

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2017-43

Being a By-law to Provide for the Licensing,
Regulating and for the Control of Dogs within the
Township of Tay.

WHEREAS pursuant to Section 9, 11, 103, 104, 105 of the Municipal Act, 2001 as amended, S.O. 2001, c. 25, by-Laws regarding the prohibiting and control of animals may be passed by the councils of local municipalities.

AND WHEREAS the Council of the Corporation of the Township of Tay has deemed it necessary to pass a by-law regulating or prohibiting the keeping of dogs and the establishment of kennels and to provide for the leashing, muzzling, and licensing of dogs and the licensing of kennels.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AS FOLLOWS:

1. DEFINITIONS

“Council” means the Council of the Corporation of the Township of Tay;

“Dog” means a male or female dog over the age of 12 weeks; which includes but is not limited to any guide dog, service dog, working farm dog, and law enforcement work dog.

“Dog Tag” means the tag or token issued by the Township under this By-law evidencing registration of a dog;

“Dwelling unit” means a room or suite of two or more rooms designed or intended for use by any person or persons in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment, and includes any real property associated with such dwelling unit;

“Guide Dog” means a dog which serves as a guide or leader for a blind or deaf person, or person diagnosed with epilepsy or other disability where such dog has been especially trained for that purpose;

“Kennel” means any building, structure, dog run or other facility or part thereof, where:

- a) A place where more than two dogs are kept for the purposes of show, boarding, training or breeding,
- b) A place where more than two dogs are kept and cared for on behalf of the owner of the dogs, but excluding the Ontario Society for the Prevention of Cruelty to Animals and a veterinary establishment for the purpose of observation and/or recovery necessary for veterinary treatment.

“Law Enforcement Work Dog” shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

"Officer", includes a Municipal Enforcement Officer, Canine Control Officer and any other person who are duly appointed by the Township to enforce the provisions of this by-law;

"Owner of a dog" in addition to its regular meaning includes:

- a) A person who possesses or harbours a dog;
- b) Where the person who owns or possesses a dog is a minor, the person responsible for the custody of the minor;

"Township", means the Corporation of the Township of Tay;

"Vicious Dog" shall mean

- a) A dog which, without provocation, has threatened, attacked or has bitten a person, domestic animal or domestic fowl, or
- b) Any dog with a known propensity, tendency or disposition to attack without provocation a person, domestic animal, or domestic fowl or
- c) Any dog designated as dangerous or vicious under the Dog Owners Liability Act and specifically includes any dog defined as a "pit bull" in the Dog Owners Liability Act;

"Working Farm Dogs" include dogs that are used for herding or guarding livestock on a farm.

2. LIMIT OF TWO DOGS IN A DWELLING UNIT

- 2.1 No person shall harbour more than 2 dogs in a dwelling unit, which shall include any real property associated with such dwelling unit located within the Township of Tay. For the purpose of this section *harboured* does not include the provision of shelter to a dog for a period of less than 14 consecutive days within the calendar year, provided that the dog is owned by someone other than the household group and that the owner of the dog can provide proof of a valid dog licence and a permanent address that the dog will be returning to.

3. WORKING FARM DOGS

- 3.1 Owners of agricultural property as defined in the Township of Tay Zoning By-law consisting of five acres or more with livestock, fowl or swine shall be allowed up to four working farm dogs and such dogs shall be licenced in accordance with this by-law.

4. LICENSING OF DOGS

- 4.1 (a) Every owner of a dog shall ensure that each dog owned by him/her is registered with and licensed by the Township for each calendar year. Every licence will expire on the 31st day of December of the year it was issued.
- (b) Every owner of a dog shall cause the dog to be registered with a license by the Township for each calendar year, before the 1st day of March of that year, unless the dog came into his possession or care after that date or an officer has directed a dog owner to purchase tags before the date of March 1st of that year.

