

THE CORPORATION OF THE TOWNSHIP OF ST. JOSEPH

BY-LAW 2017-06

A By-law to amend By-law 2016-12, being a By-law for the Licensing, Registration, Care and Control of Dogs and Kennels.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, authorizes a single tier municipality to pass by-laws respecting Animals; and

WHEREAS By-law 2016-12 was passed on February 17, 2016 to govern the licensing, registration, care and control of dogs and kennels in the municipality; and


WHEREAS Council desires that fees be established to provide for the recovery of the costs associated with Animal Control, inspections, patrols, licensing, administration and regulation of dogs and kennels;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Township of St. Joseph does hereby enact as follows:

1. THAT By-law 2016-12 be amended by appending this By-law to provide for the annual license fees for individual dogs and kennels.
2. THAT either a Boarding or Breeding Kennel shall be licensed by the municipality, and said license shall be issued annually following inspection at the beginning of each year.
3. THAT the annual fee for a Boarding or Breeding license shall be \$50.00 per year.
4. THAT the annual fee for the licensing of individual dogs shall take effect as of March 31, 2017 and shall be as follows:

Spayed or Neutered: prior to March 31:	\$10.00 per dog	After March 31:	\$15.00
Not spayed or neutered: prior to March 31:	\$15.00 per dog	After March 31:	\$30.00

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed in open Council this First day of February, 2017.


J. Wildman, Mayor


Carol O. Trainor, Clerk

THE CORPORATION OF THE TOWNSHIP OF ST. JOSEPH

BY-LAW 2016 - 12

A By-law for the Licensing, Registration, Care and Control of Dogs and Kennels within The Township of St. Joseph; and to repeal By-laws 1141 and 930.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, authorizes a single tier municipality to pass by-laws respecting Animals; and

WHEREAS Section 103 of the *Municipal Act* provides that a municipality may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for:

- a. The seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- b. The sale of impounded animals:
 - a. If they are not claimed within a reasonable time,
 - b. If the expenses of the municipality respecting the impounding of the animals are not paid, or
 - c. At such time and in such manner as is provided in the by-law; and

WHEREAS Section 1 (2.1) of the *Municipal Act, 2001*, as amended, provide that if the expenses of the municipality, including fees of the valuer respecting the damage to livestock and poultry due to a dog are not paid within thirty (30) days, the outstanding expenses may be given priority lien status and collected in the same manner as taxes; and

WHEREAS Section 445 of the *Municipal Act, 2001*, as amended, provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

WHEREAS Section 128 of the *Municipal Act, 2001*, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances; and

WHEREAS Section 4 of the *Pounds Act* provides that the owner of any cattle, goat, horse, sheep or swine running at large contrary to section 3 is liable in damages for all injuries committed by such animal or animals, and also is guilty of an offence and on conviction is liable to a fine of not more than \$300;

WHEREAS Section 11 *Dog Owners Liability Act* provides that any conflict between a provision of DOLA or a regulation under this or any other Act relating to pit bulls, and a provision of a municipal by-law relating to pit bulls, the most restrictive provision in relation to controls or bans on pit bulls prevails; and

NOW THEREFORE BE IT RESOLVED THAT the Council of The Township of St. Joseph does hereby enact as follows:

1. That this by-law may be referred to as the "Dog Control By-law"

2. DEFINITIONS

- a. "Animal" means any member of the animal kingdom, other than humans.
- b. "At Large" means the same as "Trespass" which is an animal being at any place other than the premises of that animal's owner and not under the control of the owner or a person acting on behalf of the owner, and in the case of dogs includes not being on a leash, except where the owner of the property, other than the animal owner's property, permits the animal to be on their property.
- c. "Bite" means piercing or puncturing of the skin as a result of contact with the teeth of any animal.
- d. "Boarding Kennel" may be used interchangeably with "Breeding Kennel" and means the keeping, harbouring or taking in of dogs at any one time for the purpose of generating offspring and for revenue.
- e. "By-law Enforcement Officer" means the Municipal By-Law Enforcement/Animal Control Officer appointed by The Township of St. Joseph; and also any person, firm, corporation or association, or employees or agents of such person or agency who has entered into a contract with The Township of St. Joseph to control animals and to carry out, enforce and implement the provisions of this by-law.
- f. "Clerk" means the individual appointed as Clerk for the Corporation of The Township of St. Joseph.
- g. "Dangerous Dog" means a dog that, in the absence of any mitigating factor has attacked, bitten or caused injury to a person or other non-threatening animal; or which has demonstrated a tendency or disposition to do so; or a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal or pet; or a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- h. "Dog" means a male dog or female dog or spayed bitch or neutered dog over the age of twelve weeks;
- i. "DOLA" means the *Dog Owners Liability Act* R.S.O. 1990, Chapter D.16, as amended, which was introduced to provide broader enforcement powers and tougher penalties to deal with owners of dangerous dogs and banned ownership of dogs referred to as "pit bulls".

