

# THE CORPORATION OF THE TOWN OF HAWKESBURY

## BY-LAW N° 73 - 2002

### A by-law to regulate, license and control dogs in the Town of Hawkesbury (consolidated with By-laws N° 79-2008, 50-2009 & 59-2009)

**WHEREAS** Section 210 of the Municipal Act authorizes the enactment of by-laws for prohibiting, regulating, licensing and controlling dogs within the municipality;

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

#### **DEFINITIONS**

1. For the purpose of this by-law;
  - a) **“By-law Enforcement Officer”** means the person or persons appointed by the Town of Hawkesbury to enforce this by-law and any servant or agent of such person or persons employed for such purposes.
  - b) **“Dog”** means a male or female dog.
  - c) **“Owner”** of a dog means a person who possesses or harbours one or more dog, and where the owner is a minor, the person responsible for the custody of the minor.
  - d) **“Clerk”** means the Clerk of the Corporation of the Town of Hawkesbury.
  - e) **“Corporation”** means the Corporation of the Town of Hawkesbury.
  - f) **“Prohibited Area”** shall mean any area of land described in Schedule “A” to this by-law and which is designated by signs bearing the symbol depicted on Schedule “B” to this by-law.
  - g) **“Running at large”** shall mean a dog found in any place other than the premises of the owner of the dog and not under the control of any person by means of a leash.
  - h) **“Ticket”** shall mean the document or documents issued to commence action upon any alleged contravention of this by-law.

#### **LIMIT ON THE NUMBER OF DOGS**

2.
  - a) No person shall keep more than 2 (two) dogs in any residential dwelling unit within the Town.
  - b) Section 2 a) does not apply to prevent a person keeping more than two (2) dogs if such dogs were owned and kept prior to the adoption of this by-law.
  - c) Offsprings may be owned and kept for a period not to exceed twenty (20) weeks.

### **LICENCES AND TAGS**

3. a) Every owner of a dog shall annually, not later than the 31st day of March in each year, cause the dog to be registered, described and licensed.
- b) At the time of registration, the owner applicant shall be required to pay to the Municipality a licence fee pursuant to Schedule "C" to this by-law.
4. a) On payment of the licence fee for a dog, the owner shall be furnished with a dog tag from the Municipality which shall bear the serial number and the year in which it was issued.
- b) The owner of a dog shall keep the dog tag securely fixed on the dog at all times until the dog tag is renewed or replaced.
- c) The fee charged for the replacement of lost dog tags shall be Five Dollars (\$5.00).
- d) Notwithstanding Section 4 b), newcomers to the Town of Hawkesbury who upon producing proof of a valid dog licence from another municipality, may be issued a Hawkesbury Dog Licence for that dog for the fee of Ten Dollars (\$10.00), valid for the remainder of that calendar year.

### **DOGS RUNNING AT LARGE**

5. a) 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:
  - (a) enclosure;
  - (b) containment within a fenced area;
  - (c) physical restraint of the dog by chain or other similar means.
- b) No person shall allow and/or permit a dog to run at large or trespass on private property, and any dog so found and not under the control of any person by means of a leash may be killed or seized and impounded by the By-law Enforcement Officer or any person acting under his authority.
- c) For the purpose of this by-law 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 on a leash held by a responsible person.
- d) No person shall permit the dog to be within a prohibited area.
- e) Any dog running at large contrary to the provisions of this by-law may be captured by the By-law Enforcement Officer.

### **PUBLIC NUISANCE**

6. No person who owns or harbors a dog within the Town of Hawkesbury shall permit such dog to become a public nuisance. A dog shall be considered a public nuisance if:
  - (a) It persistently barks or howls;
  - (b) It causes damage to public or private property;
  - (c) It interferes with or dumps or scatter garbage or trash;
  - (d) It chases pedestrians, bicyclists or vehicles.
7. No person shall permit a dog to attack any person, domestic animal or domestic bird.
- 7a) Every person walking a dog within the Town of Hawkesbury shall have the animal on a leash. The leash shall not exceed 1.22 meter in length.  
(Added by By-law N° 79-2008)

### **IMPOUNDING OF DOGS**

8. It shall be the duty of the By-law Enforcement Officer to capture and impound all dogs found running at large or to issue a ticket to the owner of the dog for contravention of this by-law.
  - a) The owner of a dog that has been impounded, if he can be located, shall be notified, forthwith personally, or by registered mail, and the notice to the owner shall state that the said dog may be claimed upon payment of a fee as set out in Schedule "C" to this by-law. The notice shall also state that if the dog is not claimed within the minimum redemption period, such dog may be destroyed in such manner as Council may approve or may be given away or sold.
  - b) The minimum redemption period shall be 48 hours excluding the day on which the dog was impounded and holidays shall not be included in calculating any redemption period.
  - c) Where the pound remains closed on a day that is not a holiday, every unexpired redemption period for any dog in the pound on that day is extended by one day.

### **PENALTIES AND ENFORCEMENT**

9. It shall be the duty of the Municipal By-law Enforcement Officer and the Hawkesbury Police Department to issue a ticket to the owner of the dog for contravention of this by-law.
10. Any person guilty of removing a collar or plate from a licensed dog shall be subject to the penalties of this by-law.
11. Every person who uses a tag upon a dog other than for which it was issued is guilty of an offence and upon being charged and convicted shall be subject to the penalties of this by-law.
12. Every person who contravenes any of the provisions of this by-law shall, if convicted by a Provincial Offences Court, be guilty of an offence and is subject to the penalty imposed under the Provincial Offences Act.

