

The Corporation of the Township of Huron-Kinloss



BY-LAW

2017- 116

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 (the “**Act**”), provides authority for lower tier municipalities to pass by-laws to regulate animals;

AND WHEREAS Sections 103 and 105 of the Act provide authority in respect of the seizure and impounding of dogs found running at large and the muzzling of Dogs in The Corporation of the Township of Huron-Kinloss (the “**Township**”);

AND WHEREAS 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 By-Law Enforcement Officers 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 Act 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

1.1 For the purposes of this by-law:

- (a) “**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 towards Persons or animals;
- (b) “**Dog**” means any male or female domesticated Dog, or any member of the species *Canis familiaris*;
- (c) “**Dog Tag**” means a metal tag furnished by the Township that bears a serial number associated with a particular Dog or Owner;
- (d) “**DOLA**” means the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16, as amended;
- (e) “**Guide Dog**” means a Dog that is trained to aid the blind or hearing impaired and is actively used for such purpose;

- (f) **“Kennel”** means a place where four (4) or more dogs are housed, groomed, boarded, bred, trained, sold or kept and includes any buildings or structures therefor as well as any runs, pens or exercise yards for the dogs;
- (g) **“Kennel Licence”** means a licence issued by the Clerk or Deputy Clerk of the Township for a Kennel;
- (h) **“Municipal Law Enforcement Officer”** means a person appointed by the Council of the Township to enforce the by-laws of the Township, including this by-law, pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, as amended, and also includes any police officer appointed pursuant to the *Police Services Act*, R.S.O. 1990, c. P. 15, as amended;
- (i) **“Muzzle”** means a fastening or covering device of adequate strength over the mouth of a Dog to prevent it from biting;
- (j) **“Owner”** means any Person 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;
- (k) **“Person”** means an individual, 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;
- (l) **“Pit Bull”** has the same meaning as defined in DOLA;
- (m) **“Police Work Dog”** means a Dog specifically trained to assist with law enforcement and which is actively used for such purpose;
- (n) **“Pound”** has the same meaning as defined in the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended;
- (o) **“Running at Large”** means a dog other than a Guide Dog, Hunting Dog or a Police Work Dog, found in any place other than the premises of its Owner or designated Dog Park not under the control of any Person and not on a leash. Said leash not be longer than 1.8 metres in length "Run at Large" shall have a corresponding meaning;
- (p) **“Township”** means The Corporation of the Township of Huron-Kinloss; and,
- (q) **“Township Clerk”** means the Clerk of the Township or his or her designate.
- (r) **“Hunting Dog”** means a Dog that has been trained in the sport of hunting and is actively undertaking the sport.
- (s) **“Dog Park”** is a Township designated area where dogs to exercise and run off leash.

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2.0 Administration and Enforcement

- 2.1 Council shall, by by-law, appoint one or more Municipal Law Enforcement Officers whose duty it shall be to:
 - (a) issue Dog Tags in accordance with the provisions of this by-law;
 - (b) collect the applicable fees for Kennel Licences and Dog Tags in accordance with the Township’s Consolidated Fees By-Law;
 - (c) assist in the prosecution of any contravention of this by-law;

- (d) maintain an accurate Dog Tag registry, which shows the Dog Owner's name and address as well as the serial number of the Dog Tag;
- (e) report to Council, as required, on all matters relating to this by-law; and,
- (f) administer and implement the provisions of this by-law.

2.2 The duties contained in section 2.1 of this by-law may also be performed by the Township Clerk.

2.3 The provisions of this by-law shall not apply to:

- (a) an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinary Association; and,
- (b) a Pound.

2.4 All of sections 4.0 and subsection 11(10) shall not apply to Dogs under three (3) months of age.

3.0 Pound

3.1 The primary Pound for the Township shall be the Wingham Vet Clinic.

3.2 In addition to the primary Pound, Council may, by by-law, designate other places within or outside the boundaries of the Township as Pounds.

4.0 Dog Tags / Registration

4.1 All Dogs within the Township shall have a Dog Tag.

4.2 The Owner of a Dog shall register each Dog that they own with the Township on a yearly basis and the Township shall provide one permanent Dog Tag for each Dog.

