CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

ANIMAL CONTROL BY-LAW 30-2001

Being a By-law pursuant to the Municipal Act, R.S.O. 1990 c. M. 45 section 210 Subsection 13; a By-law may be passed for Dogs Running at Large. - For prohibition or regulating the running at large of dogs in the municipality or in any defined area thereof; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

And Being a By-law to Repeal By-law No. 6-2001 and all attached Schedules;

Whereas, Subsection 13 (a) states that 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 under the control of any person.

And Whereas, Subsection 13 (b) states that:
A by-law under this paragraph may establish procedures for the voluntary payment of penalties out of court in cases where it is alleged that the by-law respecting dogs running at large has been contravened and, if payment is not made in accordance with the procedures, the fine is recoverable under the Provincial Offences Act, 1989, C. 84 S. 4(4).

And Whereas, Subsection 11 states that:
For licensing and regulating and requiring registration of dogs and for imposing a license fee on the owners of them including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog, where more than one is owned by any one person or in any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered.

And Whereas, Subsection 9 states that:
"Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said dog on any property in the Municipality of Morris-Turnberry, other than the premises of the owner of the dog."

And Whereas, Subsection 10 states that:
"For requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal......"

And Whereas, the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990 allows for the protection of Livestock and Poultry;

And Whereas, Subsection 138 states that:
A By-law may be passed "For prohibiting or regulating, within the municipality or within any defined area or areas thereof, the ringing of bells, blowing of horns, shouting and unusual noises, or noises likely to disturb the inhabitants."

THEREFORE BE IT ENACTED, by the Council of he Corporation of the Municipality of Morris-Turnberry and it is hereby enacted by the authority of the same, that:
PART 1 – DEFINITIONS

In this by-law

1.1 “Dog” means a male or female dog; neutered male or spayed female;

1.2 “Owner” a dog includes a person who possesses or harbours a dog, and “owns” and “owned” have a corresponding meaning;

1.3 “Animal Control Officer” shall mean the person, department or agent appointed by the Municipality of Morris-Turnberry to enforce this By-law;

1.4 “Pound Keeper” shall mean the operator of a yard and/or enclosure for the safe keeping of such animals as it may be the duty of a pound keeper to impound;

1.5 “Agreement” shall mean the current agreement duly signed by the Officer of the Municipality setting out the fees and duties of the Pound Keeper.

1.6 “Vicious Dog” shall mean a dog which has, without provocation, attacked or bitten a person or another animal or has demonstrated a propensity to do so.

PART 2 – LICENSING AND REGISTRATION OF DOGS

2.1 Every owner of a dog shall cause such dog to be licensed annually on or before the 15th of May and in each year cause such dog to be again licensed for one year from the 1st day of January.

2.2 The maximum number of dogs in an Urban area allowed per household, where the property is located within a plan of subdivision, registered plan of subdivision, mobile home park, or trailer park, over the age of 12 weeks shall be 2.

LICENSE FEE

2.3 The license fee to be paid as follows:

For each male or spayed female dog ) ) as per
For each additional male or spayed female dog ) Schedule
For each female dog, if only one is kept ) ’A’ attached
For each additional female dog ) hereto

2.4 On payment of the license for a dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.

2.5 No person, other than the owner of the dog, shall remove the tag from the dog.

2.6 The tag shall bear a serial number and the year in which it was issued and a record shall be kept at the Municipal Office, showing the name and address of the owner and serial number of the tag.

2.7 No tag shall be used for a dog other than the one for which it was issued.

2.8 Upon application for a license tag, the owner shall produce evidence that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months of the date of the application for the tag.
2.9 Every applicant for a tag for a spayed female dog or neutered male dog, shall produce to the Municipality of Morris-Tumberry, or its authorized agent, at the time of making application a certificate of veterinary surgeon that such female dog has been spayed, or that such male dog has been neutered.

