

1927

# c 300 Dog Tax and Sheep Protection Act

Ontario

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## CHAPTER 300.

## The Dog Tax and Sheep Protection Act.

## INTERPRETATION.

## 1. In this Act,—

- "Dog." (a) "Dog" shall mean any dog, male or female;
- "Sheep." (b) "Sheep" shall mean sheep of any age;
- "Owner." (c) "Owner" of a dog shall include any person who possesses or harbours a dog. 1926, c. 62, s. 2.

## PART I.

## DOG TAX, ETC.

Levy of  
dog tax.

2.—(1) Subject to the provisions of section 5, an annual dog tax shall be levied in every local municipality upon every person who is assessed as owner or tenant of any land and who is in occupation thereof in respect of every dog which he owns within the municipality or which is habitually kept upon the premises for which he is assessed although such dog may be owned by some other person.

Amount  
of tax.

(2) The amount of the tax payable where no by-law increasing the tax has been passed by the municipality shall be,—

for a male dog, if only one is kept .....	\$2.00
for each additional male dog.....	4.00
for a female dog, if only one is kept.....	4.00
for each additional female dog.....	6.00

Spayed  
bitch.

(3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed she shall be taxed at the same rate as a male dog.

Increase  
of tax.

(4) Any municipality may pass a by-law increasing the tax to be paid.

Tax on  
kennel of  
pure bred  
dogs.

(5) The owner of a kennel of pure bred dogs registered in the register of The Canadian Kennel Club, Incorporated, shall pay an annual tax of \$10 to the treasurer of the municipal-

ity as a tax upon the kennel and he shall not be liable to pay any further tax in respect of such pure bred dogs. 1926, c. 62, s. 3.

COLLECTION OF DOG TAX.

**3.—**(1) The assessor shall enter upon the assessment roll opposite the name of every person assessed the number of dogs, bitches and spayed bitches respectively for which he is liable to be taxed. Entry on assessment roll of number of dogs.

(2) Any person when so required by the assessor shall forthwith deliver to him a statement in writing of the number of dogs owned by him or which are habitually kept upon the premises for which he is assessed by whomsoever owned. Statement by owner of dogs.

(3) Any assessor who fails to make all due enquiry and to assess all dogs reported to him and any person who neglects or refuses to furnish the statement required by subsection 2 or who makes a false statement shall be liable to a penalty not exceeding \$10. Penalty.

(4) The amount payable for dog tax shall be entered upon the collector's roll and the collector shall proceed to collect the same in the same manner as other municipal taxes. Collection of tax.

(5) When the tax is demanded and is not paid the person assessed may be summoned before a police magistrate who may direct the dog to be destroyed unless the tax and costs shall be paid before a time named. Killing of dog on failure to pay tax.

(6) For the purpose of carrying out such order, a constable may enter upon the premises of the owner and destroy the dog. Powers of constable.

(7) A collector who neglects to collect the tax or take the proceedings provided by this section before the time fixed for the return of his roll to the treasurer shall incur a penalty not exceeding \$10. 1926, c. 62, s. 4. Penalty on collector.

DOG TAGS.

**4.—**(1) In a municipality in which the dog tax is levied every person in each year on or before the 15th day of February or on or before such earlier or later date as may be fixed by by-law of the council shall procure from the clerk or the assessor a tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year; excepting that the tag may be removed while the dog is being lawfully used for hunting deer in the bush. Owner required to secure dog tag.

(2) A fee not exceeding twenty-five cents may be charged for each tag. Fee for tag.

Serial number on tag.

(3) The tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

Penalty.

(4) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on his dog or who uses a tag upon a dog other than that for which it was issued shall be liable to a penalty not exceeding \$10.

Killing dog found without tag.

(5) Every dog which is found off the premises upon which it is habitually kept without a tag and not under the control of any person may be killed.

(NOTE.—As to dogs at large pursuing deer in the close season, see *Game and Fisheries Act. Rev. Stat. c. 318, s. 31.*)

Duties of clerk where owner of dog has not been assessed.

(6) Where an owner of a dog applies to the clerk for a tag after the assessment roll has been returned and before the collector's roll has been delivered to the collector and the clerk finds that such owner has not been assessed for the dog the owner shall forthwith make and deliver to the clerk the statement mentioned in subsection 2 of section 3 and the clerk shall make the necessary entries in the assessment and collector's roll, but where the owner acquired ownership of the dog after the expiration of six months of the year he shall only be charged on the collector's roll with one-half of the dog tax. 1926, c. 62, s. 5.

Licensing and registration of dogs.

**5.** By-laws may be passed by the councils of urban municipalities and of townships bordering on or situated within ten miles of a city having a population of not less than 100,000 for licensing and requiring the registration of dogs and for imposing a license fee on the owners of them with the right to impose a larger fee in the case of bitches or for each additional dog or bitch where more than one is owned by any one person or in any one household.

(a) Where the license fee is equal to or exceeds the dog tax required to be levied by this Act, sections 2 and 3 shall not apply while the by-law remains in force.

