

THE CORPORATION OF THE TOWNSHIP OF NORTH HURON

BY-LAW NO. 88-2019

A by-law for the licensing, regulating and requiring registration of dogs and kennels; for imposing a license fee on owners; and for prohibiting or regulating the running at large of dogs within the Township of North Huron

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001 c. 25 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 11(1) of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a lower-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4) of the Act;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a lower-tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 12 of the Dog Owners' Liability Act, R.S.O. 1990, c. d.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

AND WHEREAS Section 103(1) of the Municipal Act, 2001, S.O. 2001 c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animals being at large or trespassing contrary to the by-law;

AND WHEREAS Section 105 of the Municipal Act, 2001, S.O. 2001 c. 25 provides that a municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement to muzzle a dog;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or behalf of it;

AND WHEREAS Section 398 (2) of the Municipal Act 2001 C25 allows a Municipality to add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes.

AND WHEREAS the Corporation of the Township of North Huron appointed by By-law an Animal Control Officer who shall have the authority to enforce the provisions of said By-law;

AND WHEREAS the Corporation of the Township of North Huron deems it desirable to pass a by-law with respect to the control of animals and prohibited animals;

NOW THEREFORE the Council of the Corporation of the Township of North Huron enacts as follows:

1. SHORT TITLE

1.1. This By-law may be cited as the “Animal Control By-law”.

2. DEFINITIONS

2.1. “**Act**” means the Municipal Act, 2001, R.S.O. 2001, Chapter 25, as amended from time to time.

2.2. “**Animal Control Officer**” shall mean the person, department or agent appointed

by the Corporation of the Township of North Huron, whose duty is to enforce ordinances regulating the ownership of animals and to respond to incidents in which animals are involved.

2.3. “**Agreement**” shall mean the current agreement, duly signed by the Officers of the Corporation setting out the fees and duties of the Pound Keeper.

2.4. “**Boarding Kennel**” shall mean any building, structure, run or facility, or part thereof, used for the boarding, grooming, showing, training, or temporary housing of more than one (1) dog, but does not include a veterinarian clinic.

2.5. “**Breeding Kennel**” shall mean any building, structure, dog run or facility, or part thereof:

- where more than two (2) dogs are kept for other than, boarding, hunting, sporting or dog sledding purposes, despite the age or breed of the dog;
- where dogs are kept for breeding, housing, or selling purposes;
- the operator may or may not own the dogs which will be bred, housed, or sold from the facility.

2.6. “**Clerk**” means the Clerk appointed by the Council of the Township of North Huron pursuant to the Act.

2.7. “**Council**” shall mean the Council of the Corporation of the Township of North Huron.

2.8. “**Dog**” means a male or female dog of any age or breed and may be neutered or spayed.

2.9. “**Dog Tag**” means a metal tag bearing a serial number in which it was issued by the Clerk, his/her designate, or the Animal Control Officer.

2.10. “**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 installation of cooking equipment and the land on which it is located.

2.11. “**Guide dog**” means a dog which serves as a guide or leader for a physically, visually or hearing-impaired person or performs search and/or rescue functions and which has been specially trained for that purpose.

2.12. “**Inspector**” shall mean the person, department or agent appointed by the Corporation of the Township of North Huron to inspect a Boarding Kennel or Breeding Kennel.

2.13. “**Kennel**” shall mean a licensed establishment where more than three (3) dogs are kept for the purpose of show, training, keeping, breeding, and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery to veterinary treatment. Includes: Boarding Kennel, Breeding Kennel, or Hunting/Sled Dog Kennel.

2.14. “**License**” shall mean a certificate to an owner to operate a Boarding Kennel, Breeding Kennel or Hunting/Sled Dog Kennel, issued by the Licensing Officer upon compliance with the provisions of this By-law.

2.15. “**Licensing Officer**” shall mean a person appointed by Council for the purpose of processing and issuing Licenses under this By-law.

2.16. “**Municipal Law Enforcement Officer**” shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Township of North Huron.

2.17. “**Muzzle**” means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.

2.18. **“Owner”** means any person who owns, possesses, harbors or has custody of an animal, or the registered Owner of a Boarding Kennel, Breeding Kennel or Hunting/Sporting/Sled Dog Kennel. Where the owner is a minor, the person responsible for the custody of the minor shall be deemed the owner.

