

TOWN OF KIPLING

BYLAW 11-2014



A BYLAW OF THE TOWN OF KIPLING FOR LICENSING DOGS AND CATS REGULATING AND CONTROLLING PERSONS OWNING OR HARBOURING DOGS, CATS, AND OTHER ANIMALS

This Bylaw shall be known as the “Dog & Cat Bylaw”

WHEREAS, *The Municipalities Act, 2005*, provides that a Council may by bylaw:

- (a) License any animal or class of animal:
- (b) Regulate and control persons owning or harbouring or any animal or class of animal within the Urban Municipality or any specified portion of the Urban Municipality:
- (c) Restrict, within the Urban Municipality or any specified portion of the Urban Municipality:
 - (i) the number of animal or any call of animal that may be kept by any person:
 - (ii) the number of animals or any class of animal that may be kept in or about any dwelling units, as defined in the Bylaw:
- (d) Regulate establishments for the breeding or boarding of any animal or class of animal within the Urban Municipality or any specified portion of the Urban Municipality;
- (e) Classify animals for licensing purposes, establish a schedule of fees to be paid by persons owning or harbouring animals, which fees may vary as between the different classifications of animals, and require a person owning or harbouring an animal to disclose the number and class of animals kept on or in his land or buildings;
- (f) Regulate or prohibit the running at large of animals or any class of animals in the whole or any part of the Urban Municipality and prohibit any person who owns any such animal from allowing it to run at large;
- (g) Provide for seizing and impounding animals running at large within the boundaries of the Urban Municipality and determine the compensation to be allowed for carrying out the provisions of the bylaw and for services rendered with respect to, and sustenance supplied for, animals seized or impounded;
- (h) Provide for the sale, destruction or other disposition of animals impounded or seized if they are not claimed within a time specified in the bylaw or if the claimant does not comply with any conditions and respecting payment of costs, expenses and removal within that time
- (i) For the purposes of clauses (f) and (g), define, enlarge, or restrict the meaning of the phrase “running at large”.

NOW THEREFORE, the Municipal Council of the Town of Kipling enacts as follows:

1. In this Bylaw:
 - (a) “Animal Control Officer” means that person(s) appointed by the Council of the Town of Kipling for the purposes of this Bylaw:

- (b) “Council” means the Council of the Town of Kipling
- (c) “Dogs” or “Cats” includes all species of the animals commonly known as dogs or cats, male or female, and every breed or classification or mixture of breeds;
- (d) “Kennel” means any structure used by any person for boarding or otherwise caring for, training or whelping dogs or cats exceeding three (3) dogs or cats in number over the age of three (3) months, whether or not for reward, but does include:
 - (i) any premises occupied by a duly qualified veterinary surgeon for the practice of his profession: or,
 - (ii) the dwelling house of an ordinary member of the Canadian Kennel Club, where the total number of dogs or cats kept by member does not exceed five (5) in number, and not more than three (3) of the dogs or cats are kept outside the dwelling house;
- (e) “Treasurer” means the Administrator (CAO) of the Town of Kipling, and such person or persons as he may from time to time appoint in writing to act on his behalf in the enforcement of the licensing provisions of this bylaw;
- (f) “License” means the registering of a dog or cat in the Town registrar and payment of applicable fees;
- (g) “Judge” means a Provincial Court Judge;
- (h) “Medical Health Officer” means the Medical Health Officer for the Town of Kipling;
- (i) “Owner” means any persons, partnership, association, or corporation owning, possessing, harbouring, having charge of or control over any dog or cat, and includes a keeper of a dog or cat;
- (j) “Pound Keeper” means that person, corporation, society or organization as may from time to time be appointed by the Mayor and Town Administrator for the purpose of retaining impounded dogs and cats pursuant to this Bylaw;
- (k) “Running at Large” means off the premises of the owner when not on a leash held by the person able to control the dog or cat.
- (l) “Service Dog” means a type of assistance dog specifically trained to help people who have disabilities including visual difficulties, hearing impairments, mental illness, seizures and other disabilities; or a dog trained to work with the RCMP.