2.10 A dog which is found without a tag, off the premises upon which it is habitually kept and whether or not under the control of any person, may apprehended by the Animal Control Officer and delivered to the Pound Keeper. If a dog is found without a tag, on the premises upon which it is habitually kept, the Animal Control Officer may demand to see the dog’s license tag and the owner must produce the license forthwith. If the license is not produced, the Animal Control Officer shall apprehend the dog and deliver it to the Pound Keeper. In either case, a dog so impounded shall be held for a period of three days, exclusive of the day it was impounded, Sundays and Statutory holidays. If it is not claimed and released to the owner within a period of three days, it may then be destroyed or sold and the proceeds of any sale shall be the property of the municipality. Each dog so impounded shall not be released until all fees are paid as set out in the current Agreement with the Pound Keeper.

2.11 When a dog which has not been licensed by the Municipality of Morris-Tumberry has been delivered to the Pound Keeper, such dog shall not be released from the pound to its owner until a Dog Release Certificate has been issued to the owner and submitted to the Pound Keeper confirming that:

i) The dog has been licensed
ii) The license fee, as set out in Part 2 has been paid
iii) A municipal administration fee of $50.00 has been paid
iv) Boarding and veterinary fees as set out in Agreement with the Pound Keeper have been paid.

PART 3 – RUNNING AT LARGE OF DOGS

3.1 For the purpose of this part, a dog shall be deemed to be running at large when found off the premises upon which it is habitually kept and not under the control of any person.

3.2 No owner of a dog shall permit such dog to run at large in the Municipality of Morris-Tumberry. The owner of every dog within the Municipality Morris-Tumberry shall restrain or cause such dog to be restrained by a leash when it is not on land or within any building or structure owned or leased by the owner of such dog or is not within any building in which the owner of such dog temporarily and permanently resides.

3.3 The running at large of dogs is prohibited within the municipality and the owner of any dog so found running at large shall be guilty of breach of this by-law and liable for a $50.00 administration fee and upon conviction, a penalty provided in Section 3 of this by-law.

3.4 A dog which is running at large contrary to the provisions of the by-law may be seized and impounded. A dog must be held for the appropriate time as specified in Part 3.5 and if not claimed and released or sold to an interested party, then may be destroyed by the Pound Keeper. If the dog is sold by the Pound Keeper, the selling price must be credited to the Municipality.

3.5 With respect to any dog impounded under this bylaw the maximum period for redemption shall be three days, exclusive of the day of which the dog was impounded, Sundays and Statutory holidays.
3.6 A dog impounded under Part 3 of this by-law may be reclaimed by the owner on proof of his ownership of such dog to the satisfaction of the Pound Keeper and evidence that the current year's license fee, and administration fee have been paid in respect of such dog. All other dogs in accordance with the "agreement" and pound fees must be paid by the owner.

3.7 Female dogs in heat must be confined to a building isolated from other dogs and must remain there until such time as the heat has ended.

3.8 If the dog is injured or should be destroyed without delay for humane reasons or for reasons of safety to a person or animal or at the request of the Ontario Provincial Police the Pound Keeper or the Animal control Officer may destroy the dog in a humane manner whether before or after impounding without permitting any person to reclaim the dog without offering it for sale and no damages or compensation shall be recovered as a result of the dog being destroyed.

3.9 It shall be lawful for the Mayor of the Municipality of Morris-Turnberry, at any time, to direct that a dog shall be destroyed if such dog is found running at large and cannot be apprehended by the Animal Control Officer.

3.10 A dog must be tied or in a chained or fenced area but which shall not be within three (3) feet of the property line.

3.11 A dog owner shall be required to remove forthwith excrement left by the dog anywhere in the Municipality of Morris-Turnberry.

3.12 A person contravening the provisions of Section 3.11 of this by-law shall pay a $50.00 administration charge.

PART 4 – FOULING OF TOWNSHIP OWNED LANDS: (ANIMAL EXCREMENT)

4.1 No persons shall permit fouling on Municipal owned lands specifically including roadways and parks by allowing his/her animal to deposit excrement thereon without removing the excrement immediately.

