

# THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA

## BY-LAW NO. 2020-02

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Being a By-law for the Licensing and Regulation of Dogs within the Township of Tyendinaga

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, Section 103 and 105 authorizes a Council of a local Municipality to enact by-laws for:

- The seizure and impounding of animals being at large or trespassing contrary to the by-law
- The sale of impounded animals
  - a) If they are not claimed within a reasonable time,
  - b) If the expenses of the municipality respecting the impounding of the animals are not paid;
  - c) At such time and in such a manner as is provided in the bylaw
- The establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large, or trespassing has been contravened.
- Establishment of fines recoverable under the Provincial Offences Act
- Muzzling of dogs (if required)

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, Section 433 authorizes a Council of a local Municipality to pass by-laws for Prohibiting and Abating Public Nuisances;

**AND WHEREAS** section 391 of the Municipal Act enables a municipality to pass a bylaw imposing fees or charges for services or activities provided or done by or on behalf of it;

**AND WHEREAS** paragraph 9 of section 11(3) of the Municipal Act, 2001, S. O. 2001, c. 25, as amended, authorizes lower tier municipalities to pass by-laws respecting animals;

**AND WHEREAS** Section 8 (1) The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8.

**AND WHEREAS** Section 11(2) 8 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, authorizes Council of a local municipality to enact by-laws respecting the protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2.

**AND WHEREAS** Sections 425 (1) A municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence. 2006, c. 32, Sched. A, s. 184.

**AND WHEREAS** Section 429 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality may establish a system of fines for offences under a by-law;

**AND WHEREAS** Sections 436(1) of the Municipal Act, 2001, S.O.2001, c.25, as amended, authorizes a municipality to pass by-laws to authorize the right to enter land under certain circumstances;

**AND WHEREAS** Subsection 446(3) of the Municipal Act, 2001 permits a municipality to recover the costs of doing a matter or thing under Subsection 446(1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and charge interest pursuant to Subsection 446 (5).

**AND WHEREAS** Subsection 446(2) of the Municipal Act, 2001 permits the municipality may enter upon land at any reasonable time for the purposes of Subsection 446(1) and

**AND WHEREAS** the Pounds Act, R.S.O, 1990, c.P.17, as amended, authorizes a municipality to pass by-laws providing for the impoundment, sale, recovery of cost of animals at large;

**NOW THEREFORE the Council of the Corporation of the Township of Tyendinaga does hereby ENACT as follows:**

## **1.0 DEFINITIONS**

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

**ANIMAL CONTROL OFFICER:** shall mean a person appointed by By-law of the Corporation of the Township of Tyendinaga to enforce this By-law, or any employee or representative of any Society or Association appointed by By-law of the Corporation of the Township of Tyendinaga to enforce this By-law.

**DOG:** means a male or female dog of this species canis familiaris.

**DWELLING UNIT:** means a room or 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.

**GUIDE DOG:** means a dog that is trained to aid or assist any person with any physical disability and it is actively in use for such purposes.

**KENNEL:** shall mean a building or structure where more than ten (10) dogs and no more than 3 breeds, over the age of four (4) months, are kept, housed or boarded.

**LICENCE:** means the receipt issued by the Corporation of the Township of Tyendinaga or its authorized agent on payment of the appropriate licence fee.

**MUNICIPALITY:** means The Corporation of the Township of Tyendinaga.

**OWNER:** shall include any person, organization or corporation that possesses or harbours 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.

**PERSON:** shall mean any individual, firm, incorporated group, business entity or club.

**POLICE WORK DOG:** shall mean a dog trained to aid law enforcement officers while it is being used for Police work purposes.

**POUND:** shall mean such premises and facilities designated as such by the Municipality.

**POUND KEEPER:** shall mean a person, persons, Association or Society appointed by the Municipality by by-law to maintain and administer a pound.

**RUNNING AT LARGE:** means any dog found in any place other than the premises of the Owner of the dog and the dog is not under the control of any person.

**SOCIETY OR HUMANE SOCIETY:** means the Branch of the Ontario Humane Society (Ontario Society of the Prevention of Cruelty to Animals).

