
Chapter 20
Dog By-Law

Title

1. This By-Law is entitled the “Dog By-Law”.

Definitions

2. In this By-Law:

- (1) “destroy” means kill;
- (2) “dog” means any dog, male or female, or any animal that is the result of the breeding of a dog with any other animal;
- (3) “domestic animal” includes pets and farm animals;
- (4) “extraordinary expense” means any expense incurred by Town Staff in relation to a dog except for provision of food and shelter;
- (5) “fierce or dangerous dog” has the meaning stipulated in s. [16] of this By-Law;
- (6) “mitigating factor” means a circumstance which excuses the aggressive behaviour of a dog where:
 - (i) the dog, at the time of the aggressive behaviour, attacked or injured any Trespasser on property occupied by its owner;
 - (ii) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;
- (7) “Town Staff” means the Town of Trenton’s Dog Control Officer or a person appointed by the Chief Administrative Officer or Council to act on the Town’s behalf for the purposes of this By-Law, and includes the Pound Keeper, and all Constables and Peace Officers.
- (8) “Owner” means the owner of a dog and any person who possesses, has the care or control of, or harbours a dog and, where such a person is a minor, includes a parent, guardian or custodian of such a person;
- (9) “wolf-dog hybrid” means any animal which results from the breeding of a dog and a wolf or that is or has been advertised or held out for sale as such;

Registration

3. On or before the 1st day of April in each year the owner of any dog shall register such dog with the Town Staff and obtain from the Town Staff a tag for such dog.
4. Every owner of a dog shall, within ten (10) days of having become owner, register such dog with Town Staff and obtain from Town Staff a tag for such dog.
5. In order to register a dog, an owner shall pay the annual registration fee of \$10.00 for each spayed or neutered dog and \$20.00 for each other dog and shall supply Town Staff with the following:
 - (1) Name, civic address, mailing address and telephone number of the owner;
 - (2) Name and breed of the dog;
 - (3) Description of the dog including whether the dog is male or female, spayed or unspayed or neutered or unneutered as the case may be;

And at the discretion of the owner, the following additional information may be supplied:

- (4) A photograph of the dog;

- (5) Identification information such as micro-chip implants, tattoos or other special markings; and
 - (6) The name of the veterinary clinic frequented by the dog and veterinary file ID number.
6. Registration shall be effective until the 31st day of March in the year following the year of registration.
 7. The registration fee shall be reduced by 50% in the year of acquisition where the owner acquires ownership of the dog after September 30th.
 8. The following are exempt from registration:
 - (1) the Town Staff or Pound Keeper shall not be required to register a stray;
 - (2) a dog shall be exempt from registration and registration fees in the event the owner proves that the dog is under the age of three months; and,
 - (3) if a fee of \$20.00 per breeding female kept at the kennel on April 1 is paid by the owner of a kennel of pure-bred dogs that are registered with the Canadian Kennel Association by April 1 of that year, the owner of the kennel is exempt from any further fee in respect to dogs kept at the kennel that year.
 9. A dog that is trained to assist and assists a person with a disability is exempt from paying a registration fee but not from registration.
 10. The owner of every dog shall keep on the dog a collar with the tag issued for that dog by Town Staff at the time of registration and such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued, except that such tag may be removed while the dog is being used for lawful hunting purposes in the presence and under the control of the dog's owner and wearing a collar bearing the owner's name and address.
 11. The owner of a dog shall deliver in writing to the Town Staff a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner within 10 days after having received notice requiring it to be provided.

Dog Control and Pound

12. Town Staff shall be responsible for the enforcement of this By-Law.
13. Council shall appoint a Pound Keeper who shall;
 - (1) collect on behalf of the Town any Impounding Fees, Daily Pound Fees and any other additional charges or fees as are authorized in this By-Law and as may be set by resolution of Council;
 - (2) be responsible for the operation of the pound;
 - (3) provide adequate food and water to impounded dogs;
 - (4) keep the pound in a reasonable state of cleanliness;
 - (5) keep the pound premises neat and tidy in appearance.

