

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 35-2005

Being a By-Law for the regulating of dogs within the Municipality of Whitestone

WHEREAS under the Municipal Act, S. O. 2001, Section II, provides that a municipality may pass a by-law respecting to animals; and

WHEREAS under the Municipal Act 2001, Section 103, gives a municipality the authority to impound animals;

NOW THEREFORE the Council of the Corporation of the Municipality of Whitestone hereby enacts as follows:

1. **DEFINITIONS**

- 1.1 “Dog” shall mean a male or female dog over the age of twelve weeks;
- 1.2 “Owner” of a dog, shall mean and include any person who possesses or harbours a dog, and “owns” or “owned” have a corresponding meaning.
- 1.3 “Animal Control Officer” shall include the person or association who has entered into a contract with the Municipality of Whitestone to control dogs and to maintain a dog pound and any servants or agents of such person.
- 1.4 “Peace Officer” shall include the Municipal By-Law Enforcement Officer as appointed by municipal by-law from time to time.
- 1.5 “Running at Large” A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.

2. **DOG TAGS**

- 2.1 Every owner of a dog shall:
 - 2.1.1 On or before the 1st day of January in each year, or upon becoming the owner of a dog after the 1st of January, register such dog with the Municipal Clerk and procure a dog tag for each dog owned by the persons. Price per dog tag is outlined in Schedule “A”.
 - 2.1.2 Upon application for a dog tag, the owner shall produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four months of the date of application for the tag.
- 2.2 Every dog tag shall bear the serial number and the year in which it was issued and record of this will be kept at the municipal office.
- 2.3 Every dog tag issued pursuant to this By-Law shall expire on the 31st of December of the year for which it was issued, and the price of a dog tag is payable to the Clerk and shall be in accordance with Schedule “A”, attached hereto and forming part of this By-Law.
- 2.4 Tags from other Municipalities will be recognized as valid by the Municipality of Whitestone, if they are a valid dog tag in the Municipality from which they were purchased.

- 2.5 Anyone applying for a kennel licence must show proof that the dogs being tagged are registered with the Canadian Kennel Club as per the Kennel By-Law.
- 2.6 There shall be a maximum of three (3) dogs per residence permitted in a residential or waterfront zone.
- 2.7 In the event the dog licence is lost, the dog owner shall upon satisfying the licence issuer that the licence is lost shall be entitled to receive a replacement licence upon payment as indicated in Schedule "A".

3. RESONSIBILITIES OF THE OWNER

- 3.1 No owner of a dog shall allow their dogs to run at large within the limits of the Municipality of Whitestone.
- 3.2 No owner shall permit his/her dog whether leashed or unleashed to trespass on private property.
- 3.3 No dog shall be allowed, at any time, in any area designated by Council and posted as such, including a public beach or park.
- 3.4 Every owner of a dog shall forthwith clean up and dispose of any excrement left by his or her dog on any property other than his or her own.
- 3.5 No owner shall permit any dog owned by him or her, to bark, whine or create any noise persistently that is likely to disturb any inhabitant of the Municipality of Whitestone.
- 3.6 Sections 3.2 and 3.3 shall not apply to owners of "Seeing-eye" or "Registered Handicap-assist" dogs.

4. BY-LAW ENFORCEMENT OFFICER

- 4.1 Any person may seize and impound any dog found running at large in the Municipality of Whitestone, and turn said dog over to the By-Law Enforcement Officer. If claimed within 4 days, the dog may be redeemed for the poundage levied at the current rate per day, as levied by the pound keeper, or may be destroyed if not claimed within 7 days. An attempt will be made to give any recorded owner a 24-hour advance notice prior to the animal being destroyed.
- 4.2 The Ontario Society for the Prevention of Cruelty to Animals or their agents, as appointed by Council, is authorized to collect the poundage fees levied upon this by-law and to maintain a pound as directed by the Council.
- 4.3 Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound fees, and shall pay all fees including Animal Control Service Fees as set out in Schedule "A" of this By-Law.
- 4.4 Nothing in this section shall prevent the By-Law Enforcement Officer from destroying an animal which is sick or injured and where, in the opinion of the By-Law Enforcement Officer, it is incapable of being cured.
- 4.5 Where a By-law Enforcement Officer impounds or otherwise distrains and detains a dog found running at large contrary to the provisions of this by-law and the owner of such dog is known, the By-Law Officer may return the dog to the owner. Upon returning the dog, the By-Law Enforcement Officer shall notify the owner of the dog to pay the Municipality an animal control service fee as set out in Schedule "A" to the By-Law.

4.6 This By-Law may be enforced by the By-Law Enforcement Officer or any Police Officer.

5. PENALTIES

5.1 Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine, not to exceed the maximum provided under the Provincial Offenses Act, exclusive of cost, and every such fine shall be recoverable under the Provincial Offenses Act.

5.2 All sections of the by-law shall be deemed to be separate and independent and the validity of any section or provision thereof shall not affect the remaining sections.

5.3 And that all by-laws, or parts thereof, contrary hereto inconsistent herewith, be and the same are hereby repealed.

5.4 By-Law No. 03-2003 is hereby repealed.

5.5 By-law shall come into force upon its adoption.

Read a First and Second time this 23rd day of August, 2005.

Mayor, Bill Church

CAO-Clerk, Liliane Nolan

Read a Third time a Passed, Signed and Sealed the 23rd day of August, 2005.

Mayor, Bill Church

CAO-Clerk, Liliane Nolan

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

SCHEDULE 'A' TO BY-LAW NO. 35-2005

1. **LICENCE FEE (PER ANNUM)**
 - 1.1 Each dog \$10.00
2. **REPLACEMENT TAG** \$10.00
3. **ANIMAL CONTROL SERVICE FEE** \$50.00