

The Corporation of the Township of North Kawartha

By-Law 2015-067

Being a by-law of the Corporation of the Township of North Kawartha for the regulating and licencing of dogs and kennel operations and for the prohibiting and regulating the running at large of dogs and to repeal by-law #82/00, #41/01 and #49/14

Whereas Section 103 of the Municipal Act, S.O. 2001, c. 25, as amended, provides municipalities with the authority for regulating or prohibiting with respect to the being at large or trespassing of animals;

And Whereas Section 103 (1) (a) provides for the seizure and impounding of animals being at large or trespassing contrary to the by-law;

And Whereas Section 103 (1) (b) provides for the sale of impounded animals, if they are not claimed within a reasonable time, if the expenses of the municipality respecting the impounding of the animals are not paid, or at such time and in such manner as is provided in the by-law;

And Whereas Section 105 (1) provides for the muzzling of dogs;

And Whereas the Dog Owners' Liability Act, R.S.O. 1990, c.D16 provides for liability of owner of a dog;

And Whereas the Corporation of the Township of North Kawartha promotes and advocates the humane treatment of animals and responsible pet ownership;

And Whereas the Township of North Kawartha entered into an agreement, as amended from time to time, with the Peterborough Humane Society for the provision of animal control and pound services;

Now Therefore the Council of the Corporation of the Township of North Kawartha do hereby enact as follows:

Definitions:

Dog	shall mean a male or female dog whether neutered or spayed.
Officer	shall mean a person appointed by the Peterborough Humane Society.
Owner of Dog	includes any person who possesses or harbours a dog within the Municipality.
Regulations	means the regulations made under the authority.
Kennel Operator	means holder of a valid licence issued by this Municipality.
Municipality	means the Corporation of the Township of North Kawartha.
Muzzled	shall mean a humane fastening device to prevent a dog from biting.
Pound	shall mean premises inspected and approved by the Animal Health & Welfare Branch and designated by the Municipality for the confinement, maintenance or disposal of animals that have to be impounded pursuant to this by-law including the Peterborough Humane Society.
Vicious Dog	shall mean a dog which without provocation has bitten a person, domestic animal or domestic fowl.

Section 1: Licencing

1. Annual licence fee shall be levied upon every dog owner in the municipality. See Schedule "A" for fees.
2. All dogs over the age of three months must be licenced. Licences expire on December 31st of the year of issuance.
3. On payment of the licence the owner shall be furnished with a numbered tag bearing the year in which it was issued. The tag must be securely fixed to the dog at all times until it is renewed or replaced.

Section 2: Waste

1. It is an offence for anyone to allow a dog to deposit waste (faeces) on private property or property of the municipality unless that person without leaving the scene picks up the waste and disposes of it in a proper manner.

Section 3: Running At Large

1. No person shall permit a dog owned by him/her to run at large or be found in any highway or other public place in the Municipality unless it is under the control of some person and held firmly on a leash, to prevent the possibility of any person being attacked or bitten by such dog. No dogs will be permitted on any public beaches and associated parkland within the Municipality.
2. The officer may seize any dog running at large and cause such dog to be returned to the owner or impounded.
3. Any owner of a dog that has been seized may pay an amount in consistent with fees set out by the pound in any current agreements prior to release.
4. Any owner of a dog seized that has not obtained a current licence shall purchase a licence prior to release.
5. Any dog impounded will be transported to the pound. Any owner who fails to claim the dog within the time period set by the regulations of the pound shall be responsible for all costs incurred and may forfeit all rights of ownership.
6. The officer may destroy any dog that is found running at large if:
 - a) it is reasonably believed that the dog is likely to or has caused harm to any person, dog, domestic animal or domestic fowl, or
 - b) the dog is ill or injured and it is believed that it should be destroyed without delay for public safety or humane reasons.

Section 4: Dog Bites

1. When a dog has bitten or attacked a person or fought with, bitten or attacked a dog, domestic animal or fowl the owner shall be ordered to leash or muzzle the dog until such time as the incident has been reviewed by the officer and municipal law enforcement (currently, Ontario Provincial Police). As a result of this review the Officer may:
 - a) Exempt the owner from the muzzling or leashing requirement.
 - b) Rule that the dog is vicious whereby the owner must comply with Section 5 of this bylaw.
 - c) Commence proceedings under the Dog Owners' Liability Act whereby at the discretion of the judge penalties ranging from a fine to an order to destroy the dog may be imposed.

