

BY-LAW NO. 1911

BEING A BY-LAW to regulate the keeping and control of animals: The licensing and restraint of dogs: The taking up and impoundment; the quarantining and destruction of dogs in certain instances and certain other aspects of animal control within the City of North Bay.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. Definitions - As used in this By-law, the following terms shall have the meaning hereinafter ascribed to them;

Owner: Any person, group of persons, partnership, or corporation owning, keeping or harboring animals.

Kennel: Any person, group of persons, partnership, or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs and cats.

Pet Shop: Any person, group of persons, partnership or corporation operating an establishment where live animals and birds are kept and offered for sale.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals and birds.

Dog: The male of the domesticated canine species.

Bitch: The female of the domesticated canine species.

Spayed female: A bitch or female animal which has been operated upon by a licensed veterinarian to prevent conception.

Animal Shelter: Any premises designated by the Humane Society for the purpose of impounding and caring for animals taken up by the agents of the Humane Society in violation of this by-law.

Humane Society: The North Bay and District Society for prevention of cruelty to animals, a non-profit organization.

Humane Officer: The person or persons designated by the Humane Society as the enforcement Officers.

At Large: Any dog shall be deemed at large when he is off of the property of his owner and not under the control of a competent person.

Restraint: A dog is under restraint within the meaning of this By-law if he is on his owner's property; out on a leash; or at "heel" beside a competent person and obedient to that person's commands.

Exposed to Rabies: An animal has been exposed to rabies within the meaning of this By-law if it has been bitten by any animal known to have been infected with rabies.

2. The provisions of this By-law shall be enforced by the Corporation and/or the Humane Society, its servants, agents, workmen, employees or any of them.

3. (a) No person shall own, keep, or harbor any dog within the City Limits of the City of North Bay unless such dog is licensed as herein provided. From and after the passing of this By-law, every owner of every dog in the City of North Bay shall, annually, immediately following the first day of January and not later than the 1st day of April in every year, cause the same to be registered, numbered, described and licensed for a period of one year thereafter in the offices of the City of North Bay and shall cause the said dog when on and/or off the premises of the owner thereof but within the said city, to wear around his neck a collar, to which collar shall be attached a metallic plate having raised, cast or stamped thereon figures indicating the year for which the said license has been paid, together with a number corresponding with the number under which the said dog is registered in the offices of the City of North Bay and every such owner shall pay for such license, metallic plate and registration, the sum hereinafter set out and every such license shall expire on the 31st day of December in each year, next thereafter. Application for license shall be made to the City of North Bay, or such departments of the said City as may be designated by the Council of the Corporation of the City of North Bay. The application shall state the name and address of the owner, the name, breed, sex, color and age of the dog. The license fee shall be paid at the time of making the application, and a receipt given to the applicant and a numbered metallic tag shall be issued to the owner.

(b) The yearly license fee for every dog licensed under the provisions of this by-law shall be as follows:

- (i) For a male dog if only one is kept..... \$4.00
 For each additional male dog \$6.00
- (ii) For a female dog if only one is kept \$6.00
 For each additional female dog 9.00

Where the certificate of veterinarian surgeon is produced at the time of the application to license a dog, showing that a female dog has been spayed, it shall be taxed at the same rate as a male dog.

In the event that the metallic tag shall become lost, the owner of the dog for which a tag was issued may obtain a duplicate tag upon the payment of a fee of \$1.00.

(c) Every person who owns, operates or conducts a kennel of pure bred dogs which are registered with the National Kennel Club pursuant to the Statutes of Ontario enacted in that behalf, shall pay to the City immediately following the 1st day of January in any year a tax or license of \$20.00, and in addition shall procure additional tags from the City for each additional dog over and above the number of 5 at a cost of \$1.00 per tag providing always that such tags will be for specified dogs and shall not be used in general from time to time on different dogs in such kennel.

(d) If there is a change of ownership of a dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$1.00.

(e) No person shall use for any dog a license receipt, or a license tag issued for another dog.

4. Tag and Collar

(a) Upon the compliance of the provisions of subsection (b) of Section 3 of this By-law, every owner of a dog, or dogs, shall be issued a numbered metallic tag, stamped with the year of issuance. The shape or design of such tag may be changed from year to year.

(b) Every owner is required to see that the tag is securely fastened to the dog's collar or harness, which must be worn by the dog at all times.

5. Restraint

The owner shall keep his dog under restraint at all times during the months of March, April, May, June, July, August, September, October and November in any year, and shall not permit such dog to be off the premises or property of the owner, unless under the control of a competent person. No dog shall be permitted to run at large within the City of North Bay at any time excepting during the months of December, January and February in any year.

6. Impoundment

Unlicensed dogs, or dogs and other animals found running at large contrary to the provisions of this by-law, shall be taken up by the agents of the Humane Society and impounded in the Animal Shelter, and there confined in a humane manner for a period of not less than 2 days, and may thereafter, be disposed of in a humane manner if not claimed by their owners. Dogs and cats not claimed by their owners at the expiration of two (2) days, shall become the property of the Humane Society and humanely disposed of by the Humane Society, except as hereinafter provided in the cases of certain animals.

7. The Humane Society may transfer title to all animals coming into its possession as set forth in Section 6 of this by-law, and may dispose of such animals at the discretion of the said Society.

8. When dogs are found running at large and their ownership can be ascertained by the agents of the Humane Society, such dogs need not be impounded, but the agent may, in his discretion, take the dogs to their owners, and may cite such offending owners for violation of the provisions of this by-law.

9. Immediately upon the impoundment of dogs or other animals, the agents of the Humane Society shall make every possible effort to notify the owners of such dogs and other animals impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

10. It shall be mandatory for the agent of the Humane Society to cite into court the owner of any bitch who permits such bitch to be at large while in season.

