

**Consolidated June 2018 to include
Amendments: 2001-28, 2007-33, 2010-22 AND 2018-44**

THE CORPORATION OF THE TOWNSHIP OF CHAMPLAIN

BY-LAW NUMBER 98-42

**BEING A BY-LAW TO LICENSE, REGULATE AND PROHIBIT THE RUNNING AT
LARGE OF DOGS AND TO REGULATE THE KEEPING OF ANIMALS**

REFERENCE: Paragraphs 1 to 13 of Section 210 of the *Municipal Act*,
Chapter M.45, R.S.O. 1990

AND

Section 20 of the *Animals for Research Act*, Chapter A.22,
R.S.O. 1990

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHAMPLAIN
HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

For the purpose of this By-Law:

"Animal" shall mean a dog and cat unless identified separately;

"Animal Control Officer" shall mean the person or persons appointed by the Township of Champlain to enforce this by-law and any servant or agent of such person or persons employed for such purposes;

"At Large" means any dog shall be deemed at large when it is not under the control of his/her owner and not under the control of a competent person;

"Bitch" means the female of the domesticated canine species;

"Cat" means any member of the species of *Felis Catus*, over the age of sixteen (16) weeks;

"Commercial Kennel" means any establishment or premises other than a **"Veterinary Hospital"** or **"Pet Shop"** as defined herein, where four (4) or more dogs or cats or an aggregate thereof are kept for commercial purposes, including but not limited board, propagation and treatment;

"Dog" means any member of the species *Canis Familiaris*, over the age of sixteen (16) weeks;

"Dog Catcher" shall mean the Dog Catcher of The Corporation of the Township of Champlain duly appointed by a resolution of Council;

"Farming operations" shall mean the growing of crops, the raising and/or boarding of all forms of livestock, except dogs, and the production of animal products;

"Game birds" shall mean birds hunted for sport or food;

"Guide Dog" means a dog that is trained to aid the blind and actively in use for such purposes;

"License" for the purpose of this By-Law shall be deemed to be the receipt and the metallic tag issued by the Clerk of The Corporation of the Township of Champlain or his/her authorized agent, upon payment of the appropriate license fee;

"Neuter" shall mean a spayed or castrated animal;

"Owner" means a person who possesses or harbours a dog or cat and "owns" and "owned" have a corresponding meaning;

"Pet Kennel" means any place or confine where four (4) or more dogs or cats or an aggregate thereof over sixteen (16) weeks of age are bred and raised and registered as a recognized class or as a class designed as "purebred";

"Pet Shop" means any establishment or premises maintained for the purpose, sale or exchange of domestic pets of any type;

"Police Work Dog" shall mean a dog trained to aid law enforcement officers and is actually being used for police work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators;

"Pound" means such premises and facilities designated by The Corporation of the Township of Champlain for the purpose of detention, maintenance and/or disposal of dogs that have been impound;

"Poundkeeper" means a person or persons, association or society appointed by The Corporation of the Township of Champlain;

"Restraint" means a dog is under restraint if it is on the owner's property out on a leash or at heel beside a competent person and obedient to that person's command;

"Spayed Female" means a bitch or female dog which has been successfully operated upon by a licensed veterinarian to prevent conception;

"Township" shall mean The Corporation of the Township of Champlain;

"Treasurer" shall mean the Treasurer of The Corporation of the Township of Champlain;

"Veterinary Hospital" means any establishment or premises operated under the supervision of a duly licensed veterinarian for the medical treatment of domestic animals and pets;

2. DOG LICENSING, REGULATION AND REGISTRATION

2.1 Every resident in the Township who is the owner of a dog shall, within fourteen (14) days following the date that a dog comes into his or her possession, or where applicable, upon the dog reaching the age of sixteen (16) weeks, register the dog with the Township, and thereafter annually on or before the **15th day of February** in each and every year pay a fee as prescribed in Schedule "A" of this By-Law. *(Amended by By-law 2010-22)*

