

THE CORPORATION OF THE TOWNSHIP OF TAY

BY LAW NO. 2001-73

**A By-Law for the Licensing, Regulating
and Requiring the Registration of Dogs
and for the Control of Dogs within the
Corporation the Township of Tay**

WHEREAS the Municipal Act, R.S.O. 1990, Chapter M45, Section 210 authorizes the Council of a local municipality to pass by-laws for prohibiting or regulating the keeping of animals within the municipality and to prohibit or regulate noise which is likely to disturb the inhabitants of the municipality;

AND WHEREAS the Municipal Act, R.S.O. 1990, Chapter M45, Section 210 authorizes the Councils of municipalities to pass by-laws for licensing and for requiring the registration of dogs;

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

1.0 DEFINITIONS:

in this by-law,

- 1.1 **“Canine Control Officer”**, means an Animal Control Officer appointed by by-law of the Township;
- 1.2 **“Council”**, means the Council of the Corporation of the Township of Tay;
- 1.3 **“Dog”**, means a male or female dog over the age of 12 weeks;
- 1.4 **“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, which shall include any real property associated with such dwelling unit;
- 1.5 **“Kennel”** shall mean:
 - i) A place where more than two dogs are kept for the purposes of show, training or breeding, or;
 - ii) A place where more than two dogs are kept and cared for on behalf of the owner of the dogs;
 - iii) Excluding a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.
- 1.6 **“Owner of a dog”** includes:
 - a) a person who possesses or harbours a dog;
 - b) where the person who possesses a dog is a minor, the person responsible for the custody of the minor;
- 1.7 **“Officer”**, includes a police officer, peace officer, municipal enforcement officer and an Animal Control Officer who are duly appointed.
- 1.8 **“Township”**, means the Corporation of the Township of Tay;

2.0 LIMIT OF TWO DOGS IN A DWELLING UNIT:

- 2.1 No more than two dogs shall be harboured in a dwelling unit, which shall include any real property associated with such dwelling unit located within the Township of Tay. *“Harbour”* 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.

3.0 LICENSING OF DOGS:

- 3.1 (a) Every owner of a dog shall ensure that each dog owned by him is registered with and licensed by the Township for each calendar year.
 - (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.
 - (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.
 - (d) (i) The owner of a guide dog or a police work dog, is not required to cause such dog to be registered, with and licensed by the Township.
 - (ii) The Township may require the owner of a dog to establish to his satisfaction that the dog is a guide dog, or a police work dog.
- 3.2 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.
- 3.3 No person shall use a dog tag for a dog other than the dog for which the dog tag was issued.
- 3.4 The annual licence fees are as provided for in Schedule A to this by-law.

4. KENNEL LICENSING:

- 4.1 A kennel operator with a kennel license is not required to apply for a license pursuant to this By-Law in respect of dogs harboured at the kennel.
- 4.2 No person or persons shall keep more than two (2) dogs over 12 weeks of age at one location unless a kennel license is obtained.
- 4.3 Every person who holds a kennel license or applies for a kennel license shall comply with the following requirements:
 - 4.3.1 The kennel shall be in a separate building.
 - 4.3.2 The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code.
 - 4.3.3 The kennel building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often if necessary.
 - 4.3.4 The kennel building shall have electric lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.
 - 4.3.5 Where dogs are permitted to use an outside area, there shall be constructed around such area a fence having a height of at least four feet (4'); the wall of an adjacent building may be included as part of such fenced in area.
 - 4.3.6 Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
 - 4.3.7 While the license is in force he/she shall keep the license continuously exposed in a conspicuous place in the interior of the premises for which the license is obtained.
 - 4.3.8 At all times the kennel operator shall maintain the premises in a sanitary, well ventilated clean condition, and free from offensive odors.
 - 4.3.9 The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthful temperature at all times.
 - 4.3.10 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.

4.3.11 An officer may inspect any place where dogs are kept, pursuant to this by-law.

4.3.11 If the kennel is found not to conform, under the requirements set out herein, an officer may direct that the dogs be seized and impounded by the animal control officer appointed by the Township and may revoke the license issued to the kennel.