- (c) Every owner of a dog, immediately after the dog comes into his possession or care, shall, if the dog does not have a tag for the current calendar year, cause such dog to be registered with and licensed by the Township of Tay.
 - (d) (i) The owner of any guide dog, service dog, and law enforcement work dog, is required to cause such dog to be registered and licenced with the Township of Tay but is exempt from any such fees associated with the license provided that valid proof is produced indicating the dog is a guide dog, service dog or law enforcement work dog.
 - (ii) The Township may require the owner of a dog to establish to the officer's satisfaction that the dog is a guide dog, working farm dog or a Law Enforcement work dog.
- 4.2 Except as provided herein, no person shall harbour a dog or dogs within the Township of Tay unless such dog has affixed to it a current dog tag issued under this by-Law. Within the township of Tay, no person shall unlawfully remove a dog tag from a licensed dog and no person shall fail to fix the tag issued for a dog securely on the dog.
- 4.3 No person shall use a dog tag for a dog other than the dog for which the dog tag was issued.
- 4.4 The annual licence fees are as provided for in the Township of Tay's Fees and Service Charges By-law.
- 4.5 Upon application for a license, the owner shall produce a certificate signed by a practicing veterinarian and sign a declaration that the dog has been inoculated with an Anti-Rabies Vaccine that is current and active.

5. KENNEL LICENSING

- 5.1 Notwithstanding any other provision of this by-law, every owner or operator of a kennel shall obtain a kennel licence by the Township for each calendar year, before the 1st day of March of that year.
- 5.2 No person or persons shall keep more than two (2) dogs over 12 weeks of age at one location or dwelling unit unless a kennel license is first obtained in accordance with this by-law. No person shall, within the township of Tay, keep or operate a dog kennel without a kennel licence.
- 5.3 Every person who holds a kennel license or applies for a kennel license shall comply with the following requirements:
- (a) The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code.
 - (b) The kennel building shall have a floor of concrete or other impermeable material and such floor shall be thoroughly cleaned daily, or more often if necessary.
 - (c) The kennel building shall have electric lighting, windows that can be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.
 - (d) Dog runs, pens, exercise yards and all related structures and enclosures used in connection with the operation that are located adjacent to a zone that permits a dwelling unit or is located adjacent to a public road, shall be screened by a solid fence or structure that

cannot be seen through and having a required minimum height of 1.8 metres. Dog runs, pens, exercise yards and all related structures and enclosures including fencing shall not be permitted in the front yard.

- (e) Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
 - (f) While the license is in force the operator shall keep the license continuously exposed in a conspicuous place in the interior of the premises for which the license is obtained.
 - (g) The operator shall keep the dogs in sanitary, well bedded, well ventilated, free from offensive odours, naturally lighted, clean quarters at a healthful temperature at all times.
 - (h) The operator shall feed and give water to the dogs periodically each day and keep same in a clean, healthy condition free from vermin and disease.
 - (i) Every run or pen area must be regularly cleaned and sanitized and excrement removed and properly disposed of daily.
- 5.4 Every person who owns or operates a kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent barking, calling, whining or other similar persistent noise making by the dogs kept at such kennel.
- 5.5 Where the municipality receives a complaint about noise emissions from a licensed kennel, an officer shall investigate such complaints and may at his or her sole direction initiate a prosecution with respect to an alleged contravention of subsection 5.4.
- 5.6 Where a kennel is found to be in non-compliance of 3 or more violations of subsection 5.4 in one license term, the officer or Council may order the owner or operator to submit, at its expense, a noise evaluation study prepared by a qualified acoustical consultant and may suspend the license to operate a kennel until such time as the noise evaluation study has been reviewed and approved by the municipality and satisfactory arrangements for the implementation of any noise abatement measures have been made, including the entering into of any agreements and the posting of any securities required to ensure the completion of any required noise abatement measures.
- 5.7 Section 5.6 may also apply to an application for a building permit to increase the housing capacity of a licensed kennel.
- 5.8 Every person who owns or operates a kennel shall permit an officer, upon production of proper identification, to enter and inspect the kennel at all reasonable times for the purposes of determining compliance with the license and the provisions of the by-law or any other by-laws of the municipality applicable to a kennel.
- 5.9 Every person who owns or operates a kennel shall comply with the applicable by-laws of the municipality. No kennel licence shall be issued unless such kennel complies with the by-laws of the municipality. Where an owner or operator of a kennel fails to comply with a by-law of the municipality, the kennel licence may be suspended or revoked.

