

THE CORPORATION OF THE TOWNSHIP OF CHAPLEAU

By-Law No. 2022-08

Being a By-law to regulate and control the keeping of animals  
within the Township of Chapleau.

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. C.25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

**AND WHEREAS** Section 8(1) of the said Act, 2001, S.O. C.25 states the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 10(2), of the said Act, 2001, S.O. 2001, C.25 provides that a single-tier municipality may pass by-laws respecting matters including animals;

**AND WHEREAS** the Council of the Township of Chapleau ('Council') deems it necessary and expedient to have a bylaw with respect to the keeping and regulating of domestic pets;

**AND WHEREAS** the Council deems it necessary and expedient to prohibit animals in a defined area of the Township of Chapleau; and

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Township of Chapleau enacts as follows:

**1. INTERPRETATION:**

1.1 In this By-Law

- a) "Clerk" shall mean the Clerk of the Corporation of the Township of Chapleau.
- b) "Dog" shall mean any dog male or female, over the age of 8 weeks.
- c) "Cat" shall mean a feline over the age of six weeks of any breed of domesticated cat or cross-breed domesticated cat;
- d) "Excrement" shall mean feces expelled from the body of any dog or cat.
- e) "Fenced Dog Enclosure" shall mean a fenced enclosure built for the specific purpose of preventing the escape of the dog ordinarily inhabiting same and constructed to the requirements of the Corporation of the Township of Chapleau and so as to comply with the provisions of Section 5 (d)(ii).
- f) "Highway" means a common and public highway, street, sidewalk, boulevard, avenue, parkway, driveway, square place and bridge, designed and intended for use by the general public for the passage of vehicles and persons.
- g) "Holiday" means New Year's Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.
- h) "Kennel" shall mean a premise where dogs are boarded, trained for a fee, or are bred for sale.

- i) "Municipal Property" means property owned by the Corporation of the Township of Chapleau.
- j) "Owner" means any person who owns, possesses, has care and/or control of, or harbours a dog/cat; and "owns" and "owned" have a corresponding meaning.
- k) "Pound keeper" shall mean the persons appointed under the provision of this By-Law as Pound Keeper.
- l) "Premises" shall mean the dwelling house and/or the property of the owner of the dog/cat. Or in the case of a kennel operator the facility and the property on which the kennel operates.
- m) "Pure Bred" shall mean
  - i) Registered or eligible for registration in the register of the Canadian Kennel Club Incorporated (dogs) or Chats Canada Cats (cats)
  - ii) Of a Class designated as pure bred by the regulations of the Township of Chapleau pursuant to this By-Law.
- n) "Public Park" means a park, recreation area, recreation centre, play lot, playground, school ground, athletic field, beach, square, avenue, boulevard, drive and any building thereon intended for or used by the general public.
- o) "Public Place" includes a highway, public park and municipal property.
- p) "Dangerous Dog" means a dog that has been the subject of a Notice of Caution;

## **2. LICENSES:**

- 2.1 No person shall own a dog without obtaining a license or ensuring that a license has been obtained as required by this By-Law, and every owner of a dog shall be subject to the provisions of this By-Law.
- 2.2 Every person shall register or ensure registration has occurred of each dog owned by that person in the Township of Chapleau at the earlier of; on or before the 1st of January in each year or within 15 days after acquiring ownership of the dog.
- 2.3 No person shall keep any domestic fowl, pigeons, cattle, goats, swine, horses, rabbits, mink, foxes, or other animals (excluding dogs, cats, and rabbits) within the municipal boundary as defined in the zoning bylaw.
- 2.4 Every cat owner shall place on his or her cat a collar and tag on which is permanently inscribed the name and address of the owner
- 2.5 Every dog owner shall pay to the Clerk of the Township of Chapleau a license fee prescribed by the Township of Chapleau to procure or renew a license at the time of registering the dog, as per the Schedule of User fees.
- 2.6 Every dog owner shall within 30 days of registering their dog, produce sufficient proof that their dog has been vaccinated annually for rabies. Owners registering puppies shall within 14 weeks of registering their puppy, produce sufficient proof that their puppy has been vaccinated for rabies.
- 2.7 Where a person who is the owner of a dog, becomes a resident in the Township of Chapleau during a license year and is in possession of a valid dog license issued

by another municipality for that dog, said person shall obtain a license pursuant to this By-Law and surrender the dog license issued by the other municipality.