2.2 ~~Upon application for a license for a spayed bitch or neutered male the owner shall produce a certificate of a Veterinary Surgeon that such bitch has been spayed or male has been neutered.~~ *(Repealed by By-law 2001-28).*

2.3 Upon payment of the prescribed licence fee to the Treasurer, a tag bearing a serial number and year of issue shall be issued and shall cause to be entered in a book kept for that purpose the following information:

- | | |
|---|-------------------------|
| a) name of owner | g) height |
| b) address of owner | h) weight |
| c) telephone number of owner | i) distinguishing marks |
| d) name of dog | j) breed or type |
| e) date of dog's last anti-rabies inoculation | k) gender |
| f) tattoo number, if applicable | |

It shall be the responsibility of the owner to notify the Animal Control Officer or Township of any changes in the information provided at the time the tag was issued.

2.4 The owner of a dog shall keep the dog tag securely fixed on the dog at all times, until renewed or replaced.

2.5 No fee shall be charged for the replacement of lost dog tags.

- 2.6 No tag or registration shall be transferable and the tag shall expire and become void upon the sale, death, or other disposal of the dog.
- 2.7 No person other than the owner of his/her agent shall remove the licence tag from a dog.
- 2.8 No person shall attach a tag to a dog unless the tag was issued for such animal.

3. KEEPING OF ANIMALS

- 3.1 Every animal shall be kept so that
 - (a) the transfer of pathogenic agents is minimized, and
 - (b) there are no offensive odours, or odours which may attract other animals.
- 3.2 No person shall abuse, mistreat or treat an animal in a inhumane manner and
 - (i) it is further provided that the Animal Control Officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his/her opinion, it requires humane treatment. Such animal shall be transported to the Pound, and placed into the custody of the Township.
 - (ii) no person shall interfere, hinder, obstruct or molest the Animal Control Officer or any agent of the Township in the performance of any duty of such agent or officer or to seek release any animal in the custody of the Township or its agent, except as provided herein.
- 3.3 Every person who presently owns or becomes the owner of an animal shall assume the responsibility of ensuring that such animal receives the necessary food, water, housing and attention.
- 3.4 For the purpose of discharging the duties under Section 3 and enforce its provisions including any of the sections or provisions of this By-Law, the Animal Control Officer is empowered to enter upon any premises upon which an animal is kept or harboured and demand the exhibition by the owner of such animal or in the case of a dog, the licence of such dog.

4. ENCLOSURES

- 4.1 Every cage, pen or other such enclosure used for the housing of an animal shall be constructed and maintained that:
 - a) every animal in the cage or pen may comfortably:

- (i) extend its legs to their full natural extent;
 - (ii) stand;
 - (iii) sit;
 - (iv) lie down in a fully extended position;
 - (v) be provided with adequate space for exercise purposes.
- b) it is not likely to harm any other animal therein;
 - c) every animal therein may be readily observed unless the natural habits of the animal otherwise require;
 - d) any animal therein cannot readily escape therefrom;
 - e) it minimizes as nearly as practicable the transfer of pathogenic agents; and
 - f) it may readily be sanitized.

5. GENERAL RESTRICTIONS

- 5.1 No person shall own or permit to be kept more than:
 - a) 3 dogs or,
 - b) 3 cats or, (with the exception being for farming operations)
 - c) a combination of 4 (with the exception being for farming operations) in one premise within the Township of Champlain unless they are the owner or operator of a commercial kennel, pet kennel, veterinary hospital or pet shop.
- 5.2 Section 5.1 of this By-Law does not apply to any animal under the age of sixteen (16) weeks.
- 5.3 No person shall operate a commercial kennel, pet kennel, pet shop or veterinary hospital in the Township of Champlain unless such operation is specifically authorized in its location by the municipal zoning by-law and the operation of such facility does not contravene this or any other municipal by-law.
- 5.4 No person who owns or harbours an animal within the Township shall permit such animal to become a public nuisance.
- 5.5 Without restricting the generality of the foregoing, an animal shall be deemed to be a nuisance in the following circumstances:
 - a) persistently cries, howls or barks
 - b) causes damage to municipal or private property