2.19. **“Pit Bull”** includes:

- a) a pit bull terrier,
- b) a Staffordshire bull terrier,
- c) an American Staffordshire terrier,
- d) an American pit bull terrier, and
- e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d).

2.20. **“Pound”** means the place which is used for the temporary housing and care of dog(s) that have been impounded pursuant to this by-law and so designated by the Council.

2.21. **“Pound Keeper”** means the person or agency designated by the Township to oversee and operate a yard and/or enclosure for the safe keeping of such animals.

2.22. **“Service Dog”** means a dog which is individually trained to do work or perform particular tasks for a person with a physical or mental disability.

2.23. **“Township”** shall mean the Corporation of the Township of North Huron.

2.24. **“Vicious Dog”** means a dog which has, without provocation, attacked or bitten a person or another animal or communicated by its actions or intention, habit, tendency or has demonstrated a propensity to do so.

2.25. **“Without provocation”** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal, who sustained the bite or attack.

3. RESPONSIBILITY TO CARE FOR DOGS

3.1. Every person who keeps a dog or dogs within the Township shall ensure that such dog(s) is provided with, a clean and sanitary environment free from an accumulation of fecal matter, odour, insect infestations or rodent attractants that disturb or are likely to disturb the enjoyment, comfort, convenience of a person or may endanger the health of any person or animal, and adequate and appropriate care, food, water, shelter, and opportunity for physical activity.

4. LIMIT NUMBER OF DOGS

4.1. No person, other than an owner of a kennel which has been properly licensed shall keep more than four (4) dogs per dwelling unit which have surpassed eight (8) weeks of age.

4.2. Any dogs not licensed at the time of passing of this By-law shall be deemed in violation of this By-law.

5. LICENSING AND REGISTRATION OF DOGS

5.1. Every owner of a dog in the Township of North Huron, shall within ten (10) days of acquiring such dog, cause such dog to be licensed in the Office of the Township of North Huron for a period which will expire on the last day of each year.

5.2. Every dog owner shall, on or before the 1st day of February in each year cause such dog to be again licensed for the one-year period commencing on the 1st of January of that year.

5.3. The Licensing Fees shall be paid pursuant to the Township of North Huron Fees

and Charges By-law as amended from time to time, and said fee shall be due and payable on or before the 1st day of February each year.

5.4. A late payment charge of fifteen dollars (\$15.00) shall be assessed in addition to a license fee against owners who renew the license fee after the 1st day of February.

5.5. Notwithstanding Section 5.3. hereof, the fees to license and register a guide dog or service dog shall be waived with appropriate documentation.

5.6. On payment of the license, the owner shall be furnished with a dog tag and the owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.

5.7. No person, other than the owner of a dog, shall remove a dog tag from a dog.

5.8. No tag shall be used for a dog other than the one for which it was issued.

5.9. All dog tags shall bear the serial number and the year in which it was issued and a record shall be kept by the Township showing the name, address and contact information of the owner and the serial number of the dog for which the tag was issued.

5.10. The owner of a dog shall notify the Clerk of the change in ownership of the dog or of the death of the dog.

5.11. Upon application for a license, the owner shall produce evidence that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months of the date of the application for the tag.

5.12. No owners shall permit a dog whether on or off the premises upon which it is habitually kept, to be without a dog tag. If the owner of said dog is not able to produce a tag forthwith, the owner shall be in contravention of the by-law and is subject to a fine as per the North Huron Fees and Charges By-law as amended from time to time.

5.13. When a dog which has not been licensed by the Township of North Huron has been delivered to the Pound Keeper, such dog shall not be released from the pound to its owner until a Dog Release Certificate has been issued to the owner, and submitted to the Pound Keeper confirming that:

- a) the dog has been licensed;
- b) a municipal administration fee as set out in the North Huron Fees and Charges By-law has been paid; and
- c) boarding and veterinary fees as set out in the agreement with the Pound Keeper have been paid.

6. VICIOUS DOGS

6.1. An owner of a vicious dog shall post "Beware of Dog Signs" on the perimeter of the property upon which the dog is housed.

6.2. An owner of a vicious dog shall keep such dog confined within the premises, or keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the dog from escape and preventing entry from unsupervised children.