- 2.8 Any license issued pursuant to this By-Law shall be in the form prescribed by the Corporation of the Township of Chapleau.
- 2.9 Every license shall bear a serial number and the year for which it was issued and a record shall be kept by the Clerk for the purpose of showing the name and the serial number of the license.
- 2.10 Every person who obtains a license shall affix a current license to the dog for which it was issued. The owner shall keep the license securely fixed on the dog at all times until the license is renewed or replaced.
- 2.11 No person shall put upon or fix to a dog a license unless it was issued pursuant to this By-Law for the said dog.
- 2.12 A fee prescribed by the Township of Chapleau shall be charged for each license, including a replacement license.
- 2.13 Every license issued pursuant to this By-Law shall expire on the 1st day of January in each year.

### **3. KENNELS**

- 3.1 No person shall operate a kennel without having first obtained a license to do so. Kennels shall be located in accordance with the Township of Chapleau's Zoning By-Law.

### **4. PET NUMBERS**

- 4.1 No person shall own or possess more than two dogs/cats/rabbits at any one premises within the Township of Chapleau save and except under the authority of a kennel license.

### **5. RUNNING AT LARGE**

- 5.1 No owner shall allow or permit the dog or cat to run at large within the limits of the Township of Chapleau.
- 5.2 For the purpose of this section a dog or cat shall be deemed to be "running at large" if the dog/cat is at any place other than the owner's premises and not under the direct control of a competent person.
- 5.3 For the purpose of Section 5 (1), a dog or cat shall be deemed not to be under the control of a competent person when the dog or cat is not on a leash, confined in a carrier or in a fenced yard.
- 5.4 No owner shall permit a dog or cat to run freely on private property which does not belong to the owner, or for which the owner or their representative has not granted permission. While on private property the dog or cat will be deemed to be running at large if it is not:
  - 5.4.1 secured with a chain, rope, cable or other restraint so as to keep the pet on the premises, and so as not to intrude upon one ordinary means of entrance or exit onto said premises; or
  - 5.4.2 secured within the premises by a fenced pet enclosure, approved of by the Corporation of the Township of Chapleau, sufficient to prevent escape of the animal and built so as not to intrude upon one ordinary means of entrance or exit onto said premise.

- 5.4.3 No owner shall secure a dog or cat on his or her premises in such a manner that will permit or allow the dog/cat to encroach onto Municipal property or onto adjoining private property while it is secured on the premises.
- 5.4.4 No person, excluding those reliant upon a service animal, shall permit any dog or cat to enter any area of the municipal waterfront park located adjacent to Pine Street and the Chapleau River, except those areas identified in Schedule B, forming part of this by-law.

## **6. EXCREMENT**

6.1 No owner shall leave excrement deposited by the dog or cat on or in:

- i) a Public Place
- ii) a Private Property

said excrement shall be immediately and without delay removed by the owner and disposed of in a sanitary manner.

## **7. ENFORCEMENT: POUND KEEPER**

- 7.1 The person appointed by the Council as hereinafter provided and hereinafter referred to as the Animal Control Officer may capture and impound every dog or cat running at large contrary to Section 5.
- 7.2 It shall be the duty of the pound keeper to provide suitable quarters as may be approved by Council in which to keep in a humane manner all dogs and/or cats that may be brought to him/her by the Animal Control Officer. The pound keeper shall in a book furnished to him/her by the Clerk keep an accurate account of all dogs and/or cats placed in the pound entering the date of receipt, time of feeding and watering, manner of final disposal, methods of destruction of same, amounts received by way of redemption fees and sales, the names and addresses of purchasers of dogs/cats and any other particulars the Clerk may deem advisable.
- 7.3 Every dog or cat seized by the Animal Control Officer under the provision 7.1 of this section and delivered to the pound keeper shall be confined in the pound for at least three clear days (72 hours) and at the end of such period if the animal is not redeemed or sold as here and after provided be destroyed by the pound keeper in such a manner as the Medical Officer of Health of the Township of Chapleau shall prescribe and the carcass shall be disposed of to the satisfaction of the Medical Officer.
- 7.4 The owner of any dog or cat impounded under the provisions of this By-Law may redeem the animal within the confinement period in (7.3) of this section by paying the pound keeper for the use of the Township of Chapleau the amount prescribed in the Schedule of User Fees. If the same dog or cat is not redeemed by the owner the pound keeper may sell any impounded dog or cat for not less than \$10.00 and a purchaser shall obtain a license for the dog.
- 7.5 The By-Law Enforcement Officer of the Township of Chapleau shall be deemed to be the Animal Control Officer for the purposes of this By-Law.

## **8. LEASH**

- 8.1 Every owner shall ensure that when the owner's dog/cat is off the premises, said dog/cat shall be restrained by a leash that is not greater than three feet long.

