

THE CORPORATION OF THE CITY OF DRYDEN

BY-LAW NO. 3819-2010

BEING A BY-LAW TO DELETE AND REPLACE CHAPTER 14 ANIMALS OF THE MUNICIPAL CODE OF THE CORPORATION OF THE CITY OF DRYDEN.

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 10 (1), provides broad authority to a single tiered municipality to any service or thing that the municipality considers necessary or desirable for the public; and,

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 10(2)9, a single-tier municipality may pass by-laws respecting the matter of Animals:

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 8(3), provides that a by-law under Section 11 respecting a matter may:

- (a) Regulate or prohibit respecting the matter;
- (b) Require persons to do things respecting the matter; and,
- (c) Provide for a system of licenses respecting the matter.

WHEREAS the Pounds Act, R.S.O., 1990, c.P.17, applies to every local municipality in Ontario and regulates the running at large, owners liability and impounding of large domestic farm animals; and,

WHEREAS the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O., 1990, Chap. O.36, provides special powers to help animals in distress; and,

WHEREAS the Dog Owner's Liability Act, R.S.O., 1990, Chap. D 16, provides for rules and regulations that must be followed for the keeping of dogs;

NOW THEREFORE the Council of the Corporation of The City of Dryden deems it necessary to pass a by-law relating to animal control within The Corporation of The City of Dryden and enacts as follows:

1. THAT the Municipal Code of The Corporation of The City of Dryden is hereby amended by deleting and replacing Chapter 49 – Council as follows:

§14.1 Title.

This chapter may be cited as the "Animal Control By-law".

§14.2 Definitions.

In this chapter the following terms shall have the meanings indicated:

ANIMAL – any member of the animal kingdom, other than a human.

BLIND PERSON – a person within the meaning of the Blind Persons' Rights Act.


CAT – any cat, male or female, whether neutered or intact.

CITY – means The Corporation of The City of Dryden.

DOG - any dog, male or female whether neutered or intact.

GUIDE DOG – any dog specifically trained for and actually used by any person whose sight is impaired or is blind, or whose hearing is impaired or who is deaf, or who, that because of a handicap (within the meaning of the Human Rights Code) relies upon a dog as a guide.

CERTIFIED TRUE COPY


Clerk - City of Dryden

Y900 SUAT USHIN

§14.2 Definitions. (Cont'd)

HOUSEHOLD - those who dwell under the same roof and compose a family, a group of individuals living under one roof and usually under one head.

KENNEL – any building, part of a building or area used for breeding, raising, boarding or the keeping of animals for compensation or for selling animals.

MICROCHIP - an approved 'Canadian Standard' encoded identification device implanted into an animal which is programmed to store a unique and permanent identification number that permits access to owner information which is stored in a database.

MUZZLED - a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

NEUTERED – spayed in the case of female dogs and cats, and castrated in the case of male dogs and cats.

OWNER - any person who possesses or harbours or keeps a dog, cat or other animal and, where the owner is a minor, includes the person who is responsible for the custody of the minor.

POLICE WORK DOG – means a dog trained for and engaged in police business.

RESTRAINED - being kept inside a building or house or in an enclosed pen of sufficient dimension, and to prevent a dog from coming in contact with persons other than the owner of the dog.

RUNNING AT LARGE – any dog, cat or other animal found in any place other than the property owned or occupied by its owner under the control of any person.

TRESPASS – in the case of a dog or cat or other animal, to enter or remain on privately-owned property other than a property owned or occupied by its owner without the express permission of the owner or occupant of that other property, and trespassing has a corresponding meaning.

UNDER THE CONTROL – in the case of a dog being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another person acting on the owner's behalf;

VICIOUS DOG - a dog which, without provocation, has bitten a person or a domestic animal.

§14.3 Administration and Enforcement

- A. The City of Dryden Finance Department is responsible for the administration of this by-law and keeping a record of each dog registered showing the license tag number, the owner's name and address and description of the dog licensed and any additional information collected for that purpose.
- B. The Dryden Police Service, Pet Control Officer, police officer, by-law enforcement officer, or any such person duly appointed to enforce this Chapter is responsible for the enforcement of this by-law.

2

CERTIFIED TRUE COPY

DRYDEN, ONTARIO

CERTIFIED TRUE COPY
Doree L. Kenca

 D/ Clerk - City of Dryden

§14.4 Registration of Dogs and Licensing requirements.

