

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 102-2024

BEING A BY-LAW TO REGULATE AND PROVIDE FOR THE KEEPING, CONTROL AND LICENSING OF DOGS WITHIN THE TOWNSHIP OF WELLINGTON NORTH AND REPEAL BY-LAW 004-2017

NOW THEREFORE the Council of the Corporation of the Township of Wellington North hereby enacts as follows:

1. DEFINITIONS

- 1.1 **Animal Control Officer** - shall mean the person or persons appointed by the Council to enforce this By-law and includes the person appointed by the Township to control dogs and any servants or agents of such person, any peace officer having jurisdiction within the Township.
- 1.2 **Assistance Dog** – shall mean Guide, Hearing or Service Dog.
- 1.3 **At Large** – shall mean the location of a Dog when it is found in any place other than the premises of the Owner of the Dog and not under the control of any person;
- 1.4 **Council** means the Council of The Corporation of the Township of Wellington North.
- 1.5 **Dog** - shall mean any domestic dog which is over twelve (12) weeks of age;
- 1.6 **Farm Dog** - shall mean a dog which is actively herding farm animals, such as cattle or sheep and such Dog is under the control of its Owner;
- 1.7 **Guide Dog** - shall mean a Dog trained as a guide for a disabled person and having the qualifications prescribed by the regulations to the Blind Persons' Rights Act, R.S.O. 1990, c.B.7, or having certification by Hearing Ear Dogs of Canada or Special Skills Dogs of Canada;
- 1.8 **Hunting Dog** - shall mean a Dog properly licensed through the Ministry of Natural Resources for the purpose of hunting coyotes, raccoons and water fowl while hunting pursuant to the Provincial regulations;
- 1.9 **Livestock Guardian Dog- (LGD)**- shall mean a dog that is a dog type bred for the purpose of protecting livestock from predators.
- 1.10 **Owner** - shall mean any person, group of persons, partnership or corporation who or which possesses or harbours a dog; the words "own", "owns" or "owned", shall

have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of dogs; and where the Owner is a minor, shall include the person or persons having the custody of the minor;

- 1.11 **Police Working Dog** - shall mean a Dog trained to aid Law Enforcement Officers and which Dog is actually being used for Police Work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators;
- 1.12 **Pound** - includes a veterinary facility or other place(s) designated by resolution of the Council of the Township;
- 1.13 **Pound Fee** includes any daily charge that may be collected by the operator of a Pound;
- 1.14 **Pound Keeper** - shall mean the person, or persons, or agency that act as keeper of the Pound;
- 1.15 **Township** - shall mean The Corporation of the Township of Wellington North

2. IDENTIFICATION OF A DOG

- 2.1 An owner shall at all times ensure their dog wearing a collar with contact information of the owner.
- 2.2 Despite section 2.1, an owner may also wish to microchip or tattoo their dog, at their own expense.

3. DOGS RUNNING AT LARGE

- 3.1 Every owner shall keep his or her dog under restraint at all times.
- 3.2 No person shall allow a dog to run at large in the Township.
- 3.3 A dog shall not be considered running at large if it is actively engaged in the performance of its trained duties and,
 - 3.3.1 a Police working dog
 - 3.3.2 a hunting dog
 - 3.3.3 an assistance dog
 - 3.3.4 a farm dog
 - 3.3.5 a livestock guardian dog
- 3.4 Any dog found running at large may be seized and impounded by an Animal Control Officer regardless of identification.

- 3.5 An Animal Control Officer may enter on any public property, or private property with the consent of the owner or tenant, for the purpose of capturing any dog running at large.

