The Corporation of the Township of Tyendinaga

By-law 04-2022

Being a By-law to provide for the Regulation, Restriction, Keeping and Licensing of Dogs Including the Proper Installation and Maintenance of Kennels within the Township of Tyendinaga

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 Municipality; and

Whereas the Corporation of the Township of Tyendinaga deems it desirable to prohibit the running at large of dogs in the Municipality, to implement provisions for the proper installation and maintenance of kennels 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 Municipality; 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; and

Whereas Section 20 of the Animals for Research Act, RSO 1990, Chapter A.22, as amended, details the terms and conditions under which a municipal pound may impound a dog or require a dog to be destroyed; and

Whereas Section 2 of the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, Chapter L.24, as amended, allows any person to kill a dog that is found killing or injuring livestock or poultry; and

Whereas the Council of the Corporation of the Township of Tyendinaga is desirous of prohibiting cruelty to animals as well as maintaining control over dogs from running at large within the municipality;

Now therefore be it resolved that the Council of the Corporation of Township of Tyendinaga enacts as follows:

1. Short Title

This By-law may be cited as the "Dog Control By-law".

2. Interpretation

For the purposes of this By-law the following terms shall have the corresponding meanings:

"Animal Control Officer" means a person or persons duly appointed by the Council of the Corporation of the Township of Tyendinaga to enforce the provisions of this By-law and includes any police office appointed pursuant to the Police Services Act.

"At Large" in the context of dogs shall mean to be found in a place other than the premises of the owner of the dog and not under the care and control of the owner of the dog or other competent person authorized by the owner to have control, 'Run at Large or Running At Large' shall have the same meaning under this By-law.

"Dog" or "dog" means any male or female domesticated dog, or any member of the species Canis familiaris.

"Dangerous Dog "means a dog that

(a) has, in the absence of any mitigating factor, (exceptions may be made if the dog was teased, abused, assaulted or if the dog was reacting to a

person trespassing on the property owned by the dog's owner) attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or

(b) has significantly injured a domestic or farm animal; or

(c) has shown the disposition or tendency to be threatening or aggressive to persons or animals; or

(d) has been previously designated as a potentially dangerous dog, is kept or permitted to be kept in violation of the requirements for such dog.

"Dog tag" means a metal piece furnished by the Township of Tyendinaga that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification. Such tag is received upon registration of a dog and payment of the appropriate fee.

"DOLA" means the *Dog Owners' Liability Act, R.S.O. 1990, c D.16,* as amended;

"Guide Dog" means a dog that is trained to aid persons with disabilities and is actively in use for such purposes;

"Kennel" for the purpose of this By-law means any building, structure, dog run or other facility, which houses more than three (3) dogs and less than ten (10) dogs for the purpose of breeding, training or boarding for profit or not for profit. For the purposes of boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours.

"Kennel License" means a certificate issued by the Clerk or designate of the Municipality upon fulfilling the requirements of the By-law and by payment of the appropriate fee.

"License" means a license that has been issued and paid for the current licensing.

"Muzzle" means a fastening or covering devise of adequate strength over the mouth to prevent a dog from biting.

"Municipality" means the Corporation of the Township of Tyendinaga or employee thereof.

"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.

"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.

"Police Work Dog "means a dog trained to aid law enforcement offices and which dog is actually being used for police work.

"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.

"Poundkeeper" means the owner, operator or person(s) acting on behalf of the owner or operator of the facility identified by the Municipality as providing pound services for the Municipality.

"Registration" means the Municipality will maintain a dog tag registry containing current details on the animal and issue yearly invoices for such registry.

"Working Agricultural Livestock Guardian Dogs" shall mean a dog that is specifically trained to work and/or live with domestic farm animals (i.e. cattle, sheep, goats etc)

without causing them harm while aggressively repelling predators and is used exclusively for that purpose. In order to qualify the dog owner must hold a valid farm registration number registered with the Municipality.