6.3. An owner of a vicious dog shall ensure that the enclosure or other structure is locked at all times.

6.4. An owner of a vicious dog shall notify the Animal Control Officer if the animal is running at large.

6.5. No owner of a vicious dog shall permit it to be walked by a person under eighteen (18) years of age and shall ensure that the vicious dog is muzzled and leashed.

6.6. No person shall abandon a vicious dog other than to a pound operated by, or on

behalf of a municipality in Ontario, or to a registered research facility or supply facility under the Animals for Research Act.

6.7. All requirements for a vicious dog shall be required until the dog is destroyed or Council exempts the owner from the vicious dog requirements.

6.8. The Council of the Township shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the vicious dog requirements.

7. PIT BULLS AND PIT BULL CROSSES

7.1. Pit bulls and pit bull crosses shall have a special license fee as set out in the North Huron Fees and Charges By-law as amended from time to time.

7.2. No person shall walk a pit bull and or pit bull crosses, unless they are muzzled and leashed and shall ensure that they comply with all other aspects and conditions as stated in this by-law and also Ontario Regulation 157/05 Pit Bull Controls. No owner of a pit bull and or pit bull cross shall permit it to be walked by a person under eighteen (18) years of age.

7.3. Pit bulls are also subject to the regulations under the Dog Owners' Liability Act (DOLA).

8. RUNNING AT LARGE OF DOGS

8.1. No owner of a dog shall permit such dog to run at large in the Township of North Huron. The owner of every dog within the Township of North Huron shall restrain or cause such dog to be restrained by a leash when it is not on land or within any building or structure owned or leased by the owner of such dog or is not within any building in which the owner or such do temporarily or permanently reside.

8.2. For the purposes of this by-law, a dog shall be deemed to be running at large when it is found off the premises upon which it is habitually kept and not under the control of any person.

8.3. The running at large of dogs is prohibited within the Township and the owner of any dog found running at large shall be guilty of a breach of this by-law and liable, on conviction, to the penalty provided in the North Huron Fees and Charges By-law.

8.4. A dog which is running at large contrary to the provisions of this by-law may be seized and impounded. A dog must be held for the appropriate time as specified in Section 8.5; and if not claimed and released or sold to an interested party, may be destroyed by the Pound Keeper. If the dog is sold by the Pound Keeper, the selling price must be credited to the Township.

8.5. With respect to any dog impounded under this by-law, the maximum period for redemption shall be three (3) days, exclusive of the day of which the dog was impounded, Statutory Holidays and Saturdays and Sundays.

8.6. A dog impounded under this by-law may be claimed by the owner on proof of his/her ownership of such dog to the satisfaction of the Pound Keeper and evidence that the current year's license fee, the applicable fine, and all other fees as set out in Section 5 of this by-law have been paid in respect to such dog.

8.7. Female dogs in heat must be confined to a building isolated from other dogs and must remain there until such time as the heat has ended.

8.8. A dog must be tied so that it shall not be within three (3) feet (0.9 meters) of the property line.

9. LIABILITY FOR FEES

9.1. Where a dog is impounded, the owner of the dog shall be liable for all prescribed fees, including the fees for destruction of the dog when the dog has been destroyed, whether or not the dog is claimed by the owner.

9.2 If the owner has not paid the fees within thirty (30) days of the written demand for payment, such fees may be collected by action or in the same manner as municipal taxes.

10. RABIES CONTROL

10.1. When a dog is known to have bitten a person, the Medical Officer of Health may order that the dog be kept under supervised quarantine for a period of 10 days and the owner, if known, shall be held responsible for the cost of such quarantine.

11. DOG CAUSING A DISTURBANCE

11.1. No person, having control of a dog, or being the owner of a dog or the operator of a kennel shall permit a dog or dogs to engage in persistent barking, calling, whining or other similar persistent noise likely to disturb the inhabitants, such that the sound is clearly audible at any point on the premises of a person other than those premises where the sound originates for a continuous period of more than one-half hour between the hours of 8:00 a.m. to 10:00 p.m. or for a period of longer than fifteen (15) minutes between the hours of 10:00 p.m. of one day and 8:00 a.m. of the following day.

11.2. Any person contravening the provisions of Section 11.1. shall thereby commit an offence and be subject to a fine as per the North Huron Fees and Charges By-law.

