



THE CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS

Consolidated Animal Control / Kennel Licensing By-Law

Effective Date: February 18th, 2014
CONSOLIDATED FOR CONVENIENCE ONLY

The amending by-laws have been combined with the original by-law for convenience only. This consolidation is not a legal document. Certified copies of the original by-laws should be consulted for interpretations and applications of the by-laws on this subject.

The by-law numbers referenced in this consolidation refer to the by-laws that amended the principal by-law number 2010-10.

Latest revision date: February 20th, 2014

2010-10 as amended by the following amendments		
By-Law Number	Section Affected	Date By-Law Passed
2014-10	1.2 and 9.2	February 18 th , 2014

2010-10

BEING A BY-LAW TO PROVIDE FOR THE REGULATION, RESTRICTION AND KEEPING OF DOGS AS WELL AS THE PROPER INSTALLATION AND MAINTENANCE OF KENNELS IN THE TOWNSHIP OF HURON-KINLOSS

WHEREAS Subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides authority for lower tier municipalities to pass by-laws to regulate animals;

AND WHEREAS Sections 103 and 105 of the *Municipal Act, 2001* provide authority in respect of the seizure and impounding of dogs found running at large and the muzzling of dogs in the Township;

AND WHEREAS The Corporation of the Township of Huron-Kinloss (the "Township") deems it desirable to prohibit the running at large of dogs in the Township, to implement a kennel by-law and to appoint an Animal Control Officer to carry out the enforcement thereof in order to promote reasonable and safe care of the dogs in the Township;

AND WHEREAS Subsection 391(1) of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss hereby enacts as follows:

- 1.0** **DEFINITIONS for the purposes of this by-law:**
- 1.1 "Animal Control Officer" means a person or persons duly appointed by the Council of The Corporation of the Township of Huron-Kinloss to enforce the provisions of this by-law and includes any police officer appointed pursuant to the *Police Services Act*.
- 1.2 "Dangerous Dog" means a dog that has bitten or injured a person or domestic animal or a dog that has shown the disposition or tendency to be threatening or aggressive to persons or animals. (2014-10)
- 1.3 "dog" means any male or female domesticated dog, or any member of the species *Canis familiaris*.
- 1.4 "dog tag" means a metal piece furnished by the Township of Huron-Kinloss that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification, tag is received upon registration of a dog and payment of the appropriate fee.
- 1.5 "Guide Dog" means a dog that is trained to aid the blind or hearing impaired and is actively in use for such purposes;
- 1.6 "Kennel" means a place where a minimum of four (4) and a maximum of fifty (50) dogs are housed, groomed, boarded, bred, trained, sold or kept for hunting or other specific work and which is licensed by the Township under the provisions of the *Municipal Act, 2001* and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, May 2007".
- 1.7 "Kennel Licence" means a certificate issued by the Clerk or the Deputy Clerk of the Township upon payment of the appropriate fee.
- 1.8 "Muzzle" means a fastening or covering devise of adequate strength over the mouth to prevent a dog from biting.

- 1.9 "Owner" means any owner of a dog, including a person, partnership, association or corporation that owns, possesses or has control, care or custody over a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- 1.10 "Peace Officer" means:
(a) a police officer, including a police officer within the meaning of the *Police Services Act*, a special constable, a First Nations Constable and an auxiliary member of a police force;
(b) a municipal law enforcement officer;
(c) an inspector or agent under the *Ontario Society for the Prevention of Cruelty to Animals Act*, or
(d) a public officer designated as a peace officer for the purposes of the *Dog Owner's Liability Act*.
- 1.11 "Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 1.12 "Pit-Bull" means:
(a) a pit bull terrier;
(b) a Staffordshire bull terrier;
(c) an American Staffordshire bull terrier;
(d) an American pit bull terrier; or
(e) A dog that has an appearance and physical characteristics that are substantially similar to any of those dogs.
- 1.13 "Police Work Dog" means a dog trained to aid law enforcement officers and which dog is actually being used for police work.
- 1.14 "Pound" means the premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to this By-law or the *Dog Owners Liability Act*.
- 1.15 "Registration" the Township will maintain a dog tag registry containing current details on the animal and issue yearly invoices for such registry.
- 1.16 "Running at Large" means a dog found in any place other than the premises of the Owner of the dog and not under the control of any person, and "Run at Large" shall have a corresponding meaning.
- 1.17 "Township" means The Corporation of the Township of Huron-Kinloss or employee thereof.

