



THE CORPORATION OF THE  
TOWNSHIP OF SOUTH STORMONT

**BY-LAW NO. 52 -2004**

## Dog Licensing & Control By-law

**BEING** a by-law to provide for the regulation, restriction and prohibition of the keeping and running at large of dogs in the Township of South Stormont.

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Part I - Authorization, *the Municipal Act, 2001*

- WHEREAS the *Municipal Act, 2001*, c. 25 Ss. 9 to 11 confer the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;
- AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 9 (3) (b) confers the power upon a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;
- AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 103 confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;
- AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 105 requires Council or an Animal Control Officer, or designate of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;
- AND WHEREAS the *Municipal Act, 2001*, c. 25 S. 391 enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;
- AND WHEREAS Council of the Corporation of the Township of South Stormont is desirous to ensure that animals are kept and treated in a humane manner and that, the owners of animals provide good quality care to them.
- NOW THEREFORE Council of the Corporation of the Township of South Stormont enacts as follows:

1.

Part II - Definitions

- a) "Animal Control Officer" shall mean a person appointed by the Corporation of the Township of South Stormont, or designate, whose duties include the enforcement of this by-law, and includes all employees thereof.
- b) "bite" shall mean the breaking of the skin of a person or a domestic animal caused by the tooth or teeth of a dog.
- c) "Corporation" shall mean the Corporation of the Township of South Stormont.
- d) "Council" shall mean Council of the Corporation of the Township of South Stormont.
- e) "dog" shall mean a quadruped of the species *canis familiaris* and includes both male and female of the species.
- f) "dwelling unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.
- g) "guard dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.
- h) "kennel" shall mean a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred.

- i) “license agent” shall mean the individual hired by the Corporation of the Township of South Stormont to sell dog tags on an annual basis.
- j) “license issuer” shall mean the Clerk of the Corporation of the Township of South Stormont, or designate.
- k) “microchip” shall mean an object which may be permanently implanted in a dog by injection or surgical procedure, which is programmed to store a unique and permanent identification number and is capable of using radio frequency signals to relay the stored information to a scanning device.
- l) “mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:
  - I. the dog was, at the time of the aggressive behavior, acting in defense to an attack by a person or domestic animal;
  - II. the dog was, at the time of the aggressive behavior, acting in defense of its young or to a person or domestic animal trespassing on the property of its owner; or
  - III. the dog was, at the time of the aggressive behavior, being teased, provoked, or tormented.
- m) “Municipal Law Enforcement Officer” shall mean a person appointed by the Corporation of the Township of South Stormont as municipal law enforcement officer, or designate, whose duties include the enforcement of municipal by-laws.
- n) “muzzle” shall mean a humane fastening or covering device of adequate strength which when placed over the mouth of a dog and will then prevent that dog from biting.
- o) “notice of caution” shall mean a notice in writing given by the Animal Control Officer to an owner which cautions the owner that a bite did occur and recommends the owner take cautionary steps whenever persons or domestic animals are in the vicinity of the dog. The notice of caution shall indicate that should a subsequent bite occur, an order to muzzle the dog will be issued.
- p) “owner” includes a person who possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor.
- q) “pet shop” shall mean an establishment engaged in the retail sale of animals.
- r) “pet shop keeper” shall mean a person who has the charge, care or ownership of a pet shop.
- s) “premises” includes the entire lot on which a single dwelling unit building or multi-dwelling unit building is situated but does not include common areas adjacent to a multi-dwelling unit building unless those common areas are completely enclosed.
- t) “running at large” shall mean to be found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash held by the said person.
- u) “township” shall mean the Corporation of the Township of South Stormont.

### Part III - Exemptions

#### **2. Animal Hospital – clinic – boarding kennel**

This by-law shall not apply to an animal hospital, clinic or boarding kennel lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinarian Association.

**3. Public Pound**

This by-law shall not apply to a public pound.

**4. Zoos – fairs, exhibitions – circuses – authorized**

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition or circus operated or licensed by a municipal or other government authority.

