

VILLAGE OF STANLEY
INCORPORATED 1966

BY-LAW NO. S-2-A

A BY-LAW REGULATING THE KEEPING AND LICENSING OF DOGS

BE IT ENACTED by the Council of the Village of Stanley as follows:

1. Title

This bylaw may be cited as the Dog By-law.

2. Definitions

In this by-law,

“breeder” means any person who:

- a) is in possession or the owner of a female dog who gives birth to a litter of pups;
and
- b) is an owner who keeps dogs for breeding, selling, boarding or any other like purpose; or
- c) is the holder of a valid kennel license issued under this By-Law.

"dog" includes bitch but does not include a puppy of either gender which is less than four months of age,

"dog constable" means any employee, agent or company appointed by Council to enforce this by-law,

"kennel" means a commercial operation where more than three domestic dogs are boarded for compensation, and/or bred, and/or sold on the premises,

"owner" means the person who owns the dog, and includes any person who keeps, harbours, registers or is in control of the dog within the Village and where the owner is a minor, the person responsible for the custody of the minor,

"property" includes any publicly or privately owned property within the Village of Stanley, and includes streets and sidewalks,

registrar” means any person designated by the Council to issue the licenses and collection of the license fee under this by-law,

“running at large” means a dog that is unleashed in a public place, or on private property other than the owner’s, or in a forest or wooded area,

"street" means all roads or paths located in the Village and includes highway, road, lane, alley, avenue, drive, bridge, way of public nature, sidewalk, boulevard, court, courtyard, common, public square, park and any other public place in the Village.

"council" means the Mayor and Councillors of the Village of Stanley,

"municipality" means the Village of Stanley.

3. Provision of Need

3.01 Every person who keeps a dog within the municipality shall provide the dog or cause it to be provided with,

(a) clean, fresh drinking water and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight,

(b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta, and

(c) necessary veterinary medical care when the dog exhibits signs of pain, illness or suffering.

3.02 Every person who keeps a dog, which normally resides outside or which is kept outside unsupervised for extended period of time, shall ensure the dog is provided with an enclosure that meets the following criteria:

(a) contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the dog's weight and type of coat. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and lie in a normal position.

(b) an area providing sufficient shade to protect the dog from the direct rays of the sun at all times, and

(c) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

3.03 No person may cause a dog to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

3.04 No person may cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.

3.05 No person may transport a dog in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

3.06 The minimum penalty for violating this section of the by-law is Fifty Dollars (\$50.00).

4. Animal Owner Responsibility

4.01 If a dog defecates on any public or private property other than the property of its owner, the owner of the dog shall cause such faeces to be removed immediately.

4.02 No owner shall suffer, permit, allow or for any reason have his or her dog cause any unnecessary excessive noise that would disturb the quiet of any person.

4.03 No owner of a dog shall permit his or her dog to,

- (a) chase or run after pedestrians, automobiles or motorcycles,
- (b) chase, bite or attack any person,
- (c) chase, bite or attack any domestic animal,
- (d) damage public or private property.

4.03 No owner of a dog shall allow such dog to run at large in the municipality. A dog found running at large may be captured and impounded by any Dog Constable.

4.04 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00).

5. Licensing and Registration

5.01 Every owner of a dog shall register such dog with the Registrar of the Village of Stanley on or before the 1st working day of January in each year and at the time of registration shall pay a license fee as set out in this by-law.

5.02 A person who becomes the owner of a dog after the 1ST working day of January in any year shall register such dog within thirty days of becoming the owner and shall pay the license fee prescribed in this by-law.

5.03 Every owner who keeps dogs for breeding purposes may be issued a kennel license, which subject to section 6 shall apply to each and every dog in the kennel until it is sold or otherwise leaves the kennel. A kennel license fee shall be in the amount that is established from time to time by Council and prescribed in this by-law.

5.04 A license issued under this by-law expires on the last day of the year in which it is issued.

5.05 The Clerk/Dog Constable of the Village of Stanley shall cause to be kept a record of the registration of all dogs, which shall show the date and number of registration, the description of each dog, and the name of the owner. The Animal Control Officer is to be notified of any licenses issued by the Clerk on a regular basis.

5.06 Every owner of a dog shall cause any dog registered by him or her to wear a collar to which shall be attached the tag issued under this by-law. No person other than the owner shall remove a collar or tag from any registered dog.

5.07 The owner of a dog registered under this by-law shall not allow the tag issued for such dog to be worn by another dog.

5.08 Upon application by the owner and the prescribed fee paid to the Registrar, a license tag, which becomes lost, may be replaced for a fee prescribed in this by-law.

5.09 At the time the dog is registered, the owner shall provide proof of current rabies vaccination and the dog shall not be registered until such proof is provided.

5.10 Any breeder who retains pups behind the age of four (4) months must have them registered.

5.11 The minimum penalty for violating this section of the by-laws is Fifty Dollars (\$50.00).

6. Kennels

6.01 Every person who owns or operates a kennel shall, upon application and payment of a license fee prescribed in this by-law and upon the approval of the municipality, obtain, no later than the date established by the municipality in each year, a license to operate such kennel.

6.02 A kennel license issued under this by-law is valid for a period of one year from the date of issue.

6.03 Every person who owns or operates a kennel shall comply with the by-laws of the municipality.

6.04 Where an owner or operator of a kennel fails to comply with a by-law of the municipality, the license may be suspended or revoked.

