



# TOWNSHIP OF NORTH HURON

Report No.  
CL-2024-03

**REPORT TO:** Reeve Heffer and Members of Council  
**PREPARED BY:** Carson Lamb, Director of Legislative Services/Clerk  
**DATE:** 05/02/2024  
**SUBJECT:** CL-2024-03 Animal Control By-law Update  
**ATTACHMENTS:** Draft Animal Control By-law; By-law No. 88-2019 (Animal Control By-law)

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## **RECOMMENDATION:**

THAT the Council of the Township of North Huron hereby receives the report of the Director of Legislative Services/Clerk, dated February 5, 2024 regarding an update to the Animal Control By-law, for information purposes;

AND FURTHER, THAT Council directs the Director of Legislative Services/Clerk to present the updated Animal Control By-law for adoption at the February 20, 2024 Regular Council Meeting.

## **PURPOSE:**

The purpose of this report is to seek Council's approval of an updated Animal Control By-law.

## **BACKGROUND INFORMATION:**

There are three bodies that concern themselves with the regulation of dogs and other animals in Ontario: The Province, the Ontario Provincial Police, and Municipalities.

The Province of Ontario provides animal welfare services through the Ministry of the Solicitor General, the Provincial Animal Welfare Service Act (PAWS Act), the Dog Owners Liability Act (DOLA), and the Chief Animal Welfare Inspector (field complaints relating to animal welfare – i.e. sick, suffering, abuse, lack of proper care).

The Ontario Provincial Police provides emergency response to dog attacks, animal cruelty underway (i.e. beating or torturing of an animal), dogs left in hot/cold vehicles or any other immediate danger to the animal or the public.

Municipalities, through authority provided under the Municipal Act, traditionally are responsible for:

- Regulating the keeping of dogs by individuals and kennel owners;
- Establishing pound facilities;
- Regulating dogs making a disturbance (running at large, barking, etc.);
- Regulating vicious dogs (i.e. muzzles);
- Encouraging neutering; and
- Setting standards by which dogs should be kept (i.e. sanitary & safe).

To assist with this regulatory function, municipalities collect information about dog owners and kennel facilities by issuing dog tags and kennel licenses to ensure the person responsible for a dog can be contacted. The Municipal By-law Enforcement Officer and/or the Animal Control Officer respond to dog related complaints, issue fines, impound dogs running at large and inspect kennels.

The Township's Animal Control By-law sets out the responsibilities and standards for dog owners and kennel operators within the Township of North Huron. The current by-law was adopted in 2019 as By-law No. 88-2019 and is attached to this report.

At the October 2, 2023 regular meeting, Council received a report from the Director of Public Works and Facilities regarding the use of DocuPet for dog tag administrative services and passed the following motion:

**M296/23**

**MOVED BY:** K. Falconer

**SECONDED BY:** M. Wright

*THAT the Council of the Township of North Huron hereby receives the report from the Director of Public Works and Facilities, dated October 2, 2023, regarding an agreement between the Township of North Huron and DocuPet for Dog Tag Administrative Services, for information purposes;*

*AND FURTHER, THAT Council agrees to enter into a three-year contract with DocuPet for Dog Tag Administrative Services, with the option for two (2) additional 1-year terms;*

*AND FURTHER, THAT Council agrees to pay an initial one-time fee of \$2,499 (plus applicable taxes) with no subsequent fees subject to the Township choosing the 365-day licensing program option;*

*AND FURTHER, THAT the Director of Legislative Services/Clerk prepares an amendment to By-law No. 88-2019, the Animal Control Bylaw, to recognize the use of DocuPet's services to the Township of North Huron.*

**CARRIED**

In accordance with motion M296/23, the Director of Legislative Services/Clerk has prepared an update to the Township's Animal Control By-law to recognize the use of DocuPet services by North Huron. Additionally, a further update has occurred to the by-law to satisfy changing legislative requirements and to improve the enforceability of the by-law. The draft by-law is attached to this report for Council's consideration and changes are explained in detail below.