- j. "Fees and Charges" shall mean the cost of services as shown on the most current Fee Schedule of the Township as approved by Council from time to time.
- k. "Hobby Kennel" means the keeping of more than three but no more than 8 dogs for competitive or recreational purposes, which dogs shall be spayed or neutered, shall all be licenced by the municipality, and are not kept for the purposes of breeding.
- l. "Kennel" means an enclosed building, pen or other structure not attached to a dwelling unit which is used for the keeping, breeding, boarding, housing, feeding and/or maintenance of dogs for remuneration which is located on the property of an individual or agency who owns or harbours more than three (3) dogs;
- m. "Leash" means a chain, rope, or other similar device of not more than 3 metres (10 feet) in length which is designed to be held by a person and is used or designed to be used to restrain an animal.
- n. "Licence" or "dog tag" means a licence issued to a dog owner by the Township on an annual basis indicating the year and number of the tag issued.
- o. "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- p. "OPP Officer" refers to a member of the Ontario Provincial Police.
- q. "Owner" of a dog includes any person who possesses or harbours a dog and where the owner is a minor, the person responsible for the minor.
- r. "Pit Bull" means a Pit Bull Terrier, a Staffordshire Bull Terrier, an American Staffordshire Terrier, and American Pit Bull Terrier or a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in this definition.
- s. "Running at Large" means an animal that is at a place other than the premises or property of its owner and which is not leashed or under the physical control of a person.
- t. "Spayed Bitch" means a female dog for which the owner produces satisfactory evidence of its being spayed.
- u. "Township" means The Corporation of The Township of St. Joseph.
- v. "Trespassing" means a dog being on property or running at large on property owned by a person who is not the owner of the dog or property owned or maintained by the Township, including highways.

- w. "Zoning By-law" means the Comprehensive Zoning By-law in effect and approved by the Council of The Township of St. Joseph.

3. GENERAL PROVISIONS

- a. All dogs over the age of twelve (12) weeks residing in The Township of St. Joseph, whether seasonally, permanently or for a short term, shall be licenced by the Township, which licence expires on the 31st day of December of each year, and such tag shall be worn on the dog at all times.
- b. The Township shall have the right to refuse to issue a licence and tag to any person for any dog or kennel until they are satisfied all requirements have been met under this by-law and any requested documents have been presented for examination.
- c. Every owner applying for a licence shall provide a certificate signed by a Doctor of Veterinary Medicine indicating that such dog has been inoculated against rabies within 24 months of the First day of January of the year in which the application is made.
- d. No animal, whether dog, cattle, goat, equine or bovine, sheep, swine or poultry shall be allowed to run at large in any part of The Township of St. Joseph.
- e. For the purpose of this By-law, animals shall be deemed to be running at large when found in any place other than the premises of the owner and not under the control of any person.
- f. The By-law Enforcement/Animal Control Officer may seize any dog running at large and cause such dog to be returned to the owner, where known, or impounded.
- g. No animal may be kept on any property within The Township of St. Joseph in any means that is outside of the provisions of this By-law or The Township of St. Joseph Comprehensive Zoning By-law.
- h. Any person who keeps an animal within The Township of St. Joseph shall provide adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species, including vaccination.
- i. If a dog is customarily kept out of doors, the owner shall provide an easily accessible, structurally sound, weather proof and insulated enclosure of appropriate size and dimension in the rear or side yard of a residence which meets the provisions of the Township's Zoning By-law.
- j. Any person who has tethered a dog shall ensure at all times the dog has unrestricted movement of a length of no less than 12 feet/3.6 meters, and the animal cannot suffer injury resulting from the tethering.

- k. Dogs must be kept in sanitary conditions with no accumulation of fecal matter and offensive odour which may endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment and comfort of neighbouring persons.
- l. No person shall cause, permit or allow any animal to be kept in a vehicle without appropriate ventilation. Any such animal requiring assistance may be removed with as much force is necessary.
- m. No person shall unleash, loosen, or otherwise free a dog which is not in distress unless such person has authorization from the owner to do so.
- n. Every person in the care or control of a dog shall clean up, collect and remove to a proper disposal container any excrement left by the dog in any public space, highway, or any place other than the property of the dog's owner.
- o. Regardless of the number of dogs per household, all properties within The Township of St. Joseph shall comply with this by-law relating to running at large, barking or howling, shelter, or causing a nuisance or disturbance.
- p. Any person may kill a dog that is found killing or injuring livestock or poultry; or that is found straying at any time and not under proper control upon premises where livestock or poultry are habitually kept. (*Sec 2, Protection of Livestock and Poultry from Dogs Act*)
- q. The owner of a dog shall, at all times, endeavor to prevent a dog from making excessive or continuous noise in accordance with Noise By-law 2011-53 or its successor. If the owner of such dog cannot prevent it from making excessive or continuous noise then such dog must be taken inside a fully enclosed building so as not to disturb nearby residents. Where such owners fail to comply with this subsection the Animal Control Officer may enter the premises and remove the offending dog(s) for confinement.

