CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW # 17-98

Being a by-law to licence dogs and for regulating the running at large of dogs within the Municipality.

WHEREAS Section 210, paragraphs 2,3,4,8,9,11 and 13 of the Municipal Act R.S.O., 1990, Chapter M.45 authorizes the Council of a local municipality to pass by-laws for the licensing and for requiring the registration of dogs and for imposing a licence fee on the owners of such dogs, and for prohibiting or regulating the running at large of dogs in the municipality, and for seizing and impounding and for disposing of, whether before or after impounding of dogs running at large, and for selling dogs so impounded at such time and in a manner as is provided by the by-law.

NOW THEREFORE the Council of the Corporation of the Township of Frontenac Islands enacts as follows:

1. SHORT TITLE

This by-law shall be known and may be cited as the "Dog Control By-law".

2. DEFINITIONS

a) "Dogs" shall mean a male or female dog;
b) "Municipality" shall mean the Corporation of the Township of Frontenac Islands;
c) "Owner" of a dog includes any person, organization or corporation who possesses or harbours a dog, and "owners" and "owned" shall have a corresponding meaning;
d) "Running at large" shall mean a dog which is not on a leash and is found in any place other than the premises of the owner of the dog;
e) "Poundkeeper" shall mean the Kingston Humane Society;
f) "Township Office" shall mean either the Wolfe Island Office or the Howe Island Office of the Municipality.

3. DOG LICENSING

a) The owner of any dog shall, between the first day of January and the first day of June in each year, cause the same to be registered, numbered, described and licensed at the Township Office or at such other places as Township Council may from time to time designate.

b) Each owner, upon registration of a dog and application for a dog licence, shall be furnished with a tag, the price of which is incorporated in the license fee hereinafter provided , with the registered number of each such dog, and shall pay for such licence and registration.

c) A license fee as set out in Schedule "A" to this by-law shall be paid regardless of the number of dogs owned. On payment of the license fee for each dog, the owner shall be furnished with a dog tag which shall be kept securely fixed on the dog at all times until the tag is renewed or replaced.

d) Each tag shall bear a serial number and the year in which it was issued. A record shall be kept by the Municipality for the purpose of showing the name and address of the owner and the serial number of the tag.

4. DOGS THAT ARE A PUBLIC NUISANCE AND/OR RUNNING AT LARGE

a) No person(s) shall permit a dog to become a public nuisance.

b) A dog shall be considered a public nuisance if:
1. The dog persistently barks or howls.
2. The dog causes damage to public and/or private property.
3. The dog interferes with or dumps or scatters garbage.
4. The dog persistently barks at or chases person(s) using public or private property.
5. The dog is in a public area and is not on a leash.

c) The owner of a dog shall keep the dog leashed and under the control of some person when the dog is on land in the municipality other than the land owned by the owner of the dog, unless prior consent is given by the person owning the land on which the dog is found.

d) No owner shall allow his/her dog to defecate on any property other than the property owned by the owner of the dog or other property by permission of the owner of the land on which the dog is found, unless the droppings are forthwith cleaned up.

e) No owner shall allow a dog to run at large in the Township of Frontenac Islands, and any dogs running at large shall be liable to be seized, impounded and disposed of as hereinafter provided.

f) Where an Animal Control Officer is unable to seize a dog that is running at large contrary to the provisions of this by-law, he/she may destroy the dog at his/her discretion.

g) Where an Animal Control Officer finds a dog running at large contrary to the provisions of this by-law, and he/she believes that before the dog can be seized, it may attack a human being, he/she may tranquilize or humanely destroy the dog.

h) A dog which is found, with or without a tag, running at large may be seized and impounded by the Animal Control Officer of the municipality. If called for within five (5) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of compensation for each day on which the dog has been impounded, such sum to be paid to the poundkeeper. Compensation is also to be paid to the Township pursuant to Schedule "B" attached hereto.