4.3 All Dog registrations with the Township expire on the 31st day of December of each year.

4.4 The Owner of a Dog shall, when registering their Dog with the Township:

- (a) register their Dog using the form prescribed by the Township Clerk or Municipal Law Enforcement Officer; and,
- (b) pay the applicable fee, as prescribed by the Township's Consolidated Fees By-Law.

4.5 The Owner of a Dog shall securely affix a Dog Tag on the applicable Dog at all times.

4.6 The Township shall maintain a Dog registry, which shall include the following information:

- (a) the Owner of each Dog;
- (b) a description of each Dog;
- (c) the serial number that would be on the Dog Tag for each Dog;
- (d) the address of the premises on which each Dog would be habitually kept; and,
- (e) any other relevant information requested by the Municipal Law Enforcement Officer or Township Clerk.

4.7 No Person shall remove a Dog Tag from a Dog unless the Dog is being used for hunting purposes.

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4.8 Dog Tags shall not be transferable and shall expire and become void upon the sale, death or other disposal of the Dog.

5.0 Listing of Dogs

5.1 If so requested by a Municipal Law Enforcement Officer or the Township Clerk, a Person shall deliver to the Township forthwith a statement, in writing, showing the number of male Dogs, neutered male Dogs, female Dogs and spayed female Dogs that are owned by such a Person or which are habitually kept on a specified property.

5.2 No Person may house, groom, board, breed, train or keep more than three (3) Dogs on a property without first obtaining a Kennel Licence.

6.0 Dogs Running at Large

6.1 No Owner of a Dog shall permit their Dog to Run at Large in the Township.

6.2 A Municipal Law Enforcement Officer may capture any Dog Running at Large and, in their sole discretion, may cause it to be either:

(a) impounded in a Pound; or,

(b) returned to its Owner.

6.3 If a Dog found Running at Large is impounded in a Pound, the Dog may be redeemed by its Owner within three (3) business days, excluding the day on which the Dog was impounded, failing which the Dog may be destroyed or adopted out by the Pound, at the sole discretion of the Township.

6.4 A Municipal Law Enforcement Officer or the Township Clerk may extend the three (3) day redemption period outlined in section 6.3 of this by-law in their sole discretion.

6.5 If a Dog is sold pursuant to section 6.3 of this by-law, the price obtained for the Dog shall belong to the Township.

6.6 A Dog that is impounded in a Pound shall not be released to its Owner until all applicable fees and charges have been paid pursuant to the Township's Consolidated Fee By-law.

6.7 The Owner of a Dog that has been impounded in a Pound, if known to the Township, and whether or not the Dog is ever redeemed by the Owner from the Pound, shall be liable for the payment of all applicable fees and charges pursuant to the Township's Consolidated Fee By-law.

6.8 Any Dog found Running at Large in the Township but which cannot be apprehended by a Municipal Law Enforcement Officer shall be reported to the Mayor of the Township and the Mayor may, if the Mayor has reasonable grounds to believe that the Dog in question is a Dangerous Dog, order the Dog to be immediately destroyed by the Municipal Law Enforcement Officer using such means as may be deemed necessary by the Municipal Law Enforcement Officer.

7.0 Diseased Dogs

7.1 If the disease of canine madness known as hydrophobia is prevalent in the Township, the Mayor of the Township may issue a public proclamation directing all Dogs to be confined, tied up or Muzzled for a specific period of time, as set forth in the proclamation and, during the specified period of time, a Municipal Law Enforcement Officer may take any measures necessary to capture, impound or destroy a Dog found Running at Large.

7.2 The Township shall make reasonable attempts to notify the citizens of the Township of the public proclamation outlined in section 7.1 of this by-law, which shall include

posting a copy of the proclamation on the Township's website and otherwise attempting to disseminate the information using the most expedient means available.

- 7.3 A Dog known or suspected to be rabid may be immediately destroyed by a Municipal Law Enforcement Officer in a humane manner.

8.0 Injured Dogs

- 8.1 Where a Dog has been captured and/or impounded in a Pound, notwithstanding any other provision of this by-law, if the Dog is seriously injured or if the safety of Persons or domestic animals is at risk, a Municipal Law Enforcement Officer, in his or her sole discretion, may immediately destroy the Dog in a humane manner.