**5. Research Facility**

This by-law shall not apply to dogs maintained at a research facility registered under the *Animals For Research Act*.

Part IV - Prohibited Matters

**6. Keeping – more than 3 - per dwelling unit - prohibited**

With the exception of a Permitted Kennel, no person shall keep or permit to be kept more than three dogs within or about a dwelling unit in the Township of South Stormont, regardless of whether that person is the owner of the dogs.

**7. Kennel – operation – without license - prohibited**

No person shall, within the Township of South Stormont, keep a dog kennel without a licence.

**8. Running at large - prohibited**

No person shall, within the Township of South Stormont, fail to prohibit a dog from running at large.

**9. Private Property – entry without consent - prohibited**

No person shall, within the Township of South Stormont, permit a dog to enter onto private property without the consent of the property owner.

**10. Excrement – failure to remove – dispose - prohibited**

No person shall, within the Township of South Stormont, fail to forthwith remove and dispose of dog excrement from any property within the Township of South Stormont.

**11. Forcible retrieval of dog - prohibited**

No person shall, within the Township of South Stormont, forcibly retrieve a dog from an Animal Control Officer or a vehicle under an Officer's control.

**12. Leash – over 2 metres - prohibited**

No person shall, within the Township of South Stormont, have a dog under control on a leash exceeding 2 meters (6 feet 6 inches) in length.

**13. Ownership/Address – change in – failure to notify - prohibited**

No person shall, within the Township of South Stormont:

- I. Fail to forthwith notify the Clerk upon the change of ownership of a licensed dog.
- II. Fail to forthwith notify the Clerk upon the change in residence of a licensed dog.

**14. Forcible retrieval of dog from Animal Control Officer - prohibited**

No person shall forcibly retrieve a dog from the Animal Control Officer or from the premises of the Animal Control Officer.

**15. Forcible retrieval of dog from Animal Control Officer – failure to pay - prohibited**

No person shall retrieve a dog from the Animal Control Officer or the premises of the Animal Control Officer without payment in full of all fees and charges required to be paid under this by-law.

Part V Duty- Owner

16. ~~Attack – prohibited~~

~~No owner shall permit his/her dog to attack any domestic animal or domestic bird, or to fight with another dog.~~

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a) No owner shall permit his/her dog to attack any domestic animal or domestic bird, or to fight with another dog.

b) No owner of a dog or dogs shall allow the dog or dogs to create a disturbance or be a nuisance at any time of day if their dogs are barking, howling, whimpering, damaging public or private property or chasing vehicles or pedestrians.

17. **Containment - defined**

a) For the purposes of this Article “electronic containment device” means an electronic system whereby a receiver is worn by the dog on its collar, and an electric shock is transmitted by the receiver to the dog if the dog attempts to leave a defined area.

b) An owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person’s consent, shall keep the dog contained on such property by means of:

- I. Enclosure;
- II. Containment within a fenced area;
- III. Physical restraint of the dog by chain or other similar means; or
- IV. An electronic containment device in accordance with Section 17 (a).

c) Use of an electronic containment device for the purposes of this Article shall be subject to the following conditions:

- I. Any dog owner using an electronic containment device shall notify the Animal Control Officer immediately upon commencing use of such a device;
- II. A dog being contained by an electronic containment device shall be kept at least two meters from any property line abutting public property; and
- III. A sign stating that an electronic containment device is in use at the property shall be placed adjacent to any normal entry door for the dwelling located on the property and such sign shall be clearly visible from any public property.

d) Despite Section 17 (b) and Section 17 (c), the owner of a dog designated as potentially dangerous, dangerous or restricted pursuant to the provisions of this Chapter shall keep the dog contained in accordance with the requirements set out in notice served on the owner pursuant to Section 29 and 30.

e) Despite Section 24 (b), an owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person’s consent, and where such lands are located within a Rural or Agricultural Zone, shall keep the dog contained on such property by any reasonable means.

