

BYLAW NO. 2009-01

A BYLAW OF THE VILLAGE OF TORQUAY FOR LICENSING DOGS AND CATS AND REGULATING AND CONTROLLING PERSONS OWNING OR HARBORING DOGS AND CATS.

The council of the Village of Torquay enacts as follows:

1. For the purposes of this Bylaw:

- (a) "Animal Control Officer" means that person or persons appointed by the Council of the Village of Torquay for the purposes of this bylaw;
- (b) "Dog" or "Cat" includes all species of the animals commonly known as dogs or cats, male or female, spayed or neutered, and of every breed or classification or mixture of breeds;
- (c) "License Year" means the period from January 1 to December 31 of the same year, both dates inclusive;
- (d) "Judge" means a judge of the Provincial Court;
- (e) "Treasurer" means the Village Administrator of the Village of Torquay;
- (f) "Owner" means any person or persons, partnership, association or corporation owning, possessing, or harboring, having charge of or control over any dog or cat, and includes a keeper of a dog or cat;
- (g) "Pound Keeper" means the person or persons as may from time to time be appointed by the Mayor and Village Administrator for the purpose of retaining impounded dogs or cats pursuant to this Bylaw;
- (h) "Running at Large" means off the premises of the owner when not on a leash held by a person able to control the dog or cat.

2. No owner of any dog or cat shall be in possession of such dog or cat unless such dog or cat has been licensed for the current license year. No dog or cat under the age of three months shall require a license.

3. (a) The annual license fee charged for dogs or cats owned possessed or harbored by any person while a resident in the Village of Torquay, excepting seeing eye dogs, shall be in accordance with the Schedule of fees prescribed in Schedule "A" attached to this Bylaw;

(2)

3. (b) Notwithstanding anything contained in this Bylaw, seeing eye dogs used as a guide by a blind person shall be licensed, and the Treasurer shall issue the license without payment of the license fee.
4. The owner of every dog or cat shall apply to the Treasurer on or before January 1 of each year for a license to keep such dog or cat within the Village, tendering with such application, the required annual fee therefore, according to Schedule "A" attached to this Bylaw and upon receipt thereof the Treasurer shall issue a license and a tag for each dog or cat owned by the owner.
5. All license fees to be paid under this Bylaw shall be paid to the Treasurer of the Village, located at the Village Office.
6. 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 a description of each dog or cat owned by him including its breed, color, sex, age and name and the serial number of the tag issued for each dog or cat.
7. The owner shall ensure that a collar, and the tag issued by the Treasurer, are worn by the dog or cat when the animal is off the premises of the owner.
8. No unauthorized person shall remove a collar or dog or cat tag from a dog or cat.
9. (a) No owner shall permit any dog or cat to be "running at large" in the Village of Torquay;
(b) No owner or other person shall use a leash greater than two (2) meters in length on a dog or cat, when such 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 Village of Torquay, a pound shall be established at such place or places as may from time to time be designated by the Mayor and Treasurer and the Mayor and Village Treasurer shall from time to time appoint one or more Pound Keepers, and fix their remuneration.
11. The Animal Control 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 on ninety-six (96) hours, 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 on the Notice Board at the Torquay Post Office, giving a description of the said dog or cat, the date

(3)

11. 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. Pound Fees shall be prescribed in Schedule "A", and shall be in addition to any charges for food or otherwise, that the Pound Keeper may impose.
13. (a) No owner or keeper of a dog or cat shall permit their dog or dogs or cat or cats on any school grounds, playgrounds or posted area except when the owner or keeper is attending a recognized training or obedience school for training dogs or cats.

(b) Section 13 (a) shall not apply to an owner who is a blind person who is using the dog in question for a guide or "seeing-eye" 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 female dog or cat may be allowed outside the 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 for a guide or "seeing-eye" dog.
17. No owner or keeper shall permit his dog or dogs or cat or cats to damage public or private property.
18. (a) 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 provision of this Bylaw securely fixed on the dog's or cat's collar at all times until he procures a tag for the following year.
19. Every person requested by the Treasurer to do so shall forthwith deliver to her a statement in writing of the number of dogs or cats owned by him or her.

(4)

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 Pound Keeper shall keep a record of all dogs and cats impounded and of the disposition made of same and shall make a monthly return to the Treasurer.

22. (a) Any owner whose dog or cat has bitten or attempted to bite a person in the Village of Torquay is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.

