

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW 2011-069

A By-law for the licensing of dogs, and for regulating the running at large of dogs and for regulating kennels for the breeding and boarding of dogs within the Municipality of The Corporation of Loyalist Township

AND WHEREAS the Municipal Act R.S.O. 2001, c. M.25, Section 103 authorizes municipalities to pass by-laws with respect to animals;

AND WHEREAS the Council of The Corporation of Loyalist Township deems it necessary and expedient to regulate the licensing and the running at large of dogs and for regulating kennels for the breeding and boarding of dogs within the boundaries of The Corporation of Loyalist Township.

NOW THEREFORE the Council for The Corporation of Loyalist Township enacts as follows:

1. DEFINITIONS

For the purposes of this by-law, the following definitions shall apply:

“**ANIMAL CONTROL OFFICER**” means a person or persons appointed by By-law under an Agreement for Services for such purposes of enforcing this By-law;

“**AT LARGE**” means, in the case of a dog, being in a place other than a property owned or occupied by its owner and not under the control of its owner or another person acting on behalf of the owner;

“**BUILT-UP AREA**” for the purpose of this by-law shall mean any three (3) abutting, residential properties each smaller than one (1) acre in size;

“**COMMERCIAL KENNEL**” means any establishment or premises other than a Veterinary Hospital or pet shop where three (3) or more dogs or aggregate thereof are kept for commercial purposes including but not limited to board, propagation and treatment;

“**COUNCIL**” means the Council of The Corporation of Loyalist Township;

“**DIRECTOR**” means the Director of Administrative Services for The Corporation of Loyalist Township;

“**DOG**” means a male/female dog of the species canis familiaris;

“DWELLING UNIT” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“FOSTER CARE” means a dog being kept under a temporary arrangement (less than six (6) months) through the Humane Society Foster Care Program;

“KENNEL” means

- (i) A premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate foster care program for dogs under the authority of an animal shelter, in which the predominant activity consists of the raising, boarding or training of dogs;
- (ii) A place or confine where purebred dogs are bred and raised and registered in the Register for The Canadian Kennel Club Incorporated; or
- (iii) A place or confine where dogs are bred or raised as a recognized class, or as a class designated as “purebred” in the Regulations of the aforesaid Club;
- (iv) A place or confine where dogs are boarded on a commercial basis;
- (v) A place where Working Dogs are kept;

“LICENCE” for the purpose of this By-law shall be deemed to be the receipt issued by the Municipality or its authorized agent on payment of the appropriate licence fee;

“MUNICIPALITY means The Corporation of Loyalist Township;

“OWNER” means any person, organization or corporation who possesses or harbours or keeps a dog and, where the owner is a minor, shall include the person responsible for the custody of the minor. Owns or owned shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of dogs;

“PERSON” shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply;

“PET ENCLOSURE” a place, confine or structure, constructed of appropriate material to prevent the dog from running at large;

“POLICE WORK DOG: shall mean a dog trained to aid law enforcement officers and is actually being used for Police work purposes for the protection of the public and the investigation of crime and the apprehension of law violators;

“POUND” shall mean such premises and facilities designated by the Municipality for the keeping and impounding of dogs;

“PUREBRED” shall mean

- (i) Registered or eligible for registration in the register of The Canadian Kennel Club Incorporated; or
- (ii) Of a class designated as purebred in the regulations;

“RUNNING AT LARGE” is a dog found in any place other than the premises of the owner of the dog and not under control of any person;

“SOCIETY OR HUMANE SOCIETY” means a branch of the Ontario Humane Society or an agency under the umbrella of the Ontario Society for the Prevention of Cruelty to Animals;

“SERVICE DOG” means a dog that has been trained by a qualified facility, agency or person to provide special services to a person with a disability and is actively in use for such purposes;

“TAG” means a metal label bearing a registration number for the dog for which it has been issued and identifies the year of issue;

“UNDER CONTROL” means a dog is not under control of a person unless it is on a leash or lead of not more than six (6) feet in length;

“VICIOUS DOG” means any dog known to have a propensity, tendency or disposition to attack domestic animals or humans, without provocation or any dog which has bitten another domestic animal or human without provocation;

“WORKING DOG” means a dog trained to aid in herding or protecting sheep and is actually being used for that purpose.

