

CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW No. 39-2000

BEING a By-law of the Corporation of the Township of North Dundas to regulate the keeping and licensing of dogs.

WHEREAS the Municipal Act R.S.O. 1990, c. M45 Section 210 paragraphs 1 through 13, provides that the Council of a Municipality may enact a By-law for regulating the keeping and licensing of dogs.

AND WHEREAS the Council of the Township of North Dundas deems it necessary to enact such a By-law.

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

1. Definitions:

In this By-law,

- a. "Clerk" shall mean the Clerk of the Corporation of the Township of North Dundas or that person appointed to act in his capacity.
- b. "Corporation" shall mean the Corporation of the Township of North Dundas.
- c. "Fenced Yard" means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule "C" to this By-Law provided that walls of a continuously occupied building are considered as portions of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when a vicious dog or dog included in Schedule "B" to this By-Law is inside the fenced yard.
- d. "Gate" means a swinging or sliding barrier used to fill or close an access and includes a door.
- e. "His" or other words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa.
- f. "Kennel" means any premises where more than three (3) dogs are lodged, treated, kept, boarded or raised.
- g. "License" shall mean a license issued under this By-law.
- h. "Municipality" means either the Corporation of the Township of North Dundas or the Township of North Dundas.
- i. "Municipal Law Enforcement Officer" means the Municipal Law Enforcement Officer for the Corporation of the Township of North Dundas, or that person appointed to act in his capacity.
- j. "Muzzled" means to have securely affixed around the snout or the mouth and nose of a dog a device commonly known as a muzzle manufactured by a recognized manufacturer of muzzles for dogs such that the dog when muzzled will be prevented from biting a person or animal.
- k. "Owner of a dog" includes any person who owns, possesses, harbors or has the care and control of a dog and "owns" and "owned" have a corresponding meaning.
- l. "Park Zone" means those areas designated as open spaces in the zoning By-laws of the Corporation of the Township of North Dundas.

- m. "Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
 - n. "Pure-Bred" means registered or eligible for registration in register of the Canadian Kennel Club, Incorporated.
 - o. "Residential Zone" means those areas designated as residential in the zoning By-laws of the Corporation of the Township of North Dundas.
 - p. "Rural Area of the Municipality" means all properties within the Township of North Dundas which are not designated urban.
 - q. "Township" shall mean all lands contained within the geographical limits of the Corporation.
 - r. "Vicious Dog" means i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or persons; or ii) any dog which has bitten another domestic animal or person without provocation or iii) any dog included in Schedule "B".
2. Subject to Section 9 of this By-Law, every owner of a dog shall annually, not later than March 31 in each year or within seven (7) days of becoming an owner of a dog, cause the dog to be licensed with the municipality.
 3. On application for a license the owner of a dog may be required to produce a certificate signed by a practising veterinarian, that the dog has been inoculated with an anti-rabies vaccine within the period to twelve (12) months immediately prior to the date of application for license.
 4. All licences and tags issued pursuant to this By-law shall be serially numbered and a record of their issue shall be kept by the Municipal Law Enforcement Officer or other person as designated. Such record shall set out the name and address of the owner, the name of the dog and information as to the date of the dog's last anti-rabies inoculation.
 5. At the time of registration, the owner/applicant shall be required to pay to the municipality the required license fee pursuant to Schedule "A" of this By-law.
 6. On payment of the license fee for a dog, the owner shall be furnished with a dog tag from the Municipal Law Enforcement Officer which shall bear the serial number relating to the application, and the year in which the tag is valid.
 7. The owner of a dog shall:
 - a. keep the dog tag securely affixed on the dog for which it was issued at all times until renewed or replaced but the tag may be removed while the dog is being lawfully used for hunting in the bush; and
 - b. not use the tag upon a dog other than the one for which it was issued.
 8. The fee charged for the replacement of lost dog tags shall be that set out in Schedule "A" to this By-law.
 9. The owner of a kennel of dogs that are purebred shall pay to the municipality the annual fee set out in Schedule "A" to this By-law as a license fee for the purebred kennel.
 10. Subject to Section 9 of this By-law, every person operating a kennel for lodging and being approved by the Ministry of Agriculture shall annually and not later than March 31 in each year obtain a license from the municipality to operate a lodging kennel and shall pay the license fee set out in Schedule "A" to this By-law.
 11. Every license for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.