- A. The owner of any dog shall annually on or before the 1st day of February in each year or as soon thereafter as such dog shall attain the age of six (6) months, cause the dog to be registered in the municipal offices of the City of Dryden and to be licensed by issuance of a tag by the City of Dryden.
- B. An applicant for a dog license shall submit a completed and signed application form, as provided by the City of Dryden, along with the required fee, including the following details:
- (a) the name, address and telephone number of the dog owner;
 - (b) name, colour, breed and sex of the dog;
 - (c) address where the dog is to be situated in the City;
 - (d) evidence of neutering from a qualified veterinarian, if applicable;
 - (e) microchip identification, if applicable; and,
 - (e) such information as may be required by the City satisfactory to confirm the condition of the animal or the age of the animal.
- C. A person registering a neutered dog for the first time shall provide evidence that the animal has been neutered in order to be eligible for the reduced registration fee.
- D. A person registering a micro chipped dog for the first time shall provide evidence that the animal has been micro chipped in order to be eligible for the reduced registration fee.
- E. Upon payment of the applicable annual registration fee, as set out in Chapter 72 – Fees and Charges – Schedule “R” – Animal Control, the dog shall be included in the animal licensing system by means of issuing a tag with the registered number of the dog or by another means of identification that is adopted by the City.
- F. Every person who owns a dog as a guide dog shall not be required to pay the annual registration fee upon presentation of a certificate from a recognized institution stating the dog is a certified working guide dog. Despite exemption from the payment of fees, all guide dogs must be registered pursuant to §14.4 A of this chapter.
- G. The owner of every dog shall receive a tag for each dog required to be licensed under this Chapter.
- H. The tag information shall consist of a plate with the words Dryden, the year for which it is issued and a number corresponding with the one assigned to the dog when registered.
- I. The owner of every dog shall display and keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
- J. Every owner of a dog who fails to obtain a tag required by §14.4 G. of this chapter and keep it securely fixed on his dog, or who uses a tag upon a dog other than that for which it was issued, is guilty of an offence hereunder.

CERTIFIED TRUE COPY

Debra L. Fincaid
 Clerk - City of Dryden

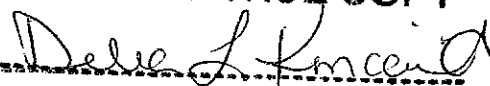
CERTIFIED TRUE COPY

§14.5 Restriction on the number of dogs and cats per household.

- A. Except as hereinafter provided, no person shall permit more than two (2) dogs to be kept in any one household in the City of Dryden.
- B. Except as hereinafter provided, no person shall permit more than three (3) cats to be kept in any one household in the City of Dryden but this does not apply to any person with more than three (3) cats as of the date of enactment of this chapter, the onus of proof of which is upon the person keeping such cats.
- C. These restrictions do not apply to prohibit the keeping of more than two (2) dogs or three (3) cats in the following places or circumstances:
 - (1) On the premises of a park, zoo or animal display operated by or on behalf of The Corporation of The City of Dryden;
 - (2) On the premises of an animal shelter;
 - (3) An animal hospital or clinic operated and supervised by a veterinarian who has a license to practice veterinary medicine issued under the Veterinarians Act;
 - (4) On the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under The Animals for Research Act.
 - (5) On the premises of a pet shop;
 - (6) On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;
 - (7) During transportation of such animals between the places or circumstances listed herein;
 - (8) On the premises which are temporarily used for travelling shows such as a circus or other like shows;
 - (9) In a kennel lawfully operated under this Chapter; or,
 - (10) On a rural lot that has a minimum lot size of one hectare or more.

§14.6 Kennel Permits.

- A. The owner of a kennel of pure bred dogs, registered in the register of The Canadian Kennel Club Incorporated and registered with the City as the owner of a kennel shall pay an annual license fee as set out in Chapter 72 – Fees and Charges – Schedule "R" – Animal Control in respect of such pure bred dogs. The Chief Building Official of the City is hereby authorized to license kennels subject to the provisions of this by-law.