Part I – Licensing of Dogs and Cats

- 2. (a) No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed. No dog or cat under the age of three (3) months shall require a license.
 - (b) No license shall be issued prior to a certificate being produced certifying that the dog being licensed has had valid rabies inoculation.
- 3. (a) The licence fee charged for various kinds, species or breeds of dogs or cats owned, possessed or harboured by any person while a resident of the Town of Kipling, excepting Service Dogs and any dog used for police work by the City Police and RCMP, shall be in accordance with the schedule of fees prescribed in Schedule “C” attached to this Bylaw.
 - (b) Notwithstanding anything contained in this Bylaw, Service Dogs used by a person shall be licensed, and the Treasurer shall issue the license without payment of the license fee.

4. All License fees, required to be paid under this Bylaw, shall be paid to the Treasurer of the Town, located at the Town Office, Kipling.
5. The tag issued by the Treasurer shall bear a serial number and the year in which it is issued and a record shall be kept by the treasurer showing the name and address of the owner and description of each dog or cat owned by him, including its breed, colour, sex, age and name, and the serial number of tag issued for each dog or cat.
6. The owner shall ensure that a collar, and the tag issued by the Treasurer, is worn by the dog or cat when the animal is off the premises of the owner.
7. No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.

Number of Dogs and Cats Permitted

8. No person shall possess or harbour more than three (3) dogs or three (3) cats or a combination of both, for a total of three (3), over the age of three(3) months, except for dogs or cats kept in the ordinary course of business by the proprietors of the following premises:
 - a) A veterinary hospital, clinic, or boarding kennel, or grooming parlour.
 - b) A public pound.
 - c) A shop or breeder whose business includes the sale of pets.

Part II – Impounding of Dogs and Cats

9. (a) No owner shall permit any dog or cat to be running at large in the Town of Kipling.
(b) No owner or other person shall use a leash greater than two (2) meters in length on a dog or cat, when such a dog or cat is off the premises of the owner, and where a leash greater than two (2) meters in length is used by the owner or any other person, the dog or cat shall be deemed to be running at large.
10. For the purpose of impounding any dog or cat found running at large in the Town of Kipling, a pound shall be established at such place or places as may from time to time be designated by Town Council. The council of the Town of Kipling shall from time to time appoint one or more pound keepers, and fix their remuneration.
11. The Animal Control Officer, Bylaw Enforcement Officer or any Peace Officer may capture or seize any dog or cat found running at large contrary to the provisions of this Bylaw, and shall deliver such dog or cat to the pound, and it shall be kept for seventy two (72) hours and; if not claimed and redeemed by the owner, the dog or cat may be sold for the cost of boarding, vaccination against rabies and if applicable, license fees, but if such impounded dog or cat is not claimed and redeemed or sold within a period of ninety six hours (96) from the time of impoundment, the said dog or cat may be destroyed or disposed of by the pound keeper. When any dog or cat is captured and impounded, the pound keeper shall post a notice on the notice board at the Town Office, giving a description of the said dog or cat, the date when it was impounded and the date and hour when it will be sold or destroyed. Such notice shall be posted seventy two (72) hours before the said sale or destruction.
12. License and Pound Fees shall be as prescribed in Schedule “C”.

Part III – Duties of Dog and Cat Owners

13. (a) No owner or keeper of a dog or cat shall permit their dog(s) or cat(s) on any school ground, playground or posted area except when the owner or keeper is attending a recognised training school for training his dog or cat.

(b) Section 14(a) shall not apply to an owner who is who is using the dog in question for a service dog.

14. Any owner whose dog or cat chases any pedestrian, vehicle, horse, or any other animal, on a public thoroughfare shall be in violation of this Bylaw.
15. A female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat or taken to a licensed kennel during the whole period that the dog or cat is in heat; except that a female dog or cat may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate on the premises of the owner.
16. (a) If a dog or cat defecates on any public or private property other than the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.

(b) Where, under Subsection (a) of this section, the owner of a dog or cat fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.

(c) Section 16(a) and (b) shall not apply to an owner who is a blind person and who is using the dog in question as a guide or “seeing eye” dog.
17. No owner or keeper shall permit his dog(s) or cat(s) to damage public or private property.
18. Every owner of a dog or cat shall:
 - i) provide his or her dog or cat with a collar; and
 - ii) keep the tag issued by the Treasurer under the provisions of this Bylaw securely fixed on the dog’s or cat’s collar at all times.
19. Every person requested by the Treasurer to do so shall forthwith deliver to him a statement in writing of the number of dogs or cats owned by him.

