

**The Corporation of the  
Township of Havelock-Belmont-Methuen**

**By-law No. 2017-045**

Being a by-law to provide for the licensing, registration and regulation of the  
keeping and running at large of dogs

**WHEREAS** Section 11 (1) of the *Municipal Act, 2001*, provides broad authority to a lower tier municipality to provide any service or thing that a municipality considers necessary or desirable for the public;

**AND WHEREAS** Section 11 (2)(6) of the *Municipal Act, 2001*, provides that a lower tier municipality may pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 11 (3)(9) of the *Municipal Act, 2001*, provides that a lower tier municipality may pass by-laws regulating animals;

**AND WHEREAS** Section 103 of the *Municipal Act, 2001*, provides that a municipality may pass a by-law regulating or prohibiting the being at large or trespassing of animals;

**AND WHEREAS** the Council of the Township of Havelock-Belmont-Methuen deems it expedient to enact such a by-law to encourage responsible pet ownership;

**NOW THEREFORE** the Council of the Corporation of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

**SECTION 1**

**DEFINITIONS:**

For the purpose of this by-law, the definition and interpretations given in this section shall govern. Words used in the present tense include the future. Words used in the singular include the plural and words used in the plural include the singular number. The word "SHALL" is mandatory and not discretionary.

In this by-law the following definitions shall apply:

- a) “Dog” shall mean a male or female dog whether neutered or spayed.
- b) “Clerk” means the Clerk of the Corporation of the Township of Havelock-Belmont-Methuen.
- c) “Corporation” means the Township of Havelock-Belmont-Methuen.
- d) “Kennel” means a facility or enclosure for the purpose of breeding or housing dogs, as may be defined in the Corporation Zoning By-Law.
- e) “Minor” is a person who has not achieved the age of majority as defined by applicable provincial law.
- f) “Officer” shall mean a person appointed by the Corporation of the Township of Havelock-Belmont-Methuen to enforce the provision of this by-law as a Provincial Offences Officer.
- g) “Owner” of a dog includes a person who owns or harbours the dog and where the owner is a minor, the person responsible for the custody of the minor and "owns" and "owned" have corresponding meaning.
- h) “Possession or Harbours” of a dog shall be deemed to occur when a person permits a dog to remain at or about or on the property of the premises which he owns or occupies or which is habitually kept on such property.
- i) “Prohibited Area” means any area or areas designated by Council where dogs are not allowed and posted with signs informing the public accordingly.
- j) “Purebred” means:
  - (i) registered or eligible for registration in the register of the Canadian Kennel Club Incorporated, or
  - (ii) recognize as such pursuant to the Animal pedigree Act (Canada), or
  - (iii) the American Field Trials Association.
- k) “Service Dog” means a dog trained and actively used to assist a person who is legally blind or legally deaf.
- l) “Universal Dog Tag” means a yearly renewable dog tag which will be invoiced each year.

## **SECTION 2**

### **REQUIREMENTS FOR LICENSE:**

#### **2.1**

Every person who owns a dog over ten (10) weeks old, which is kept in the Corporation, shall obtain a license for such dog from the Clerk and shall pay to the Clerk the license fee for such dog as prescribed in Schedule "A" to this By-law.

#### **2.2**

Every person who owns a kennel within the Corporation in which the dog(s) are kept that are purebred shall pay an annual license fee as prescribed in Schedule "A", as a fee for the kennel instead of a license fee for each dog so kept relating to the operation of the kennel.

#### **2.3**

The requirement to obtain a license as prescribed in Section 2.1 and 2.2 shall occur when the person:

- (a) Becomes the owner of the dog, kennel, as the case may be and the same is kept within the Corporation: or
- (b) When the dog is possessed or harboured in the Corporation for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof

#### **2.4**

The "kennel license" issued pursuant to Section 2.2 shall recite the number and breed of all dog(s) composing the kennel.

#### **2.5**

All licenses and license tags and kennel licenses under this By-law shall expire on December 31<sup>st</sup> each year and the owner shall obtain a new license(s) not later than March 31<sup>st</sup> the following year.

## **SECTION 3**

### **IDENTIFICATION OF THE DOG(S) AND ISSUANCE OF TAGS:**

#### **3.1**

Every person who is issued a license pursuant to Section 2.1 shall be given a universal tag for such dog, and such universal tag shall indicate an identification serial number thereon for such tag, and the same shall be provided to the person by the Clerk, or his/her designate.

### **3.2**

Every person who is provided with a universal tag pursuant to Section 3.1 shall ensure that the tag is affixed to the collar of the dog, or otherwise placed on or around the dog, in such a manner that the tag can identify such dog to any person at all times, and the same shall be secured on the dog until the tag is renewed or replaced.

### **3.3**

Section 3.2 does not apply in cases when the dog is receiving veterinary treatment, or is being groomed, or otherwise cannot have the tag affixed because it would represent a danger to the dog, or when the dog is being lawfully used for hunting.

### **3.4**

Every person who is issued a kennel license pursuant to Section 2.2 shall ensure that the said license be posted within the kennel or in a secure area of the property where the kennel is located.

### **3.5**

A record shall be kept by the Clerk, or his/her designate, showing the name, address and phone number of the owner of the dog and the serial number of the tag provided to the person pursuant to Section 3.1.

### **3.6**

Tags which are lost may be replaced by providing sufficient proof that the dog possessed a license for the current year and paying to the Clerk or his/her designate the sum set out in Schedule "A" for each lost tag.