2.0 ANIMAL CONTROL OFFICER

- 2.1 Council shall, by by-law, appoint an Animal Control Officer whose duties it shall be to:
- 2.1.1 Issue dog tags upon registration in accordance with the provisions of this By-law.
- 2.1.2 Collect Kennel Licence and registration fees in accordance with the Consolidated Fees By-Law.
- 2.1.3 Assist in the prosecution of any contravention of this By-law.
- 2.1.4 Keep an accurate dog tag registry pursuant to this By-law and such records must show the dog owner's name and address and the serial number of the dog tag.
- 2.1.5 Report to Council monthly on all matters relating to this By-law or at such shorter intervals as requested by Council.
- 2.1.6 Administer and implement the provisions of this By-law.
- 2.2 The duties contained in Sections 2.1 of this By-law may also be

performed by the Clerk of the Township or any staff member acting under the Clerk's direction.

- 2.3 Council may, by by-law, appoint a person as a Relief By-Law Enforcement/Small Animal Control Officer whose duty shall be to perform the duties of the Animal Control Officer during the absence from the Township of the Animal Control Officer. The Relief By-Law Enforcement/Small Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.

3.0 POUND

- 3.1 Council shall, from time to time, designate a place or places within or outside the Township as the Township of Huron-Kinloss Pound or Pounds. The primary pound within the Township of Huron Kinloss shall be the Ripley-Huron Veterinary Clinic.

4.0 DOG TAGS/REGISTRATION

- 4.1 Every person residing for greater than three (3) months within the limits of the Township of Huron-Kinloss who is the Owner of a dog greater than six (6) months old at any point in the year shall, on or before the 1st day of March in each and every year (or immediately after the dog reaches six (6) months of age where that takes place after March 1st) cause such dog to be registered with the Animal Control Officer and shall procure a tag therefor. Such registration shall expire on the 31st day of December each year in which the same was issued.
- 4.2 Every person residing for greater than three (3) months within the limits of the Township of Huron-Kinloss Corporation who acquires a dog shall, within thirty (30) days after becoming the Owner of such dog, cause the dog to be registered with the Animal Control Officer and to procure a tag therefore. Such registration shall expire on the 31st day of December in each year in which the same was issued.
- 4.3 Every owner of a dog shall cause a dog tag to be securely affixed on the dog at all times (until the tag needs replaced) Said tag shall be supplied by the Township upon the payment of the registration fee.
- 4.4 A dog tag shall bear the serial number and no person shall remove the tag from a registered dog unless the dog is being lawfully used for hunting purposes.
- 4.5 Dog tags shall not be transferable and shall expire and become void upon the sale, death or other disposal of the dog.
- 4.6 The Township shall keep a record of all dogs registered and tagged showing the Owner's name, description of dog and tag number.
- 4.7 The Animal Control Officer shall, in each year, attend a section of the Township and bring the animal registry up to date by selling dog tags.

5.0 FEES

- 5.1 The fees for dog tags, replacement dog tags, registration and kennel licences shall be set out in the Township's Consolidated Fee By-Law as amended from time to time.

6.0 LISTING OF DOGS

- 6.1 Any person who is so required by the Animal Control Officer shall forthwith deliver to the Township or the Animal Control Officer a statement, in writing, showing the number of male dogs, neutered male dogs, female dogs and spayed female dogs that are owned by such person or which are habitually kept upon a specified premises.