**DISCUSSION:**

Updates to the Animal Control By-law can be summarized as follows:

- Reflected changes in Dog Licensing/Tags as a result of implementing the DocuPet online portal;
- Clarified Service Animals attending municipal facilities;
- Simplified organization of the by-law;
- Clarified the process of collecting fees owing to the Township by owners of impounded dogs;
- Reflected the use of Herding and Livestock Guardian Dogs;
- Removed a statement regarding Rabies Control and the Health Unit;
- Clarified dog kennel types and requirements;
- Clarified the role of the Clerk and Council in refusing or revoking a kennel license;

- Supported legislation (Preventing Unethical Puppy Sales Act, 2023) which, if passed, will regulate harmful breeding practices, impose penalties, and ensure proper care is provided for breeding dogs;
- Reflected Pit Bull regulation under the Dog Owner Liability Act (DOLA); and
- Improved enforceability by providing for the ability to investigate, issue Orders, give proper Notice, and set fines.

#### **DocuPet – Dog Licensing & Tagging:**

The newly implemented DocuPet portal allows dog owners to self-register for a dog license with the Township of North Huron. DocuPet, on behalf of the Township, registers information and issues dog tags for owners. North Huron staff have access to this information online.

Traditionally, dog licenses expired annually at the end of December, but with the new online portal, it will permit a 365-day license from the date of purchase.

The draft by-law includes the following changes that are required due to the implementation of DocuPet services:

- Deletion of “Licensing Officer” definition in favour of “Licensing Agent” to reflect the introduction of the DocuPet system;
- Section 5.2 clarifies that a license is valid for 365-days from purchase (license start); and
- Section 5.3 – 5.5 outlines and clarifies licensing process and collection of owner information.

#### **Service Animals:**

The draft by-law includes the following changes related to Service Animals:

- Updated definition of “Service Animal” reflected in Section 2;
- Removal of the definition of “Guide Dog” from Section 2;
- Section 5.6 pertains to information surrounding the waiving of licensing fees for Service Animals; and
- Recently adopted Integrated Accessibility Standards Policy clarifies admission of Service Animals to municipal facilities.

#### **Dogs Running at Large:**

The draft by-law includes the following changes related to dogs running at large:

- Section 7 has been amended to clarify that the Pound Keeper shall not release a dog to an owner until all associated fees have been paid to Township as well as the Pound Keeper; and
- Additional clarification will be included in any future Pound Keeper Agreement.

#### **Herding & Livestock Guardian Dogs:**

In 2020, the Ontario Sheep Farmers requested that Ontario municipalities amend their Animal Control By-laws to reflect the use of herding and livestock guardian dogs on farms.

To reflect this, the draft by-law has been amended by:

- Defining Herding and Livestock Guardian dogs; and

- Section 4.3 exempts owners from the kennel requirement and/or 4-dog limit, if they are keeping livestock on the same premises, are within the agricultural zone, and the dogs are licensed annually.

### **Rabies Control:**

Section 10 of the current Animal Control By-law (By-law No. 88-2019) reiterates the requirements of the Medical Officer of Health when a dog bite has occurred. Within the updated Animal Control By-law, this section has been removed as it is not regulated by the municipality and by keeping this information within the by-law there is a possibility that the information may not align with current Health Unit practices as those practices change.

### **Dog Kennel Licensing:**

The current by-law does not provide information pertaining to the regulation of Hunting/Sporting/Sled Dog Kennel licensing. Section 11.9 (i) and (j) of the updated By-law requires that owners provide proof of participation in either Sledding or Hunting/Sporting associations or events.

