs which prevents contact with persons who have not consented to contact; or
 - b) kept in a pen or other outdoor enclosure respective of its environmental needs which prevents the dog from:
 - (i) leaving the owners household (except in accordance with the provisions of this By-law), and
 - (ii) coming into contact with persons who are not at the owner's household.

- (3) For the purpose of this by-law where restrain is used in connection with a vicious dog at a place other than its owner's property it shall be deemed to mean:
(a) vicious dog muzzled, leashed, and under the control of a person.
24. (1) Every person who owns a vicious dog, upon relocation of his or her residence, shall immediately notify the License Agent of the change of address. Failure to do so constitutes a breach of this By-law.
25. Hearing Panel: The council hereby delegates the Standing Committee for Animal Control, or such persons as that Committee may designate, to hear matters arising out of section 13 or 22.
26. (1) No person shall, within the Town of Northeastern Manitoulin and the Islands, forcibly retrieve a dog from an Animal Control Officer or a vehicle under an Officer's control.
- (2) No person shall forcibly retrieve a dog from the Pound keeper, an Animal Control Officer or, break and enter into a patrol vehicle of the Rainbow District Animal Control or retrieve a dog without payment in full of all fees and charges required to be paid under this by-law.
27. If any part, section, subsection, clause or paragraph of this By-law is, for any reasons, held invalid, such portion shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the By-law as a whole or any part thereof, other than the provisions so declared to be invalid.
28. Every person who contravenes any of the provisions of this By-law is guilty of an offence.
29. All former relative By-laws are hereby rescinded.
30. This By-law shall come into full force and effect on the date , 2009.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSES THIS
21ST DAY OF JULY, 2009.

Jim Stringer

Mayor

Janet Moore

Clerk

SCHEDULE "A"

By-law No. 98-25, as amended.

FIRST APPLICATION

Dog License Fee - \$20.00

For Senior Citizens (over 65 years of age) Dog License Fee - \$10.00

LATE RENEWALS:

Renewal license Applications received after Feb. 15, add \$10.00 to each license fee.

MISCELLANEOUS:

Seeing Eye Dog - no charge

Hearing Ear Dog - no charge

Replacement Tag - \$2.50

Transfer - \$2.50

SCHEDULE "B"

By-law No. 98-25, as amended.

1. Dog Redemption:

1 st Impound	- \$50.00
2 nd Impound	- \$70.00
Each Additional Impound	- \$80.00

2. Per Diem Animal Care Fee - \$15/day

3. Animal Surrender Fee - \$75.00

SCHEDULE "C"

By-law No. 98-25, as amended.

1. Kennel License Fee - \$100.00

SET FINE

Municipality: Town of Northeastern Manitoulin and the Islands

Bylaw Number: 98-25 as amended

Address: P.O Bag 2000, Little Current, Ontario, P0P 1K0

ITEM	COLUMN 1 Short Form Wording	COLUMN 2	COLUMN 3 Set Fine including Court Costs
1.	Failure to procure a license	Section 4	\$65.00
2.	Failure to affix the dog license	Section 9(1)	\$65.00
3.	Misuse of a dog license	Section 9 (2)	\$65.00
4.	Failure to notify change of ownership	Section 10(2)	\$65.00
5.	Failure to register a kennel	Section 13(1)	\$65.00
6.	Fail to prohibit dog from running at large	Section 14	\$65.00
7.	Fail to clean up and dispose of dog excrement	Section 15	\$65.00
8.	Fail to keep dog in good health	Section 19	\$65.00
9.	Fail to provide outside enclosure	Section 20	\$65.00
10.	Keep dog on improper chain or rope	Section 21	\$65.00
11.	Fail to restrain a vicious dog	Section 23	\$250.00
12.	Fail to notify change of address	Section 24	\$65.00
13.	Forcibly retrieve dog from Animal Control (officer/vehicle)	Section 22	\$100.00

The penalty provision for the offences indicated above is Section 28 of By-law # 98-25 as amended, a certified copy of which has been filed.

**VICIOUS DOG BY-LAW DECLARATION
TOWN OF NORTHEASTERN MANITOULIN AND THE ISLANDS
BY-LAW NO. 98-25 AS AMENDED, AND AS MAY BE AMENDED**

Owner's Name: _____ Animal Name: _____
Address: _____ License Number: _____

Breed: _____

Colour: _____
Sex: _____ Age: _____

An investigation of an incident involving your above described animal, and:

Victim: _____ Address: _____

On date: _____ has been conducted, and it has been determined that your animal has bitten a person/domestic animal in an unprovoked attack.

Accordingly, this animal is therefore declared "vicious" pursuant to By-law No. 98-25, as amended, and as may be amended, and you, as the owner, are hereby notified that if you wish to keep this dog in the Town of Northeastern Manitoulin and the Islands you must:

1. Keep the dog muzzled, leashed and under the control of a person at least 16 years old at all times when it is off your property.
2. At all times, when on your property or on the property of the person who has the care and control of the dog, the dog must be restrained. This is accomplished by keeping the animal inside a building, or house, or in an enclosed pen or other enclosed area of sufficient dimension and strength to be humane, and to prevent the dog from either leaving the building or property or from coming in contact with persons who are not at that building or property.
3. If you transfer ownership or possession of this dog, or relocate your place of residence within the Town of Northeastern Manitoulin and the Islands, you **must immediately notify** Rainbow District Animal Control.

Contravention of By-law No. 98-25, as amended, and as may be amended, may result in prosecution of you, as the owner of a vicious dog, and if convicted, a fine of up to five thousand dollars (\$5,000) may be levied for each offense. You may appeal this Declaration by making Application to the Town Clerk within ten (10) business days of the date of delivery of this Notice of Declaration.

ANIMAL CONTROL OFFICER: _____

DATE OF DECLARATION: _____

Notice was served upon: _____

at: _____ Date: _____

By: _____ Time: _____

KENNEL LICENSE APPLICATION

Kennel Name _____ application New _____ or Renewal _____
Registration affiliation: CKC _____ AKC _____ Other _____
Applicant _____ Phone No. _____
Address _____
Location: Lot _____ Conc. _____ Twp. _____
Kennel premises: Separate Building _____ Part of Building _____
Year established _____ Distance to closest property line _____
Zoning _____
Purpose of Kennel: Breeding or raising of dogs _____ boarding _____
other _____

Kennel Premises: Briefly describe facilities: (include floor area, material, number of windows, plumbing, running water, electrical, types of cages, outside runs)

Enclose Payment of fee \$100 annually cash payable to Treasurer Town of Northeastern Manitoulin and the Islands.

I _____ hereby give permission to the Town of Northeastern Manitoulin and the Islands Animal Control Officer or other duly authorized person to enter at any time, this kennel and the lands upon which the kennel is situated for the purpose of inspection.