12. No person shall keep or allow to be kept in the rural area of the municipality more than three (3) dogs but not applicable to dogs of less than 6 months old.
13. No person, being the owner or occupant of a dwelling area of the unit within any of the Urban areas of the Township of North Dundas shall keep or allow to be kept any dogs to a greater number than two (2) but not applicable to dogs of less than 6 months old.
14. The running at large of dogs is prohibited within the municipality and no owner of a dog shall allow the dog to run at large.
15. A dog shall be deemed to be running at large when it is found not under control of the owner unless the dog is on the lands of its owner or a person who has consented to it being on his lands. For the purposes of this section a dog shall be deemed to be not under the control of its owner if it is located in any conservation area, institutional area, park or residential zone within the municipality and is not on a leash securely attached to the owner and having a length of less than 2.4 meters (8 feet).
16. No owner of a dog shall permit or allow it to trespass on any private property.
17. a. Any dog found to be running at large may be seized and impounded by the Municipal Law Enforcement Officer or any person acting under his authority.
b. The Municipal Law Enforcement Officer or any person acting under his authority may kill any dog he finds running at large if:
 - i. he reasonably believes the dog is likely to cause imminent harm to any person or animal; or
 - ii. the dog is injured or should be destroyed without delay for humane reasons,and no damages or compensation shall be recovered on account of such disposition.
18. Any dog seized pursuant to Section 17 shall be taken to the pound of the Township of North Dundas or other place as may be designated as Municipal Pound to be held in accordance with the rules and regulations of the Pound Keepers Act.
19. Possession of a dog impounded pursuant to Section 17 of this By-law may be restored to the owner if the owner claims possession of the dog prior to it being either sold or disposed of in accordance with the rules and regulations of the Pound Keepers Act upon obtaining a release from the Municipal Law Enforcement Officer or such other person as he may designate and payment of the pound and maintenance fees imposed by the Township of North Dundas set out in Schedule "A" to this By-law.
20. A release form set out in Section 19 of this By-law can be obtained by the owner upon payment of the fee set out in Schedule "A" to this By-law provided however that if the dog does not have a valid and subsisting license, the owner shall be required to pay in addition to the release fee, the license fee set out in Schedule "A" to this By-Law.
21. If the owner fails to claim the dog within the period of (3) three days, (exclusive of statutory holidays and Sundays), the dog may be killed or sold at the discretion of the Municipal Law Enforcement Officer or other appointed official and if sold, the proceeds of such sale shall be paid to the Treasurer.

22. The owner of a vicious dog or a dog included in Schedule "B" to this By-law 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 escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands:

- a. the dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
- b. the dog shall be located within an enclosed run designed in such a fashion and with such material which will prevent the dog from digging its way out of or otherwise escaping from the enclosed run and not to restrict the generality of the foregoing having sides and top constructed of chain-link fencing as set out in Schedule "C" to this By-law and a solid base securely attached to the sides, or
- c. the dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 meters (8 feet) in length.

→ 23. The owner of a vicious dog or a dog included in Schedule "B" to this By-law shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog unless the dog is on the lands of a person who has consented to it being on his lands in which case the provisions of Section 22 apply.

→ 24. a. No person shall operate a kennel containing a vicious dog or a dog included in Schedule "B" to this By-law.

b. The provisions of Section 24(a) of this By-law do not apply to a person operating a kennel who has in the kennel a vicious dog or a dog included in Schedule "B" to this By-law for the purpose of providing any of the following services:

- i. the temporary boarding of such dog
- ii. the grooming of such dog
- iii. the training of such dog, or
- iv. medical attention for such dog,

provided he complies with the provisions of Section 22 of this By-law.

25. No owner shall permit his dog to attack any person, domestic animal or domestic bird or to fight with another dog.

26. a. Every owner of a dog shall remove forthwith and dispose of any excrements left by his dog on any property located in a residential or park zone in the municipality.

b. The provisions of Section 26(a) of this By-law do not apply to a blind person accompanied by a dog used as a guide or lead dog.

27. No person shall permit a dog to bark at anytime so as to disturb the peace or quiet of any residence or any persons in the vicinity.

PENALTIES

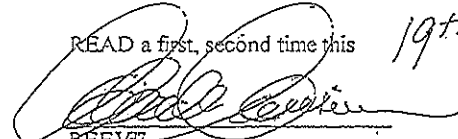
28. Every person who contravenes or causes or permits any contraventions of any provisions of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.

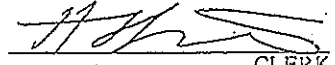
29. In addition to the imposition of a fine or other remedy, a court of competent jurisdiction may upon conviction of an offence under this By-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.

30. It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

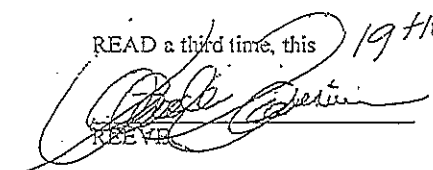
31. By-law 07-98 is hereby repealed.