1/ That Administration Fee charged for the disposal of dog waste be as set out in Schedule C, attached hereto;

PART 5 – BARKING OF DOGS

5.1 No person having control of a dog, or being the owner of a dog, shall permit such dog to engage in persistent barking, calling or whining or other similar persistent noise likely to disturb the inhabitants, such that the sound is clearly audible at any point on the premises of a person other than those premises where the sound originates for a longer continuous period than one-half hour between the hours of 0800 and 2200 of one day or that persists for a period of longer than 15 minutes between the hours of 2200 hours of one day and 0800 hours of the following day.

1/ That noise from dogs barking be controlled as set out in Schedule D, attached hereto;
PART 6 – RABIES CONTROL

6.1 When a dog is known to have bitten a person, the Medical Officer of Health may order that the dog be kept under supervised quarantine for a period of 10 days and the owner, if known, shall be responsible for the cost of such quarantine.

PART 7 – KENNEL LICENSE

A license to operate a Breeding Kennel may be issued

A license to operate a Boarding & Breeding Kennel may be issued, subject to the following conditions:

7.1 Adequate, properly-confining and sanitary facilities are provided as per Schedule ‘B’ attached hereeto;

7.2 The total number of animals allowed in a kennel may be restricted to, in the amount of the Animal Control Officer, comply with Part 6;

7.3 Kennel premises may be inspected at any time, before a license is issued or renewed or upon receipt of specific complaints by the municipality. Such inspections are to be carried out by the Animal Control Officer or other person designated by Council;

7.4 If a kennel operator fails to maintain the required standards or is guilty of an infraction under any part of this by-law, he may be required to appear before Council or a committee thereof and give acceptable assurance that he can and will maintain proper standards in future. Failure to provide such assurance could result in cancellation of his license under this part;

7.5 In the event of a dispute concerning Part 6.4 a veterinarian shall be consulted and his decision will be binding.

PART 8 – PITBULLS AND PITBULLS CROSS

8.1 Pitbulls and pitbull cross shall have a special license fee as set out in license fee Schedule “A”

8.2 Pitbulls and pitbull cross shall be muzzled while walking and comply with all other aspects and conditions as stated in this by-law;

PART 9 - VICIOUS DOGS

9.1 “Vicious dog” means a dog which has, without procation, attached or bitten a person or another animal or has demonstrated a propensity to do so;

9.2 Vicious dogs- signs- warning of vicious dog on property. An owner of a vicious dog shall post or cause to be posted signs on the perimeters of the property which shall clearly notify persons that vicious dog(s) are on the property;

9.3 Vicious dog- confined- at all times
An owner of a vicious dog shall, at all time, when it is on the lands and premises of the owner:

a/ keep such dog confined with the premises; or
b/ keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;

9.4 Vicious dog- walking – muzzled
A vicious dog must and shall only be walked by an adult and must be muzzled while walking and comply with all other aspects and conditions as stated in this by-law;

PART 10 – ENFORCEMENT

10.1 The Animal Control Officer of the Municipality of Morris-Turnberry shall be responsible for the enforcement of the provisions of this by-law

10.2 The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police in enforcing any provision of this by-law.

PART 11 – OFFENCES

11.1 Any person contravening the provisions of this by-law shall pay a $50.00 administration charge.

11.2 Every person who contravenes a section of this by-law is guilty of an offence and subject to a penalty as provided for under the Provincial Offences Act.

11.3 That the list of Offences and applicable fines are attached in Schedule “F”

This by-law repeals any previous by-laws for the regulating of dogs within the Municipality including By-law 6-2001.

