

TOWNSHIP OF ST. CLAIR

BY-LAW NUMBER 12 of 2009

Being a By-law to regulate the control of animals within the Municipality of St. Clair Township, as provided under the authority of the Municipal Act, 2001, S.O. 2001, C.25, Section 11 (i) Sections 103, 104 and 105, as amended.

WHEREAS the Council of the Municipality of St. Clair Township deems it expedient to regulate the control and keeping of dogs and other animals within the Municipality of St. Clair Township.

AND WHEREAS Section 130, of the Municipal Act, S.O. 2001, S. 25, as amended, authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality.

NOW THEREFORE pursuant to the pertinent sections of the Municipal Act, the Municipal Council of the Corporation of the Township of St. Clair enacts as follows:

PART 1 GENERAL

For the purposes of this By-law:

“Animal” means any member of the animal kingdom, other than human.

“Animal Control Officer” means a person duly appointed by the Corporation of the Municipality of St. Clair Township to control animals, and any employee of such a person or business.

“By-Law Enforcement Officer” means a person duly appointed by the Corporation of the Municipality of St. Clair Township for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

“Dangerous Animal” means any kind of dog or animal, which without provocation, has bitten or caused bodily injury to a person or domestic animal.

“Dog” unless the context indicates otherwise means a male or female dog, whether or not it is spayed or neutered.

“Dog Kennel” means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs are kept, whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk or By-law Enforcement Officer of the Municipality of St. Clair Township, a kennel license pursuant to the regulations.

“Owner” of an animal includes a person who possesses or harbors an animal, and where the owner is a minor, the person responsible for the custody of the minor. “Owns” or “owned” have a corresponding meaning.

“Person” includes any partnership, any body corporate or politic, any agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

“Pound” means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs so impounded.

“Pound Keeper” shall mean a person appointed by Council to act in the capacity of Pound Keeper.

“Residential Area” means any area within the Municipality of St. Clair Township designated as a residential area under the provisions of the St. Clair Township Zoning By-law as amended.

“Redemption Period” means the period of time within which the owner of an animal that has been impounded has the right to redeem it and such period shall be three days, exclusive of the day the animal was impounded, and exclusive of Saturday, Sunday or Holidays.

“Reptile or Wild Animal (Exotic)” means any animal or reptile which is wild by nature whether born in captivity or free and which is kept for any purposes.

“Running at Large” an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the animal and not under the control of any person.

PART 2 PROHIBITION OF RUNNING AT LARGE OR TRESPASSING

WHEREAS the Council has the right under the Municipal Act, as amended, to pass by-laws for the control of animals within the Municipality.

THEREFORE the Council of the Municipality of St. Clair Township enacts that:

1. No owner of an animal shall permit his or her animal to run at large or trespass within the Municipality of St. Clair Township, at any time.
2. Every owner of a dog shall in each year procure a license from the appointed Township Animal Control Officer for the Township of St. Clair and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
3. The total number of dogs owned by all the persons comprising any one household within the limits of the Municipality shall be restricted to two.
4. Every owner of a dog shall pay to the Corporation of the Township of St. Clair an annual license fee as follows:

a) Male or Female Dog, unneutered, unsprayed	\$50.00
b) Spayed or neutered dog	\$30.00
c) If current rabies certificate produced, the above rates are reduced by	\$10.00
d) Kennel License	\$75.00
5. No person shall permit unprovoked barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for purpose other than agriculture.

6. Any animal found running at large or trespassing, may be seized and impounded. An owner can redeem his or her animal after payment of the appropriate fines and the pound fees as listed in Schedule "A". If, after the expiration of the redemption period, an animal has not been claimed, the pound keeper may find an alternative home, or if necessary, humanely euthanize and cremate the animal.
7. In the event that an animal is running at large or trespassing and cannot be captured, and, in the opinion of the animal control officer, it poses a threat to persons or other animals, it may be killed forthwith by the animal control officer if it is deemed necessary and in the interests of public safety to kill such an animal.
8. If an animal is captured, and the owner can be identified, the Animal Control Officer may contact the owner and the animal may be returned prior to the animal being delivered to the pound, upon payment of a redemption fee in the amount of \$25.00.
9. When an animal is impounded, and the owner is known, and it is alleged that the by-law has been contravened with respect to animals running at large or trespassing and the payment of the applicable fines and pound fees are not made voluntarily, the fine is recoverable under the "Provincial Offences Act".