9.0 Dog Waste

- 9.1 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.

10.0 Dangerous Dogs

- 10.1 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.

- 10.2 A Municipal Law Enforcement Officer may seize a Dog if he or she believes on reasonable grounds that:

- (a) the Dog is a Dangerous Dog;
- (b) the Owner of the Dog has, on one or more occasions, failed to exercise reasonable precautions pursuant to section 10.1 of this by-law;
- (c) the Dog is a restricted Pit Bull pursuant to DOLA and the Owner has, on one or more occasions, failed to comply with the requirements of DOLA or the regulations thereunder; or,
- (d) there are reasonable grounds to believe that a Dog may cause harm to a Person or domestic animal.

- 10.3 Where a Dog is alleged to have:

- (a) bitten or attacked a Person or domestic animal; or,
- (b) behaved in a manner that poses a menace to the safety of persons or domestic animals;

such Dog may be impounded and held by the Township until proceedings under DOLA have been concluded or at such earlier time as determined by the Township in its sole discretion.

- 10.4 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.

- 10.5 Where the Owner of a Dangerous Dog objects to the Muzzle or leashing requirement set forth in section 10.2 of this by-law, the Owner may submit a request to Council, in writing, to waive the Muzzle or leashing requirement for their Dangerous Dog and Council's decision on the matter shall be final.

10.6 Every Owner of a Dangerous Dog shall, at the Dangerous Dog's habitual place of abode, keep the Dangerous Dog indoors or in a secured yard that prevents the Dangerous Dog from escaping or otherwise interacting with the public in any way.

10.7 Owners of Dangerous Dogs shall post warning signs clearly and visibly on the Dangerous Dog's habitual place of abode.

11.0 Kennels

11.1 No Person may own or operate a Kennel, or permit a Kennel to be owned or operated, on a property in the Township without a Kennel Licence.

11.2 All Kennel Licences expire on the 31st day of December of each year.

11.3 Every owner or operator of a Kennel shall apply for, and obtain, on a yearly basis, a Kennel Licence by:

- (a) submitting an application for a Kennel Licence in the form prescribed by the Township Clerk or Municipal Law Enforcement Officer;
- (b) submitting a detailed site plan and such other information as required by the Township Clerk or Municipal Law Enforcement Officer; and,
- (c) paying the applicable fee, as prescribed by the Township's Consolidated Fees By-Law.

11.4 The Clerk or Deputy Clerk that issues a Kennel Licence may impose reasonable conditions on the Kennel Licence in addition to those imposed by this by-law.

11.5 Notwithstanding any other provision of this by-law or the existence of a Kennel Licence, no Person may own or operate a Kennel, or permit a Kennel to be owned or operated, on a property in the Township in contravention of a Township zoning by-law.

11.6 After providing an owner or operator of a Kennel with at least three (3) days notice, in writing, the Township may suspend or revoke a Kennel Licence for:

- (a) failure to comply with any of the provisions of this by-law;
- (b) failure to comply with the conditions of a Kennel Licence;
- (c) hindering or obstructing, or attempting to hinder or obstruct, an inspection of the Kennel;
- (d) excessive noise, as determined by a Municipal Law Enforcement Officer;
- (e) substandard care of Dogs, as determined by a Municipal Law Enforcement Officer; or,
- (f) substandard conditions at the Kennel, including insufficient food, water, light, heat or sanitation or the presence of excessive faeces, odours, insect or rodent infestations, as determined by a Municipal Law Enforcement Officer.

11.7 The written notice outlined in section 11.6 of this by-law shall be delivered in person, or mailed by prepaid registered mail, to the owner or operator of the Kennel.

11.8 If a Kennel Licence is suspended or revoked, the Township Clerk or a Municipal Law Enforcement Officer may direct that the Dogs at the Kennel be seized and impounded by a Pound.