## **9. DANGEROUS DOGS**

- 9.1 Where the Animal Control officer has reason to believe that a dog has bitten a person or domestic animal, the Animal Control Officer shall:

- 9.1.1 where the bite is the first bite on record with the Township of Chapleau, and where the bite occurred on the owner's premises, serve the owner with a Notice of Caution, a dog which is the subject of a Notice of Caution shall be considered a dangerous dog for the purpose of this By-Law;
- 9.1.2 where the bite is the second or subsequent bite on record with the Township of Chapleau, impound the dog and, if no hearing is applied for by the owner within 10 days, humanely destroy the dog thereafter.
- 9.1.3 Where a dog has been determined to be a Dangerous Dog by the Animal Control Officer or has been impounded for a second or subsequent bite by the Animal Control Officer, the owner of the dog may apply for a hearing.
- 9.2 Every such application for a hearing shall be made in writing and accompanied by the application fee and delivered to the Clerk of the Township of Chapleau.
- 9.3 The application shall be heard by the Council of the Township of Chapleau, with the Mayor or Mayor's Designate presiding at the hearing.
- 9.4 When a hearing date before the Council has been fixed, if the applicant has been given notice of the hearing and fails to attend, Council may proceed in the applicant's absence and the applicant will not be entitled to further notice in the proceeding.
- 9.5 At the conclusion of the hearing, Council shall render a decision setting out:
  - 9.5.1 its findings of fact;
  - 9.5.2 its determination as to the designation of the dog in question as a Dangerous Dog;
  - 9.5.3 its determination as to whether the dog should be released to the owner and any conditions relating to any release of the dog to the owner;
  - 9.5.4 its determination as to whether the dog should be humanely destroyed.
- 9.6 The owner of a Dangerous Dog shall ensure that:
  - 9.6.1 the dog does not bite, chase or attack a person or domestic animal on any property including that of the owner;
  - 9.6.2 when on the property of the owner, that the dog is tethered on a chain of a strength capable of restraining the dog, or confined within a fenced enclosure capable of preventing the escape of the dog;
  - 9.6.3 where on a property other than that of the owner, that the dog is securely leashed and muzzled in a manner that prevents the dog from biting, chasing or attacking a person or domestic animal and that the dog is under the control of a person of at least sixteen (16) years of age;
  - 9.6.4 that the Animal Control Officer is notified within five (5) days of any transfer of the dog to another property or transfer of ownership of the dog;

9.6.5 that the owner does not contravene the terms and conditions of any Order of Council arising from any hearing conducted under this By-Law pertaining to the dog.

**10. GENERAL**

10.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

10.2 That By-Laws 88-35, 92-26, 95-24, 97-36 and all amendments thereto are hereby repealed in their entirety.

10.3 That this By-Law shall come into force and take effect on the 31st day of January 2022

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 31st day of January 2022.

**CERTIFIED TO BE A TRUE COPY**  
*[Signature]*  
**CLERK**

*[Signature]*  
\_\_\_\_\_  
Mayor

*[Signature]*  
\_\_\_\_\_  
Clerk

**Township of Chapleau**

**Part I Provincial Offences Act**

**Schedule A to By-Law 2022-08 Animal Control**

<u>ITEM</u>	<u>COLUMN 1</u> SHORT FORM WORDING	<u>COLUMN 2</u> PROVISION CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE
1.	Fail to obtain a dog license	S. 2.1	\$55.00
2.	Fail to register or ensure registration of dog	S. 2.2	\$55.00
3.	Keep prohibited animals	S. 2.3	\$55.00
4.	Fail to affix name tag to Cat collar	S. 2.4	\$30.00
5.	Fail to affix dog license to dog	S. 2.10	\$55.00
6.	Use dog tag not issued to dog	S. 2.11	\$55.00
7.	Operate kennel without a license	S. 3.1	\$55.00
8.	Keep more than two dogs/cats/rabbits on premises without a licence	S. 4.1	\$55.00
9.	Permit dog/cat to run at large	S. 5.1	\$55.00
10.	Permit dog/cat to run freely on private property	S. 5.4	\$55.00
11.	Permit secured dog/cat to encroach on Township or private property	S. 5.4.3	\$55.00
12.	Permit dog/cat to enter waterfront park	S. 5.4.4	\$55.00
13.	Fail to remove excrement	S. 6.1	\$55.00
14.	Use leash longer than three feet	S. 8.1	\$30.00
15.	Failing to prevent Dangerous Dog from biting, chasing or attacking	S. 9.6.1	\$500.00
16.	Failing to chain/kennel a Dangerous Dog	S. 9.6.2	\$500.00
17.	Failure to muzzle/leash and/or keep the Dangerous Dog under appropriate control	S. 9.6.3	\$500.00
18.	Failure to notify of transfer of Dangerous Dog	S. 9.6.4	\$500.00
19.	Failure to adhere to order of Council re: Dangerous Dog	S. 9.6.5	\$500.00