- 5.10 Every person who owns or operates a kennel shall have regard to the guidelines set out in "A Code of Practice for Canadian Kennel Operations" (May 2007).
- 5.11 If dogs are being housed in outdoor housing, the following additional regulations shall apply:
- (a) The breed of dog must be properly acclimatized to seasonal and regional temperatures.
 - (b) An enclosed area with dry bedding which provides shelter and protection from cold and heat must be provided, including protection from direct sunlight, rain, sleet and snow.
- 5.12 An application for a kennel license or renewal shall be submitted in the proper form, and shall include a detailed site plan on all new kennel application, to the satisfaction of the Director of Planning and Development and the appropriate fee paid to the Township.
- 5.13 Notwithstanding the provisions of this by-law, the Township may attach a condition to a kennel license limiting the number of dogs which may be kept in the kennel. The Township reserves the right to impose specific conditions on any license issued pursuant to this by-law.
- 5.14 A license issued pursuant to this by-law is non-transferrable. In the event that the Kennel business is sold, the new owners shall be eligible for a license under the same conditions which the current license was obtained.
- 5.15 The annual kennel licence fee shall be as provided for in the Township of Tay's Fees and Service Charges By-law.

6. DOGS RUNNING AT LARGE

- 6.1 (a) Every dog owner shall ensure that his dog does not run at large within the Township.
- (b) A dog running at large may be seized by any person, who shall forthwith deliver the dog to an animal control officer.
- (c) Any dog running at large may be seized and impounded, and may be sold or destroyed by the Township.
- (d) For the purpose of this by-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
- 6.2 Where any dog is running at large and:
- (a) Represents a threat to the safety of any person or animal, or
 - (b) Is severely injured, an animal control officer or a law enforcement officer may destroy such dog.
- 6.3 A dog shall be deemed to be under the control of a competent and responsible person if it is on a leash which leash is in the hands of an individual able to restrain the dog and/or maintain control over the dog.
- 6.4 Every owner of a dog shall remove forthwith and dispose of any excrement left by his dog on any property in the Township of Tay.

7. NOISE

7.1 No person, being the owner of a dog or the operator of a kennel, shall permit a dog or dogs to howl or bark so as to cause noise, which disturbs, or is likely to disturb the inhabitants of the municipality.

8. VICIOUS DOGS

8.1 Every owner of a vicious dog shall ensure that:

- (a) Such dog shall be muzzled at all times, except when it is on the property of the owner. Where the owner of a vicious dog is a tenant of a property, the exception shall apply only to that portion of the property rented or leased by such owner;
- (b) Such dog is licensed with the municipality as a vicious dog in accordance with the fees outlined in the Township of Tay's Fees and Service Charges By-law;
- (c) At all times when off the owner's property, the dog shall be on a leash not longer than two metres and under the control of a responsible person over the age of eighteen who can control the dog;
- (d) When such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent escape of the vicious dog and prevents the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground to a depth of no less than forty-five centimetres (eighteen inches). The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog shall not be chained outside as a means of confinement;
- (e) A sign is displayed at the entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a vicious dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare;

8.2 Each day that an owner fails to meet the requirements of sub-section 8.1 dog shall constitute a separate offence under this By-law.

