

BY-LAW 2012-3

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING a By-Law to amend By-Law Number 2004-170, to provide for prohibiting or regulating the keeping of animals within the Municipality

WHEREAS Council deems it necessary to amend By-Law Number 2004-170, Section 3, Kennels, to add Section 3 a 1), as set out hereto in Section 3;

AND WHEREAS pursuant to Section 3(a) By-Law Number 2004-170 a licence is required for the operation of a kennel;

AND WHEREAS pursuant to Section 151(1)(c) of the Municipal Act S.O. 2011, c25, Council may impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;

AND WHEREAS pursuant to Section 151(1)(d) of the Municipal Act S.O. 2001, c25, Council may impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;

AND WHEREAS Section 11, 103 and 105 of the Municipal Act, S.O. 2001, c.25 as amended, authorizes Council to pass By-Laws:

- 1) for prohibiting or regulating the keeping of animals within the municipality;
- 2) for regulating establishments for the breeding or boarding of animals within the municipality;
- 3) for providing sufficient yards and enclosures for the keeping of such animals as it may be the duty of pound keeper to impound;
- 4) for providing for animal identification systems and for requiring owners to identify their animals by those systems and for charging such fees as may be set out in the by-law;
- 5) for determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded;
- 6) for requiring an owner of a dog to keep the dog leashed and under control when the dog is on land in the municipality other than land of the owner unless with the prior consent of the person owning the land;
- 7) for requiring an owner of dog to remove excrement left by the dog and for excluding from operation of the by-law such classes of physically handicapped persons as may be set out in the by-law;

- 8) for requiring the muzzling or leashing of a dog after it has bitten a person or domestic animal;
- 9) for licensing and regulating and requiring the registration of dogs and for imposing a license fee on the owners of them; and
- 10) for prohibiting or regulating the running at large of dogs in the municipality, for seizing and impounding, for killing dogs running at large contrary to the by-law and for selling dogs so impounded at such time and in such manner as may be provided in the by-law.

Section 1 DEFINITIONS

For the purpose of this By-Law the following definitions apply:

ANIMAL CONTROL OFFICER - shall mean that person appointed by By-Law of the Corporation to undertake the control of dogs within the Township.

ANIMAL SHELTER - shall mean any premises designated by the Corporation for the purpose of impounding and caring for animals taken up by the agents of the Corporation.

AT LARGE - a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.

CONTROL - shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of a dog.

CORPORATION - shall mean The Corporation of the Township of Rideau Lakes.

DOG - shall mean a domesticated canine, dog or dogs, male or female six months of age or older, and includes any dog or dogs spayed or neutered.

DOG LICENCE ISSUER - shall mean a person or persons employed by the Corporation for the purpose of implanting, registration and/or issuance of a dog licence.

DOG TAG – shall mean a tag bearing a serial number and the year it was issued.

GUIDE DOG – shall mean any dog trained as a guide dog for a blind person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act, and shall also include a dog professionally trained as a guide dog for other physically disabled persons.

KENNEL – means a building or structure where animals are boarded, bred, trained, given medical treatment or housed for similar purposes for which compensation is paid. A kennel shall include, but is not restricted to a pound, a kennel for the keeping of hunting dogs, a Humane Society shelter or a breeding kennel registered with the Canadian Kennel Club. Notwithstanding, a kennel

does not include a municipal pound which has been designated by the Township of Rideau Lakes for use by an appointed Municipal Law Enforcement Officer.

LEASH - shall mean a restraining device of sufficient strength and material that securely attaches the dog to a person or object.

LEASHED – shall mean a dog on a leash.

MUZZLE – shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

OWNER OF A DOG – includes any person who owns, possesses, harbours or has the care and control of a dog and “owns” and “owned” have corresponding meaning.

RESTRAINED - shall mean being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.

RUNNING AT LARGE - means found in any place other than the premises of the owner of the dog and not under the control of any person.

SANITIZE – means to clean for the purpose of controlling disease producing organisms and “sanitized” has a corresponding meaning.

TOWNSHIP - shall mean of the Township of Rideau Lakes.

VICIOUS DOG – shall mean:

- a) a dog which without provocation 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.

WASTE – shall mean: excrement or feces.

Section 2. LICENSING

- a) No person shall own, keep or harbour any dog within the limits of the Township, unless he/she has obtained a licence for such dog.
- b) Every dog brought into the Township shall be licensed and registered by its owner within two (2) weeks of being brought into the Township.
- c) Every dog born in the Township shall be licensed and registered by its owner within six (6) months after its date of birth.
- d) The Dog License Issuer will collect fees for the dog license tags before the end of March of each year.