- c) interferes with dumps or scatters garbage or trash
 - d) chases or intimidates pedestrians using public or private paths or sidewalks adjacent to the property where the animal is kept or harboured.
- 5.6 Every person who owns a dog shall collect and dispose immediately of any excrement left by the dog on any property other than his/her own, whether public or private in the Township of Champlain.
- 5.7 Section 5.6 shall not apply to a visually impaired person who owns a guide dog or a police work dog.
- 5.8 No person shall keep or permit to be kept any livestock which includes cattle, goats, horses, sheep or swine, or poultry which includes game birds, in the Township of Champlain unless the keeping of such livestock is a legally permitted use or continuation of such use pursuant to the Zoning By-Law and Official Plan of the Municipality.
- 5.9 All dead animals in the Township of Champlain shall be disposed of by their owner or keeper pursuant to the provisions of the Dead Animal Disposal Act and regulations.
- 5.10 Notwithstanding paragraph 5.1(a) of this By-Law, more than three (3) dogs may be permitted to be kept on the farming operation only, subject to the annual approval by Council, whereby a certain breed(s) of dog is recognized by district, regional, provincial or national association(s) and has been trained and is required for the sole purpose of managing and protecting livestock.
- (i) Should a permit be approved by Council all of the other provisions of this By-Law shall apply.
 - (ii) Any infraction against the provisions of this By-Law shall render the permit null and void.
 - (iii) The permit application shall be according to Schedule "B" attached hereto and forming part of this By-Law.
 - (iv) The owner shall be required to file a new application every year sixty (60) days prior to the one (1) year anniversary date of the permit approval date.

(Added by By-Law 2007-33)

6. RUNNING AT LARGE OF ANIMALS

- 6.1 The owner shall keep his/her animal under restraint at all times and shall not permit such animal to be off the premises or property of the owner, unless under the control of a competent person and leashed at all times. No animal shall be

permitted to run at large within The Corporation of the Township of Champlain at any time.

- 6.2 When an animal is deemed to be running at large as per Section 6.1 of this By-Law, the Animal Control Officer may:
 - a) cause such animal to be collected and delivered by the Dog-Catcher to the pound established within the limits of the Township.
- 6.3 No person who owns, harbours or possesses an animal shall allow such animal to trespass on private property ~~or municipal property~~ even when on a leash.
(Amended by By-law 2018-44)
- 6.4 A dog shall not be considered running at large if it is a guide dog or a police work dog as defined by this By-Law.
- 6.5 No person shall permit an animal to attack any person or domestic animal or to fight with another animal.
- 6.6 An animal found to be in contravention of this Section may be captured by the Dog Catcher.
- 6.7 Where an animal is captured, the owner shall be liable for the board and maintenance fees prescribed in Schedule "A" and shall pay them forthwith to the Treasurer of the Township. Upon delivery of a copy of the Treasurer's receipt for all monies owing pursuant to this By-Law and any infraction thereof, the Animal Control Officer or Dog Catcher shall release such animal to the owner.
- 6.8 In the event that possession of an impounded animal has not been restored to the owner within seventy-two (72) hours (exclusive of statutory holidays and Sundays) after seizure, the animal may be destroyed or sold for such price as the Dog Catcher deems reasonable, or disposed of pursuant to The Animals for Research Act and Regulations thereunder. The sale price of any animal so sold shall belong to the Township and no damages or compensation shall be recovered on account of any such disposition. When the animal is identifiable, by tag or other means, the Dog Catcher will attempt to notify the owner.
- 6.9 Where an animal which has been seized is injured or should be destroyed without delay for humane reasons, the Dog Catcher may destroy the animal in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered on account of such disposition. When the animal is identifiable, the Dog Catcher will attempt to notify the owner.
- 6.10 The Dog Catcher shall keep a record of every animal impounded or seized, including the date it was impounded, a description of the animal, the license and tag number, if it wore a tag, the date of the disposition and disposition made.