4.3.12 The annual kennel licence fee shall be as provided for in Schedule A to this by-law

5.0 DOGS RUNNING AT LARGE:

5.1 (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.

5.2 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 police officer may destroy such dog.

5.3 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.

5.4 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 other than his own property.

6.0 NOISE:

6.1 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.

7.0 MUZZLING AND LEASHING OF DOGS:

7.1 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 municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

7.2 After any dog has bitten a person or domestic animal, the owner shall ensure that such dog is muzzled and leashed at all times. Notwithstanding the foregoing, an order to muzzle may be issued by the Canine Control Officer, if in the opinion of the Canine Control Officer a dog has a temperament, disposition or history of aggressiveness which may result in the dog biting a person or domestic animal.'

7.3 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.

7.4 Where a contravention of section 7.2 has occurred, an order to muzzle or leash shall be issued to the owner of the dog, setting out the control requirements.

7.5 Any person who fails to comply with such order is guilty of an offence.

8.0 FEES PAYABLE AFTER IMPOUNDING:

- 8.1 The Canine Control Officer, on satisfactory identification, may release an impounded animal to the owner on payment of the fees as set out in Schedule B, plus the cost of any damages, fines, expenses, veterinary care and the cost of any vaccination or immunization.
- 8.2 Any dog impounded and not wearing a tag for the then current year, may at the discretion of the Township, be given an inoculation to provide temporary immunization against distemper or any other contagious or infectious disease.
- 8.3 The Canine Control Officer is hereby authorized to charge the fees for services as set out in Schedule B.
- 8.4 Where a dog has been impounded and has not been destroyed, the Canine Control Officer shall release possession of the dog to its owner where,
 - 8.4.1 the owner attends at the pound and claims possession of the dog within three days, excluding the day in which the dog was impounded and statutory holidays and Sundays,
 - and**
 - 8.4.2 pursuant to the fees provided for in Schedule B to this by-law, the owner pays to the Canine Control a seizure fee , a pound fee in addition to a daily maintenance 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.

9.0 DISPOSAL OF DOGS:

- 9.1 Where a dog, has been seized while found running at large and impounded and the owner has not claimed the dog within three 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 Animal Control Officer may sell the dog for such price as he/she deems fit, destroy the dog in a humane manner, or otherwise dispose of the dog as the Officer s in his/her discretion deems fit, and no damages or compensation shall be recoverable by the owner as a result of any such action.

10.0 PENALTY:

- 10.1 Any person who contravenes any of the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33, as amended.

11.0 GENERAL:

- 11.1 By-law No 98-71 is hereby repealed.
- 11.2 This By-law shall come into force and take effect upon approval of the set fines, appended hereto, from the Office of the Regional Senior Judge Central East Region of the Ontario Court of Justice (Provincial Division).

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF MARCH, 2008.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR

ADMINISTRATOR/CLERK

EKW/rd

**CORPORATION OF THE TOWNSHIP OF TAY
PART 1 PROVINCIAL OFFENCES ACT**

By-Law #2001-73

ITEM	Column 1 Short Word Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine (Includes Costs)
1	Harbour more than two dogs in a dwelling unit.	Section 2.1	\$105.00
2	Fail to licence dog for current year.	Section 3.1(a)	\$105.00
3	Harbour dog without a tag affixed.	Section 3.2	\$105.00
4	Used tag for a dog not being the licensed dog.	Section 3.3	\$105.00
5	Keep more than two dogs –no kennel license.	Section 4.2	\$105.00
6	Permit dog to run at large.	Section 5.1(a)	\$105.00
7	Fail to remove dog excrement from property.	Section 5.4	\$105.00
8	Permit noise from dog likely to disturb.	Section 6.1	\$105.00
9	Failed to ensure dog muzzled.	Section 7.2	\$105.00
10	Fail to comply with order to muzzle or leash.	Section 7.5	\$105.00

Note: The penalty provision(s) for the offences indicated above is Section 10.1 of By-Law #2001-73 a certified Copy of which has been filed.

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