Dogs Running At Large

14. Any dog which is off the premises occupied by the owner without being under the continuous restraint and control of some person is deemed to be running at large for the purposes of this By-Law. A dog which is tethered on a tether of sufficient length to permit the dog to leave the property boundaries of the premises occupied by the owner is deemed to be running at large
15. The owner of a dog shall, while the dog is off the premises occupied by the owner, keep the dog under control by means of a harness or leash, and the dog shall be deemed to be running at large where the owner fails to use such apparatus, except that an unleashed and unharnessed dog that is under continuous human restraint and control shall not be deemed to be running at large if at the time the dog is:

- (1) participating in an organized hunt, dog exhibition event or dog field trails;
- (2) participating in a search and rescue operation or law-enforcement operation;
- (3) assisting a person with a disability, provided the dog is trained for such purpose; or
- (4) within a municipal public park where the area is designated by signage as an area in which dogs are permitted to be without leash subject to such limitations as are posted.

Fierce or Dangerous Dogs

16. For purpose of this By-Law a dog that is fierce or dangerous means any dog;

- (1) that is wolf-dog hybrid;
 - (2) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
 - (3) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
 - (4) that, in the absence of a mitigating factor as defined herein, when either unmuzzled or unleashed, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or on private property other than the property of the owner;
 - (5) owned or harboured in whole or in part for the purpose of dog fighting; or
 - (6) trained for dog fighting;
- provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

Responsibilities of Owners

17. Every owner of a dog

- (1) whose dog runs at large;
- (2) whose dog is not wearing a tag required by this By-Law;
- (3) whose dog is not registered pursuant to this By-Law;
- (4) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
- (5) who neglects or refuses to provide a written statement required by this By-Law;
- (6) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
- (7) who fails to remove the feces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;

is in contravention of the By-Law.

Impounding

18. Town Staff may, without notice to or complaint against the owner, impound any dog that:

- (1) runs at large contrary to this By-Law;
- (2) is not wearing a tag required by this By-Law;
- (3) is not registered pursuant to this By-Law;
- (4) is fierce or dangerous;
- (5) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
- (6) persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise.

19. An Impounding Fee of \$10.00 and a Daily Pound Fee of \$15.00 shall be payable by any person seeking to redeem an impounded dog.

20. Subject to Sections 21 to 24 of this By-Law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper, or making arrangement for payment satisfactory to the Pound Keeper, of the Impounding Fee

and the Daily Pound fee(s) along with reimbursement for any Extraordinary Expenses incurred by the Town Staff in relation to the Dog.

21. In the case of redemption of a dog which has not been registered pursuant to this By-Law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
22. Any dog which has not been redeemed by its owner at the at the expiry of a period of 72 hours after being impounded may be given away, sold or killed by the Pound Keeper and, if sold, the proceeds shall belong to the Town.
23. Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.

Notice

24. Upon any dog being impounded the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least two attempts to contact the registered owner of the dog using the tag number on the records of Town Staff. Provided however that if a dog is missing, the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-Law, whether the dog has been impounded, and neither the Pound Keeper nor the Town shall incur liability in the event of failure to give Notice to the owner, if the owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

Destroying

25. Town Staff may, without notice to or complaint against the owner, destroy on sight or after capture any dog that:
 - (1) is fierce or dangerous;
 - (2) is rabid or appears to be rabid or exhibits symptoms of canine madness.
26. Town Staff may, after two written warnings have been given to the owner that a dog has been running at large or eluding capture, kill such dog on sight or after capture.
27. Town Staff may, kill on sight any dog that is running at large and which he or she believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property of persons other than the owner.

Penalty

28. Any person who contravenes any provision of this By-Law is punishable on summary conviction by a fine of not less than one hundred dollars and not more than five thousand dollars and to imprisonment of not more than ninety days in default of payment thereof.
29. Any person who contravenes section 17 of this By-Law and who is given notice of the contravention may pay to the Town, at the place specified in the notice, the sum of One hundred dollars within 14 days of the date of the notice and shall thereby avoid prosecution for that contravention.
30. The effective date of Section 5 of this By-law is April 1, 2002. All other sections of this By-law shall become effective on the date of publication.

31. The Dog By-Law passed by Town Council on January 25,1973 and approved by the Minister of Municipal Affairs on July 31,1973 and all amendments are hereby repealed.

Date of First Reading:	<u>June 14, 2001</u>
Date of Advertisement of Notice of Intent to Consider:	<u>August 29, 2001</u>
Date of Second Reading:	<u>September 13, 2001</u>
Date of Advertisement of By-Law Passage and Approval:	<u>September 19, 2001</u>

I certify that this Dog By-Law was adopted by Council and published as indicated above.

_____	<u>September 26, 2001</u>
Clerk	Date