13. Before any action, whether to confine a dog or to institute other enforcement proceedings, is taken by the By-law Enforcement Officer and/or other appointed officials as a result of a complaint, the complainant shall give to the officer involved his or her name, address and telephone number.
14. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.33 and amendments thereto.
15. The penalty provided for violation of any of the provisions of this by-law shall be separate from and in addition to the requirements for payment of expenses of confining the dog imposed by the By-law Enforcement Officer.
16. By-law N° 123-96 is hereby repealed.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING THIS  
30<sup>th</sup> DAY OF SEPTEMBER 2002.**

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**Clerk or Deputy Clerk**

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**Mayor or Reeve**

**SCHEDULE “A”**

**of**

**By-law N° 73-2002**

**Description of “Prohibited Area”**

**Except in otherwise designated areas, no dogs shall be allowed to run at large in the following locations:**

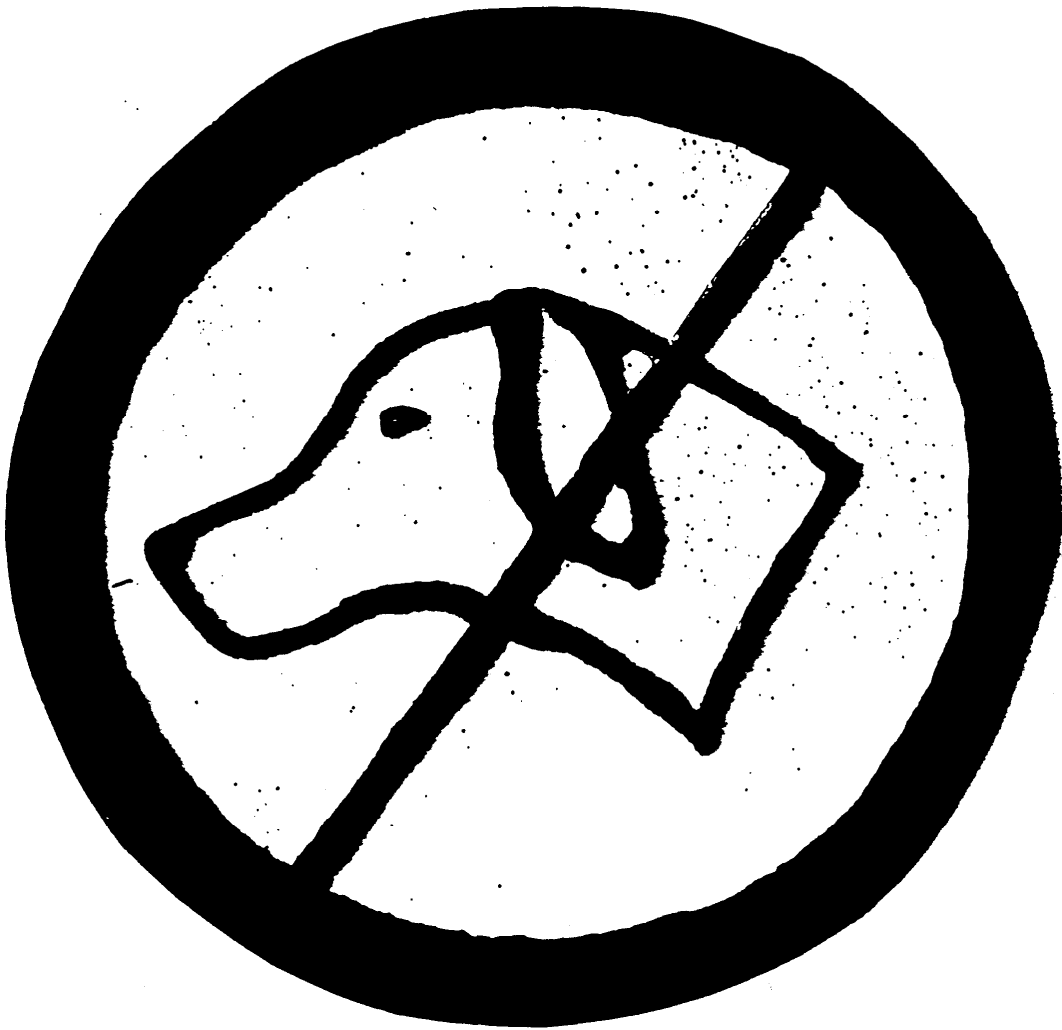
Albert Larocque Park  
Cadieux Park  
Christ-Roi Community Centre Grounds and Athletic Field  
Confederation Park  
Hamilton Island  
Memorial Park  
Old Mill Park  
Richelieu Island  
Sidney Park  
Town Hall Grounds

**SCHEDULE "B"**

**of**

**By-law N° 73-2002**

**Sign designating "Prohibited Area"**



**OR EQUIVALENT**

## SCHEDULE "C"

of

### By-law N° 73-2002

#### LICENCE FEES

1. That the fee payable with respect to such licence be paid in advance to run from the first (1st) day of January and to expire on the thirty-first (31st) day of December in each and every year.
2. The owner of a kennel of dogs that are pure-bred shall pay an annual licence fee of \$450.00 to the Treasurer of the municipality as a licence fee for the kennel and he is not liable to pay in respect of such pure-bred dogs any licence fee.
3. The following annual fees shall be paid for each dog licence:

Renewal of existing licence prior to March 31st or new licence (with proof of new ownership)	\$25.00
Renewal of existing licence after March 31st	\$35.00
New license delivered during the months of November and December (with proof of new ownership) with tag for the subsequent year	\$35.00
Guide dogs for blind persons	Nil
4. **Impoundment Fees**

Any dog impounded may be reclaimed as herein provided upon payment by the owner of an amount of \$40.00 for each dog plus an additional sum of \$15.00 for each day such dog is kept.
5. (repealed by By-law N° 59-2009)