Read a first and second time this 13th day of March, 2001

Read a third and final time this 13th day of March, 2001

Keith Johnston
Mayor- Keith Johnston

Dorothy Kelly
Clerk- Dorothy Kelly

I, Dorothy Kelly, Clerk of the Municipality of Morris-Turnberry do hereby certify this to be a true copy of Bylaw No. 30-2001, passed by council on March 13,2001.
Schedule A of By-law No. 30 -2001

Dog Licensing - Fees

Now therefore, the council of the Municipality of Morris-Turnberry hereby established the following fee schedule for dog licensing, for dogs harboured in the Municipality of Morris-Turnberry.

Males and Spayed Females

First Dog $20.00
All others $20.00 each

Females

First Dog $20.00
All others $20.00 each

Therefore, the dog licensing fee each Male, Spayed Female or Female dog, will be $20.00.

Late penalty for Non Renewal: Any person who fails to renew a dog license on or before the 15th day of May shall be subject to a penalty of twenty dollars ($20.00).
Schedule B – By-law No. 30 -2001

Kennel License Fee

Municipality of Morris-Turnberry

In accordance to the Municipal Act S. 210 11(c) the owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) shall pay an annual license fee of $75.00.

All other Kennel Fees established under this Act are hereby amended and repealed.

Standards of Operating a Breeding and/or Boarding Kennel

Part 1 – EACH RUN

1.1 is a least 2.5 feet (or .075 meters) wide, 6 feet (or 1.8 metres) high and 15 square feet (or 1.35 square metres) in area.

1.2 has a floor of solid (no slatted floors), readily sanitized and fluid-impervious materials, or

1.3 is,
   a) enclosed by walls of solid, readily sanitized and fluid-impervious material
   b) surrounded by partitions in which solid, readily sanitized and fluid impervious material extends from the floor for at least 4 feet (or 1.2 metres) and, above the solid material, other material that will prevent an animal confined in a run from escaping extends to a height of a least 6 feet (or 1.8 metres) above the floor,

1.4 is constructed so that liquid cannot escape or pass to another run except through a drain, or a drainage channel leading directly to a drain, which is inaccessible to another animal in the run,

1.5 has a door which does not open onto another dog run.

PART 2 – EACH RUN

2.1 is well constructed and secure,

2.2 is well ventilated,

2.3 is properly drained.
MUNICIPALITY MORRIS-TURNBERRY
NOTICE OF ADMINISTRATON FEE
IN CONTRAVENTION TO BY-LAW NO. 30-2001
ANIMAL CONTROL BY-LAW
SCHEDULE C OF BY-LAW NO. 30-2001

Disposal of Dog Waste

Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said dog on any property in the Municipality of Morris-Turnberry, other than the premises of the owner of the dog.

FEE levied to: .................................................................
Address ...........................................................................
..................................................................................

Date of Offense: ............................................................... 

Administration Fee:
$50.00 first offense
$50.00 second offense
$50.00 third offence or subsequent offence

FEE payable on delivery of this notice.

Amount of Administration Fee $ ...........................................

Animal Control Officer .........................................................
Schedule D of By-law No. 30 – 2001

Noise:

The barking of dogs is prohibited, if it is disturbing the neighbouring inhabitants.

Administration fee of:

$50.00 for the first offence
$50.00 for the second offence
$50.00 for the third or subsequent offence
Schedule E of By-law No. 30-2001

Fee to count dogs and issue licenses and collect fees.

The fee paid for the counting of dogs, issuing licenses and collecting fees will be as approved annually by resolution of council.
# Schedule F of By-law 30-2001

## Animal By-Law

**Municipality of Morris-Turnberry**

Under Part I of the Provincial Offences Act

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<tr>
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<th>COLUMN 3 Set fine (Includes Costs)</th>
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Note: The penalty provisions for the offences indicated above is Section 11.2 of By-law No. 30-2001, a certified copy of which has been filed with the Attorney General for approval.
Schedule F of By-law 30-2001

Animal By-Law
Municipality of Morris-Turnberry

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