12. REMOVAL OF DOG EXCREMENT

12.1. A dog owner shall remove forthwith excrement left by the dog anywhere in the Township of North Huron. Any person contravening this by-law shall thereby commit an offence and is subject to a fine as per the North Huron Fees and Charges By-law.

12.2. In any prosecution pursuant to a violation of Section 12.1 of this By-law, proof that the defendant is a blind person shall constitute a defense to such prosecution.

13. KENNELS

Licenses

13.1. Notwithstanding Section 5.1. every owner/operator of a new kennel shall apply for and obtain a kennel license, and every owner/operator of an existing kennel shall before the end of business on the last day of December in each year apply for and obtain a new kennel license, in accordance with Schedule "A" attached hereto, and shall pay the kennel license fees in accordance with the requirements contained in the North Huron Fees and Charges By-law as amended from time to time.

13.2. All kennel licenses shall be valid for a one-year period commencing January 1st in the year of issuance, regardless of the date of issuance and expiring on December 31st of the same year.

13.3. The fee for a kennel license shall cover all dogs owned and maintained by the kennel owner/operator.

13.4. Each kennel shall conform to all applicable requirements of the Township of North Huron Zoning By-law except to the extent that Subsection 34(9) of the Planning Act applies, and shall comply with all provisions of this By-law.

13.5. No kennel shall be located within any part of any dwelling unit or attached to any dwelling unit. Kennels licensed before the passage of By-law No. 41-2008 will be considered grandfathered and exempt from the provisions of Section 13.4.

13.6. An application for a kennel license or renewal shall be submitted on the prescribed form being Schedule "A" to this By-law or as otherwise provided by the Township, including a detailed site plan and with the appropriate fee and any other information deemed required to the Clerk.

13.7. All new licenses and renewal licenses for a kennel in the Township will only be approved after the Township's Animal Control Officer has inspected and approved the premises ensuring the compliance with this By-law.

13.8. Kennel licenses shall only be issued by the Clerk once he/she is satisfied that the information required in Section 13.4. has been submitted and is in compliance with the Township of North Huron's Zoning By-law and with the specific standards for kennels as contained in this By-law.

13.9. The Clerk of the Township reserves the right to refuse to issue a kennel license to any person or persons.

13.10. The owner/operator of a kennel shall provide acoustical barriers where necessary, as determined by the Inspector. Acoustical barriers are to be set out on the detailed site plan drawing and submitted with the application for a kennel license and may include, but are not limited to solid fence and/or a natural buffer of trees and/or mound of earth.

13.11. After having given thirty (30) days' notice in writing, the Township may, at any time, cancel a kennel license when it is of the Township's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs or uses other than permitted by the kennel license as determined by the Township.

13.12. The aforesaid written notice in Section 13.11. shall state that the owner of the kennel shall have the opportunity to make submissions to Council, either written or in person, as to why the kennel license should not be rescinded: said submissions to Council must be made prior to the expiration of the 30 days' notice of cancellation.

13.13. The written notice described in Section 13.11 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.

13.14. No person shall operate or continue to operate a kennel without a valid kennel license.

13.15. Kennels shall be owned, managed and operated by the property owner on which the kennel is located and the kennel owner/operator/manager shall reside on the subject property.

Kennel Conditions

13.16. Every person who owns or operates a kennel shall have regard to the guidelines set out in the most recent version of "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association.

13.17. No person who owns or operates a kennel shall keep dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the dogs results in any of an accumulation of fecal matter, an odour, insect infestations, or rodent attractants which endanger the health of the animal, any person or property.

13.18. Every person who owns or operates a kennel shall provide the animals under their care, or cause them to be provided with:

- a) Clean, fresh drinking water and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy 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 including the opportunity to be unfettered from a fixed area and exercised

- regularly under appropriate control;
- d) Necessary veterinary medical care when any animal exhibits signs of pain, illness or suffering;
 - e) An enclosure with protection from heat, cold and wet that is of sufficient size to allow the animal the ability to turn around freely and lie in a normal position;
 - f) A run or pen area that is regularly cleaned and sanitized and excreta removed and properly disposed of daily.

13.19. No person who owns or operates a kennel may cause a dog to be hitched, tied or fastened within a kennel.

13.20. The kennel shall have a manure receptacle for the storage of dog waste. All kennel owners shall comply with the provisions of the Environmental Protection Act, and all regulations thereto with respect to waste management systems, including but not limited to the collection and disposal of waste.