18. **Potentially Dangerous Dog - defined**

a) A dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or

b) A dog that has been impounded by the Animal Control Officer or for whom the owner has been convicted on a total of three occasions within a twenty-four (24) month period for such dog being at large in the municipality.



**19. Dangerous Dog - defined**

- a) A dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity tendency or disposition to do so;
- b) A dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
- c) A dog, previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

**20. Mitigating Factor - defined**

Mitigating factor shall mean a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- a) the dog was, at the time of the aggressive behavior, acting in defence to an attack by a person or domestic animal;
- b) the dog was, at the time of the aggressive behavior, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
- c) the dog was, at the time of the aggressive behavior, being teased provoked or tormented.

**21. Prohibited Dog - defined**

- a) a dog, previously designated as a dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

**22. Potentially Dangerous Dog (notice requirements):**

Where the Animal Control Officer designates a dog as a potentially dangerous dog, and serves the owner with notice of such designation, the owner shall comply with such of the following requirements as set out in the notice.

- a) To keep the potentially dangerous dog, when it is on the lands and premises of the owner, confined;
  - I. Within the owner's dwelling and under the effective control of an adult; or
  - II. In an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the potentially dangerous dog while preventing it from escaping therefrom and preventing entry therein of unsupervised children.
- b) to keep the potentially dangerous dog under the effective control of an adult person and under leash, such leash not to exceed 1.8 meters (6 feet) in length and to be approved by the Animal Control Officer, at all times when it is not confined in accordance with clause 22 (a);
- c) to securely attach a muzzle as defined in Section 1 (n) on the potentially dangerous dog at all times when it is not confined in accordance with clause 22 (a);
- d) to have a microchip inserted in the potentially dangerous dog by a licensed veterinarian and to permit the Animal Control Officer to verify the implantation of such microchip;
- e) to provide the Animal Control Officer with the new address and telephone number of the owner within (2) working days of moving the potentially dangerous dog;

- f) to provide the Animal Control Officer with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the potentially dangerous dog;
- g) to advise the Animal Control Officer within two (2) working days of the death of the potentially dangerous dog;
- h) to advise the Animal Control Officer forthwith if the potentially dangerous dog is running at large or has bitten or attacked any person or animal; or
- i) to purchase and display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign provided by the Animal Control Officer. The sign shall be posted in such a manner that it cannot be easily removed by a passerby and it is clearly visible to a person approaching the entrance.

### 23. Dangerous dog (notice – owner requirements)

Where the Animal Control Officer designates a dog as a dangerous dog, and serves the owner with notice of such designation, the owner shall comply with the following requirements as set out in the notice:

- a) to keep the dangerous dog, when it is on the lands and premises of the owner, confined:
  - I. Within the owner's dwelling and under the effective control of an adult; or
  - II. In an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the side or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the dangerous dog while preventing it from escaping therefrom and preventing entry therein of unsupervised children.
- b) to keep the dangerous dog under the effective control of an adult person and under leash, such leash not to exceed 1.8 meters (6 feet) in length and to be approved by the Animal Control Officer, at all times when it is not confined in accordance with [clause 30\(a\) 23 \(a\)](#);
- c) to securely attach a muzzle as defined in [Section 23 Part 1](#) to the dangerous dog at all times when it is not confined in accordance with [clause 30\(a\) 23 \(a\)](#);
- d) to have a microchip inserted in the dangerous dog by a licensed veterinarian and to permit the Animal Control Officer to verify the implantation of such microchip;
- e) to provide the Animal Control Officer with the new address and telephone number of the owner within two (2) working days of moving the dangerous dog;
- f) to provide the Animal Control Officer with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the dangerous dog;
- g) to advise the Animal Control Officer within two (2) working days of the death of the dangerous dog;
- h) to advise the Animal Control Officer forthwith if the dangerous dog is running at large or has bitten or attacked any person or animal;
- i) to purchase and display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign provided by the Animal Control Officer. The sign shall be posted in such a manner that it cannot be easily removed by a passerby and it is clearly visible to a person approaching the entrance; and
- j) not to keep or harbour the dog in a multiple dwelling or a lodging house and, where the owner's dwelling is a multiple dwelling or lodging

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house, the dog may be kept or harboured at other premises for the purposes of Section 23 (a) and 23 (i).