CERTIFIED TRUE COPY


 Clerk - City of Dryden

CERTIFIED TRUE COPY

2023 JUN 17 10:40

§14.7 Running at Large or Trespassing of Dogs

- A. The owner of a dog shall not cause or permit his or her dog from running at large or to trespass.
- B. Every dog shall be under the control of its owner at all times when on any property that is not owned or occupied by its owner.
- C. Any dog found or seen to be running at large shall be liable to seizure and impounding in a pound to be designated from time to time by resolution of the Municipal Council.
- D. Where a dog seized under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Pet Control Officer may dispose of the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensations shall be recovered on account of its disposal.
- E. The Chief of Police, or any person authorized by the Chief of Police or by the Council of the City of Dryden, may destroy any dog found running at large contrary to the provisions of this By-law and such action to destroy may be taken either before or after such dog has been impounded.

§14.8 Running at Large and Trespassing of animals other than dogs

- A. It shall be the duty of any person harboring any animal other than a dog and including, but not restricted to, a cat, to prevent such animal from running at large or trespassing within the City of Dryden.

§14.9 Pet Control Officer/Poundkeeper

- A. A person or persons shall be appointed by the Council of the City of Dryden to the position of Pet Control Officer and Pound Keeper for the Corporation.
- B. The Pound Keeper appointed under clause (a) of this Section shall seize and impound all dogs or other animals running at large or trespassing contrary to the provisions of this By-law and shall supply them with proper food and water during the period of said impounding.
- C. It is the duty of the Pound Keeper to keep a record of all animals impounded and how they are disposed of.
- D. The Pound Keeper shall be subject to any regulations which may from time to time be put into force by the Municipal Council of the City of Dryden, and shall perform such other duties as the Council may from time to time prescribe.

CERTIFIED TRUE COPY

CERTIFIED TRUE COPY
Delia L. Kincaid
 Clerk - City of Dryden

§14.10 Issuance of tickets

- A. Where a dog or other animal is found running at large or trespassing contrary to the provisions of this By-Law the Pet Control Officer, Police Officer, By-law Enforcement Officer, City Law Enforcement Officer or such other person as is duly appointed to enforce this By-law, finding or becoming aware of such running at large or trespassing, may deliver or mail to the address of the owner of such dog or other animal a ticket in the form of a serially numbered notice stating:
 - (a) the tag number, if any, and a description of the dog or other animal;
 - (b) that the dog or other animal was found running at large;
 - (c) the date, time and location of the alleged offence;
 - (d) that the owner thereof may make a voluntary payment in the manner set forth hereafter;
 - (e) that in the event of his failure to make such payment, an information and complaint will be laid and a summons issued;
 - (f) the address of the places for making payment.
 - (g) The person issuing same shall give or send one copy to the owner as aforesaid and deliver the other copy to the Corporation.
 - (h) The owner of the dog may, within fifteen (15) days next following the date of issuance of the ticket, make payment as prescribed in Section 10 of this By-Law by attending at the address designated by the Corporation and shown on the said ticket, or by mailing the ticket by prepaid first class mail to such address with the required sum in payment.
 - (i) Provided that the payment is made as hereinbefore provided, such payment shall be accepted as a payment of a penalty in full satisfaction of the alleged offence and the receipt therefore shall be given to the person making the payment, provided that such receipt shall be sent to persons remitting such sum by mail only if the name and address of the remitter is inserted in a self-addressed stamped envelope and mailed with the payment and the ticket.
 - (j) A defect in the ticket or in respect of the procedure relating thereto, or the failure to issue a ticket shall not prejudice a prosecution.

§14.11 Impounding Dogs and Cats.

- A. When the owner of any dog or cat seized and impounded is known, such owners shall be forthwith notified if practicable, by telephone by the pound keeper, of the seizure and impounding and if the cat or dog is not redeemed within four (4) days after seizure and impounding, such dog or cat shall be first offered to or if that option is not available the pound keeper shall arrange for the animal to be euthanized without notice.
- B. When the owner of a dog or cat so seized or impounded is not known, it shall be held for a period of four (4) days, after which period of four (4) days such dog or cat shall be first offered to local or regional animal rescue organizations or if that option is not available the pound keeper shall arrange for the animal to be euthanized without notice.