2. When a dog is known to have bitten a person, the Medical Officer of Health shall be notified.
3. When the officer has issued a leash or muzzle order to the dog owner, the owner may request a hearing by Council.

Section 5: Vicious Dog

1. When not in the owner's dwelling unit but otherwise within the owner's property it shall constitute an offence for the owner to fail to ensure that the dog is secure in accordance with sub section 5.1 (a) as to prevent the dog from causing injury to any person, dog, or domestic animal or fowl.
 - a) The dog must be kept in an enclosed pen or run. It must be enclosed on all four sides with locked gates, solidly constructed to a minimum of six feet in height and secured at the bottom to prevent escape (by means of digging). Area size should be adequate for the breed of dog.
2. It shall constitute an offence for the owner to fail to ensure that any one left in charge of a vicious dog is fully capable of controlling the dog.
3. When the dog is outside the owners' property it is an offence for the owner to fail to leash and muzzle the dog at all times.
4. It is an offence to fail to tell the officer that a dog is vicious at the time of licensing.
5. It is an offence for the owner of a vicious dog to fail to post a sign on his/her property stating that there is a vicious dog on the premises.

Section 6: Restrictions

1. It shall constitute an offense for any person to harbour more than a total of three dogs in or about any single dwelling unit / property.
2. The above restriction does not apply to kennel operations licensed through this municipality.
3. This restriction does not apply to dogs under three months of age.

Section 7: Kennels

1. The owner of a kennel shall pay a total annual licence fee as set out in Schedule A.
2. The owner shall conform to guidelines set by this municipality prior to a licence being issued.

Section 8: Guidelines for Kennel Operation

1. Every person who applies for a kennel licence shall comply with the following requirements. No kennel licence shall be issued unless the premises comply with all provisions of this bylaw.
 - a) Present Zoning bylaw must permit such use.
 - b) All building and structures must be built to a solid secure standard and require an inspection by a Building Inspector appointed by the municipality prior to Kennel licence issuance.
 - c) Kennel buildings shall not be directly connected to a building which is or can be used for human habitation.

- d) Provide adequate lighting for a minimum continuous period of eight hours within every twenty-four hour period.
 - e) Provide adequate food, shelter, exercise, potable water, veterinary care as set in the Code of Practice for Canadian Kennel Club.
2. Outside areas - minimum size requirements are eighty square feet for small to medium breeds plus an additional forty square feet for every dog after the second. Minimum 120 square feet for large breeds plus an additional sixty feet per dog after the second. Solidly constructed minimum of six feet in height and secured at the bottom to prevent escape by means of digging.
 3. The Building Inspector / Officer reserves the right to inspect any premises prior to licensing.

Section 9: Miscellaneous

1. The Ministry of Health and Long Term Care recommends that all dogs be inoculated against rabies every year.
2. It is recommended that all dogs not used for breeding purposes be spayed or neutered to decrease the incidents of unwanted dogs.

Now Therefore the Council of the Corporation of the Township of North Kawartha do hereby enact as follows:

1. With the exception of Section 9 every person who contravenes any section of this bylaw shall upon conviction, forfeit and pay at the discretion of the convicting Magistrate, a penalty not to exceed the sum of \$5000.00, subject to the Provincial Offences Act, R.S.O. 1990, c. P.33 s.61.
2. That an individual who contravenes any provision of the Dog Owners Liability Act (18 (1)) or the regulations or who contravenes an order made under this Act or the regulations is guilty of an offence and liable, on conviction, to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or both. 2005, c. 2, s. 1 (16).
3. That the fees for dog licences and kennel operation licences shall be listed in Schedule "A" and shall form part of this by-law.
4. That this bylaw shall repeal By-law # 82/00 passed the 19th day of December, 2000, By-law #41/01 passed the 17th day of July, 2001 and By-law #14/49 passed the 3rd day of June, 2014.
5. That this bylaw shall be in force and effect as of the 2nd day of June, 2015.

Read a first, second and third time and passed in open council on the 2nd day of June, 2015.

Richard B. Woodcock, Mayor

Connie Parent, Clerk

Schedule "A"

License Fee	\$10.00 per spayed/neutered dog \$15.00 per non spayed/neutered dog (if obtained by April 15th) \$ 5.00 increase thereafter
Kennel Operator	\$50.00 per year