Breeding Kennel Conditions (In addition to 13.20)

13.21. Every breeding kennel shall maintain the whelping bitch in separate accommodation from the balance of the dogs in the kennel.

13.22. The whelping box shall be constructed with four sides and a floor made from impermeable materials.

13.23. Adequate supplemental heat shall be provided at all times to the breeding kennel.

13.24. All breeding kennels shall provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

Kennel Records

13.25. Every person who operates a kennel shall maintain records of the following minimum information:

- a) The names and addresses of the owners of all dogs cared for at the kennel;
- b) The dates of arrivals and departures of individual dogs from the kennels;
- c) Breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
- d) The names and addresses of the purchasers of individual puppies;

13.26. Veterinarian records on individual dogs maintained in breeding kennels must be kept on site.

13.27. Vaccination records must be provided to the kennel owner of individual dogs maintained in boarding kennels.

Kennel Inspections/Posting of License

13.28. Every person who holds a kennel license or is the owner/operator of the kennel shall, at all reasonable hours, be open to inspection by the Township's Animal Control Officer and/or the Township's By-law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals (OSPCA) or such other persons trained in the area of disease control and sanitation as may be appointed by Council.

13.29. Every person who holds a license or is the owner/operator of the kennel shall keep the license posted up in some conspicuous place on the premises and shall, when requested by any person authorized by the Township, produce such license for inspection.

14. EXEMPTION FROM KENNEL LICENSE

14.1. Section 13 of this By-law shall not apply to:

- a) any of the Township's animal care and control centres, as applicable,
- b) the premises of the OSPCA,

- c) the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

15. ENFORCEMENT

15.1. This by-law shall be enforced by an Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purpose of enforcing the Township's by-law.

15.2. The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police to enforce any provision of this by-law.

16. OFFENCES

16.1. Any person violating any provision of this By-law shall be guilty of an offence and shall be liable, upon conviction to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, CP. 33, as amended; and further that said fine shall be recoverable under the provisions of the Provincial Offences Act.

16.2. That the list of Offences and applicable Provincial Offences Act Part I fines are contained in the North Huron Fees and Charges By-law and may be revised from time to time as authorized by Council.

17. REPEAL OF BY-LAWS

17.1. That this By-law repeals and replaces By-law 41-2008 and all previous Animal Control By-laws.

17.2. This by-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 16TH DAY OF SEPTEMBER, 2019.

READ A THIRD TIME AND PASSED THIS 16TH DAY OF SEPTEMBER, 2019.

Bernie Bailey, Reeve

CORPORATE SEAL

Carson Lamb, Clerk

BY-LAW NO. 88-2019

SCHEDULE "A"

KENNEL LICENSE APPLICATION

Check one of the following:

- () New Application
- () Renewal

Check one of the following:

- () Breeding Kennel License
- () Boarding Kennel License
- () Hunting/Sporting/Dog Sled Kennel License

Mandatory attachments to this application:

- Site plan
- Certificate of insurance showing a minimum limit of \$2,000,000 (two million dollars) in Commercial General Liability.
- Clearance from Animal Control Officer
- Proof of current rabies vaccination for each dog.

Owner: *Only the registered owner of the property may apply for a kennel license.

Name: _____

Mailing Address: _____

Property Roll No: _____ Phone #: (Work) _____

Phone #: (Home/Cell) _____

Kennel Name: _____

Professional Affiliation of Owner (or operator)

Canadian Kennel Club: yes () no () C.K.C # _____

Other Association (specify): _____

Name*	Breed	Age	CKC or Other Registration	Proof of Current Rabies Vaccination (Attach)

***Use separate sheet for additional dogs**

I hereby certify that records kept in accordance with Section 13 of the current By-law for the Licensing and Regulating and Requiring the Registration of Dogs; For Imposing a License Fee on Owners and For Prohibiting or Regulating the Running at Large of Dogs within the Municipality of the Township of North Huron, are available for review by the Animal Control Officer or By-law Enforcement Officer at any time. I hereby certify that the information given in this application is accurate and complete to the best of my knowledge.