9. MUZZLING AND LEASHING OF DOGS

9.1 Every owner of a dog shall keep the dog leashed and under the control of a person when the dog is on land in the Township other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

9.2 After any dog has bitten a person or domestic animal, the owner shall ensure that such dog is muzzled and leashed at all times when the dog is on land in the Township other than that of the owner. Notwithstanding the foregoing, an order to muzzle may be issued by the Officer despite the absence of a bite to a person or domestic animal if in the opinion of the Officer the dog has a temperament, disposition or history of aggressiveness which may result in the dog biting a person or domestic animal.

- 9.3 The owner of any dog required to be muzzled or leashed may request and shall have a hearing before a committee of Council who may exempt the owner from the muzzling or leashing or both.
- 9.4 Where a contravention of section 9.2 has occurred, an order to muzzle or leash shall be issued to the owner of the dog, setting out the control requirements for the dog as determined by the Township.
- 9.5 Any person who fails to comply with an order of the Township under this by-law is guilty of an offence.

10. FEES PAYABLE AFTER IMPOUNDING

- 10.1 An Officer, on satisfactory identification, may release an impounded animal to the owner on payment of the fees as set out in the Township of Tay User Fees and Service Charges By-law, plus the cost of any damages, fines, expenses, veterinary care and the cost of any vaccination or immunization.
- 10.2 Any dog impounded and not wearing a tag for the then current year, at the discretion of the Township, be given an inoculation to provide temporary immunization against distemper or any other contagious or infectious disease.
- 10.3 The Officer is hereby authorized to charge the fees for services as set out in the Township of Tay User Fees and Service Charges By-law related to the subject matter of this by-law.
- 10.4 Where a dog has been impounded and has not been destroyed, the Officer or Township pound keeper shall release possession of the dog to its owner where,
- (a) The owner attends at the pound and claims possession of the dog within five days, excluding the day in which the dog was impounded and statutory holidays and Sundays.
 - (b) Pursuant to the fees provided for in Township of Tay's User Fees and Service Charges By-law, the owner pays to the Township of Tay a seizure fee, a pound fee for each day the dog has been in the pound commencing the day the dog is seized and including the day the dog is removed from the pound plus any other costs described in Section 10.1.

11. DISPOSAL OF DOGS

- 11.1 Where a dog, has been seized while found running at large and impounded, and the owner has not claimed the dog within five days, excluding the day on which the dog was seized, statutory holidays, and Sundays, or having attended at the pound to claim the dog but not paid the prescribed seizure/pound and maintenance fees, the Township of Tay will turn the dog over to the Township of Tay Pound Keeper, destroy the dog in a humane manner if not fit to be adopted and no damages or compensation shall be recoverable by the owner as a result of any such action.

12. RIGHT OF ENTRY

- 12.1 The Municipality, for the purpose of inspection and/or remedial action, may enter upon the land and into structures other than a place actually used as a dwelling house, at any reasonable time, without notice.
- 12.2 A person exercising a power of entry on behalf of the Township under this By-law must, on request display or produce proper identification.

13. OFFENCES

- 13.1 Every person convicted of a breach of the provisions of this by-law shall be guilty of an offence.
- 13.2 Every person who is convicted of an offence under this by-law shall be subject to a fine of not more than five thousand dollars (\$5,000.00) for each offence. Such fines shall be recoverable under the Provincial Offences Act.

14. PENALTIES

- 14.1 Every person who contravenes any of the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 14.2 Every person who contravenes the provisions of this by-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, S.O. 2001, c. 25, as amended.
- 14.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 14.4 Despite section 14.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 14.5 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every director or officer of a corporation who knowingly concurs in the contravention of a by-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 14.6 Despite section 14.5 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 14.7 Every person who fails to comply with a notice made under this By-law is guilty of an offence.

14.8 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under the Municipal Act, 2001, as amended, or under a by-law passed under the Municipal Act, 2001, as amended.

14.9 Any person who has been alleged to have contravened any of the provisions of a by-law passed under the Municipal Act, 2001, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.