3. Administration and Enforcement

3.1 Council shall, by By-law, appoint an Animal Control Officer whose duties it shall be to:

3.1.1 On occasion issue dog tags upon registration in accordance with the provisions of this By-law;

3.1.2 On occasion collect Kennel License and registration fees in accordance with the Consolidated Fees By-law;

3.1.3 Assist in the prosecution of any contravention of this By-law;

3.1.4 Assist with the upkeep an accurate dog tag registry pursuant to this By-Law and such records must show that dog owner's name and address and the serial number of the dog tag;

3.1.5 Report to Council and/or the Police Services Board, if requested on all matters relating to this By-law or at such shorter intervals as requested by Council.

3.1.6 Inspect kennels registered in the Municipality if and when required to ensure compliance with this By-law;

3.1.7 Administer and implement the provisions of this By-law.

3.2. Any duties contained in Sections 3.1 of this By-law may also be performed by the Clerk of the Municipality or any staff member acting under the Clerk's direction.

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

4. Dog Tags, Licensing and Registration

4.1 No person shall own, possess or harbor an unlicensed dog within the Municipality.

4.2 No owner shall keep or permit to be kept more than three (3) dogs at any one time, per dwelling unit, location or residence within the Township of Tyendinaga, with exception of the following:

(a) a licensed kennel;
(b) an animal hospital/veterinary clinic;
(c) a pet store;
(d) a registered research facility or supply facility under the *Animals for ResearchAct, R.S.O. 1990, c. A.22*;
(e) a pound.

4.3 The owner of a dog in the Township of Tyendinaga shall within one week after the dog comes into their possession cause the dog to be registered and licensed at the Municipal office for the Township of Tyendinaga for the balance of the calendar year.

4.4 All dogs registered with the Municipality shall expire on the 31st day of December each year in which the same was issued.

4.5 In order to license a dog and obtain a tag, the owner of a dog may be asked to produce proof that the dog is currently inoculated against rabies.

4.6 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). The tag shall be supplied by the Municipality upon the payment of the registration fee as set out in the Fees and Charges By-law.

4.7 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.

4.8 Where the owner of a dog has been issued a current tag and license under this By-law, finds that the current tag has been lost, destroyed or mutilated, the owner may acquire, for the remainder of the license period, a replacement tag, upon producing proof of purchase of a valid license and upon payment of a fee as outlined in the Municipality's Fees and Charges By-law.

4.9 The dog license fees pursuant to this By-law shall be those set out in the Municipality's Fees and Charges By-law.

4.10 Dog tags shall not be transferable and shall expire and become void upon the sale, death or other disposal of the dog.

4.11 Those dog owners listed on the register will be invoiced in January annually as per the fees prescribed by the Municipal Fees and Charges By-law. On the death, sale or other disposal of the dog pursuant to s. 4.10, the tag shall be returned to the Township of Tyendinaga prior to March 31 following the January invoices when the invoiced amount shall be cancelled. Any outstanding or late payments after March 31 shall be added to the final tax bill.

4.12 The Municipality shall keep a record of all dogs registered and tagged showing the owners name, address, phone number and description of dog and tag number.

4.13 The Animal Control Officer in any given year as directed, may attend the entire Municipality or a Section of the Municipality to bring the dog registry up to date.

5. Dogs Running at Large

5.1 No owner shall allow or permit such dog to Run at Large in the Township of Tyendinaga.

5.2 The Animal Control Officer may capture any Dog Running at Large and in their sole discretion cause it to either be impounded in a Pound or returned to its registered owner. Should the dog be returned to the Owner, a ticket may be issued to said Owner.

5.3 A dog shall not be considered 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 or hunting or training for hunting, on unposted land, or on posted land with the permission of the owner thereof.

5.4 The Animal Control Officer may, upon seizure and impoundment of the dog, inform the dog's owner, if known, that their dog has been seized and impounded.

5.5 Working Agricultural Livestock Guardian dogs are exempt from dogs running at large regulation when actively engaged in their duties; these dogs should never leave the livestock they are protecting. Exemption will be made when a dog is actively in pursuit of predatory animals and the owner is with the dog.