**24. Prohibited Dog (Notice – To Deliver to Pound)**

Where the Animal Control Officer designates a dog as a prohibited dog, the Animal Control Officer shall serve notice upon the owner of such dog. If the Animal Control Officer has not seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog within six (6) working days to the pound.

**25. Notice – Requirements**

The notice referred to in Section 29 to 30, inclusive shall include:

- a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous, dangerous, restricted or prohibited dog, as the case may be;
- b) the requirements that the owner must comply with in accordance with this Chapter and when such requirements take effect;
- c) where the Animal Control Officer has designated the dog as a prohibited dog, a statement that the dog will be disposed of in a humane manner; and
- d) a statement that the owner may request in writing, within five (5) working days of receipt of the Animal Control Officer's notice, and is entitled to, a hearing of Council of the Corporation of South Stormont which may affirm or rescind the Animal Control Officer's designation of the dog as potentially dangerous, dangerous, restricted or prohibited, as the case may be, and which Council may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 30.

**26. Notice (Received – Hearing Requested)**

Where the owner of a dog who receives a notice from the Animal Control Officer designating such dog as a potentially dangerous dog, a dangerous dog, a restricted dog or a prohibited dog, so requests in writing to the Clerk of the Corporation within five (5) working days of receipt of such notice, Council, shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act* within thirty (30) working days of the Township Clerk's receipt of the request for a hearing and Council may:

- a) when a dog has been designated by the Animal Control Officer as a potentially dangerous dog or a dangerous dog;
  - I. Affirm or rescind the Animal Control Officer's designation of the dog;
  - II. Substitute its own designation of the dog as potentially dangerous or dangerous; or
  - III. Substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 22.
- b) When a dog has been designated by the Animal Control Officer as a prohibited dog affirm or rescind the Animal Control Officer's designation of the dog.

**27. Complaint (Inquiry by Animal Control Officer)**

The Animal Control Officer may either on his/her own initiative or as a result of a complaint received from a ratepayer of the Township of South Stormont conduct an inquiry into whether a dog should be designated a potentially dangerous dog, a dangerous dog, a restricted dog or a prohibited dog, as the case may be.

**28. Owner Requirements (Compliance Deadline)**

The requirements of Section 29 to 32, inclusive which may be imposed on a dog owner by the Animal Control Officer pursuant to such sections shall not be required until:

- a) the time for requesting an appeal has expired without an appeal being requested;
- b) an appeal has been requested and the request has been withdrawn or abandoned; or
- c) an appeal has been requested and Council has issued its decision.

**29. Notices (How to Serve)**

Any notices served by the Animal Control Officer shall be provided by hand delivery or prepaid registered mail and, in the event of services by prepaid registered mail, to the owner's last known address shall be deemed received on the seventh consecutive day after the date of mailing.

**30. Dangerous Dog (other – Designation)**

As a result of the inquiry conducted pursuant to [Section 30 27](#), the Animal Control Officer may designate a dog as potentially dangerous, dangerous, or prohibited, where there are reasonable grounds for the Animal Control Officer to believe that the dog meets the requirements of that class.

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**31. Prohibited Dog (Keeping – Prohibited)**

No person shall keep or harbour a prohibited dog in the Township.

Part VI Keeping of Dogs

**32. Maximum – 3 per dwelling unit**

A maximum of three dogs may be kept or permitted to be kept within or about any dwelling unit in the Township of South Stormont regardless of the ownership of the dogs.