- e) Upon payment of the licence fee in full, the Dog Licence Issuer shall provide the owner with a dog tag and a record shall be kept by the Corporation showing the name, address and phone number of the owner and the serial number of the tag, and a complete description of the animal.
- f) Each licence for a dog unless specifically expressed to be for a shorter period and unless suspended or revoked, shall remain in force for a period of twelve months from the date the licence is issued.
- g) The owner shall keep the dog tag securely fastened on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is lawfully hunting.
- h) It is an offence to use a tag upon a dog, other than the dog for which it was issued.
- i) The Dog Licence Issuer shall turn over to the Treasurer of The Corporation, all money paid to him/her under this by-law.
- j) When a certificate is produced from the Canadian National Institute for the Blind, stating that a dog is being used as a guide dog for a blind person, no fee shall be charged for a license and tag.

Section 3 KENNELS

- a) No person shall operate a kennel in the Township unless he/she has obtained a licence for such kennel under the provisions of this By-Law and such kennel meets the requirements.
 - 1) That conditions may be placed on a kennel licence which do not apply to all licences in that class in cases where Council has requested or approved such conditions.
- b) When a kennel is to be established, the owner of the kennel shall be required to enter into a Site Plan Control Agreement with The Corporation that includes screening sufficient to minimize the effects of noise from the kennel.
- c) A licence for a kennel shall not be issued until the licence fee provided in this By-Law has been paid and the applicant has complied with the provisions of this By-Law.
- d) Each licence for a kennel, unless specifically expressed to be for a shorter period, and unless suspended or revoked, shall remain in force for a twelve-month period from the date the licence is issued.
- e) All fencing and runs for kennels shall be built as follows:

1. A fence or its equivalent which is to form a kennel enclosure of part thereof shall be of:
 - I. Chain link construction
 2. A fence of chain link construction, six feet (6') (1.8m) high, shall:
 - I. have a mesh not greater than 2" (5.08m) consisting of 12 ga. galvanized steel wire, or a 14 ga. steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 ga. steel wire.
 - II. be supported by a minimum of ½" (1.27cm) galvanized steel posts, spaced not more than ten feet (10') (3.048m) apart. Such posts must extend at least three feet (3') (.914m) below grade or to bed rock and be encased in concrete at least two inches (2") (5.08cm) thick all around.
 - III. have top and bottom rails firmly fastened to the upright posts, made of a minimum of 1-1/4" (3.18cm) galvanized steel pipe. NOTE: galvanized steel tension wire, 9 ga. May be substituted for the bottom rail.
 3. A fence (or its equivalent) of any other construction which might yield an equivalent or greater degree of security and strength, may be approved by the Animal Control Officer upon the receipt of completed plans and specifications for said fence.
 4. Gates which form a part of the kennel enclosure shall be:
 - I. of such height and of such construction as to provide a degree of safety and rigidity equivalent to or greater than that of required fence;
 - II. supported on substantial hinges;
 - III. self-closing, self-latching with the latching device at the top of and on the inside of the gate.
 5. Maintenance:
 - 1) All fences, walls, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this By-Law.
- g) All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards:
- 1) Dog cages and/or dog houses shall be constructed so as to be easily cleaned.

- 2) All surfaces of yards and runways shall be covered in concrete, asphalt, fine gravel or other material which can be easily cleaned or raked.
 - 3) All doorways and windows and outside openings shall be screened and provide an effective barrier against the escape of any dog.
 - 4) All kennels must at all times be maintained in a clean, sanitary condition.
 - 5) Excrement, dead animals and other waste resulting from the operation of a kennel shall be removed daily from the premises in an environmentally approved manner:
 - i) Prior to a license being issued, the Animal Control Officer shall conduct an inspection of the kennel or a review of the plans for the proposed kennel, as the case may be, for the purpose of determining that the kennel or proposed kennel complies with the requirements of this by-law and the owner shall provide the Animal Control Officer with such information and such access to the premises as he or she may reasonably require in order to conduct the inspection or review.
- h) If the Animal control Officer is not satisfied he/she will refer the matter to Council who, if they concur, may hire a qualified person to advise on the adequacy of the kennel in question.
- 1) Where, in the opinion of the Animal Control Officer, any Kennel does not comply with the provisions of this By-Law or creates or is likely to create a public health concern, nuisance or unsanitary condition, he/she shall require the owner of the kennel to abate the nuisance or rectify the conditions within a reasonable period of time after notice in writing to the owner.
 - 2) If the owner fails to abate the nuisance or rectify the conditions specified by the Animal Control Officer he/she shall be deemed to be contravening the provisions of this By-Law.
 - 3) In addition to any other remedies available to the Municipality, if the owner fails to carry out such work necessary to correct the situation, the municipality may carry out the work at the owner's expense and any costs incurred by it in doing the work shall be collected in like manner as taxes.
- i) Any kennel licence may be suspended or revoked by Council on the recommendation of the Animal Control Officer, if in his/her opinion, the kennel does not comply with the provisions of this By-Law.