14.10 Every person who contravenes any section of this by-law under a Part 1 ticket, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.

14.11 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

15. OBSTRUCTION

15.1 In accordance with the provisions of the Municipal Act S.O. 2001, c. 25, as amended, Section 426(1), no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an officer, employee of the Township of Tay and/or agent in the lawful exercise or power or duty under this by-law.

16. TOWNSHIP NOT LIABLE

16.1 The Township assumes no liability for property damage, damage to the animal or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any person, animal or property that is subject of this by-law.

17. VALIDITY AND SEVERABILITY

17.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

18. SEPARATE OFFENCE

18.1 For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

19. SHORT TITLE

19.1 The short title of this by-law is the Canine Control By-law.

20. REPEAL

20.1 By-law No. 2012-14, as amended, is hereby repealed.

21. ENACTMENT

21.1 That this by-law shall take force and take effect immediately upon the final passage thereof.

21.2 That existing kennels be granted three years from May 24, 2017, being the original date of passage, to come into compliance with the fencing requirements set out in Section 5.3.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF APRIL, 2018.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Gray

SCHEDULE 'A' TO BY-LAW 2017-43**PART 1 Provincial Offences Act - Set Fine Schedule****THE CORPORATION OF THE TOWNSHIP OF TAY****By-law No. 2017-43, Canine Control By-law**

Item	Column 1 Short Word Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Harbour more than two dogs in a dwelling unit	2.1	\$150.00
2	Fail to licence working farm dog for the current year	3.1	\$150.00
3	Fail to licence dog for current year	4.1(a)	\$150.00
4	Harbour dog without a tag affixed	4.2	\$150.00
5	Use a tag for a dog not being the licensed dog	4.3	\$150.00
6	Fail to obtain a kennel licence	5.1	\$150.00
7	Keep more than two dogs – no kennel license	5.2	\$150.00
8	Fail to comply with kennel license requirements	5.3	\$150.00
9	Permit dog to run at large	6.1(a)	\$150.00
10	Fail to remove dog excrement from property	6.4	\$150.00
11	Permit noise from dog likely to disturb	7.1	\$150.00
12	Fail to muzzle a vicious dog when it is off the property of the owner	8.1(a)	\$150.00
13	Fail to leash a vicious dog on a leash that is not longer than two metres when the dog is off the property of the owner	8.1(c)	\$150.00
14	Fail to securely confine a vicious dog	8.1(d)	\$150.00
15	Fail to display appropriate signage at entrance to property and building in which a vicious dog is kept	8.1(e)	\$150.00
16	Failed to ensure dog muzzled	9.2	\$150.00
17	Fail to comply with order to muzzle or leash	9.5	\$150.00
18	Obstructing an Officer or Agent	15.1	\$150.00

Note: The penalty provision(s) for the offences indicated above is Section 14 of By-Law #2017-43, as amended. A certified Copy of which has been filed.

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5	Use a tag for a dog not being the licensed dog.	4.3	
6	Fail to obtain a kennel licence	5.1	
7	Keep more than two dogs –no kennel license.	5.2	
8	Fail to comply with kennel license requirements	5.3	
9	Permit dog to run at large.	6.1(a)	
10	Fail to remove dog excrement from property.	6.4	
11	Permit noise from dog likely to disturb	7.1	
12	Fail to muzzle a vicious dog when it is off the property of the owner.	8.1(a)	
13	Fail to leash a vicious dog on a leash that is not longer than two metres when the dog is off the property of the owner.	8.1(c)	
14	Fail to securely confine a vicious dog.	8.1(d)	
15	Fail to display appropriate signage at entrance to property and building in which a vicious dog is kept.	8.1(e)	
16	Failed to ensure dog muzzled.	9.2	
17	Fail to comply with order to muzzle or leash.	9.5	
18	Obstructing an Officer or Agent.	15.1	

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