**SUPPLY FACILITY:** means premises other than a research facility that is used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility.

TAG: means metal disc bearing a serial number for the dog for which it has been issued and the year of issue.

## **2.0 SUPERVISION**

Any person who is so required by the Municipality, or its authorized agent, shall forthwith 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.

## **3.0 RESTRICTIONS ON NUMBER OF DOGS THAT MAY BE KEPT IN OR ABOUT ANY DWELLING UNIT.**

- i. Not more than three (3) dogs, over the age of four (4) months, shall be kept in or about any dwelling unit that is situated on any property that is zoned "Rural Residential" or any other property that is zoned some form of "Residential".
- ii. Not more than ten (10) dogs, over the age of four (4) months, shall be kept in or about any dwelling unit that is situated on any property that is zoned "Rural" or "Agriculture".
- iii. The owner of any dog shall, within four months after its date of birth, or within one week of being brought into the Municipality cause the dog to be registered and licenced at the Municipal Office of the Municipality or at such other place as Township Council may from time to time designate. At the Clerk's discretion the annual fee for a dog tag may be pro-rated.
- iv. The annual fee payable by the owner of a dog for a licence shall be as set out in Schedule "A" to this By-law.
- v. Upon payment of the license fee, the owner of a dog shall be furnished with a dog tag. The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
- vi. The dog tag shall bear a serial number and the year in which it was issued. A record shall be kept by the Treasurer of the Municipality and the Animal Control Officer for the purpose of showing the name and address of the owner and the serial number of the tag.
- vii. In the event a dog tag is lost, the owner shall, upon satisfying the Animal Control Officer or the Municipal clerk of such loss, be entitled to receive a replacement tag upon payment of a fee as set out in Schedule "A" to this by-law.

## **4.0 KENNEL REGULATIONS AND FEES**

- i. No person shall establish or operate a "kennel – commercial or private", as defined in this by-law, within the boundaries of the Municipality unless the property on which the kennel is to be operated is zoned for said kennel

- operation in accordance with the Municipality's Zoning By-law, and amendments thereto;
- ii. No more than 3 breeds of dog may be kept in any kennel and a kennel shall mean 10 dogs or more;
  - iii. An annual "Kennel Fee" (in lieu of individual dog tags) in the amount of \$100.00 shall be payable by the kennel operator for each and every kennel legally operated in accordance with the Municipality's Zoning By-law, and amendments thereto;
  - iv. Proof of membership in a recognized kennel club or a letter from the Humane Society if the kennel is a rescue center shall be presented at the time of purchase of the kennel license;
  - v. The annual "Kennel Fee" shall be paid no later than March 31<sup>st</sup> of each and every year. A penalty of \$50.00 shall be added to the kennel fee noted above if the fee is paid after March 31<sup>st</sup> of each year. For a kennel established after March 31<sup>st</sup> of any year, the kennel fee shall be paid within one month after the said date of establishment and the penalty shall apply on the first day following the "one month" form date of establishment of the kennel.

## **5.0 CONTROL OF DOGS**

- i. No person who owns, harbors or possesses any dog shall allow the dog, to run at large, or trespass on private property;
- ii. For the purposes of this by-law a dog shall be considered to be running at large (see definition) unless the dog is on a leash or lead having a length of not more than 6 feet, or unless the owner of the land upon which the dog is running at large consents to the dog being on that person's land without being kept on a said leash or lead;
- iii. Section 5 (ii) does not apply to Guide Dogs & Police Work Dogs;
- iv. A dog which is found running at large contrary to this By-law may be seized and impounded by the Animal Control Officer of the Municipality;
- v. Where, in the opinion of the Animal Control Officer, a dog found to be running at large is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or property, the Animal Control Officer may kill the dog as soon after seizure and he thinks fit and no damages or compensation shall be recoverable of its killing;
- vi. An Animal Control Officer or other duly appointed officer may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of catching any dog running at large contrary to the provisions of this by-law;
- vii. Where an Animal Control Officer is unable to seize a dog that is running at large contrary to the provisions of this by-law the Animal Control Officer may kill the dog;