2. **ADMINISTRATION**

2.1 The Director or his or her designate is responsible for the administration of this by-law;

3. **DOG LICENSING REGULATIONS**

3.1 Not more than a total of three (3) dogs shall be kept in or about any dwelling unit in a built-up area;

Exception – Section 3.1 does not apply to:

- i) The operation of a kennel for the purpose of breeding or boarding animals, if it complies with the Municipality’s zoning by-laws;
- ii) An Animal Hospital owned and operated by a Veterinarian licensed by the Ontario Veterinarian Association;
- iii) A pet store;

- iv) An Ontario Humane Society Shelter, or a Pound, which complies with the Municipality's zoning by-laws;
- v) A dog under the age of three (3) months.

3.2 Any person who has been requested to do so, shall deliver to the Municipality, or its authorized agent, a statement in writing showing the number of dogs owned by such person or habitually kept upon the premises for which such person is assessed as owner or otherwise.

3.3 All dogs are to be registered and licensed with the Municipality:

Exception – Section 3.3 does not apply to:

- i) A dog being housed under a Humane Society's Foster Care Program for a temporary period of less than six (6) months. After the six (6) month period, the dog will require a licence;

3.4 A person may register or renew the registration of a dog at the places designated by the Director for this purpose.

3.5 The owner of any dog shall, on the first day of January in each year or as soon thereafter as such dog shall attain the age of (3) months, cause the dog to be registered, numbered, described and licensed by the by-law. The deadline for registration and licensing of a dog shall be March 31st of each year.

3.6 Each owner, upon the registration of a dog and application for a dog licence, shall be furnished with a tag, the price of which is incorporated in the licence fee hereinafter provided, with the registration number for such dog on the tag, and shall be required to pay the appropriate fee for such licence and registration.

3.7 A licence fee per dog as detailed in Schedule "A" to this by-law shall be paid regardless of the number owned. On payment of the licence fee for each dog, the owner shall be furnished with a dog tag which shall be kept securely fixed on the dog at all times until the tag is renewed or replaced. This tag may be removed when the dog is being lawfully used for herding or protecting sheep on public or private lands.

3.8 Each tag shall bear a registration number for/and in the year in which it was issued. A record shall be kept for the purpose of showing the name and address of the owner and the registration number of the tag. The replacement fee for a lost tag is as set out in Schedule "A" to this By-law.

3.9 A Working Dog shall be registered as a working dog with a description of the type of work being performed.

3.10 If, at any time, the Director determines, as a result of evidence provided, that the requirements of this by-law have not been adhered to by any resident, the licence may be suspended or revoked.

4. KENNEL/COMMERCIAL KENNEL LICENCE REGULATIONS

- 4.1 All Kennels/Commercial Kennels are to be registered and licensed by the Municipality;
- 4.2 Kennel/Commercial Kennels must be registered or renewed at the place designated by the Director for this purpose;
- 4.3 All Kennel Licences shall be due on the first day of January in each year. The deadline for renewing a licence shall be March 31st in any year;
- 4.4 The owner of a Kennel/Commercial Kennel, shall pay the annual licence fee as detailed in Schedule "A" to this by-law and the Municipality shall issue a special licence for such Kennel provided that the owner of such Kennel holds a current Kennel licence issued by the Municipality. Failure to renew a Kennel licence while continuing to operate a Kennel will result in a charge under the Provincial Offences Act.
- 4.5 Any new applicant for a Kennel Licence for a Kennel/Commercial Kennel not previously licensed must first obtain confirmation that the property location of such Kennel complies with the requirements of the Municipality's Zoning By-laws. Failure to obtain a Kennel Licence will result in a charge under the Provincial Offences Act.
- 4.6 The Director may, as part of the review to determine if the property location complies with the requirements of the Municipality's zoning by-law, require an inspection of the property;
- 4.7 Where the owner of a kennel keeps dogs outside of a dwelling unit, they shall be kept in a pet enclosure which:
- i) shall be constructed in such a manner as to prevent a dog or dogs from running at large; and
 - ii) the location of a pet enclosure shall comply with the accessory structure requirements of the Municipality's zoning by-laws.
- 4.8 It shall be unlawful for any person to keep, use or maintain within the Municipality any Kennel/Commercial Kennel in such a manner that the same is found by the Ontario Society for the Prevention of Cruelty to Animals to be nauseous, foul or offensive or a public nuisance, and upon such a finding any licence therefore may be revoked by the Director.