- j) Whenever this By-Law, any duty is imposed upon the Animal Control Officer related to the inspection of kennel premises, the Animal Control Officer, at his/her discretion, considers that professional advice is necessary or desirable, he/she may retain the services of a qualified veterinarian entitled to practice his/her profession in Ontario to advise him/her and to make a report to Council and then the kennel owner. The By-Law Enforcement Officer shall be guided by such professional advice and report. If the required corrections are not done by the owner, the work will be done by the municipality and collected as taxes on the property.

Section 4 LICENCE FEES

- a) Annual Licence Fees shall be as per Schedule "A"

Section 5 PUBLIC NUISANCE

- a) No person who owns or harbours a dog within the Township of Rideau Lakes shall permit such a dog to become a public nuisance.
- b) A dog shall be considered a public nuisance if:
- 1) It persistently barks or howls and interferes with the normal enjoyment of another persons property; or
 - 2) It causes damage to public or private property, including injury to livestock and poultry; or
 - 3) It interferes with or dumps or scatters garbage; or
 - 4) It persistently chases pedestrians, cyclists or motor vehicles, using public or private property adjacent to the property where the dog is kept.

Section 6 DOGS RUNNING AT LARGE

- a) The owner of a dog shall keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found. Farm dogs and hunting dogs under the control of any person and acting in accordance with acceptable behavior shall not be deemed to be running at large when found in any place other than the premises of the owner.
- b) No owner shall allow his/her dog to urinate on any property, other than the property of its owner, or other property by permission, nor to defecate on any such property, unless the droppings are forthwith cleaned up.
- c) No owner shall allow a dog to run at large in the Township of Rideau Lakes and any dogs running at large shall be liable to be seized, impounded and disposed of as hereinafter provided.

- d) Where an Animal Control Officer is unable to seize a dog that is running at large contrary to the provisions of this by-law, he/she may kill the dog.
- e) Where an Animal Control Officer finds a dog running at large contrary to the provisions of this By-Law, and he/she believes that before the dog is seized, it may attack a human being, he/she may kill the dog.
- f) Where any person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being, he/she may kill the dog.
- g) A dog which is found, with or without a tag, running at large, may be seized and impounded by the Animal Control Officer of the municipality. If called for within five (5) clear days from the time of being seized and impounded, the dog shall be released to the owner upon payment of compensation for each day in which the dog has been impounded, such sum to be determined by and paid to the poundkeeper. The owner of any such dog may also be charged with an offence as per Section 14 of this By-Law.
- h) Any dog seized and impounded and not called for by the owner thereof within five (5) clear days from the time of such seizure and impounding, may be disposed of in the manner hereinafter provided or be sold by the poundkeeper.
- i) Any dog so sold shall be properly licensed and registered to the new owner and accompanied by the bill of sale and receipt for payment of same which shall vest title of any such dog in the new owner.
- j) Any dog seized and impounded for running at large and not redeemed by the owner thereof, as herein before provided, or not sold by the poundkeeper after the expiration of five (5) days, shall be destroyed in a humane manner.
- k) Where a dog seized and impounded bears a tag issued by the Corporation, the Animal Control Officer shall search the register kept for that purpose and notify the registered owner thereof within a reasonable time and cite the section or sections of this by-law which have been violated and shall indicate the location of the dog pound,
- l) Notwithstanding section 6 (subsections 8 and 10) of this By-Law to the contrary, any dog bearing a tag issued by the Township of Rideau Lakes when seized and impounded shall not be destroyed or sold until the expiration of seventy-two (72) hours after the owner thereof has been notified as hereinbefore provided.
- m) A statement of the recipients of dog tag licenses, bearing the names and addresses and description of the dog so licensed shall be forwarded to the Animal Control Officer on a regular schedule by the Corporation.