7.0 DOGS RUNNING AT LARGE

- 7.1 No owner of a dog shall allow or permit such dog to Run at Large in the Township of Huron-Kinloss.
- 7.2 The Animal Control Officer may capture any dog Running at Large and cause it to be impounded or return same to its registered owner, in the sole discretion of the Animal Control Officer. Should the dog be returned to the Owner, a ticket may be issued to said Owner.
- 7.3 A dog found Running at Large may be seized and impounded in a Township Pound and the minimum redemption period shall be three days, excluding the day on which the dog was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period. If the dog is not claimed and released to the Owner thereof within such period of time, it may be then destroyed or adopted out by the Poundkeeper upon direction from the Clerk, Deputy-Clerk or Animal Control Officer. The selling price of any dog so sold shall belong to the Township. Any dog impounded shall not be released until the Owner thereof pays to the Township any reclaim fee and/or dog tag or registration fee as per the Township's Consolidated fee by-law as amended from time to time and pays to the Poundkeeper any boarding fees incurred.
- 7.4 The Owner of every dog impounded, if known, and whether or not the dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound's fees as set out in Section 7.3 above and shall pay all fees on demand to the Pound-keeper.
- 7.5 Any dog found Running at Large in the Township and which dog cannot be apprehended by the Animal Control Officer shall be reported to the Mayor and the Mayor may, in his or her sole discretion if the mayor is of the opinion that the dog is a Dangerous Dog, order such dog to be destroyed by the Animal Control Officer using such means as may be deemed necessary by the Animal Control Officer.
- 7.6 The Mayor of the Township may, in his or her discretion, whenever claims are being made upon the Township for damages for loss of sheep killed by dogs, or whenever the disease of canine madness known as hydrophobia is prevalent, issue a proclamation directing all dogs to be confined, tied up or muzzled for a specific period of time as set forth in such proclamation, and during the specified period of time it shall be lawful for any person or persons to kill any dog not properly muzzled running at large within the Township.
- 7.7 A dog shall not be considered to be running at large if it is a Guide Dog, a Police Work Dog or a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in hunting or training for hunting, on unposted land, or on posted land with the permission of the owner thereof.
- 7.8 Any dog known or suspected to be rabid shall be immediately destroyed by its Owner or by someone appointed by the Animal Control Officer to do so, in such a manner that the dog's brain is not damaged. Thereafter, the head of the dog shall be submitted by its Owner or by the Animal Control Officer to a laboratory for diagnosis.
- 7.9 Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer, or other duly appointed Officer, in his or her sole discretion may destroy the dog in a humane manner as soon after capture as he or she thinks fit without permitting any persons to reclaim the dog or without offering it for sale, and in such an event no damages or compensation shall be recovered on account thereof.
- 7.10 Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control Officer until proceedings under the *Dog Owners' Liability Act* have been followed, provided that no dog so

impounded shall be held for a period in excess of twenty-one (21) days unless otherwise ordered by the Provincial Judge.

8.0 DOG WASTE

8.1 Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property in the Township, other than the premises of the Owner of the dog.

9.0 DANGEROUS DOGS

9.1 The Owner of a dog shall exercise all reasonable precautions to prevent the dog from:

- (a) biting or attacking a person or domestic animal; or
- (b) behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.

9.2 Every Owner of a Dangerous Dog shall ensure that said dog is muzzled or leashed while said dog is on any property in the Township, including the premises of the Owner of the dog. (2014-10)

9.3 Where the Owner of a dog objects to the muzzling or leashing requirement set forth in section 9.2 above, the Owner may request and is entitled to a Hearing by the Council of the Township. The Council may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, uphold the provisions of section 9.2 above or exempt the Owner, with or without conditions, from the muzzling or leashing requirements contained in section 9.2 above.

9.4 Every Owner of a Dangerous Dog shall keep it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. Dangerous Dogs shall not be confined only by a chain or tether.

9.5 Owners shall post warning signs clearly and visibly on the property where a Dangerous Dog is kept.

9.6 The Animal Control Officer may seize a dog in a public place if the officer believes on reasonable grounds that:

- a) the dog has on one or more occasions bitten or attacked a person or domestic animal
- b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals
- c) an owner of the dogs has on one or more occasions failed to exercise reasonable precautions from carrying out Section 9.6 (a) or (b) as described above
- d) the dog is a restricted pit bull and an owner of the dog has on one or more occasions failed to comply with one or more if the requirements of this Act or the regulations respecting pit bulls
- e) the dog is a pit bull other than a restricted pit bull; or
- f) there is reason to believe that the dog may cause harm to a person or domestic animal.

10.0 PIT BULL CONTROLS

10.1 Notwithstanding the provisions of the *Dog Owner's Liability Act*, except as permitted by that Act or the regulations, no person shall:

- (a) own a pit bull;
- (b) breed a pit bull;
- (c) transfer a pit bull, whether by sale, gift or otherwise;
- (d) abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario, or a designated body;

- (e) allow a pit bull in his or her possession to stray;
- (f) import a pit bull into Ontario; or
- (g) train a pit bull for fighting.

- 10.2 For purposes of this by-law, a pit bull is a restricted pit bull if
- (a) it was owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force; or
 - (b) it was born in Ontario before the end of the 90-day period beginning on the day of subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force.