Part IV – General

20. Any person teasing a dog or cat, enticing a dog or cat, baiting or throwing objects at a dog or cat confined within its owner’s property shall be in violation of this Bylaw.
21. The operation of any kennel within the Town shall be subject to approval from the Medical Health Officer for the Town and the kennel shall comply with the provisions of any Town of Kipling Zoning Bylaw relating to the operation of kennels within the Town.
22. The Pound Keeper shall keep a record of all dogs and cats impounded and the disposition make of same and shall make a monthly return to the Treasurer.
23. The Town Treasurer shall institute a proper accounting system to ensure that official receipts are issued in respect of any licence fee, pound fees or charges, or other monies received or collected in respect of this Bylaw, and that all records in respect to the same are audited at the same time as other Town records.
24. (a) Any owner whose dog or cat has bitten or attempted to bite a person in the Town of Kipling is guilty of an offense and liable on summary conviction to the penalties prescribed in this Bylaw.

(b) If a person is convicted of an offence under Section 24 (a) of this Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the Justice or Justice of the Peace may make an order:
 - i) directing the manner in which that the dog or cat be kept by the owner of keeper under proper control; or

- ii) directing that the dog or cat be destroyed; or
 - iii) When a judge or Justice of the Peace orders that a dog or cat be destroyed, he may, by the same order direct the appropriate authority to destroy the dog or cat; in addition to assessing any fine upon conviction.
25. (a) Any owner whose dog or cat has bitten, killed or destroyed any other animal in the Town of Kipling is guilty of an offense and liable on summary conviction to the penalties prescribed in this Bylaw.
- (b) If a person is convicted of an offense under Section 25(a) of the Bylaw and it appears to the Judge or the Justice of the Peace hearing the complaint that the dog or cat is dangerous, the judge or Justice of the Peace may make an order:
- i) directing the manner in which that the dog or cat be kept by the owner or keeper under proper control; or
 - ii) directing that the dog or cat be destroyed; or
 - iii) when a Judge or Justice of the Peace orders that a dog or cat be destroyed, he may, by the same order direct the appropriate authority to destroy the cat or dog;
- In addition to assessing any fine upon conviction.
26. Notwithstanding Section 24(a) and 25(a) of this Bylaw, where any dog or cat is suspected of having rabies, the matter must be immediately reported to the Medical Health Officer of the Health Authority for the Town of Kipling, whose instructions shall be carried out;
- Where the Medical Health Officer cannot be contacted immediately such dog or cat shall not be killed but shall be secured and isolated for ten (10) days.
27. In cases of emergency for any cause, but more particularly for infectious disease caused by dogs or cats, the Medical Health Officer is hereby authorized to order that no owner or other person shall suffer or permit his or her dog or cat to be on any place beyond or outside the boundary of the place of the dwelling of the owner or other person at any time, whether on a leash or under proper control, until such order is revoked or cancelled, and the Medical Health Officer may order compulsory inoculation of dogs and cats.
28. Every dog or cat that is found off the premises upon which it is habitually kept, without a tag and not under the control of any person, may be destroyed by the Chief of Police or his designate.
29. No owner of a dog or cat shall permit his dog or cat to be or become a nuisance by barking or howling or emitting other animal sounds.
30. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:
- i) interfere with or attempt to obstruct a Pound Keeper, Animal Control Officer or Peace Officer who is attempting to seize or who has seized any dog or cat in accordance with the provisions of this Bylaw;
 - ii) unlock or latch or otherwise open the vehicle which the dog or cat seized under this Bylaw has been placed so as to allow or attempt to allow any dog or cat to escape therefrom; or
 - iii) remove or attempt to remove any dog or cat from the possession of the Pound Keeper, Animal Control Officer or Peace Officer.