- n) No dog seized or impounded shall be released to the owner or sold or given to any person unless or until it is properly registered, the impound fee and reclaim fee (where owner reclaims dog) is paid and a tag securely fixed on the dog.

Section 7 DOG BITES

- a) Every person or owner of a dog shall take all precautions necessary to prevent the dog from biting or attacking any person or fighting with, attacking, or biting any dog, domestic animal or domestic fowl, whether on private or public property.
- b) When a dog has bitten or attacked a person, or fought with, bitten or attacked a dog, domestic animal or domestic fowl, the owner shall cause the dog to remain muzzled or leashed until such time as the incident has been reviewed by the Animal Control Officer. As a result of his/her review, if in his/her opinion, the dog has fought, bitten or attacked without provocation, the Animal Control Officer may rule that the dog is a vicious dog, and at his/her discretion, may commence proceedings under the Dog Owner's Liability Act, whereby at the discretion of the Judge, penalties ranging from a fine to an order to destroy the dog, may be imposed.

Section 8 VICIOUS DOG

- a) The owner of a vicious dog shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in one of the following manners so as to prevent the dog from causing injury to any person, dog, domestic animal, or domestic fowl entering onto the owners land.
 - i) The vicious dog shall be located wholly within a fenced area and any gate in such fenced area shall be locked at all times when a vicious dog is in the fenced area.
 - ii) When the vicious dog is kept in an enclosed run or pen, such run or pen shall be built in accordance with the information in this By-Law under Kennels, except that said run shall be enclosed on all four (4) sides and its top shall be of material of the same or greater strength than that of the sides.
 - iii) The dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed or chained. The leash shall not exceed 9 metres in length.
- b) It is the owner's responsibility to ensure that any person who is left with the charge of a vicious dog is fully capable of controlling the dog with strength and knowledge.
- c) The owner of a vicious dog shall at all times when the dog is outside the boundaries of its owner's land keep the dog leashed and muzzled so as to prevent it from biting.

- d) No person shall permit a dog to attack, or bite any person, or to attack, bite or fight with any dog, domestic animal or domestic fowl.
- e) Every owner of a vicious dog shall at the time the dog is licensed, inform the Dog Licence Issuer that the dog is vicious.
- f) Immediately upon the transfer of a vicious dog from one owner to another, the owners shall notify the Dog Licence Issuer.
- g) Every owner of a vicious dog shall post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.
- h) If the dog owner fails to comply to any of the above, the Animal Control Officer may commence proceedings under the Dog Owners Liability Act.

Section 9. WASTE

- a) No person having control of a dog or the owner of a dog shall allow the dog to defecate on either private property or property of The Corporation without completely picking up all of the waste before leaving the scene and disposing of such waste on his or her own property.
- b) This section shall not apply to a seeing eye dog while on a leash and actually in use in providing assistance to a person with impaired vision or to a disabled person as defined herein.

Section 10 ANIMAL PROVISIONS

KEEPING OF DOGS - GENERAL

- a) Every dog shall be:
 - i) Treated in an humane manner, and
 - ii) Kept so that:
 - 1. the transfer of pathogenic agents is minimized;
 - 2. there are no offensive odours, or odours which may attract animals.

ANIMAL ENCLOSURES

- a) Every cage, pen or other such enclosure used for the housing of a dog when kept as a pet or for hobby purposes, shall be so constructed and maintained that:
 - i) Every dog in a cage or pen may comfortably;
 - 1. extend its legs to their full natural extent;
 - 2. stand;
 - 3. sit;

4. lie down in a fully extended position; and
5. be provided with adequate space for exercise purposes. The length of chain for tethering purposes shall be a minimum of three (3) meters.

Section 11 CONTROL OF DISEASED DOGS

- a) When a dog is known to have bitten a person the Medical Officer of Health may order the agent for The Corporation of the Township of Rideau Lakes to confine the dog under supervised quarantine for a period not to exceed the (10) days in accordance with the Public Health Act.
 - i) Any dog suspected of being rabid shall be placed in quarantine where possible, pending its disposition by the Health of Animals Branch of Agriculture Canada.
 - ii) When a dog is seized, impounded or destroyed under the provisions of this section, no damages or compensation shall be recoverable by the owner thereof.

Section 12 INTERFERENCE

- a) No person shall interfere with, hinder or molest any agent of The Corporation in the performance of any duty as such agent.

