

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS
BY-LAW NO 25-2009
Repeals 12-2002

A By-law for regulating the being at large of dogs.

WHEREAS Councils of municipalities have the authority under Section 11 of the Municipal Act, 2001, to pass by-laws respecting matters within various spheres of jurisdiction, including "animals";

AND WHEREAS the Council of the Municipality of Hastings Highlands deems it advisable to enact this By-law for the purpose of prohibiting dogs "being at large"; for the purpose of requiring the removal of dog waste; and for the purpose of generally regulating the keeping of dogs in the Municipality;

AND WHEREAS Councils of municipalities may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

NOW THEREFORE the Council of the Corporation of the Municipality of Hastings Highlands enacts as follows:

1. (a) In this By-law:
 - (i) "Being at Large" shall mean when a dog is found in any place other than the premises of the owner of the dog and not under the control of any person;
 - (ii) "By-law Enforcement Officer" shall mean the officer or employee of the Municipality from time to time charged with the duty of enforcing the provisions of the By-laws of the Municipality;
 - (iii) "Canine Control Officer" shall be the person so designated by Council from time to time;
 - (iv) "Clerk" shall mean the Clerk of the Municipality;
 - (v) "Council" shall mean the Council of the Municipality;
 - (vi) "dog" shall mean any dog, male or female whether neutered or spayed;
 - (vii) "Guide Dog" shall mean a dog that is trained to aid the visually challenged and hearing impaired and is in active use for such purposes;
 - (viii) "minor" shall mean any person who has not achieved the age of majority as defined by the applicable provincial law;
 - (ix) "Municipality" shall mean the Corporation of the Municipality of Hastings Highlands;
 - (x) "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, and "owns" and "owned" have a corresponding meaning;
 - (xi) "Pound Keeper" shall mean a person appointed by the Municipal Pound Board to maintain and administer the Pound.
 - (xii) "Vicious Dog" shall mean a dog which has shown a propensity to attack or bite or which has without provocation, bitten a person, domestic animal or domestic fowl.
- (b) This By-law shall apply to all lands within the municipal boundaries of the Municipality.
2. Any person who is so required by the Municipality, or its authorized agent, shall forthwith deliver to the Municipality, or its authorized agent, a statement in writing showing the number of dogs owned by such person or habitually kept upon the premises for which such person is assessed as owner or otherwise.

- 3.1 No person shall permit a dog within the Municipality to become a public nuisance by:
- (a) causing damage to public or private property;
 - (b) interfering with, dumping or scattering garbage;
 - (c) persistently barking at or chasing pedestrians or individuals using public or private lands, pathways or roadways adjacent to property where the dog is kept;
 - (d) unreasonably disturbing the quiet, peace, rest, enjoyment or comfort of the neighbourhood or persons of the vicinity.
 - (e) No person shall harbour, own or keep a vicious dog within the Municipality of Hastings Highlands.
- 3.2 No person shall allow a dog to defecate on any property, including public land, other than the property of its owner or other private property by permission unless the droppings are forthwith cleaned up.
- 3.3 Every dog shall be fed and watered regularly, kept in a clean healthy condition free from vermin and disease as well as treated in a humane manner. Any dog not receiving appropriate care in the opinion of the Canine Control Officer or By-law Enforcement Officer can be removed from the owner.
- 3.4 Dogs “being at large” are prohibited. The owner of any dog which is found being at large is guilty of an offence under this By-law and liable on conviction to the penalty provided in this By-law.
- 3.5 Any dogs caught “being at large” in the Municipality may be seized, and impounded by any such officer or person as may be designated by the Municipality.
- 3.6 The Canine Control Officer may capture and impound every dog being at large contrary to the provisions of this By-law.
- 4.1 The voluntary release of any dog to the dog Pound shall require a payment to the Pound as specified in Schedule "A".
- 4.2 It shall be the duty of the Pound Keeper to provide suitable quarters as may be approved by the Inspector of the Veterinary Branch of the Ministry of Agriculture, Food and Rural Affairs, to keep in a humane manner any dogs that may be brought to him pursuant to the regulation of the said Ministry and the Ministry of the Environment. The Pound Keeper shall, in a book to be furnished by the Pound Board, keep an accurate account of all dogs placed in the pound, including the date of receipt, times of feeding and watering, manner of final disposal, amounts received by way of redemption fees and sales, the name and addresses of purchasers of dogs, separate records for any other particulars the Pound Board may deem necessary.

5. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, for each offence committed. Provided that prosecution under the provisions of this By-law shall not be a bar to the Municipality pursuing any other remedies available to it.
6. If any term or provision of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
7. In this Agreement, words importing the masculine gender shall include the feminine gender and neuter gender and vice versa and words importing the singular shall include the plural where the context requires.
8. Schedule "A" may be amended from time to time by resolution passed by Council without an amendment to this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED ON THE 3rd DAY OF
J U N E 2009.

Ron Emond, Mayor

I. Craig Davison, CAO/Clerk Treasurer