(b) If a person is convicted of an offence under Section 22 of this Bylaw and it appears to the Judge or 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 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 appropriate authority to destroy the dog or cat;

in addition to assessing any fine upon conviction.

23. Notwithstanding Section 21 and 22 of this Bylaw, where a dog or cat is suspected of having rabies, such dog or cat shall not be killed but shall be secured and isolated for ten days and the matter immediately reported to a Medical Health Officer whose instructions shall be carried out.

24. No owner of a dog or cat shall permit his dog or cat to become a nuisance by barking or howling or emitting other animal sounds.

25. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or seized shall:

(a) 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;

(b) Unlock or unlatch or otherwise open the van or 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

(c) Remove or attempt to remove any dog or cat from the possession of the Pound Keeper, Animal Control Officer, or Peace Officer.

26. Notwithstanding any other provision of this Bylaw, no person shall own, possess or harbor any dog of the Pit Bull Terrier breed, whether such dog is pure blood or part blood Pit Bull Terrier.

(5)

27. Any owner whose dog or cat has bitten, killed or destroyed another animal in the Village of Torquay is guilty of an offence and liable on summary conviction to penalties prescribed in this Bylaw.
28. (a) Where an Animal Control Officer, Bylaw Officer or Peace Officer believes that a person has contravened the provisions of Sections 2, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, and 27 hereof, he may by personal service, serve or cause to be served upon such person a notice of violation in Form A as provided by this Section.
- (b) the Notice of violation in Form A shall be in a form similar to that provided as Form A of this bylaw and shall indicate thereon the Section of the Bylaw which was contravened and the amount of penalty to be paid as provided in Schedule "B" of this Bylaw.
- (c) Upon production of the notice of violation in Form A issued pursuant to subsection (a) within seven (7) days of the date of service together with payment as indicated in the notice of violation in Form A to the person to whom the notice of violation was issued shall not be liable to prosecution for the contravention in respect of which a notice of violation in Form A was given.
- (d) If payment is not received as provided in subsection (c) hereof within the time prescribed, a summons shall be issued to the person alleged to have committed the offence and thereafter the provisions of this section shall not apply with respect to that offence. A person to whom a notice of violation in Form A is being issued pursuant to this Bylaw shall furnish any Bylaw Officer, Animal Control Officer or Peace Officer, upon request, with his name and address.
29. Bylaw No 2001 is hereby repealed.

(6)



Acting Mayor Favreau

Administrator Deschner

Read a third time and unanimously
adopted this 23rd day of April, 2009.



Schedule "A" to Bylaw 2009-01

Dogs and Cats

Licence Fee

- | | |
|----------------------|---------|
| 1. All dogs and cats | \$10.00 |
|----------------------|---------|

Holding Fees

- | | |
|---|----------|
| 1. First offence in a calendar year | \$100.00 |
| 2. Second offence & every offence thereafter in a calendar year | \$200.00 |

Pursuant to Section 3, 4 and 12 of Bylaw No 2009-01, the Licence Fees prescribed in this schedule are in addition to any charges for food or otherwise that the Pound Keeper may impose.

Schedule "B" to Bylaw 2009-01

The penalty pursuant to Section 29 for a person who has contravened the provisions of Sections 2, 7, 8, 9, 13, 15, 16, 17, 19, 20, 22, 23, 24, 26, and 27 shall be

1. \$300.00 for the first offence
2. \$600.00 for the second offence
3. \$900.00 for the third offence

The penalty pursuant to Section 28, for a person who has contravened the provisions of Section 18 and 25 shall be

1. \$100.00
-

FORM "A"

NOTICE OF VIOLATION

NAME:

ADDRESS:

POSTAL CODE:

DETAILS OF OFFENCE:

DATE: _____ TIME: _____ LICENSE NO:

VIOLATION: _____ BYLAW NO: 2009-01

DESCRIPTION OF VIOLATION:

LOCATION OF VIOLATION:

You are charged with violation of Bylaw No 2009-01
Section (s)

Penalty for the above violation:

Bylaw Enforcement Officer

You may make a voluntary payment of the above penalty at the municipal office of the Village of Torquay during regular office hours or by mail within 7 days of the date of this Notice of Violation.

If you do not make voluntary payment within the time set out above, you shall be liable to prosecution and, upon summary conviction, shall be liable to the penalty provided under the said bylaws.