### **3.7**

Universal dog tags may be sold by pre-approved locations within the Township. (For example: a vet clinic, dog supply stores)

## **SECTION 4** **GUIDE DOGS:**

### **4.1**

Section 2 and 3 of this By-law shall not apply to any person who is legally blind, legally deaf or disabled and who owns a dog(s) trained and actively used as a guide dog or assistant.

## **SECTION 5**

### **A) DOGS AT LARGE:**

#### **5.1**

No person shall permit a dog owned by them to run at large in the Corporation, and running at large shall be deemed to occur when the dog is found in any other place than the property or premises of the owner, and not under control of any person, and held securely on a leash to prevent the possibility of any other person or animal (including another dog) from being attacked or bitten by such dog.

#### **5.2**

Section 5.1 shall not apply in cases where prior consent to allow the dog to be at large is given by the person owning the land on which the dog is found.

#### **5.3**

Section 5A.1 shall not apply in cases where dogs that are used as a working farm assistant, are being used in their vocation on public property, under the control of herdsman.

### **B) DOG WASTE:**

#### **5.4**

Any person who owns or controls a dog shall remove forthwith any faeces left by such dog on a highway or on any public property or on any private property other than the property owner of such dog.

#### **5.5**

The Provision of Section 5.4 does not apply to a disabled person accompanied by a Service dog.

#### **5.6**

No person being the owner of a dog or in control of a dog shall permit such dog to be present in any prohibited area at any time.

## **SECTION 6**

### **RESTRICTING THE NUMBER OF DOGS:**

### **6.1**

The number of dogs requiring a license that a person may keep is hereby restricted to a maximum of three (3) unless a kennel license is in effect.

### **6.2**

This restriction does not apply to the number of dogs that may be kept in a kennel under a kennel license issued under this By-law.

## **SECTION 7**

### **SEIZURE AND IMPOUNDING OF DOG(S):**

#### **7.1**

Any dog found running at large pursuant to Section 5 may be seized, impounded and killed, whether before or after impounding by any Police Officer, or appointed Provincial Offences Officer within the Corporation without permitting any person to claim damages or compensation from the Corporation on account of its killing or other disposition.

#### **7.2**

Any dog, so impounded pursuant to Section 7.1 may be kept at the Peterborough Humane Society, a secure place and a fee charged to the owner prior to the release of the dog, for all impound costs.

#### **7.3**

The owner of the dog shall be billed by the Township, a fee outlined in Schedule "A" for the care of the dog(s) while being housed at the Peterborough Humane Society plus the purchase of a current dog tag should the owner not have obtained one.

#### **7.4**

When a dog is so impounded and kept pursuant to Section 7.2 then it shall not be destroyed until any minimum redemption period has expired as established by applicable Provincial law.

#### **7.5**

Nothing in Section 7 shall be so interpreted so as to prevent the destruction of a dog when the same is required, in the judgment of the Police Officer or Provincial Offences Officer engaged in the act, in order to protect the security of any person or other animal.

**SECTION 8**  
**OFFENCE:**

**8.1**

Every person who contravenes any of the provisions of this By-law, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

**SECTION 9**  
**SEVERABILITY OF PROVISIONS:**

**9.1**

If any section or sections of this By-law, or parts thereof may be found by any Court of law to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to enacted as such.

**SECTION 10**


**10.1**

By-law # 2001-08 and all amendments thereto are hereby repealed.

**10.2**

This By-law shall come into force upon the final passing thereof.

Read a first, second and third time and finally passed this 1<sup>st</sup> day of May, 2017.

  
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Ron Gerow, Mayor

  
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Robert V. Angione, Clerk

## Schedule "A" to By-law No. 2017-045

### TO ESTABLISH THE FOLLOWING FEES:

- 1) For each first or second dog that is spayed or neutered the sum of \$15.00 if the fee is paid on or before March 31<sup>st</sup> of the current year.
- 2) For each first or second dog that is NOT spayed or neutered the sum of \$20.00 if the fee is paid on or before March 31<sup>st</sup> of the current year.
- 3) For each third dog that is spayed or neutered the sum of \$25.00 if the fee is paid on or before March 31<sup>st</sup> of the current year.
- 4) For each first or second dog that is NOT spayed or neutered the sum of \$30.00 if the fee is paid on or before March 31<sup>st</sup> of the current year.
- 5) For new dog owners and/or new residents Section 1 and Section 2 of Schedule "A" apply if the license is requested after March 31<sup>st</sup>.
- 6) Replacement universal dog tags are \$10.00
- 7) A late fee of \$20.00 will be applied to unpaid license renewal accounts after March 31<sup>st</sup>.
- 8) For any location which sells a dog license a retention fee of \$5/tag may be retained by the retailer.
- 9) Impound fee \$200.00.
- 10) For a "new" kennel application an inspection a fee of \$100 must be paid prior to any inspection taking place. Once the kennel application has been approved the kennel license must be paid. Annual renewal inspections are covered in the annual renewal kennel fee.
- 11) For each kennel license a sum of \$200 annually (if legally permitted)
- 12) A late fee of \$20.00 for any kennel license renewal if paid after March 31<sup>st</sup>.
- 13) The Ontario Health Protection and Promotion Act, Regulation 567, states that by law all dogs over three (3) months of age must be inoculated against rabies every year.