i) Any dog seized and impounded and not called for by the owner thereof within five (5) clear days from the time of seizure and impounding, may be disposed of in the manner hereinafter provided or be sold by the Kingston Humane Society. The Township of Frontenac Islands will not undertake to provided veterinarian services for injured dogs during this five (5) day waiting period.

j) Any dog so sold shall be properly licensed and registered to the new owner and accompanied by the bill of sale and receipt for payment of same which shall vest title of any such dog in the new owner.

k) Any dog seized and impounded for running at large and not redeemed by the owner thereof, as hereinafter provided, or not sold by the Kingston Humane Society after the expiration of seven (7) days, exclusive of Saturdays, Sundays and Holidays, shall be destroyed in a humane manner.

l) Where a dog seized and impounded bears a tag issued by the municipality, the Animal Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this by-law which have been violated and shall indicate the location of the dog pound.

m) Notwithstanding Section 4(g) and (i) of this by-law, to the contrary, any dog bearing a tag issued by the Township of Frontenac Islands when seized and impounded shall not be destroyed or sold until the expiration of 72 hours after the owner has been notified as hereinbefore provided.

n) A statement of the purchasers of dog tag licences, bearing the names and addresses and description of dogs licensed shall be forwarded to the Animal Control Officer on a regular schedule by the municipality.

o) No dog seized or impounded shall be released to the owner or sold to any person unless or until it is properly licensed and registered, the license fee paid and a tag securely fixed on the dog, plus fines and pound fees paid.

5. ENFORCEMENT

a) The Animal Control Officer shall enforce this by-law and arrange for a suitable place as a pound and keep records of all calls, dogs seized and impounded.

b) The Animal Control Officer is hereby authorized, in the course of his/her duties of seizing and impounding dogs running at large contrary to this by-law, to use such reasonable means at his/her disposal to seize and impound such dog(s) as may be required by the circumstances.

6. OFFENSES

a) Every owner who contravenes any of the provisions of this by-law is guilty of an offense and on conviction is liable to a fine of not more than ($5,000.00) Five Thousand Dollars.

7. VALIDITY

a) If any section, clause or provision of this by-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

8. SCHEDULES

a) Schedules "A", "B" and "C" attached to this by-law shall form part of this by-law.

9. REPEALS

a) All previous Dog Control By-laws of the former Townships of Wolfe Island and Howe Island are repealed.

10. EFFECTIVE DATE

A) This by-law shall come into force and take effect on the date of its passing.

READ A FIRST AND SECOND TIME THIS 4TH DAY OF MAY 1998

READ A THIRD TIME AND FINALLY PASSED THIS 4TH DAY OF MAY 1998

Jan W. Hasselaar - Mayor

Terry J. O'Shea - Clerk/CAO

SCHEDULE "A"

TO BY-LAW # 17-98

DOG TAG FEES

Yearly fee per dog	$ 10.00

Tags available only at Township Office and/ or annual rabies clinics held on Wolfe Island and Howe Island.

SCHEDULE "B"

TO BY-LAW # 17-98

ADMINISTRATION CHARGES

Pursuant to Section 4(o) of by-law # 17-98, no dog seized or impounded shall be released to any person unless it is properly licensed and registered, a tag securely fixed on the dog, and the following amounts paid:

1. The dog licence fee.
2. Any applicable fines.
3. The pound fee.

SCHEDULE "C"

TO BY-LAW # 17-98

ADDITIONAL CHARGES

1. A charge of $25.00 will be levied to the owner of any dog picked up by the Animal Control Officer and that dog returned directly to the owner.
2. A charge of $105.00 will be levied to the owner of any dog picked up and taken to the Kingston Humane Society by the Animal Control Officer . The fees are broken down as follows: $80.00 to cover the cost of pick up and delivery of said animal to the Humane Society, and $25.00 to cover the pound charges assigned to the Township for each animal taken into their care.
3. These fees are payable at the Kingston Humane Society upon the owner claiming such animal, but made payable to the Township of Frontenac Islands.