A person may own a pit bull if it is a restricted pit bull.

10.2.1 All restricted pit bulls must be licensed and registered with the Township yearly. The Township shall maintain a current registry of restricted pit bulls including the name, address and tag number of the animal.

- 10.3 An owner of a restricted pit bull shall ensure that the pit bull is at all times equipped with a muzzle and secured by a leash except if it is within enclosed property occupied by the owner of the pit bull or within property occupied by a person who consents to the pit bull being off leash or off muzzle.

- 10.4 Every Owner of a restricted pit bull shall ensure that the pit bull is sterilized by a veterinarian.

- 10.5 The only exceptions to Sections 10.1 to 10.4 of this by-law shall be as set out in the *Dog Owner's Liability Act* or Ontario Regulation 157/05 (Pit Bull Controls).

- 10.6 Despite Section 14 of the *Municipal Act, 2001*, if there is a conflict between a provision of the *Dog Owner's Liability Act* or a regulation under it or any other Act relating to pit bulls and a provision of a by-law passed by a municipality relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevails.

- 10.7 If there is a proceeding under the *Dog Owners' Liability Act* it is the onus of the Owner of the dog to prove it is not a pit bull.

11.0 KENNELS

- 11.1 Every owner/operator of a Kennel shall apply and pay for a licence fee in accordance with the provisions of the Township's Consolidated Fees By-law as amended from time to time.

- 11.2 Every Kennel shall conform to the Township of Huron-Kinloss Comprehensive Zoning By-law 2001-87 as amended and no persons shall erect a Kennel, run, pen or exercise yard for dogs contrary to the provisions of such by-law.

- 11.3 An application for a Kennel licence or renewal shall be submitted to the Township on the proper form as provided by the Township and shall include a detailed site plan and the appropriate fee.

- 11.4 Every person who owns or operates a Kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, May 2007".

- 11.5 After giving notice in writing, the Township may at any time suspend or revoke a Kennel licence for a failure by the holder thereof to comply with this by-law. Such grounds for cancellation shall include but not be limited to unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the Kennel licence, as determined by the Township in its sole discretion.

- 11.6 The written notice described in 11.5 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.
- 11.7 No person shall operate or continue to operate a Kennel without a valid licence.
- 11.8 All Kennel licences shall be valid for one calendar year or applicable portion thereof.
- 11.9 Kennel licences shall only be issued by the Clerk or Deputy Clerk of the Township of Huron-Kinloss upon recommendation of the Animal Control Officer or designate.
- 11.10 The owner, operator or manager of a Kennel shall reside on the property on which the Kennel is located.
- 11.11 No owner, operator or manager of a Kennel shall keep more than the number of dogs permitted in a Kennel as set out in section 1.5 of this by-law.

12.0 KENNEL CONDITIONS

- 12.1 Every person who owns and operates a Kennel shall construct and maintain the Kennel facilities in accordance with the following regulations:
- 12.1.1 No person shall keep an animal in unsanitary conditions including an accumulation of faeces, odour, insect or rodent infestations.
- 12.1.2 All persons shall ensure that a Kennel building and outdoor runs have floors and walls made of concrete or other impermeable material (including rigid plastic). Wire floors shall not be permitted.
- 12.1.3 All persons shall ensure that the floor of a Kennel building and outdoor runs are drained immediately after water is present. No water may sit on the floor of a Kennel building, and any new Kennel structure is required to install a self-drain with a maximum five (5) minute drain time.
- 12.1.4 The yards and runways associated with Kennel operations shall have adequate shelter and protection from the elements as outlined in the "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, May 2007".
- 12.1.5 All persons shall ensure that every kennel is properly equipped with accessible fresh water and adequate feed in clean, adequately sized containers to maintain animals in a healthy condition.
- 12.1.6 All persons shall ensure that a Kennel is provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed.
- 12.1.7 Every kennel shall be constructed to provide the pen minimum space per dog as specified in Appendix "A" from "Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, May 2007" or sufficient room to permit the animal confined therein to stand normally to its full height, turn around easily and lie down in a fully extended position, whichever is greatest.
- 12.2 If dogs are being housed in outdoor housing the following regulations

apply in addition to the regulations in Section 12.1.1:

- a) The breed of dog must be properly acclimatized to seasonal and regional temperatures;
- b) Aged, young or infirmed dogs shall be housed indoors;
- c) Shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet and snow; and
- d) Enclosed area with dry bedding must be provided.