The draft by-law also includes the following changes related to dog kennel licensing:

- The draft by-law imposes a 25-dog limit on kennels to assist with the regulation of puppy mills. This limit has become a standard municipal requirement.
- The current by-law included a grandfathering clause which potentially permitted a kennel to be attached to part of a dwelling unit. This section is now irrelevant and has been removed as there are no longer any grandfathered kennels.
- Schedule A to the current by-law adopts Kennel Licensing Application Forms. The Forms list many kennel license requirements which are not stated in the body of the by-law, which makes enforcement of the by-law difficult. Section 11.9 of the updated by-law moves detailed kennel licensing requirements into the by-law and authorizes the Clerk to develop application Forms as they see fit.
- The current by-law gives the Clerk the authority to refuse a Kennel License Application. The amended draft by-law (Section 11.12 through 11.20) clarifies the role of the Clerk and Council when a license is refused or revoked, including an appeals process.

### **Breeding Kennel Conditions:**

The Ontario government has introduced legislation to help support unethical dog breeding operations, often known as puppy mills. The Preventing Unethical Puppy Sales Act (PUPS Act) if passed, will amend the Provincial Animal Welfare Services Act (PAWS Act) to stop harmful dog breeding practices, impose penalties, and make sure that dogs across Ontario receive the care they deserve. The Animal Welfare Service (AWS) is responsible for enforcing the PAWS Act, but municipalities can support their work by continuing to require Breeding Kennel record keeping as part of the Licensing process.

To reflect this change in legislation, the draft by-law has been amended as follows:

- Change to definition of “Dog” to match the amended provincial legislation; and
- Section 11.31(d) requires that records be kept for every dog that is visiting, kept, bred or sold from the kennel.

**Pit Bulls:**

Section 7 of the current Animal Control By-law (By-law No. 88-2019) reflects pit bull controls implemented by the Province of Ontario through O.Reg 157/05 and the Dog Owners Liability Act (DOLA) in 2005. The intention of the regulation was to reduce the number of pit bulls within the Province.

DOLA states that no person shall own, breed, transfer, or import a pit bull in Ontario. When this legislation came into effect, pit bulls already registered in the Province were grandfathered and were required to be muzzled in public. Given the breeding restrictions brought in at that time, it is suspected that very few pit bulls should remain. Due to this presumption, many other municipalities in Ontario have chosen not to enforce the pit bull ban through their by-laws and instead refer to DOLA on a complaint basis. To reflect this change in legislation, the draft by-law has been updated to remove Section 7.

For future consideration, the North Huron Fees & Charges By-law will need to be amended to remove the reference to an additional license fee for pit bulls. The additional licensing fee for a Vicious Dog will remain in effect.

**Investigations, Issuing Orders, Providing Notice & Set Fines:**

The current Animal Control By-law (By-law No. 88-2019) regulates dogs and kennels but does not provide the Animal Control Officer or Municipal By-law Enforcement Officer with the authority to investigate, issue Orders, send out Notices or issue a ticket (Set Fines) for an offence. This has had a negative impact on enforcement of the by-law.

The draft by-law includes the following changes related to investigations, issuing orders, providing notice and set fines:

- Addition of Sections 13 (Administration & Enforcement), Section 14 (Orders), Section 15 (Notice) and Section 16 (Offences).
- A set fines schedule has been added to the draft by-law as Schedule "A". The set fines schedule has been reviewed by the Ministry of the Attorney General with no concerns. Once the updated by-law is adopted by Council, a certified copy of the by-law will be sent to the Ministry of the Attorney General for approval of the set fines schedule.

**FINANCIAL IMPACT:**

Adoption of the updated Animal Control By-law will improve the enforceability and will allow the Township to better recover costs related to any animal control issues.

**FUTURE/OTHER CONSIDERATIONS:**

None at this time.

**OTHERS CONSULTED:**

Olivia Kempel, Deputy Clerk/Planning Coordinator

**RELATIONSHIP TO THE STRATEGIC PLAN:**

As this report stems from direction provided by Council through motion M296/23 and the need to align with changes in legislation, no consideration was given to the action items of the 2024-2027

Strategic Plan. However, the proposed updates to the Animal Control By-law satisfy Goal #5 – Services “Our goal is to offer high-quality and well-balanced services that create a sense of belonging, support community well-being, promote safety, and encourage healthy and active lifestyles.”



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Carson Lamb, Director of Legislative  
Services/Clerk



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Dwayne Evans, CAO