(b) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 3 as to keeping the tag securely fixed on the dog and of subsections 2, 3 and 5 of section 4 shall apply. 1926, c. 62, s. 6.

Prohibiting and regulating the running at large of dogs.

**6.** By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by boards of commissioners of police in cities having a population of not less than 100,000 for prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law; and for

selling dogs so impounded at such time and in such manner as may be provided by the by-law.

- (a) For the purpose of this paragraph, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. 1926, c. 62, s. 7.

## PART II.

### THE PROTECTION OF SHEEP.

**7.** In this Part,—

“injured” and “injuring” shall apply to injuries caused by wounding, worrying, terrifying or pursuing. 1926, c. 62, s. 8.

Interpretation.

“Injured” and “Injuring.”

**8.** Any person may kill any dog,—

- (a) which is found killing or injuring sheep; or  
 (b) which in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept; or  
 (c) which is found straying at any time, and not under proper control, upon premises where sheep are habitually kept. 1926, c. 62, s. 9.

When dogs may be killed.

**9.**—(1) Whether the owner of any dog killing or injuring sheep is known or not the municipality in which the sheep were killed or injured shall be liable to the owner of the sheep for the amount of damage ascertained by the sheep valuer or arbitrator as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the sheep were killed or injured by a dog but not by a dog owned by him.

Liability of municipality for damages to sheep.

(2) The municipality shall not be liable under subsection 1 if at the time the sheep were killed or injured they were running at large upon the highway or unenclosed land. Provided that the council of a township in unorganized territory may with the assent of the municipal electors pass a by-law declaring that this subsection shall not apply in determining its liability. 1926, c. 62, s. 10.

When municipality not liable.

**10.**—(1) The council of every local municipality shall appoint one or more competent persons as sheep valuers.

Sheep valuers.

(2) Within forty-eight hours after it is discovered by the owner that his sheep has been killed or injured he shall notify a sheep valuer or the clerk of the municipality who shall forth-

Duty of sheep valuers.

with notify a sheep valuer and the valuer so notified shall immediately make full investigation and shall make his report in writing within ten days thereafter, to the clerk of the municipality, giving in detail the extent and amount of the damage done, and he shall at the same time forward a copy of such report to the owner of the sheep.

When carcass not to be destroyed.

(3) The carcass of the sheep shall not be destroyed until it has been seen by the valuer.

Appeal to Minister of Agriculture.

(4) When the owner of the sheep, or the council, is dissatisfied with the report of the valuer an appeal may be had to the Minister of Agriculture who may name an arbitrator to make a further investigation and the award of the arbitrator shall be final and conclusive as to the amount of the damage done.

Time for appeal.

(5) Such appeal shall be made within thirty days after the making of the report by the valuer and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer is sustained.

Naming of arbitrator where no sheep valuers appointed.

(6) If no sheep valuers have been appointed or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister of Agriculture on the application of the owner of the sheep may name an arbitrator to make investigation and the award made by such arbitrator shall be final and conclusive as to the amount of damage done, and the municipality in addition to its liability to the owner of the sheep as provided by section 9 shall forthwith pay to the Minister of Agriculture the costs of such arbitration as fixed by him. 1926, c. 62, s. 11.

#### LIABILITY OF OWNER OF DOG.

Liability of owner of dog to municipality.

**11.**—(1) A municipality having paid to the owner of the sheep the amount of the damage ascertained as above provided shall be entitled to recover the amount so paid from the owner of the dog in any court of competent jurisdiction without proving that it was vicious or accustomed to worry sheep.

Proceedings for ascertaining owner of dog.

(2) In order to ascertain the owner of the dog which killed or injured the sheep the clerk on the instructions of the head of the municipality may issue a subpoena calling upon any persons to attend before the council and the member of the council presiding may administer an oath to such persons and any member of the council may examine such persons touching his knowledge of the matter.

Apportionment of damages.

(3) When it appears that the damage was caused by more dogs than one the court may apportion the damages as may be deemed just, having regard to the strength, ferocity and character of the dogs concerned.

(4) Where a dog is known to have killed or injured sheep the owner on being duly notified shall within forty-eight hours cause the dog to be killed. <sup>Duty of owner to kill dog.</sup>

(5) When the owner refuses or neglects to kill the dog he may be summoned before any police magistrate who may order that the dog be killed and in such case a constable may enter upon the premises of the owner and may kill the dog. <sup>Neglect to kill dog.</sup>

(6) The magistrate may direct the owner to pay the costs of the proceedings and of the destruction of the dog and if he deems the neglect or refusal of the owner to have been unreasonable may impose on him a penalty not exceeding \$10 <sup>Penalty.</sup> 1926, c. 62, s. 12.

**12.** The times and the method of procedure set out in this Act shall be regarded as merely directory and a proceeding which is in substantial conformity with this Act shall not be open to objection on the ground that it is not in strict compliance therewith. <sup>Times and procedure directory.</sup> 1926, c. 62, s. 13.

#### PENALTIES.

**13.** All penalties recovered under this Act shall belong to the municipality. <sup>Application of penalties.</sup> 1926, c. 62, s. 14.

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