CERTIFIED TRUE COPY

Doreen L. Knaid
 D/ Clerk - City of Dryden

CERTIFIED TRUE COPY
 (mirrored stamp)

§14.11 Impounding Dogs and Cats. (Cont'd)

- C. The owner of a dog, cat which has been seized and impounded, upon establishing ownership of said dogs or cats may redeem the same by paying any fines and pound fees, as set out in Chapter 72 – Fees and Charges – Schedule "R" – Animal Control, for each day or part thereof during which the dog or cat is impounded and shall also be required to purchase the appropriate license for such dog before it is released from the pound.
- D. Where the owner does not claim the dog or cat they shall be liable for all costs.

§14.12 Controlling Dog Waste within the City

- A. Any person owning, or harboring, or having control or supervision over a dog which defecates on any property within the City shall immediately remove the excrement and deposit the waste in a sanitary and lawful manner.
- B. That subsection §14.12 A. shall not apply to a person with a disability who is reliant on a guide dog.

§ 14.13 Vicious Dogs

- A. Every owner of a vicious dog shall muzzle it except when it is on the premises of the owner.
- B. Every owner of a vicious dog, shall keep it restrained when on the premises of the owner.
- C. Except to the extent to which it is required to enforce this By-Law, no person shall keep a vicious dog in the City of Dryden if it has been found not muzzled when off the premises of the owner thereof, or running at large in the City, or not restrained when on the premises of the owner thereof.
- D. Every person who transfers the ownership of a vicious dog to any other person shall immediately notify the Corporation's Pet Control Officer or the Municipal Office of such transfer and shall give full and complete particulars of the name and address of the new owner, together with such other information as such Officer may require in order to identify and locate the new owner and the dog.
- E. The owner of a dog shall exercise reasonable precautions to prevent the dog from biting or attacking a person or domestic animal.
- F. The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person or domestic animal.
- G. Where there is more than one owner of a dog, they are jointly and severally liable.
- H. Where a person is on premises with the intention of committing, or in commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property.
- I. Subsections A to H, do not apply to a police work dog.

CERTIFIED TRUE COPY

City of Dryden

CERTIFIED TRUE COPY

Dale L. Kincaid
of Clerk - City of Dryden

§14.14 Prohibiting the keeping of certain kinds of animals

- A. Except as hereinafter provided, the keeping of any animal of the kind listed in Schedule "A" of this By-Law for sale, for exhibition, as a pet or for any other purpose is hereby prohibited in the City of Dryden.
- B. This By-Law does not apply to prohibit the keeping of an animal of the kind listed in said Schedule "A" in the places or circumstances provided for in Schedule "B" of this By-Law.
- C. The provisions of this Part shall not be construed as prohibiting the keeping of any of the animals referred to in the preceding Section hereof if such animal was actually kept within the Corporate limits of the City of Dryden as at the date of enactment hereof, the onus of proof of which shall be upon the person keeping such animal.
- D. No person shall possess or harbor one or more domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or kennels for the breeding or boarding of cats and dogs within the municipality unless the same is or are enclosed in a pen or in a fenced area, or housed in a suitable and comfortable building, such pen, fenced area or building to be so situated on the person or persons property as to be not less than 300 feet from the boundary line of his property and not less than 100 feet from the dwelling of the person possessing or harboring the same.

§14.15 Noise

- A. No person shall permit any animal harbored by them to bark, howl or otherwise make any noise which is likely to disturb the inhabitants of the City of Dryden.

§14.16 Offences

- A. Any person who contravenes a section of this chapter is guilty of an offence and is liable to a fine as provided for in The Provincial Offences Act.

- 2. THAT By-laws Number 2611-1998, 2689-1999, 2865-2001, and 3524-2007, are hereby repealed.
- 3. THAT this By-law come into force and take effect upon receipt of written approval of set fines and short form wording from the Ministry of the Attorney General.

ENACTED AND PASSED THIS 15TH DAY OF NOVEMBER A.D. 2010 as witnessed by the Corporate Seal of the City and the hands of its proper Officers duly authorized in that behalf.

CERTIFIED TRUE COPY
Debra R. Finckel
 Of Clerk - City of Dryden

THE CORPORATION OF THE CITY OF DRYDEN

Greg Kasalowsky
 Mayor

C. J. Beaneau
 Clerk

CERTIFIED TRUE COPY

READ A FIRST AND SECOND TIME THIS 15TH DAY OF NOVEMBER A.D. 2010.

READ A THIRD AND FINAL TIME AND PASSED AS READ THIS 15TH DAY OF NOVEMBER A.D. 2010.