**33. Dogs – maximum number – exemption – as of April 14, 1999**

Despite Section 32, a person who on or before April 14, 1999, kept or permitted to be kept more than three dogs for which valid dog licences were issued pursuant to this By-law with respect to a dwelling unit, may continue to keep the said dogs until they are no longer in the possession of their owner, and the said dogs shall not be replaced in such dwelling unit.

**34. Puppies – number not limited – 60 days following birth**

Notwithstanding Section 32 of this By-law, young puppies may be kept with the mother for a period not exceeding 60 days following birth.

**35. Kennels – registered – number dogs – not limited**

Section 32 of this By-law shall not apply to any person keeping a kennel of dogs as may be permitted in accordance with the Township's Comprehensive Zoning By-law(s).

**36. Guard dogs – industrial – commercial premises**

Notwithstanding Section 32 of this By-law, more than 3 guard dogs may be licenced for lawfully used industrial or commercial premises.

**37. Leash – required – land other than owner's exception**

Every 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 that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

**38. Leash – maximum length – 2 metres**

No leash referred to in Section 37 of this By-law shall exceed 2 meters (6 feet, 6 inches) in length.

**39. Excrement – removal – disposal – sanitary - immediate**

Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Township.

**40. Trespassing – without consent – by dog - prohibited**

No person who has a dog under his control by means of a leash shall permit the dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

**41. Running at large - prohibited**

No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large.

Part VII Licensing

**42. Registration – information - requirements**

~~The Township Clerk's Office is designated to keep records showing the following dog licence registration information:~~

~~I. Name and address of dog owner;~~

~~II. Dog tag number;~~

~~III. Date of registration;~~

~~IV. Description of Dog; and~~

~~V. Amount of fee paid upon registration.~~

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a) The Township Clerk's Office is designated to keep records showing the following dog licence registration information:

I. Name and address of dog owner;

II. Dog tag number;

III. Date of registration;

IV. Description of Dog; and

V. Amount of fee paid upon registration.

b) All applicable fees and charges referred herein are described in the Township Fees and Charges By-law.

**43. Application – forthwith – upon ownership**

All dog owners shall make application to the license issuer forthwith upon commencing ownership of the dog.

**44. Application – license – vaccination – description - fee**

Every application shall be accompanied by the following:

I. Description of dog including colour, breed and name;

II. Certification of the owner that the dog has been vaccinated against rabies; and

III. Applicable fee.

**45. Expiry – December 31**

Every licence issued by the license agent or licence issuer shall expire on the thirty-first day of December of each year of which it is issued and shall be renewable yearly.

**46. Notice to license agent of license issuer – death change of ownership**

Every holder of a licence issued by the license agent or licence issuer may be transferred after such notification and payment of the applicable fee upon the following occurrences:

I. Transfer in ownership of a dog during any licensing year;

II. Replacement of dog upon death of licensed dog;

III. Transfer of current year licence from another municipality.

**47. Tag – dog tag number – issued – upon payment of fee**

Upon payment of the applicable fee, the owner shall be furnished with a dog tag bearing the dog tag number, the year for which it was issued at all times until such time as the tag is renewed or replaced.

**48. Tag – affixed – securely to dog at all times**

The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.

**49. Tag – removal – while hunting - lawful**

The tag may be removed while the dog is being lawfully used for hunting in the bush.

**50. Tag – replacement – where lost**

Where a tag has been lost, an application shall be made to the licence issuer for a replacement tag.

**51. Tag – replacement – proof of payment – plus fee**

The application shall be accompanied by proof that the current year's licence fee has been paid and if applicable, replacement tag fee.

**52. Kennels and Pet Shops – purchasers – dogs names – addresses – to issuer**

Every kennel operator and pet shop keeper shall submit on a monthly basis, to the licence issuer, the names and addresses of township residents who have purchased dogs from the said kennel or pet shop.

**53. Notice – to license agent or license issuer – sale of puppy**

Every person selling a puppy or a dog that is required to be licensed pursuant to this By-law, shall notify the licence issuer upon the sale of the puppy providing the name and address of any purchaser who is a township resident.