Signed: _____

Date: _____

Owner of Property/Premises

BY-LAW NO. 88-2019

**SCHEDULE "A"
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KENNEL SITE PLAN

Renewal of Kennel License Only:

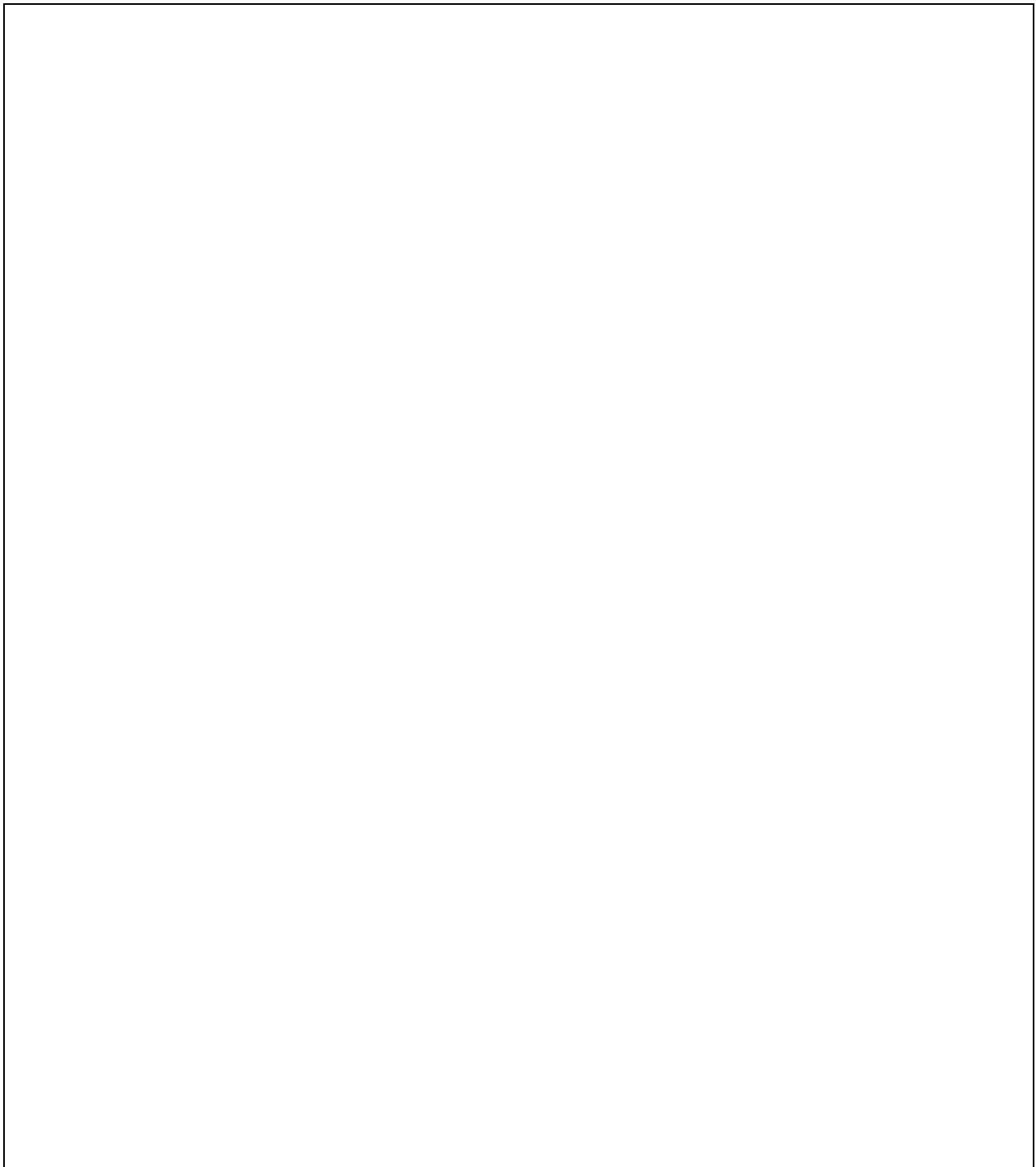
Changes to the Kennel Site Plan - apply in writing to the By-law Enforcement Officer for approval of any changes which would alter the Site Plan on file

New Kennel License: complete the following Kennel Site Plan

Diagram of premises and surrounding area showing -

- 1) Location of buildings; dog runs or facilities to be used.
- 2) Kennel areas.

Distances Must be Shown



Each Kennel shall conform to all applicable requirements of the Township of North Huron Zoning By-law.