6.0 Impounding

6.1 Impounded dogs shall be kept in the Pound for a minimum period of seventy two (72) hours unless claimed by owner.

6.2 If an impounded dog is not redeemed within the three business days of the day on which the animal was impounded, excluding the day it was impounded and statutory holidays, the Poundkeeper may, on expiration of this period, destroy or place such animal up for adoption or sale.

6.3 The Animal Control Officer or the Municipal Clerk may extend the three (3) day redemption period outlined in Section 6.2 of this By-law in their sole discretion.

6.4 Where a dog is seized or impounded the Poundkeeper shall release it to the owners provided that:

(a) the owner redeems the impounded dog within three (3) business days excluding the day it was impounded and;
(b) upon payment of any applicable licensing and registration fees and;
(c) upon payment of all pound maintenance charges, plus any penalties outstanding.

6.5 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 impoundment and maintenance fees, any damages caused by such dog and for the expenses, if any, incurred by the Municipality or third party acting on behalf of the Municipality, plus any penalties that may be outstanding.

6.6 The impoundment fees and maintenance fees for dogs, shall be those set out in agreement with the Pound/Poundkeeper.

7.0 Pounds

7.1 Council shall from time to time designate a place or places for the establishment, maintenance and operation of facilities for the impounding of domestic animals within or outside the boundaries of the Township of Tyendinaga which shall be identified as the Pound or Pounds.

7.2 The Animal Control Officer has the authority and responsibility to establish a primary pound within the Township of Tyendinaga.

8.0 Injured/Diseased Animals

8.1 Where a Dog has been seized and/or impounded in a Pound, notwithstanding any provisions of this By-law, if the dog is seriously injured or if the safety of Persons or domestic animals is at risk, the Animal Control Officer, in his or her sole discretion, may immediately destroy the animal in a humane manner. In the event that rabies is suspected, the Animal Control Officer shall request the assistance of the veterinarian and contact the local health authority having jurisdiction to complete an investigation.

8.2 The Poundkeeper, upon receiving a certificate or other written verification from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, or is seriously injured causing undue pain and suffering, may immediately destroy that impounded dog.

8.3 No person shall keep, harbor or have in their possession any dog suffering from any infectious or contagious disease, unless such dog is in isolation and under treatment for the cure of such disease.

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 Municipality, 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 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 person or domestic animals;

(c) The owner of the dogs has on one or more occasions failed to exercise reasonable precautions from carrying out Section 10.1(a) or 10.1(b) as described above;

(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 bitten any person, such dog may be impounded and held by the Animal Control Officer until proceeding under the Dog Owner's 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.

10.4 Every Owner of a dog that has bitten a person or a domestic animal shall ensure that the said dog is muzzled or leashed while said dog is on any property in the Municipality, including the premises of the Owner of the dog.

10.5 Every Owner of a Dangerous Dog shall keep it indoors or in a secured yard that presents 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.

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

10.7 Where the Owner of a dog objects to the muzzling or leashing requirements set forth in Section 10.4 above, the Owner may request and is entitled to a Hearing by the Council of the Township of Tyendinaga. 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 Sections 10.4 above or exempt the Owner, with or without conditions, from the muzzling or leashing requirements contained in Section 10.4 above.

11.0 Kennel License

11.1 Prior to any license being issued by the municipality for a Kennel the applicant must supply verification, satisfactory to the municipality, that the property where such kennel is to operate is designated under the municipality's comprehensive Zoning By-laws to allow the operation of a kennel and that the kennel complies with any requirements of the comprehensive zoning By-law for the operation of a kennel.

11.2 No person may own or operate a Kennel, or permit a Kennel to be owned or operated, on a property in the Municipality without a Kennel License.

11.3 No person may own or operate a Kennel, or permit a Kennel to be owned or operated, on a property in the Municipality with more than ten (10) Dogs.