- 11.9 The owner or operator of a Kennel shall reside on the property at which the Kennel is located.
- 11.10 No Person may own or operate a Kennel, or permit a Kennel to be owned or operated, on a property in the Township with more than thirty (30) Dogs.
- 11.11 Notwithstanding section 11.10 of this by-law, Kennels that had a Kennel Licence on or before the date of the passage of this by-law and had more than thirty (30) Dogs at their Kennel shall be permitted to have up to fifty (50) Dogs at their Kennel until January 1, 2019, after which time the maximum number of Dogs permitted in a Kennel on a property within the Township shall be thirty (30) Dogs.
- 11.12 The owner or operator of a Kennel shall, at all times, maintain accurate and complete records in relation to the Kennel's operations, which includes:
- (a) a list of all Dogs at the Kennel, including both purebreds and non-purebreds; and,
 - (b) up-to-date veterinary medical information on all Dogs at the Kennel, including all vaccination records.

12.0 Kennel Conditions

- 12.1 Every Person who owns or operates a Kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" published by the Canadian Veterinary Medical Association and dated May 2007, or any successor document thereto (the "**Code**").
- 12.2 Every Person who owns or operates a Kennel shall ensure that:
- (a) all Kennel buildings or structures as well as any pens or outdoor runs have floors and walls made of concrete or other impermeable material (including rigid plastic);
 - (b) all Kennel buildings or structures as well as any pens or outdoor runs have floors that are drained immediately after water is present, such that no water can remain on the floor of a Kennel for longer than five (5) minutes;
 - (c) it is properly equipped with accessible fresh water and adequate feed for the Dogs in clean, adequately sized containers to maintain all Dogs in a healthy condition;
 - (d) it has adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of Dog in the Kennel;
 - (e) all pens provide adequate space to permit the Dog confined therein to stand normally at its full height, turn around easily and lie down in a fully extended position;
 - (f) every Dog is provided with the necessary veterinary medical care when it exhibits signs of pain, illness, injury or suffering;
 - (g) whelping bitches are maintained in separate accommodations 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;
 - (h) a separate outdoor run for a whelping bitch is maintained to prevent the transfer of diseases from other Dogs to the puppies;
 - (i) a whelping box is provided that is constructed with four sides and a floor made from impermeable material;

- (j) space is designated for individual socialization between the puppies and humans away from both visual and physical contact with littermates and other Dogs; and,
- (k) adequately shaded, open air runs, are provided which are properly fenced to maintain control of the Dogs and with adequate space to accommodate the breed of Dog at the Kennel.

12.3 If there is a conflict between the Code and a provision of this by-law, the more restrictive provision shall apply.

13.0 Inspections / Posting of Licence

13.1 A Municipal Law Enforcement Officer may inspect a Kennel at any reasonable time to determine whether or not the following are being complied with:

- (a) this by-law;
- (b) a direction or order of the Township made under the Act or made under a by-law of the Township passed under the Act;
- (c) a condition of a Kennel Licence; and,
- (d) an order made under section 431 of the Act.

13.2 For the purposes of an inspection, a Municipal Law Enforcement Officer may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and,
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

13.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Township Clerk, Municipal Law Enforcement Officer or any other employee, contractor or agent of the Township who is exercising a power or performing a duty under this by-law.

13.4 Kennel Licences shall, at all times, be posted in a prominent location at the Kennel and shall, when so requested by the Township Clerk or a Municipal Law Enforcement Officer, produce such posted Kennel Licence for inspection.

14.0 Penalties

14.1 A Person who contravenes the provisions of this by-law is guilty of an offence and, on conviction, is liable to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

15.0 Severability

15.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

16.0 Short Title

16.1 This by-law may be referred to or cited as the "Animal Control / Kennel Licensing By-law".

17.0 Repeal

17.1 By-law No. 2010-10 of the Township, as well as any by-laws amending same, are hereby repealed.

18.0 Coming Into Force

18.1 This By-law shall come into force and effect upon its final passage by Council.

Read a First, Second and Provisionally Adopted the 13th day of November, 2017.

Original Signed by Mitch Twolan
Mitch Twolan, Mayor

Original Signed by Sonya Watson
Sonya Watson, Clerk

Read a Third Time and Enacted the 18th day of December, 2017

Original Signed by Mitch Twolan
Mitch Twolan, Mayor

Original Signed by Sonya Watson
Sonya Watson, Clerk