

INCORPORATED VILLAGE OF HILTON BEACH

BY-LAW #2020-08

BEING A BY-LAW FOR LICENSING AND REQUIRING THE REGISTRATION OF DOGS
AND FOR THE CONTROL AND CARE OF DOGS WITHIN
THE VILLAGE OF HILTON BEACH

WHEREAS Sections 9 and 11 of the Municipal Act 2001, S.O., 2001, c. 25 confers the power to pass by-laws regulating or prohibiting animals to a lower or single tier municipality;

AND WHEREAS Section 9(3) of the Municipal Act 2001 provides that a by-law passed under Section 11 may regulate or prohibit respecting a matter, provide for a system of licenses, permits, approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS Section 103 of the Municipal Act 2001 confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the By-law under certain conditions;

AND WHEREAS Section 105(1) of the Municipal Act 2001 provides that if a municipality requires the muzzling of dogs under any circumstances that the Council of a municipality shall upon the request of the dog owner, hold a hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

AND WHEREAS Section 391 of the Municipal Act 2001 enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE BE IT RESOLVED that the Council of the Incorporated Village of Hilton Beach ENACTS as follows:

1. In this By-law:

"Animal Control Officer" means a Village of Hilton Beach By-law Enforcement Officer;

"Dog" means a male or female dog over the age of 12 weeks;

"License" means a license issued pursuant to this by-law;

"Owner" means any person who possesses or harbours a dog, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the dog and "owns" has the same meaning;

"Running at large" means being off leash and not under the control of a person and found on any other property than that of the owner of the animal;

"Village" means the Incorporated Village of Hilton Beach.

2. REGISTRATION AND LICENSING OF DOGS

(i) Every owner of a dog which is twelve weeks of age and older shall on or before the 31st day of January of each year register and license with the Village and pay an annual tag and license fee, as established by Village Council by resolution from time to time.

(ii) Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Village administration showing the name and address of the owner and the serial number of the tag.

(iii) Every owner shall ensure that the tag issued by the Village is securely affixed on the dog at all times.

(iv) Every owner shall obtain a replacement tag and pay the fee as established by the Village Council by resolution from time to time.

(v) Every applicant for dog registration and license shall provide the following information for a license or for the renewal of a license:

- Name, address, telephone number of the dog owner;
- Name, age, gender, breed and colour of dog;
- A valid rabies certificate which proves that the dog's rabies vaccination is current on the date of application or renewal of a license;

(vi) Every license issued pursuant to the by-law shall expire on the 31st day of December of the year in which it was issued.

3. **NOISE FROM DOGS**

No person shall keep, own, or harbour any animal in the Village which makes or causes noises that disturbs or is likely to disturb the quiet, rest, enjoyment or comfort of:

- (a) any person in any dwelling, apartment, store or place of business;
- (b) any person in the vicinity or neighbourhood.

4. **RUNNING AT LARGE**

(i) No owner of a dog shall cause or permit the dog to run at large in the Village.

(ii) The Animal Control Officer may seize and impound any dog found running at large.

(iii) The Animal Control Officer or Poundkeeper shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the license and tag number if it wore a tag, the date and method of disposition. The Animal Control Officer shall immediately attempt to notify the owner of any impounded dog if the owner is known or if the dog bears a license tag.

(iv) Possession of an impounded or seized dog may be restored if claimed by the owner within three days excluding the date of seizure or impounding.

(v) The owner of the impounded dog shall pay to the Animal Control Officer, Poundkeeper or the Village Office an impoundment fee for a dog seized and impounded plus a maintenance fee for each day subsequent to the day of seizure that the dog remains impounded.

(vi) In the event that possession of any impounded dog has not been restored to the owner, within three (3) days after seizure exclusive of the first day of seizure, the dog may be sold by the Animal Control Officer or Poundkeeper for such price as deemed reasonable, or he may dispose of the dog. The Poundkeeper shall retain the sale price of any dog so sold, and no damages or compensation shall be recovered for any disposition made thereunder.

(vii) Where the dog seized is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or Poundkeeper may dispose of 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 on account of its disposal.

5. **STOOP AND SCOOP**

Every owner of a dog shall immediately remove excrement left by such dog on any private or public property in the Village, other than on the owner's property.

6. **NUMBER OF DOGS RESTRICTED**

No person shall keep more than three (3) dogs over the age of 12 weeks in a dwelling unit in the Village of Hilton Beach.

7. **BITING DOGS**

(i) Where the Animal Control Officer is satisfied, on reasonable grounds, that a dog has bitten or has demonstrated through aggressive behaviour that the dog may bite a person or domestic animal, the Officer shall notify the dog owner in writing that the dog shall, therefore, be required to be muzzled at all times when it is in or at any place other than the interior of the actual dwelling of the owner of the dog.

(ii) Every owner shall comply with a Notice to muzzle.

(ii) Where the owner of a dog is served with a Notice to Muzzle, the owner may request a hearing before the Council of the Village of Hilton Beach by making such a request in writing. The Council of the Village of Hilton Beach has the power to:

- (a) exempt the owner in whole or in part from the requirement set out in the Notice to Muzzle;
- (b) impose conditions; or
- (c) confirm the requirements of the Notice to Muzzle.

8. **OFFENCES**

Any person who contravenes any of the provisions of this By-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33.

9. **REPEAL**

By-law #656 or any By-law that is inconsistent with this By-law shall hereby be repealed.

10. **SEVERABILITY**

Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

11. **SHORT TITLE**

This By-law may be referred to as the "Animal Control By-law".

12. **EFFECT**

This By-law shall come into force on the date of passing.

This By-law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 13th day of May, 2020.



MAYOR



CLERK

BY-LAW NO. 2020-08

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APPENDIX 'A'

**BY-LAW FOR LICENSING AND REQUIRING THE REGISTRATION OF DOGS
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Part I Provincial Offences Act

ITEM	Column 1 – Short Form Wording	Column 2- Provision Creating or Defining offence	Column 3-Set Fine
1	Fail to license dog	Section 2(i)	\$53.75
2	Fail to have a dog tag affixed to dog	Section 2(iii)	\$53.75
3	Permit dog to run at large	Section 4(i)	\$53.75
4	Fail to remove dog excrement	Section 5	\$53.75
5	Keep more than maximum permitted dogs	Section 6	\$53.75
6	Fail to comply with muzzle order	Section 7(ii)	\$53.75

NOTE:

Penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33