11.4 All Kennel Licenses expire on the 31st day of December of each year.

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

(a) Submitting an application for a Kennel License in the prescribed form by the Municipal Clerk or Animal Control Officer;
(b) Submitting a detailed site plan and such other information as required by the Municipal Clerk or Animal Control Officer;
(c) Paying the applicable fee, as prescribed the Township of Tyendinaga's Fees and Charges By-law.

11.6 Kennel licenses shall only be issued by the Clerk of the Municipality or any staff member acting under the Clerk's direction.

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

11.8 Every person who holds a Kennel license 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 Police Officer or any such 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.

11.9 The owner, operator, or manager of a Kennel shall reside on the property on which the Kennel is located.

11.10 After giving notice in writing, the Municipality may at any time suspends or revoke a Kennel license for:

(a) failure to comply with any provisions of this By-law;
(b) failure to comply with Kennel Conditions;
(c) hindering or obstructing, or attempting to hinder or obstruct, an inspection of the Kennel;
(d) unresolved problems of noise;
(e) substandard of care of dogs as determined by the Animal Control Officer;
(f) substand conditions of a Kennel, including, insufficient food, water, light, heat or sanitation or the presence of excessive excrement, odours, insect or rodent infestations, as determined by a Animal Control Officer;
(g) uses other than permitted by the Kennel license, as determined by the Municipality in its sole discretion.

11.11 The written noticed as described in 11.10 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.

11.12 Where an 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.

11.13 No person shall operate or continue to operate a Kennel without a valid license.

12.0 Kennel Conditions

12.1 Every person who applies for and receives a Kennel license shall comply with the following requirements:

(a) The kennel building shall be in a separate building and shall not be attached to any building used for, or capable of being used for human habitation.
(b) The kennel building and its location shall conform to the Zoning By-law and the Ontario Building Code and the building shall be

maintained in damage-free condition.

(c) Maintain records of individual dog identification and heath records of each dog or puppy in a kennel.

(d) All kennel buildings or structures as well as pens or outdoor run have floors and walls made of concrete or other impermeable material (including rigid plastic).

(e) All kennel buildings or structures as well as any pens or outdoor runs have floors that are drained immediately after water present, such that no water can remain on the floor of the Kennel for longer than five (5) minutes and shall be thoroughly cleaned daily, or more often if necessary.

(f) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around or lie down in a fully extended position.

(g) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary.

(h) The kennel building shall have:

i) adequate natural or artificial light;
ii) windows which may be opened for proper ventilation;
iii) a heating system sufficient to maintain healthy conditions specific to the breed of dog in the kennel;
iv) properly equipped with accessible fresh water and adequately sized containers to maintain all dogs in a healthy condition;
v) a food preparation area.

(i) Open air runs shall be adequately shaded, a chain link fence having a height of at least 2.6 metres (eight feet) the wall of an adjacent building may be included as part of such fenced-in area and provides for adequate space to accommodate of the breed of dog.

(j) Is provided with the necessary veterinary medical care when it exhibits signs of pain, illness, injury or suffering;

(k) Whelping box maintained in separate location from the individual and/or group enclosure housing other dogs, providing the dam with privacy and shall provide a floor area of not less than two and a half (2.5) times the size of the dam for such purposes;

(l) Whelping box is constructed with four sides and a floor made of impermeable materials, dowelling rails may be used to help prevent the dam from accidently suffocating a puppy by lying on it;

(m) A separate outdoor run for a dam is maintained to prevent the transfer for diseases from other dogs to the puppies;

(n) Space is designated for individual socialization between the puppies and humans away from both visual and physical contact with littermates and other Dogs.

12.2 Every person who holds a kennel license or working, agricultural, livestock, guardian or hunting dogs, shall provide a shelter that is available for the dogs use at all times and shall comply with the following requirements:

(a) The premises shall be maintained in a sanitary, well ventilated, clean condition, and free from offensive odours.

(b) The dogs shall be kept in a sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times.

(c) The dogs shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.

(d) The size and the design of the enclosure must be adequate and appropriate for the size of the dog.