Part V - Other Animals

31. It shall be unlawful to keep live poultry, livestock and/or bees within the boundaries of Town of Kipling.

Part V – Penalty Provisions

32. (a) Pursuant to Section 24 of this Bylaw, any owner whose dog or cat has bitten or attempted to bite any person in the Town of Kipling is liable on summary conviction to the following penalties:
- i) where the judge has directed that the dog or cat be kept by the owner or keeper under proper control a fine of not more than \$2,000.00;
 - ii) where the Judge has directed that the dog or cat be destroyed, a fine of not more than \$2,000.00.
- (b) Any person who fails to comply with an order made under Subsection 24(b) is guilty of an offense and is liable to a fine of not more than \$250.00 per day each day during which the offense continues.
33. (a) Pursuant to Section 25 of this Bylaw, any owner whose dog or cat has bitten, killed or destroyed any animal in the Town of Kipling is liable on summary conviction to the following penalties:
- i) where the Judge has directed that the dog or cat be kept by the owner or keeper under proper control a fine of not more than \$2,000.00;
 - ii) where the judge had directed that the cat or dog be destroyed, a fine of not more than \$2,000.00.
- (b) Any person who fails to comply with an order made under Subsection 25(b) is guilty of an offense and is liable to a fine of not more than \$250.00 per day for each day during which the offense continues.
34. (a) Every person who contravenes any provisions of this Bylaw where no other penalty is provided, is guilty of an offense and is liable on summary conviction to a fine of not more than:
- i) \$2,000.00 in the case of an individual
 - ii) \$5,000.00 in the case of a corporation
- (b) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a Judge and, default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty are paid sooner.
- (c) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, any court on action brought by the Town of Kipling, whether or not any penalty is imposed for the contravention.
- (d) Conviction of a person for a contravention of any provisions of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of Bylaw.
- (e) A person who fails to comply with an order made pursuant to subsection (d) hereof within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250.00 for each day during which the failure

continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

35. (a) Notwithstanding Sections 32, 33, and 34 where an Animal Control Officer, Bylaw Enforcement or Peace Officer believes that a person has contravened the provisions of Section 2,6,7,8,9,13,14,15,16,17,18,19,20,21,29,30,31 hereof, he may by personal service, serve or cause to be served upon such person, a Bylaw Violation Notice.

Penalty Clause for Voluntary Payment

Where the Designated Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Bylaw Violation Notice as provided by this section either personally or by mailing or leaving same at his last known address and such service shall be adequate for the purpose of this Bylaw.

Such notice shall be deemed to have been served:

- a) On the expiration of twenty-four hours after it is posted, if it is mailed.
- b) On the day of actual delivery, if the notice is served personally; or
- c) On the business day following the transmission, if given by facsimile.

A Bylaw Violation Notice shall be in such form as determined in Schedule "A" and shall state the section of the Bylaw, which was contravened, and the amount pursuant to **Schedule B** of this Bylaw that shall be accepted by the Municipality in lieu of prosecution.

Payment of any Notice of Violation does not exempt the person from enforcement of an order pursuant to Section 32, 32 and 34 of this Bylaw.

Notwithstanding the provisions of this section, a person to whom a Bylaw violation Notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provision of the Bylaw.

36. The Notice of Violation shall be in Schedule "A" attached to and forming part of this Bylaw.

Part VI – Bylaws Repealed and Effective Date of This Bylaw

37. Bylaws No. 3-2003, 4-2009 are hereby repealed.

38. This Bylaw comes into force and effect on the date of final reading.

Town of Kipling

Mayor

Chief Administrative Officer

INTRODUCED AND READ a first time, this 8th day of September, 2014.

READ a second time this 8th day of September, 2014.

READ a third time, adopted and passed this 8th day of September, 2014.

Fee Schedule

Town of Kipling

Schedule "C" to Bylaw 11-2014

Assist Dogs	No Charge
Lifetime - Dog, Cat	\$20.00 each
Pound Fees	\$25.00 First Offence
	\$45.00 Second Offence
	\$5.00 per day for Food

Town of Kipling

Schedule "B" to Bylaw 11-2014

Voluntary Penalty Amounts

Unlicensed Dog	\$20.00
False Registration	\$20.00
Removing Dog or Cat Collar or Tag	\$20.00
Running At Large	\$40.00 plus pound fees
Second Offence	\$50.00 plus pound fees
Disturbing the Public, chasing vehicles	\$20.00
Prohibited Areas	\$20.00
Failure to Clean Up Defecation	\$40.00
Unsanitary Dog Runs	\$100.00
Teasing, enticing, throwing objects at a Dog confined in owner's property	\$20.00
Other Animals	\$50.00
Other	\$20.00