- 4.9 It shall be unlawful for any person to keep, use or maintain within the Municipality any Kennel/Commercial Kennel in such a manner that the same is found by the inspector of the Ontario Society for the Prevention of Cruelty to Animals to be in violation of their guidelines, and upon such findings any licence therefore may be revoked by the Director;
- 4.10 If, at any time, the Director determines, as a result of evidence provided, that the operation of a kennel or the activities of a breeder do not conform with the requirements of this by-law, the licence may be suspended or revoked.

5. DOGS BEING AT LARGE OR TRESPASSING

- 5.1 No person who owns, harbours or possesses any dog shall allow the dog to run at large;
- 5.2 No person who owns, harbours or possesses any dog shall allow the dog to trespass on private property even when on a leash;
- 5.3 Every person who owns, harbours or possess any dog shall maintain the dog under control at all times while in a public place;
- 5.4 Sections 5.1, 5.2 and 5.3 do not apply to Service Dogs, Police Work Dogs and Working Dogs while lawfully engaged in their work;
- 5.5 In addition to the requirement of subsection 5.1, 5.2 and 5.3, no owner, possessor or harbourer of a vicious dog shall permit the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.
- 5.6 Every owner, possessor or harbourer of a vicious dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in a locked, enclosed pen or other structure capable of preventing the entry of any children and adequately constructed to prevent the dog from escaping;

6. BEHAVIOUR OF DOGS

- 6.1 No owner shall cause or permit his or her dog to become a public nuisance by:
- i) barking or howling; or
 - ii) damaging public or private property; or
 - iii) scattering garbage or interfering with waste management activities; or
 - iv) barking at or chasing persons, vehicles, domestic animals, livestock, poultry, or other animals kept on an agricultural property;
 - v) swimming at a public beach, swimming or wading pool; or
 - vi) being in a public park or recreational area and not under the control of its owner;

- 6.2 Every owner and other person in charge of a dog shall immediately remove any feces left by his or her dog on private or public property;
- 6.3 Where a proceeding has been commenced by the Municipality under the *Dog Owner's Liability Act* against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog until a determination of the matter has been made by the Court;
- 6.4 Any person may capture any dog running at large and trespassing on his property and deliver the same to the Animal Control Officer, who shall impound the said dog;

7. **DOGS SEIZED AND IMPOUNDED**

- 7.1 A pound shall be established for the impounding of all dogs, pursuant to the provisions of this By-law and the poundkeeper shall keep a record of every dog that has been impounded, including its date of impoundment, description, registered number or other means of identification, if any, date of disposition and method of disposition;
- 7.2 The owner of an impounded dog or a person acting on the owner's behalf may, within five (5) business days, recover the dog when the shelter is open to the public and, in order to do so, shall be required to pay the full amount of the fees established by the shelter for the period that the animal has been in the shelter, and the full amount of any emergency veterinary medical care that was required by the dog;
- 7.3 If a dog has been quarantined as a result of a Court order or as directed by a police officer, judge, animal control officer, Public Health Officer or any other official with authority to impose such an order, the owner of the dog shall be responsible for all of the costs associated with the quarantine period at the pound. Such costs will be invoiced to the Municipality by the pound and the Municipality will in turn invoice the owner of the dog for the full amount of the debt incurred.
- 7.4 An Animal Control Officer or other duly appointed officer may enter on private property for the purpose of catching any dog running at large contrary to the provisions of this by-law;
- 7.5 A dog which is found running at large may be seized and impounded or returned to its owner by the Animal Control Officer.
- 7.6 The Animal Control Officer is hereby authorized, in the course of his or her duties of seizing and impounding dogs running at large contrary to this by-law, to use such reasonable means at his or her disposal to seize and impound such dogs as may be required by the circumstances;