(e) If the dog is leashed, the chain, rope or tether used to tie the dog must be at least three metres long and must allow the dog to move safely and unrestricted (except by length).

13.0 Kennel Exemptions

13.1 Working Agricultural Livestock Guardian Dogs will be exempt from the specific provisions for food, water and shelter because of the necessity of the dogs to be working in the field or livestock enclosure but shall follow the basic guidelines outlined in Section 12.2.

13.2 Working Agricultural Livestock Guardian dogs must be registered and will be licensed with the same fee as kennel licenses.

14.0 Prohibition of Cruelty to Animals

14.1 No person shall keep any domestic animal unless the animal is provided with:

(a) Clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;

(b) Food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;

(c) The opportunity for periodic exercise sufficient to maintain good health;

(d) Necessary veterinary medical care when the animal exhibits signs of pain or suffering.

15.0 Miscellaneous Matters

15.1 The Municipality, 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.

15.2 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.

16.0 Penalties

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

(a) in the case of person who is not a corporation, upon conviction therefore is liable to a fine or penalty of not more than ten thousand dollars ($10,000.00);

(b) in the case of a corporation, upon conviction therefore is liable to a fine or penalty of not more than sixty thousand dollars ($60,000.00).

16.2 The Animal Control Officer may enter, at all reasonable times, upon any property subject to the regulations of this By-law in order to ascertain whether such regulations or directions are being obeyed.

16.3 Any person convicted of an offence under this By-law may be liable to a penalty pursuant to s.61 of the Provincial Offences Act R.S.O., 1990, c.P.33

17.0 Severability

17.1 If, for any reason, any section, clause or provision of this By-law is deemed by a Court or competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the part which was declared to be invalid.

18.0 Repeals

18.1 That By-law 2020-02 hereby be rescinded.

19.0 Enactment

19.1 That this By-law shall come into full force and effect on the date of its passing.

19.2 This By-law may be cited as the "Dog Control By-law".

Read a first and second time this 17th day January, 2022.

Read a third and final time and finally passed this 17th day January, 2022.

I, Carla Preston, CAO/Deputy Clerk
do hereby Certify this to be a true copy
of By-law 04-2022

Dated this 2 day of February, 2022

Carla Preston
Carla Preston, CAO/Deputy Clerk
Township of Tyendinaga

Rick Phillips, Reeve

Carla Preston
Carla Preston, CAO/Deputy Clerk

Township of Tyendinaga
Part I Provincial Offences Act
By-law 04-2022: Dog Control

Item	Column 1 Short Form Wording	Column2 Provision Creating/Defining Offence	Column 3 Set Fine
1.	Own/harbour/possess unlicensed dog	Section 4.1	$100.00
2.	Keep more than three 3 dogs	Section 4.2	$100.00
3.	Fail to affix dog tag	Section 4.6	$100.00
4.	Removal of dog tag	Section 4.7	$100.00
5.	Allow dog to run at large	Section 5.1	$100.00
6.	Own/harbour/possess dog suffering from infectious/contagious disease.	Section 8.3	$250.00
7.	Failure to remove dog waste	Section 9.1	$150.00
8.	Failure to exercise reasonable precautions with a dog	Section 10.1	$250.00
9.	Failure to muzzle or leash dangerous dog	Section 10.4	$250.00
10.	Failure to post warning signs where a dangerous dog is kept	Section 10.6	$250.00
11.	Operate a kennel without a license	Section 11.2	$250.00
12.	Own or operate a kennel with more than ten (10) dogs	Section 11.3	$250.00

13.	Failure to display kennel license	Section 11.7	$250.00
14.	Failure to permit kennel inspection	Section 11.8	$250.00
15.	Failure to comply with kennel conditions	Section 12.1	$250.00
16.	Failure to provide adequate food, water, exercise and adequate health care at kennel	Section 12.2	$250.00
17.	Failure to provide adequate food, water, exercise and adequate health care	Section 14.1	$250.00

NOTE: the general penalty provision for the offences listed above is section 16 of By-law 04-2022, a certified copy of which has been filed.