4. **IMPOUNDMENT**

- 4.1 It shall be the duty of the Animal Control Officer to respond to calls regarding dogs running at large and:
- 4.1.1 return them to the owner through identification by microchip, tattoo, personalized collar with identification of owner thereon at the expense of the owner.
 - 4.1.2 if no records exist or the owner cannot immediately be identified the dog shall be impounded at the expense of the owner.
- 4.2 The owner of every dog impounded, if known, whether or not the dog is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Township.
- 4.3 Where at the end of seventy-two (72) hours after being impounded, exclusive of Sundays and holidays and the day of impoundment, possession of the dog has not been restored to the owner, the operator of the pound may dispose of the dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended.
- 4.4 No dog shall be returned to its owner until all impound and boarding fees are paid in full.
- 4.5 Where a dog is seized and impounded, is injured or should be destroyed without delay for humane reasons, or for the safety of persons or animals, an Animal Control Officer may dispose of, or have the dog disposed of as soon after seizure as deemed fit, in a humane manner without permitting any person to reclaim the dog or animal or without offering it for sale and in that event no damages or compensation shall be recoverable on account of its disposition.
- 4.6 Where a dog is alleged to have bitten any person or domestic animal, such dog may be impounded and held by the pound until proceedings under the:
- 4.6.1 *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16, as amended, have been followed, provided that no dog shall be so impounded or held for a period in excess of twenty-one (21) days unless otherwise ordered by a court of competent jurisdiction; or

4.6.2 under the provisions of this by-law.

5. SERVING NOTICES

5.1 Any notices served by an Animal Control Officer or requests for hearings made by an owner pursuant to this By-law, shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth (5th) day after the date of mailing.

6. FAILURE TO COMPLY AND COST RECOVERY

6.1 The Township, its agents and servants, and any Animal Control Officer shall not be liable for damages or compensation for any dog injured or killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.

6.2 Where a person defaults in complying with a direction, requirement or order under this By-law to do a matter or thing, an officer or agent on behalf of the Township may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or order at the person's expense.

6.3 In accordance with section 446 of the *Municipal Act, 2001* the Township may recover the costs, from the person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such costs to the tax roll and collecting them in the same manner as property taxes, and such costs shall include interest at an annual rate of 15 per cent.

6.4 For the purpose of subsection 6.3, interest shall be calculated for the period commencing the day the Township incurs the costs and ending on the day the costs including the interest are paid in full.

6.5 The amount the Township's costs incurred plus interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

7. PENALTY PROVISIONS

7.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Municipal Act and all contraventions of this by-law are designated as continuing offences.

7.2 Every person who is convicted of an offence is liable to a minimum fine of Two Hundred and Fifty Dollars (\$250) and a maximum fine of Twenty-Five

Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

- 7.3 Notwithstanding section 7.2, every person who is convicted of an offence is liable to a set fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 7.4 Pursuant to section 441 of the *Municipal Act, 2001* if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, including any extension of time for payment ordered under that section, the Township may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 7.5 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.
- 7.6 In accordance with section 441 of the *Municipal Act, 2001* any part of a fine owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Township for which all of the owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

8. SEVERABILITY

- 8.1 If any section, subsection, clause, paragraph or provision of this By-law is found by any Court of competent jurisdiction to be invalid or beyond the powers of the Council to enact, such section, subsection, clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law and all other sections or parts of this By-law shall be deemed to be separate and independent there from and are enacted as such.

9. REPEAL SECTION

- 9.1 This by-law will come into force and effect on January 1, 2025.
- 9.2 Notwithstanding section 9.1, the set fines referred in section 7.3 above will come into force and effect upon the final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended. The set fines schedule, as approved, is attached hereto as Schedule "A" and forms part of this by-law.

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9.3 By-law number 004-17 of the Township and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law comes into force and effect.

READ AND PASSED THIS 2ND DAY OF DECEMBER, 2024.



Signed by:

ANDREW LENNOX, MAYOR

DocuSigned by:

KARREN WALLACE, CLERK

The Corporation of the County of Wellington

By-law 102-2024
Short Form Wordings and Schedule of Fines
Part I Provincial Offences Act

Item	Short Form wording	Provision Creating or Defining Offence	Set Fine
1.	Owning or harbouring a dog without affixing a collar with contact information	Section 2.1	\$100.00
2.	Allowing a dog to run at large	Section 3.2	\$100.00

Note: The penalty provision for the offences indicated above is Section 7.3 of By-law No. 102-2024, a certified copy of which has been filed.