

VILLAGE OF HARVEY

Revised By-Laws of the Village of Harvey, 1980

A BY-LAW TO LICENSE AND REGULATE DOGS

Under Section 96 of the Municipalities Act, BE IT ENACTED BY the Council of the Village of Harvey as follows:

SHORT TITLE

1. This By-Law may be cited as the Village of Harvey Dog By-Law.

INTERPRETATION

2. In this By-Law
  - (a) "dog" includes bitch;
  - (b) "owner" means (with reference to a dog) a person who
    - (i) Is in possession of it,
    - (ii) Harbors it,
    - (iii) Suffers it to remain about his resident or premises or
    - (iv) Registers it under this By-Law.
  - (c) "Council" means the Village Council of Harvey
  - (d) "Dog Constable" means a person appointed by the Council to carry out the functions of this By-Law.
  - (e) "running at large" means to be released
    - (i) In a public place,
    - (ii) On private property other than the owner's, or
    - (iii) In a forest or wooded area while not in the company and control of the owner.

REGISTRATION AND LICENSING

3. (1) Subject to subsection (3) every owner of a dog shall, before the last day of January in each year
  - (a) Register with the Dog Constable each dog which he owns;
  - (b) Pay to the Dog Constable a license fee of
    - (i) \$10.00 for a female dog, and
    - (ii) \$5.00 for a male dog or spayed female dog.
- (2) A person who becomes an owner of a dog after the last day in January in any year shall register the dog within thirty days of becoming the owner and shall pay the license fee prescribed in subsection (1).
- (3) An owner who keeps dogs for breeding, boarding or any other like purposes may, subject to subsection (5), shall apply to each and every dog in the kennel and until the dog is sold or otherwise leaves the kennel.
- (4) A kennel license fee is one hundred and twenty-five (125) dollars.
- (5) A license issued under this By-Law expires on the last day of the calendar year in which it was issued.
- (6) The Dog Constable
  - (a) At the time of registration of a dog shall issued to the owner a license tag showing the number under which the dog is registered and the year of registration.
  - (b) Shall keep a record of the registration of all dogs which shall show the date and number of registration, the name and description of each dog and the name of the owner.
- (7) A license tag which is lost after it has been issued may be replaced by the Dog Constable upon application by the owner and the payment of \$1.00

KENNELS

4. (1) Prior to the issuance of a kennel license as envisaged herein, the Dog Constable shall satisfy himself by inspection that the kennel is so constructed and is being so operated that in his reasonable opinion it adequately provides for the health, safety, hygiene, and comfort of the dogs at any time housed therein; and no kennel license shall be issued until the Dog Constable is so satisfied.

(2) At any time during the existence of an issued kennel license the Dog Constable may, during daylight hours, inspect the kennel in respect of which the kennel license has been issued for the purpose of satisfying himself that in his reasonable opinion the kennel is being operated so as to adequately provide for the health, safety, hygiene, and comfort of the dogs at any time housed therein; and in the event that the Dog Constable is not so satisfied he shall require that the operations of the kennel be so conducted as in his reasonable opinion to forthwith adequately provide for such health, safety, hygiene, and comfort of such dogs; failing which the Dog Constable may cancel the kennel license.

SEIZING AND IMPOUNDING

5. (1) A judge of the Provincial court, upon complaint being made to him that a dog has bitten or attempted to bite any person, and upon being satisfied that the dog is dangerous, may make an order
  - (a) Directing the owner or keeper of the dog to keep it under control; or
  - (b) Directing the owner or keeper of the dog, or some other person, to destroy the dog.

(2) A person failing to comply with an order under subsection (1) is liable to a fine not exceeding five dollars for every day that he fails to do so.

- (3) A dog suspected of being rabid shall for the purpose of this section be considered dangerous.
- (4) The Dog Constable shall seize and impound any dog found running at large and
  - (a) If the owner of such dog is known, notify him that his dog is impounded; or
  - (b) If the owner of such dog is not known, or being known cannot be located, post the notice as required by subsection (5); and after the requirements of subsection (5) are satisfied, may sell or destroy such dog which has not been claimed by the owner or anyone on his behalf.
- (5) Before the Dog Constable sells or destroys a dog which is impounded, he
  - (a) Shall post a notice in a public place stating that such dog has been impounded and will be sold or destroyed within 48 hours from the time of posting unless the owner, or anyone on his behalf, claims the dog and pays the costs set out in subsection (6); and (b) subject to subsection (4) of section 5, may sell or destroy the dog after 48 hours have expired from the time of posting.
- (6) the Dog Constable shall collect from the owner before releasing the dog the sum of \$5.00 dollars for each day or part thereof during which the dog has been impounded and maintained, or from the purchaser at the time of the sale of the dog the best price obtainable and the monies derived from such sale shall be applied to the payment of the fees owing and the balance, if any, shall be paid to the Council to be used for the general purposes of the Village.
- (7) The Dog Constable is authorized to make use of tranquilizer guns and other tranquilizing devices on dogs in the course of carrying out his duties hereunder.

(8) When destroying any dog under this section which has not been claimed by the owner or anyone on his behalf, the Dog Constable shall do so in a humane manner acceptable to the Council.

OFFENSES

6. (1) The owner of a dog commits an offense under this By-Law if
  - (a) He permits his dog to run at large;
  - (b) He refuses or neglects to register his dog under section 3 of this By-Law;
  - (c) He refuses or neglects to attach and keep attached a licensed tag on the collar of his dog;
  - (d) He refuses or neglects to cause his dog to wear a collar at all times other than when it is in the kennel or residence;
  - (e) He permits his dog to chase or run after pedestrians or motor vehicles; or
  - (f) He permits his dog to bark incessantly so that annoyance is caused to the public;
  - (g) He fails to have his dog immediately destroyed when the dog is rabid;
  - (h) He suffers or permits his female dog to be upon a street while it is in heat.
- (2) Any person commits an offense under this By-Law if
  - (a) he interferes or attempts to interfere with the Dog Constable while he is exercising his functions under this By-Law; or
  - (b) He, not being the owner, removes a collar or licensed tag from the dog.

(3) Notwithstanding anything herein contained, the Dog Constable may, either before or after the institution of proceedings against a person for any alleged violation hereunder, accept from the person alleged to have been guilty of such violation the payment of a sum equal to the minimum fine prescribed for such violation together with legal costs of proceedings to that date, in any; and thereupon the Dog Constable shall issue a receipt therefore and shall forthwith forward to the Village the amounts so received.

(4) A payment made under subsection (3) shall constitute a full satisfaction, release and discharge of all penalties and imprisonment's incurred by such person for such violation, and for the purpose hereof shall have the same effect as if a judge had duly conviction paid, and a certificate purporting to be signed by the Village Clerk to the effect that the sum has been paid in respect of a specific violation shall be prima facie evidence in all courts of the conviction.

#### PENALTY

7. (1) Unless otherwise provided for herein, a person convicted of an offense under this By-Law is punishable by a fine of not less than ten dollars and not more than fifty dollars and in default of payment is liable for imprisonment for not more than fifteen (15) days.

(2) When an owner of a dog is convicted under clause (b) of subsection (1) of section 3, the judge may In addition to the fine order the owner to pay the license fee required.

This By-Law consolidated as of November 19, 1996.

This original By-Law being Chapter 8 is to be filed at the Harvey Village Office under By-Laws in alphabetical order.