11. When dogs or cats are impounded and are not claimed by their owners within the time specified by this by-law, if deemed suitable

as pets, they may be placed with new owners who will agree to such conditions as the Humane Society shall prescribe. Except, that no bitch or female cat shall be so placed with a new owner unless such new owner shall agree to have such bitch or female cat spayed.

12. Redemption of Impounded Animals

(a) The owner shall be entitled to regain possession of any impounded dog except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions of Section 3 of this by-law and the payment of impoundment fees set forth herein.

(b) Any other animal impounded under the provisions of this by-law may be reclaimed by the owner upon the payment of impoundment fees set forth herein.

(c) Any animal impounded under the provisions of this By-law and not reclaimed by its owner within 2 days, may be humanely destroyed by the Humane Society, or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this by-law and such other regulations as shall be fixed by the Humane Society. Provided, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by statute law, such statute shall be complied with.

13. Impoundment Fees

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Humane Society of the sum of Three Dollars (\$3.00) for each dog, and the additional sum of Seventy-five cents (75¢) for each day such dog is kept after the expiration of the legal detention period; One Dollar (\$1.00) for each cat, and the additional sum of Fifty cents (50¢) for each day such cat is kept after the expiration of the legal detention period; and Five Dollars (\$5.00) for any other animal, excepting rabbits, poultry, and birds, and the additional sum of Two Dollars (\$2.00) for each day such animal is kept after the legal detention period. Impoundment fees as set forth herein and such additional sums as herein provided for keeping animals, shall be collected by the Humane Society and retained by it to help the costs of keeping such animals beyond the period set forth herein.

14. Confinement of certain dogs and other animals

(a) The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.

(c) No wild animal may be kept within the City Limits, except under such conditions as shall be fixed by the Humane Society. Provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions in accordance with such regulations as shall be established by the Humane Society.

(d) Any animal described in the foregoing subsection of Section 14 of this By-law, found at large, shall be impounded by the Humane Society and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.

(e) Any dog, cat, or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.

(f) When in the judgement of the Humane Society or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

15. Rabies Control

(a) Every animal which bites a person shall be promptly reported to the Humane Society, and shall thereupon be securely quarantined at the direction of the Humane Society for a period of 10 days, and shall not be released from such quarantine except by written permission of the Humane Society. In the discretion of the Humane Society, such quarantine may be on the premises of the owner, at the shelter designated as the City Animal Shelter, or at owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter.

(b) The owner upon demand made by the Humane Society, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in Section 13 of this by-law, and upon compliance with the licensing provisions set forth in Section 3 of this By-law.

(c) When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and/or where a report of a licensed veterinarian has given a positive diagnosis of rabies for such quarantined animal and such animal dies while under observation, the Humane Society may recommend to the Council of the Corporation of the City of North Bay that a city-wide quarantine for a period of thirty (30) days be imposed and upon the invoking of such quarantine by the Council, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such quarantine no animal may be taken or shipped from the City without written permission of the Humane Society.

(d) During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days quarantine in the same manner as other animals are quarantined.

(e) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for such additional period of time not exceeding six (6) months, as the Council may deem advisable.

(f) No unauthorized person shall kill, or cause to be killed, any rabid animal; any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the City Limits without written permission from the Humane Society.

(g) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Humane Society.

(h) The Humane Society shall direct the disposition of any animal found to be infected with rabies.

(i) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Humane Society.

16. Reports of Bite Cases

It shall be the duty of every physician, or other practitioner, to report to the Humane Society the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

17. Responsibilities of Veterinarians

It shall be the duty of every licensed veterinarian to report to the Humane Society his diagnosis of any animal observed by him as a rabies suspect.

18. Exemptions

(a) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this by-law, except where such duties are expressly stated.

(b) The licensing requirements of this by-law shall not apply to any dog belonging to a non-resident of the City and kept within the city for not longer than thirty (30) days, provided such dogs shall at all times while in the city be kept within a building, or vehicle, or be under restraint by the owner.

19. Investigation

For the purpose of discharging the duties imposed by this by-law and to enforce its provisions, any agent of the Humane Society or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license of such dog. It is further provided that any agent of the Humane Society may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it requires humane treatment.

20. Interference

No person shall interfere with, hinder or molest any agent of the Humane Society in the performance of any duty of such agent, or seek to release any animal in the custody of the Humane Society or its agents, except as herein provided.

21. Records

(a) It shall be the duty of the Humane Society to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the Humane Society to keep, or cause to be kept accurate and detailed records of all bite cases reported to it, and its investigation of same.

22. Penalty

Any person or persons guilty of an infraction of any of the provisions of this by-law, shall, upon conviction thereof before the Police Magistrate, or any Justice or Justices of the Peace in and for the City of North Bay, forfeit and pay at the discretion of the said Police Magistrate, Justice or Justices convicting, a penalty not exceeding the sum of Fifty (\$50.00) Dollars for each offence, exclusive of costs (unless he shall have reclaimed and paid for such dog, as provided in Sections 6 and 13 of this by-law); and in default of payment thereof forthwith, it shall and may be lawful for the Police Magistrate or Justice or Justices convicting as aforesaid to issue a warrant under his hand seal to levy such penalty and costs or costs only, by distress and sale of the offender's goods and chattels; and in case of no sufficient distress to satisfy the said penalty and costs, it shall be lawful for the said Police Magistrate, Justice or Justices convicting as aforesaid to commit the offender or offenders to the common gaol of the District of Nipissing with or without hard labour for any period not exceeding one calendar month, unless the said penalty and costs are sooner paid.

23. Repeals

All previous By-laws relating to the keeping, licensing and regulating of dogs, in the Corporation of the City of North Bay are hereby repealed.