Part VIII Impounding

**54. Seizure – dog - running at large – delivery to Animal Control Officer**

a) The Animal Control Officer shall impound any dog seized by him/her or delivered to him by a police officer or the Municipal Law Enforcement Officer.

b) This By-law shall not apply to dogs maintained in a zoo, fair, exhibition or circus operated or licensed by a municipal or other government authority.

**55. Entry – upon land – Animal Control Officer**

~~For purposes of Section 54 (b) of this By-law, an Animal Control Officer may enter onto any public property or may enter onto any private property and into the structures thereon with the consent of the owner or occupant.~~

For purposes of enforcement of this by-law, an Animal Control Officer may enter onto any public property or may enter onto any private property and into structures thereon with the consent of the owners or occupant and may enter a dwelling, if required, subject to the limitations contained in Section 430 of the *Municipal Act, 2001*.

**56. Female – in heat – at large – impounding – up to 21 days**

The Animal Control Officer may impound any female dog found to be running at large and in heat until it is no longer in heat, but not exceeding 21 days.

**57. Female – in heat – not released - exception**

No female dog shall be claimed while it is in heat unless the owner makes arrangements subject to the approval of the Animal Control Officer for its confinement at any other place during heat.

**58. Claim – within 72 hours - release**

The owner or keeper of an animal impounded for being at large shall be entitled to redeem such animal within seventy-two (72) hours from the

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time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Animal Control Officer the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

**59. Owner – to claim dog – before disposal**

The owner of a dog that has been impounded shall, upon application to the Animal Control Officer, claim the dog before the Animal Control Officer, is entitled to dispose of the dog according to the provisions of section 60 of this By-law.

**60. Disposal – dog – not claimed – Animal Control Officer discretion**

Where a dog that is impounded and is not claimed by the owner thereof within the redemption period specified under this By-law, the Animal Control Officer may retain the dog for such further time as he may consider proper and during that time the Animal Control Officer may:

- I. Sell the dog for such price as he may consider proper;
- II. Euthanize the dog; or
- III. Dispose of the dog as he sees fit.

**61. Euthanasia – for humane – safety reasons**

Where a dog that is captured or taken into custody is injured and in the opinion of the Animal Control Officer, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Animal Control Officer, may euthanize the dog in a humane manner as soon after or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

**62. Euthanasia – dangerous dog – running at large**

In the opinion of the Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Animal Control Officer, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

**63. Veterinary services – required – payable by owner**

Where a dog is captured or taken into custody, and the service of a veterinarian are secured by the Animal Control Officer, the owner shall pay to the Animal Control Officer all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under the Township of South Stormont Fees & Charges By-law, whether the dog is alive, dies or is euthanized.

**64. Compensation – to dog owner - prohibited**

No compensation damages fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- I. Recovered by any owner or other person; or
- II. Paid by the Animal Control Officer or the Township of South Stormont.

**65. Retrieval – forcibly – from Animal Control Officer - prohibited**

No person shall forcibly retrieve a dog from the Animal Control Officer or break and enter into a vehicle of the Animal Control Officer to retrieve a dog without payment in full of all fees and charges required to be paid under the Township of South Stormont Fees & Charges By-law.

Part IX Enforcement

**66. Fine – for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.

**67. Continuation – repetition – prohibited – by order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Part X Name Reference

**68. Short Name**

This By-law shall be known as the “Dog Licensing & Control By-law”.

Part XI Repeal

**69. License previous – valid – until expiry**

A licence issued under the provisions of By-law 24-1999 shall be deemed to have been issued under this by-law and will be valid until it is replaced or expires.

**70. By-law previous**

That any by-law inconsistent to this by-law is hereby repealed.

**71. Effective date**

This by-law comes into force on the date of passing.

READ and passed in open council, signed and sealed this 14<sup>th</sup> day of July, 2004.

Original signed by Jim Bancroft

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Mayor

Original signed by Betty de Haan

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Clerk