- 6.11 The Dog Catcher may release a captured animal to the owner if satisfied, in the case of a dog, that it is licensed for the current year, and in all cases after identification of the animal by the owner and payment of the fees and penalties prescribed in Schedule "A" of this By-Law.

7. VICIOUS DOG/NUISANCE OF DOGS

- 7.1 The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such animal is securely muzzled.
- 7.2 No person shall permit an unspayed female dog, during each period in heat, to be unconfined and shall not attract other dogs. Such female unspayed dog shall be kept in a secure enclosure, or in a veterinary hospital or boarding kennel in such a manner that the female dog cannot come in contact with another animal except for breeding purposes

8. PENALTIES

- 8.1 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.
- 8.2 When a person has been convicted of an offence under this By-Law, the court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or acts by the person convicted directed toward the continuation or repetition of the offence.

9. GENERAL

- 9.1 If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid or ultra vires such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-Law and it is hereby declared that the remainder of this By-Law shall be valid and shall remain in force.
- 9.2 This By-Law shall be known as the "**Animal Control By-Law**".
- 9.3 This By-Law shall come into force and into full effect on the date of passing thereof.

10. ANIMAL CONTROL OFFICER

The Council of the Township of Champlain shall by resolution appoint such person or persons as it deems necessary to fulfil the role of Animal Control Officer and to discharge the duties imposed by this By-Law.

READ a first, second and third time and duly adopted by the Council of The Corporation of the Township of Champlain this 23rd day of March, 1998.

MAYOR

CLERK

SCHEDULE "A" TO BY-LAW NUMBER 98-42

DOG LICENCE FEE

1. ~~if only one (1) male dog is kept~~ \$ 10.00
2. ~~if only one (1) female is kept~~ \$ 15.00
3. ~~for each additional dog~~ \$ 25.00
4. ~~where a certificate, signed by a Veterinary Surgeon is produce
stating that the dog or dogs has been neutered or spayed~~ \$ 7.00 each

POUND FEES

~~In addition to the penalty imposed for the contravention of a provision of this By-Law,
the owner of an animal captured by the Dog Catcher shall pay the actual cost incurred
by the Township for the services of the Dog Catcher.~~

(Repealed by By-law 2010-22)

**Dog licence fees and late penalty charge to be imposed be those identified in the
current User Fee By-Law of the Township.**

SCHEDULE "B"
Application to permit the keeping of dogs
according to the provisions of paragraph 5.10

PERMIT APPLICATION KEEPING IN EXCESS OF THREE (3) DOGS		
Name of Owner		
Mailing address		
Telephone No.		
Location of farming operation		
Number of acres of farming operation		
Type(s) of livestock		
Number of livestock		
Breed(s) of dog(s) required		
Recommended ratio of number of livestock per dog		
Name of the District, Regional, Provincial or National Association governing breed of dog		
Address and telephone number of Association		
Date of Application		
Signature of Owner(s)		
Evaluation and Recommendations of By-Law Enforcement Officer		
Submitted to Council on _____		
Date of Approval		No. of dogs approved
Date of Rejection		
Signature of Clerk		

SPECIAL PROVISIONS

- 1 - Approval is conditional upon payment of the required number of tags issued.
- 2 - Failure to comply to the provisions of the 98-42 including amendments thereto shall render this permit null and void.
- 3 - This permit shall not permit the operation of a dog kennel, dog grooming establishment, a dog breeding operation or any other type of a commercial operation with respect to the keeping in excess of three (3) dogs.
- 4 - The owner shall provide a new application sixty (60) days prior to the one (1) anniversary date of the issuance of the permit.

(Schedule "B" added by By-Law Number 2007-33)