PART 3 CONTROL OF ANIMALS

10. Any animal that has bitten a person or domestic animal must be kept in quarantine for 14 days, at a pound or animal shelter designated by the Township of St. Clair and **not** on or in the premises of the animal owner, all at the owner's expense.
11. Within the Municipality of St. Clair Township, no owner of an animal shall fail to keep his or her dog leashed when not on the owner's property.
12. All owners of animals are required to remove excrement left by their animal in any place within the Municipality other than the premises of the owner of the animal.
13. No person may keep upon or in any lands or premises within the Municipality of St. Clair Township, in a Residential Area, more than two (2) dogs per household, unless a kennel license has been obtained. However, any young born upon or in such lands or premises may be kept there for a period not exceeding twelve (12) weeks after birth.
14. No person shall keep any venomous snake or venomous reptile, wild animal or exotic pet outlined below within the limits of the Township of St. Clair:

Alligators	Cougars
Crocodiles	Jaguars
Boas	Leopards
Pythons	Lions
Rattle Snakes	Lynx
Coral Snakes	Ocelots
Bobcats	Tigers
Foxes	Bears

PART 4 DOG KENNELS, RUNS, ETC.

15. Where any person establishes a dog kennel, structure, enclosure, pen or run in which a dog is, or dogs, or other animals are kept, such kennel, structure, enclosure, pen or run shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent odors and shall be kept free of flies or vermin at all times. Buildings are structures used as a dog kennel will

have the capability of providing heat and cooling sufficient to maintain a humane atmosphere for the occupants of the kennel.

16. No dog kennel may be established or maintained in an area zoned residential in the Municipal Zoning By-law, as amended from time to time.
17. No dog kennel shall be constructed or located within thirty (30) metres of any building used for human habitation on an adjacent lot.
18. Kennel license will only be issued for properties in the rural, agriculturally zoned areas of the municipality that have an occupied residence.
19. Kennels are subject to inspection by a Township representative either before or after a kennel license is issued. Failure to comply with the provisions of this by-law could result in the suspension or cancellation of the kennel license.

PART 5 POUND KEEPING

20. The Animal Control Officer shall provide and maintain or cause to be provided and maintained an animal pound or pounds in which stray animals may be impounded and in which an animal found running at large or trespassing contrary to the provisions of this By-law may be impounded for the duration of the redemption period until claimed by its owner or disposed of by the keeper of the pound.


PART 6 PENALTY SECTION (Schedule "B")

21. Any person who breaches a section of this By-law is guilty of an offence and subject to a penalty as provided under the Provincial Offences Act".
22. If any section or portion of the By-law or of Schedules "A" and "B" are found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Corporation of the Township of St. Clair that all remaining sections and portions of the By-law and of Schedules "A" and "B" continue in force and effect.
23. This By-law shall come into force and effect on the date of passing.
24. License Fees are to come into effect January 1, 2008 and are subject to change from time to time by by-law or resolution of Council.
25. This By-law repeals all previous by-laws in the Municipality of St. Clair Township and its predecessor municipalities.

This by-law to take effect April 1, 2009.

READ a first, second and third time and finally passed this 6th day of April, 2009.


MAYOR


CLERK

Schedule "B" to By-law 12 of 2009

**The Corporation of the Municipality of the Township of St. Clair
Part 1 Provincial Offences Act and Animal Fines**

Item	Column 1 - FINES	1st Offence	2nd Offence
1.	Owner – permit animal to run at large or trespass	\$55.00	\$110.00
2.	Fail to procure Dog License	\$55.00	\$110.00
3.	Fail to attach License Tag to Dog	\$55.00	\$110.00
4.	Keep more than 2 dogs per household	\$55.00	\$110.00
5.	Permit unprovoked persistent barking howling or other persistent noise	\$55.00	\$110.00
6.	Animal has bitten a person or domestic animal	\$75.00	\$150.00
7.	Owner – Failed to leash animal	\$55.00	\$110.00
8.	Owner – Failed to remove excrement	\$55.00	\$110.00
9.	Fail to procure Kennel License	\$105.00	\$210.00
10	Owner – keeping of exotic Pets	\$500.00	\$1,000.00

FEES:

1.	Spayed or neutered dog with rabies certificate - without rabies certificate	\$20.00 \$30.00
2.	Male or Female unneutered & unsprayed (without Or with rabies certificate)	\$50.00
3.	Kennel license	\$75.00

Schedule "A" to By-law 35 of 2008

REDEMPTION FEES

In addition to any fines that are imposed as per Schedule "B", the redemption fees as described herein shall be payable, as follows:

If the animal is taken to the Sarnia Humane Society, the owner shall pay:

- **The current fee charged by the Sarnia Humane Society**