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6.05 Every person who owns or operates a kennel shall permit the Registrar to enter and inspect the kennel at all reasonable times, upon production of proper identification for the purpose of determining compliance with this by-law.

6.06 Where the Registrar finds that the owner or operator of a kennel does not comply with any regulation in this section, he or she may direct that the dogs be seized and impounded.

6.07 Any kennel operator who retains pups beyond the age of four (4) months must have them registered.

6.08 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00).

7. Rabies

7.01 The owner of a dog, which has not been vaccinated against rabies shall cause his or her dog to be vaccinated within ten days of acquiring the dog if it is more than four months of age, or within ten days after it has reached the age of four months.

7.02 When a dog is more than six months of age on the coming into force of this by-law and it has not been vaccinated against rabies, the owner shall cause such dog to be vaccinated against rabies within one month thereafter.

7.03 The Dog Constable shall seize and cause to be destroyed immediately any dog, which is known to be or suspected of being rabid.

7.04 The penalty for violating this section of the bylaw is not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

8. Seizing and Impounding

8.01 A Judge of the Provincial Court to whom a complaint has been made, alleging that a dog has bitten or attempted to bite a person, may summon the owner of the dog to appear and to show cause why the dog should not be destroyed and may, if from the evidence produced it appears that the dog has bitten or has attempted to bite a person, make an order directing that

- (i) the dog be destroyed, or
- (ii) the owner or keeper of the dog keeps the dog under control.

8.02 A person who fails to comply with the provisions of an order made under the provisions of this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category B offence.

8.03 Until such time as the court makes an order, any dog that has bitten or attempted to bite any person, may be seized and impounded by the Dog Constable in the interest of public safety. The dog will then be disposed of in accordance with the order of the court and the owner will be responsible for the payment of accumulated fines and pound fees, should the court so direct.

8.04 Any dog suspected of being rabid shall, for the purposes of this section, be considered dangerous and may be impounded by the Dog Constable.

8.05 The Dog Constable may seize and impound any dog running at large, except on the premises of its owner, and

(a) if the owner of such dog is known, make a reasonable attempt to notify the owner that his or her dog has been seized and impounded, or

(b) if the owner of such dog is not known, or being known, cannot be located, an impoundment notice will be posted at the Office of the Registrar and at the Village Office stating that such dog has been seized and impounded and will be sold or destroyed after seventy-two hours from the time of posting unless claimed by the owner or anyone on his or her behalf and pays the costs set out in this by-law.

8.06 The Dog Constable shall collect from the owner before releasing the dog or from the purchaser at the time of sale of the dog, the total of all costs of seizing, impounding and maintaining the dog.

8.07 Before any dog may be released, the Dog Constable shall establish that the dog is licensed in accordance with section 5 hereof.

8.08 The minimum penalty for violating this section of the bylaw is Fifty Dollars (\$50.00).

9. Fees

The following fees shall apply:

<u>Annual Dog License (female or male)</u>	<u>\$20.00</u>
<u>Annual Dog License (neutered male\ spayed female)</u>	<u>\$15.00</u>
<u>Annual Kennel License (per dog)</u>	<u>\$20.00</u>
<u>Replacement Dog Tag</u>	<u>\$ 2.00</u>
<u>Impoundment Fee</u>	<u>\$ 5 .00 Per Day For 3 Days</u>

10. Offences

10.01 Every person who violates any provision of this by-law is guilty of an offence and is liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) and in default of payment is liable to imprisonment in accordance with section 21, subsection 3 of the Summary Convictions Act. Second offences will be fined seventy-five dollars (\$75.00) and third offences will be fined one hundred dollars (\$100.00).

10.02 Any person who interferes with or attempts to interfere with the Dog Constable, Poundkeeper, or their agents, in the exercise of their duties under this B-Law shall be guilty of an offence and is liable on summary conviction to a fine of not less than one hundred dollars (\$100.00).

10.03 A person failing to comply with an order made under Section #6 is liable for a fine of twenty dollars (\$20.00) for each day that he fails to comply with the order up to a maximum of two hundred dollars (\$200.00) and in default of payment is liable to imprisonment in accordance with section 31 subsection 3 of the Summary Convictions Act.

10.04 When an owner is convicted under Section 8, the Judge shall order the owner to pay the license fee required in addition the fine.

10.05 Any person authorized under this By-Law to capture and impound an animal or animals shall not be liable in damages for any injury or damage caused to such animal or animals while the same is/are being captured or impounded.


10.06 Any person commits an offence under this by-law if he or she is in possession of an "AMERICAN STAFFORDSHIRE TERRIOR" (PITBULL) or any such mix.

11. Repeal Provision

11.01 By-law No. 5, A By-law Relating To The Licensing And Regulating Of Dogs, passed by Village Council on August 14, 1969, and amendments thereto, is hereby repealed.

11.02 The repeal of By-law No. 5, A Bylaw Relating To The Licensing And Regulating Of Dogs, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE VILLAGE OF
STANLEY ON Jan 24, 2005.



Mark Foreman, Mayor



Lorna Pinnock, Village Clerk

Read for the first time on: Dec 20/05
Read for the second time on: Dec 20/05
Read for the third time and enacted on: Jan 24/05