- viii. Any person may capture any dog running at large and trespassing on that person's property and then contact the Animal Control Officer, who shall take possession of the said dog;
- ix. No damage or compensation shall be recovered for the killing of a dog under this section;
- x. No person who owns or harbours a dog within the Township of Tyendinaga shall permit such dog to become a public nuisance;
- xi. No owner shall allow his dog to defecate on any property, including a public park, other than the property of its owner or other private property by permission, **UNLESS** the droppings are forthwith cleaned up;

#### **6.0 DOGS SEIZED AND IMPOUNDED**

- i. Any dog seized or impounded under the provisions of this by-law and not sold or euthanised, may be claimed by the owner upon production of a dog tag issued for the dog and upon payment of pound fees as detailed in Schedule "A" to this by-law and payment of any associated fines for contravention of this by-law;
- ii. 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 use his or her best efforts to 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;
- iii. Any dog seized or impounded and not claimed by the owner within 72 hours from the time of such seizure and impounding, excluding the day it was impounded and statutory holidays, may be sold by the pound Keeper or may be destroyed in a humane manner, by a designated Veterinarian;
- iv. Any dog sold shall be properly licensed and registered to the new owner and accompanied by a bill of sale and receipt for payment of same which shall vest title of any such dog to the new owner;
- v. No dog seized or impounded shall be released to the owner or sold to any person unless or until it is properly licensed and registered, the licence fee paid and a tag securely fixed on the dog;
- vi. The Animal Control Officer is hereby authorized, in the course of his duties of seizing and impounding dogs running at large contrary to this by-law, to use such reasonable means at his disposal to seize and impound such dogs as may be required by the circumstances;

**AND THAT** The owner of any dog found running at large, or trespassing shall be liable for all damages caused by such dog and for the expenses, if any incurred by the Township or 3rd Party acting on behalf of the township. Expenses to be paid on demand or recovered in a manner like municipal taxes and added to the tax roll, with interest.

**AND THAT** the Cost incurred by the Township or a person appointed or acting on behalf of the Township shall be paid by the owner of the animal on demand and may be recovered by action or in like manner as municipal taxes and added to the tax roll, with interest.

**AND THAT** if any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**AND THAT** where a conflict appears between any provision of this By-law and any other By-law, the provisions of this By-law shall prevail.

**AND THAT** any person who contravenes any provision of this By-law shall be guilty of an offence, and upon conviction shall be liable to the fines prescribed and recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended, for each offence committed.

**AND THAT** Schedule "A" attached to this By-law forms part of this By-law.

**AND THAT** all "Dog Control By-laws" previously passed by the Council of the Township of Tyendinaga including By-law 06-01 are hereby rescinded.

**AND THAT** this by-law shall be effective as of the day of its passing and its short title shall be "Dog Control By-law".

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED,  
SIGNED, AND SEALED THIS 3rd DAY OF FEBRUARY 2020.**

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REEVE – Rick Phillips

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CAO – Brad Roach

## Schedule 'A' Fee Schedule

### Schedule of Fees for Dog Licences

- 1) 1 Dog, male or female- \$20
- 2) Each additional dog in same household- \$20
- 3) Replacement cost for tag- \$5.00
- 4) Kennel Fee- \$100

### **SET FINES FOR DOG CONTROL BY-LAW INFRACTIONS**

Exceeding Maximum Number of Dogs Allowed to be kept- \$100.00

Failure to Register and License Dogs or no tag affixed to dog- \$50.00

Failure to Pay Kennel Fee- \$50.00

Dog running at Large- \$50.00 (Plus dispatchment for Animal Control Officer fees \$225)

Public Nuisance – Persistent Barking- \$50.00 (Plus dispatchment for Animal Control Officer fees \$225)

Failure to clean up dog droppings- \$50.00

Quarantine Fee- \$20

After Hours Fee- \$215

Should emergency services be required than the owner of animal causing emergency will be responsible for all costs associated with the incident.