12.3

Group housing is suitable provided that the following regulations apply in addition to the regulations in Section 12.1.1:

- a) Any animal exhibiting vicious behaviour or dominance aggression is housed separately;
- b) A dog under treatment for a communicable disease or suspected of harbouring a communicable disease is housed separately;
- c) Newly acquired dogs are isolated before full integration into group housing.

13.0

BREEDING KENNEL CONDITIONS

13.1

Every owner or operator of a Kennel shall conform to the regulations set out in Section 12 of this by-law.

13.2

Every owner/operator of a Kennel shall maintain a whelping bitch in separate accommodation from the balance of the dogs in the Kennel and shall provide an area of not less than 2.5 times the size of the whelping bitch for such purposes.

13.3

Every owner/operator of a Kennel shall provide a separate outdoor run for a whelping bitch to prevent the transfer of diseases from other adult dogs to the puppies.

13.4

Every owner or operator of a Kennel shall provide a whelping box constructed with four sides and a floor made from impermeable material.

13.5

Every owner or operator of a Kennel shall provide adequate supplemental heat in winter conditions.

13.6

Every owner or operator of a Kennel shall provide a designated space for individual socialization between the puppies and humans away from both visual and physical contact with littermates and other dogs.

13.7

Every owner or operator of a Kennel shall provide associated, adequately shaded, open air runs, properly fenced to maintain control of the dogs and with adequate space to accommodate the breed of dog being housed.

14.0

KENNEL INSPECTIONS/POSTING OF LICENCE

14.1

Every person who holds a Kennel licence and the owner/operator of a Kennel shall, at all reasonable hours, ensure the Kennel is open to inspection by the Animal Control Officer and/or the Ontario Society for the Prevention of Cruelty to Animals, Police Officer, any such other person as may be appointed by Council upon the production of proper identification, or any other person authorized to do so under any Provincial or Federal Legislation.

14.2

Every person who holds a Kennel licence or the owner/operator of a Kennel shall post the licence in a prominent place in the Kennel and shall, when so requested by the Animal Control Officer or any person authorized by the Township, produce such licence for inspection.

14.3

If, after a written request to be granted access to a Kennel as per Section 14.1 of this by-law, an owner has not granted access to the Animal Control Officer, the Kennel licence may be suspended or revoked by the Township in its sole discretion.

14.4 Where the Animal Control Officer finds that the owner or operator of a Kennel does not comply with any regulation in this by-law, he or she may direct that the animals at the Kennel be seized and impounded by the Pound-keeper.

15.0 PENALTIES

15.1 Every person who contravenes any provisions of this By-law is guilty of an offence; and,

- (i) in the case of person who is not a corporation, upon conviction therefor is liable to a fine or penalty of not more than Ten Thousand (\$10,000.00);
- (ii) in the case of a corporation, upon conviction therefor is liable to a fine or penalty of not more than Sixty Thousand Dollars (\$60,000.00).

16.0 MISCELLANEOUS MATTERS

16.1 The Township, its agents and servants and a Pound-Keeper shall not be liable for damages or compensation for any dog killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.

16.2 No owner or occupier of any premises shall keep on a temporary or permanent basis more than three (3) dogs on said premises at any one time. For the purpose of this section, puppies that have not been weaned shall not be counted in determining the number of dogs on the premises. The provisions of this section shall not apply to:

- (i) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association;
- (ii) a pet store;
- (iii) an Ontario Humane Society Shelter or the Pound which complies with this By-law; or
- (iv) a Kennel.

16.3 The provisions of this By-law are severable and if any provisions of this By-law should, for any reason, be declared invalid or unenforceable by any court, the remaining provisions of the By-law shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

16.4 This By-Law shall apply with any other By-law dealing with dogs or kennels that was passed by the former Township of Huron-Kinloss which remains in effect, including without limitation Township of Huron-Kinloss By-Law 99-21 passed on the 16th day of December, 2002, until such time that by-law is repealed.

16.5 This By-law shall come into force and effect upon its final passage.

16.6 This By-law may be cited as the "Animal Control / Kennel Licensing By-law".

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED
this 18th day of January, 2010

Original Signed by Mitch Twolan
Mayor

Original Signed by Sonya Watson
Clerk