READ a first, second time this 19th day of JUNE, 2000.


REEVE


CLERK

READ a third time, this 19th day of JUNE, 2000.


REEVE


CLERK

SCHEDULE "A"

- a. License fee:
 - i. Male dog: \$20.00
 - ii. Female dog: \$20.00
 - iii. Neutered Male Dog: \$15.00
 - iv. Spayed Female Dog: \$15.00
 - v. Dog owned by blind person and used as his guide or lead dog: No fee
 - vi. Late Registration Fee in addition to license fee: \$3.00
- b. Dog Tag Replacement: \$2.00
- c. Kennel License - Purebred dogs registered or registrable: \$40.00
- d. Lodging Kennel License - Anyone operating a kennel for lodging of other dogs: \$100.00
- e. Release fee
 - i. first time \$20.00/per day
 - ii. second time \$30.00/per day

SCHEDULE "B"

Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any dog of mixed breeding which includes any of the aforementioned breeds.

SCHEDULE "C"

FENCE

- a. Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150 mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced-in area and that will prevent a vicious dog or a dog included in Schedule "A" to this By-law from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and locks located at the top of and inside the gates.
- b. A fence shall:
 - i. If of chain-link construction:
 1. be of not greater than 50 mm (2 inches) diamond mesh;
 2. be constructed of galvanized steel wire not less than 3.6 mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm diameter (No. 9 gauge);
 3. be supported by at least 38 mm (1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 m (10 feet) apart. Top horizontal rails shall be at least 32 mm (1.25 inches) diameter galvanized steel. Bottom horizontal rails shall be a 12 mm (.5 inch) diameter galvanized tension rail or a 32 mm (1.25 inches) diameter galvanized rail.
 - ii. If of wood construction:
 1. be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches);
 2. supporting horizontal members shall have a minimum dimension of 38 x 38 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 m (4 feet 6 inches) apart;
 3. horizontal members shall be supported by posts spaced not more than 2.4 m (8 feet) on center. Such posts shall be 88 mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
 - iii. If the fence design is other than specified in (i) or (ii) either in material or otherwise, such fence shall require approval by the Municipal Law Enforcement Officer.

Township of North Dundas
By-Law No. 38 -2000

Item	Column 1	Column 2	Column 3
Article	Description	Section	Sat. Fine (includes costs)
1	Being the owner of a dog, failure to purchase a dog licence.	2	\$ 35.00
2	Being the owner of a dog, failing to keep tag securely affixed to dog.	7 (a)	\$ 35.00
3	Being the owner of a dog, using tag upon dog other than dog for which tag issued.	7 (b)	\$ 35.00
4	Being the owner of a kennel, failing to obtain licence to operate kennel.	10	\$ 105.00
5	Being the owner of a dog, assigning/transferring licence.	11	\$ 35.00
6	(Keeping/Allowing to be kept) more than three dogs in rural area.	12	\$ 105.00
7	(Keeping/Allowing to be kept) more than two dogs in urban area.	13	\$ 105.00
8	Being the owner of a dog, allowing dog to run at large.	14	\$ 55.00
9	Being the owner of a dog, (permitting/allowing) dog to trespass on private property.	16	\$ 55.00
10	Being owner of (Vicious dog/dog) included in Schedule "B") fails to keep such dog wholly within fenced yard.	22 (a)	\$ 130.00
11	Being owner of (Vicious dog/dog) included in Schedule "B") fails to keep dog in enclosed run.	22 (b)	\$ 130.00
12	Being the owner of (Vicious dog/dog) included in Schedule "B") fails to keep such dog muzzled and securely leashed.	22 (C)	\$ 130.00
13	Being the owner of (Vicious dog/dog) included in Schedule "B") fails to keep dog in property constructed enclosed run.	22 (b)	\$ 130.00
14	Being owner of (Vicious dog/dog) included in Schedule "B") fails to keep such dog muzzled and securely leashed.	23	\$ 130.00
15	Operating kennel containing (Vicious dog/dog) included in Section "B")	24 (a)	\$ 130.00
16	Being the owner of a dog, permitting dog to fight another dog.	25	\$ 130.00
17	Being the owner of a dog, failing to remove and dispose of dog excrement.	26 (a)	\$ 35.00
18	Being the owner of a dog, allow it to disturb the peace.	27	\$ 35.00

Note: The penalty provision for the offences indicated above is section 28 of By-law -2000 entitled Codes of which has been filed.

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