Section 13 ENFORCEMENT

- a) The Animal Control Officer shall enforce this by-law and arrange for a suitable place as a pound and keep records of all calls, dogs seized and impounded.
- b) The Animal Control Officer is hereby authorized in the course of his/her duties of seizing and impounding dogs running at large contrary to this by-law, to use such reasonable means at his/her disposal to seize and impound such dogs as may be required by the circumstances.

Section 14 VIOLATIONS AND PENALTIES

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine pursuant to The Provincial Offences Act.
- b) Upon registering a conviction for a contravention of any provision of this By-Law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 15

VALIDITY

- a) If any section, clause or provision of this By-Law including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction, to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared invalid.
- b) This By-Law repeals any previous By-Laws, Resolutions, Motions or Actions of Council - 2000-18 and 2004-170.
- c) This By-Law shall come into force and take effect immediately upon the day of final passing thereof.

READ a first and second time this 6th day of February 2012.

READ a third time and finally passed this 6th day of February, 2012.

Signed Original By-Law is on file with the Clerk's Office.

SCHEDULE "A" TO BY-LAW NUMBER 2012-3

FEES

- | | |
|-----------------|--------------------------------|
| 1) All Dog Tags | As per User Fee By-Law 2015-01 |
| 2) Reclaim Fee | As per User Fee By-Law 2015-01 |

The owner of a kennel shall pay an annual license fee as outlined in the User Fee By-Law (2015-01) to the Clerk of the Municipality as a license fee for all dogs kept or boarded at the kennel.

SCHEDULE "B" TO BY - LAW NUMBER 2012-3

KENNEL LICENCE

THE MUNICIPALITY OF THE TOWNSHIP OF RIDEAU LAKES

LICENCE NO. _____

THIS IS TO CERTIFY

1) THAT _____ IS THE OWNER OF A KENNEL FOR THE PURPOSE OF KEEPING AND/OR BOARDING DOGS.

a) NAME OF KENNEL: _____

b) REGISTRATION NO. (if applicable): _____

2) KENNEL IS SITUATED IN:

a) THE WARD OF _____

b) LOT AND CONCESSION NO. _____

c) CIVIC ADDRESS NO. _____

3) THAT SAID OWNER HAS PAID THE ANNUAL LICENSE FEE OF \$160.00.

ISSUED AT THE TOWNSHIP OF RIDEAU LAKES THIS ____ DAY OF _____, 20____.

CLERK

SCHEDULE "C"

BY-LAW #2012-3

INJURED ANIMALS:

The Animal Control/By-Law Enforcement Officer, in the course of his/her duties, is hereby authorized to seek medical service when a dog is seized and is injured, and in his/her opinion, is in need of veterinarian care. The following shall be adhered to:

- a) Animal is seized and injured, and bears a tag issued by the Corporation of the Township of Rideau Lakes, the owner is to be notified and is responsible for medical care;
- b) If the owner of the animal cannot be identified, the Animal Control/By-Law Enforcement Officer is to proceed with medical attention;
- c) Any animal that requires medical attention shall be taken to the appointed Veterinarian for care, for a maximum of three (3) days and then impounded; and

No injured animal shall be released to the owner after medical care, prior to payment of medical services.

TOWNSHIP OF RIDEAU LAKES

PART 1 *Provincial Offences Act*

**By-law #2012-3, Animal Control By-Law
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Set Fines

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions Creating or Defining Offence	COLUMN 3 Set Fine
1	Fail to register dog.	Section #2 (b)	\$75.00
2	Fail to affix tag to dog	Section #2 (g)	\$75.00
3	Operate kennel without licence	Section # 3 (a)	\$250.00
4	Permit dog to become a public nuisance	Section #5 (a)	\$125.00
5	Allow dog to run at large	Section # 6 (c)	\$95.00
6	Permit dog to attack or bite any person, dog or domestic animal.	Section # 8 (d)	\$250.00

NOTE: Penalty provision for the offences indicated above is Section 14 (a) of By-Law #2012-3, a certified copy of which has been filed.

TOWNSHIP OF RIDEAU LAKES

PART 1 *Provincial Offences Act*

**By-law #2012-3, Animal Control By-Law
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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provisions Creating or Defining Offence	COLUMN 3 Set Fine
7	Fail to remove dog excrement	Section # 9 (a)	\$50.00
8	Fail to secure vicious dog	Section # 8 (a)	\$250.00

NOTE: Penalty provision for the offences indicated above is Section 14(a) of By-Law #2012-3, a certified copy of which has been filed.