4. KENNELS

- a. No one person or household shall own, possess, harbour, board, or licence more than three domestic dogs in excess of 12 weeks of age for the purposes of boarding or breeding or as a paid service on a property which does not meet the provisions for a Boarding Kennel in the Zoning By-law.
- b. Properties housing a kennel shall only be permitted in the Rural zone.
- c. Any person who keeps or operates a kennel as described herein must obtain a kennel licence from the Township, and such licence shall be renewed every three years. The licence will only be issued or renewed following a successful inspection of the property.
- d. The kennel building shall be separate from and shall maintain a minimum distance separation of 100 ft/30m from any dwelling unit on the same property.

- e. The kennel building shall conform to the Township's Zoning By-law for accessory buildings, and the Ontario Building Code, and shall be maintained in good repair.
- f. The kennel building shall not be less than 100m/330 feet from any property line.
- g. The kennel building shall not be less than 300m/984 feet from a dwelling on a separate lot, i.e. a neighbouring residence.
- h. The kennel building shall have a floor made of concrete or other impermeable material and shall have a drain or avenue for water and liquid to drain away.
- i. Any cage shall be adequately sized to allow each dog to extend its legs to their full extent, to stand, sit, turn around or lie down in a fully extended position.
- j. A kennel building shall have electric lighting, windows which may be opened for ventilation, a heating system to adequately heat the building and access to running water.
- k. Yards and runways associated with a kennel shall be enclosed with a fence so as to obstruct the visibility of the neighbouring properties from the dogs, and to prevent the dogs from escaping from the premises.
- l. Any person that owns or operates a kennel that was operational on the day this By-law takes effect shall be required to obtain a kennel licence as of January 1 of the following year, and to renew that licence every third year thereafter that the kennel is in operation.
- r. No kennel licence shall be issued or renewed until the property has met the requirements for setbacks, enclosures and conditions as hereto set out.
- s. Every application for a new kennel licence shall be subject to notification of any property owner within 400 feet of the subject property. Any such notified property owner who feels that they may be prejudicially affected by the implementation of such kennel shall provide their objection to the Township in writing prior to the deadline in the Notice.

5. IMPOUNDING

- a. The By-law Enforcement/Animal Control Officer, or a Provincial Offences Officer may seize any dog or animal found running at large or otherwise contrary to this by-law.
- b. An Officer named above may enter on any public property or on private property with the consent of the owner or tenant of the property for the purpose of catching any dog, cattle or animal which is at large.
- c. Any person may capture cattle or any animal running at large and trespassing on their property and deliver said animal to the By-law Enforcement/Animal Control Officer.

- d. The Pound keeper or their agent is authorized to collect a pound fee for cost recovery under this By-law and to provide suitable impounding facilities.
- e. Each animal or each head of cattle that has been impounded shall be claimed by the owner within seventy two (72) hours from the time of delivery to the pound keeper, exclusive of holidays.
- f. Any dog that is impounded and which is not claimed by the owner within 72 hours, the Animal Control Officer or pound keeper may detain the animal for such time as they consider proper, or the dog may be euthanized or sold by the Township deemed appropriate.

6. DANGEROUS DOGS

- a. Where a dog has been designated as a dangerous dog, or a potentially dangerous dog, the Township shall serve Notice upon the owner of such dog requiring the owner, upon receipt of such Notice, to comply with requirements to keep such dog confined within the owner's dwelling, or in an enclosed structure of sufficient size to provide humane shelter while preventing the dog from escaping and also preventing the entry of unsupervised persons.
- b. The owner shall be required securely attach a muzzle to such dog at all times when it is not confined in accordance with Section 6 (a).
- c. With respect to the regulation of Pit Bulls, The Township of St. Joseph shall recognize and act in accordance with Ontario Regulation 157/05, Pit Bull Controls under the *Dog Owner's Liability Act*.
- d. Every owner of a restricted pit bull, as defined in the *Dog Owners Liability Act*, shall ensure that the pit bull is wearing a muzzle and is secured by a leash, except when the pit bull is enclosed within the owner's property or on enclosed property occupied by another person who consents to the pit bull being off leash or unmuzzled.
- e. Declaration of a Dangerous Dog shall be executed and carried out by the By-law Enforcement/Animal Control Officer in accordance with DOLA.


7. PENALTY AND ENFORCEMENT

- a. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of up to \$5,000 and any other penalties imposed pursuant to the *Provincial Offences Act*, 1990, c. P.33, as amended; the *Dog Owner's Liability Act*, 1990, as amended; the *Dog Owners Liability Act*, 1990, as amended; and the *Pounds Act*, 1990, as amended.


8. ENACTMENT

- a. Any property that houses more than three dogs as of the date of passing of this By-law shall be grandfathered for kennel requirements until January 1 of the following year.
- b. The requirement that all dogs be licenced shall include livestock and herding dogs to ensure their safe return should they be running at large, or be hurt, injured or lost.
- c. That By-laws 930, 1141, and any By-law or portion thereof previously approved by Council which conflicts with this By-law shall be hereby repealed.
- d. THAT this By-law shall take effect on the day of passing.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed in open Council this Seventeenth day of February, 2016.



J. Wildman, Mayor



Carol Trainor, Clerk Administrator