- 7.7 Where a dog is impounded pursuant to the provisions of this By-law, the operator of the pound may and shall confine the dog subject to the provisions of the Animals for Research Act R.S.O. 1990 Chapter A. 22;
- 7.8 Where a dog seized and impounded bears a tag issued by the Municipality, the Animal Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this by-law, which have been violated and shall indicate the location of the dog pound.
- 7.9 Where a dog seized under the provisions of this By-law is called for within five (5) business days from the time of being seized and impounded, the dog shall be released to the owner upon payment of any fees as required in Sections 3 and 7;
- 7.10 Any dog seized and impounded and not called for by the owner thereof within five (5) business days from the time of such seizure and impounding, may be sold by the pound operator or may be destroyed in a humane manner, by a designated Veterinarian;
- 7.11 Any dog sold as referred to in subsection 7.10 shall be properly licensed and registered, the licence fee paid and the tag securely fixed on the dog. A bill of sale and receipt for payment of same shall vest title of any such dog to the new owner.

8. **ENFORCEMENT**

- 8.1 The Director or his or her designate, is responsible for the enforcement of this by-law and Council hereby delegates to the Director or his or her designate, the authority to revoke any kennel licence or dog licence;
- 8.2 Any person(s) appointed by the Municipality, under an Agreement for Services as Animal Control Officer(s), shall be designated as a Provincial Offences Officer for the enforcement of this By-law;

9. **PENALTY PROVISIONS**

- 9.1 Every person who contravenes any provision of this By-law shall be guilty of an offence and, upon conviction, is liable to a penalty as provided for in the *Provincial Offences Act* and to any other applicable penalties;
- 9.2 Any fee imposed under this By-law constitutes a debt to the person who has benefited from the service. The Municipality shall, if there is a failure by the person to pay this debt, add the fees imposed to the tax roll for any real property in the Municipality, the owners of which are responsible for paying the fees and collect them in like manner as municipal taxes;

9.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation of repetition of the offence by the person convicted.

10. **VALIDITY**

If a court of competent jurisdiction declares any provision, or part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

11. That By-law 2004-47 is hereby repealed and in the event of a conflict between the provisions of this by-law and any other by-law of the Municipality, the provisions of this by-law shall prevail.

12 This By-law may be referred to as the Dog Control By-law.

13. This By-law shall come into force and take effect on the date of the approval of the set fines by the Ministry of the Attorney General.

ENACTED AND PASSED THIS 29th day of August , 2011

MAYOR

CLERK

THE CORPORATION OF LOYALIST TOWNSHIP

SCHEDULE “A” to By-law 2011-069

ANNUAL DOG AND KENNEL LICENCE FEES

1. 1 Dog, male or female..... \$ 30.00/tag
2. Additional dog in same household (up to 3)..... \$ 30.00/tag
3. Kennel Licence (to be issued by Municipality)..... \$ 220.00
4. The regular fee for all dog tags is \$30.00 per tag. If a dog tag is purchased before March 31st in any year, it will be discounted by 50% for a total fee of \$15.00..... \$ 15.00/tag
5. The regular fee for all kennel licences is \$220.00. If a kennel licence is purchased before March 31st in any year, it will be discounted by 50% for a total fee of 120.00..... \$ 120.00
6. New Residents – upon proof of identification and residency after March 31st (for year of new ownership/occupancy only)

Dog tag	\$ 15.00/tag
Kennel licence	\$ 120.00
7. Dog acquired after March 31st (for year of purchase only)
Identification and proof of purchase required \$ 15.00/tag
8. Replacement cost for tag \$ 4.00/tag
9. All outlets, registered and approved by the Municipality to sell dog tags, will be paid a commission of \$ 1.00/tag
10. Reclaim Fee – to be charged by the Pound and remitted to the Municipality \$ 100.00
11. If a dog is quarantined as per Section 7.3, the daily charges imposed by the pound will become a charge to the owner of the dog and will be a debt payable to the Municipality.
12. Service Dog..... No Charge for tag
13. Dogs kept under the Humane Society Foster Care Program:
If dog is fostered for less than six (6) months licence/tag not required

If dog is fostered for six (6) months or more, the regular licence fee will apply.