SCHEDULE "A"

BEING A LIST OF ANIMALS, THE KEEPING OF WHICH IS PROHIBITED WITHIN THE CITY OF DRYDEN.

All marsupials (such as kangaroos and opossums)

All non-human primates (such as gorillas and monkeys)

All felids, except the domestic cat

All canids, except the domestic dog

All viverrids (such as mongooses, civets and genets)

All mustelids (such as skunks, weasels, otters, badgers, except the domestic ferret)

All urside (bears)

All artiodactylus ungulates, except domestic goats, sheep, pigs and cattle

All procyonids (such as raccoons, coatis and cacomistiles)

All hyaenas

All perissodactylus ungulates, except the domestic horse and ass

All elephants

All pinnipeds (such as seals, fur seals and walruses)

All snakes of the families Pythonidae and Boidae

All venomous reptiles

All ratite birds (such as ostriches, rheas, cassowaries)

All diurnal and nocturnal raptors (such as eagles, hawks and owls)

All edentates (such as anteaters, sloths and armadillos)

All bats

All crocodilians (such as alligators and crocodiles)

All venomous arachnids (such as scorpions and tarantulas)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting one generality of the group.

CERTIFIED TRUE COPY

CERTIFIED TRUE COPY
Dale A. Kincaid
D/ Clerk - City of Dryden

SCHEDULE "B"

BEING A LIST OF PLACES OR CIRCUMSTANCES WHICH ARE EXEMPT FROM THE APPLICATION OF THIS BY-LAW.

1. On the premises of a park, zoo or animal display operated by or on behalf of The Corporation of the City of Dryden.
2. On the premises of The Ontario Humane Society.
3. In a veterinary hospital under the care of a licensed veterinarian.
4. On the premises of a university or community college where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under The Animals for Research Act.
5. By anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.
6. On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.
7. During the transportation of such animals between the places or circumstances listed herein.
8. Premises which are temporarily used for travelling shows such as a circus or other like shows.

CERTIFIED TRUE COPY
Donna L. Kimball
D/ Clerk - City of Dryden

CERTIFIED TRUE COPY

DRYDEN, ONTARIO

Part I Provincial Offences Act

CITY OF DRYDEN

Municipal Code Chapter 14

Title: Animal By-Law

Page 1 of 2

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine (Including Costs)
1	Fail to licence a dog.	\$14.4 A.	\$ 60.00
2	Fail to display a dog tag.	\$14.4 I.	\$ 60.00
3	Fail to have a dog tag securely affixed to dog.	\$14.4 I.	\$ 60.00
4	Use a dog tag other than that for which it was issued	\$14.4 J.	\$ 60.00
5	Keep more than two dogs in one household.	\$14.5 A.	\$ 105.00
6	Keep more than three cats in one household.	\$14.5 B.	\$ 105.00
7	Fail to prevent a dog from running at large.	\$14.7 A.	\$ 60.00

Note: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

Part I Provincial Offences Act

CITY OF DRYDEN

Municipal Code Chapter 14

Title: Animal By-Law

Page 1 of 2

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine (Including Costs)
8	Fail to prevent a dog from trespassing.	\$14.7 A	\$ 60.00
9	Fail to prevent an animal (except dogs) from running at large.	\$14.8 A.	\$ 105.00
10	Fail to prevent an animal (except dogs) from trespassing.	\$14.8 A.	\$ 105.00
11	Fail to remove dog waste.	\$14.12 A.	\$ 60.00
12	Fail to keep a vicious dog muzzled.	\$14.13 A.	\$ 105.00
13	Fail to keep a vicious dog restrained.	\$14.13 B.	\$ 105.00
14	Fail to notify the proper authority of the transfer of a vicious dog.	\$14.13 D.	\$ 105.00

Note: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

Part I Provincial Offences Act

CITY OF DRYDEN Municipal Code Chapter 14

Title: Animal By-Law

Page 1 of 2

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine (Including Costs)
15	Keep a prohibited animal within the municipality.	§14.14 A.	\$ 105.00
16	Keeping of domestic animals contrary to housing and location provisions.	§14.14 D.	\$ 105.00
17	Permit an animal to make noise likely to disturb inhabitants.	§14.15 A.	\$ 105.00

Note: The general penalty provision for the offences listed above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.