

Corporation Of The Township Of Stone Mills By-Law Number 2010-532

Being A By-Law To provide for the licensing of dogs, the licensing of a kennel and to regulate dogs running at large.

WHEREAS the Section 11 of the Municipal Act R.S.O. 2001, as amended authorizes a lower tier municipality to pass bylaws respecting matters within spheres of jurisdiction; and

WHEREAS Section 1 Subsection 2 of the Municipal Act R.S.O. 2001, as amended assigns exclusive jurisdiction to lower tier municipalities to enact bylaws respecting animals; and

WHEREAS Section 103 of the Municipal Act R.S.O. 2001, as amended provides for the seizure and impounding of dogs being at large or trespassing contrary to the bylaw, and for the sale of impounded dogs; and

WHEREAS Section 105 of the Municipal Act R.S.O. 2001, as amended provides for the holding of a hearing upon the request of the owner of a dog when a municipality requires the muzzling or leashing of a dog under any circumstances; and

WHEREAS the Council of the Corporation of the Township of Stone Mills deems it necessary and expedient to require the registration of dogs, to regulate the running at large of dogs and for regulating the operation and location of kennels within the Township of the Township of Stone Mills.

NOW THEREFORE the Council for the Corporation of the Township of Stone Mills enacts as follows:

1. Title:

1.1. This By-law may be referred to as the Dog Control By-law.

2. Definitions:

2.1. For the purposes of this Bylaw, the following words or phrases shall have the meanings associated therewith.

Word Or Phrase	Definition
Control	A dog shall be deemed to be under the control of a person when it is not running at large or when accompanied by the owner and the dog is attached to the owner through a leash or lead not more than 3 meters in length
Council	The duly elected Council for the Corporation of the Township of Stone Mills
Developed Lot	A lot that has been developed for residential purposes and contains a detached house or a dwelling unit as defined by the Zoning Bylaw of the Township of Stone Mills
Dog	A male or female dog of the species <i>canis familiaris</i> , whether or not spayed or neutered
Dog Run	As defined by the Zoning Bylaw of the Township of Stone Mills
Guide Dog	A dog that is trained to aid the visually impaired and is actively use for such purpose

Word Or Phrase	Definition
Hamlet	All hamlets recognized by the Official Plan of the Township and includes Camden East, Yarker, Colebrook, Moscow, Tamworth, Enterprise, Erinsville, Croydon, Strathcona, Newburgh, and Centreville
Humane Society	The Ontario Society for the Prevention of Cruelty To Animals and includes any Branch or local association affiliated therewith
Kennel	As defined in the Zoning Bylaw of the Township of Stone Mills
License	the receipt issued by the Township or an Officer upon payment of the license fee
Lot	As defined by the Zoning Bylaw of the Township of Stone Mills
Officer	Any person or persons appointed by the Township and charged with the responsibility for the providing of specific services and the enforcement of provisions included within this by-law
Owner/ Owns	When used in the context of the ownership of a dog, shall includes any person, organization or corporation who possesses or harbours a dog and where the owner is a minor, shall include the person responsible for the custody of the minor and shall include a person who is temporarily the keeper of a dog
Person	Any individual, firm, incorporated group, business entity, club or organization to whom the context can apply
Police Work Dog	A dog trained to aid law enforcement officers and is actually being used for the purposes of law enforcement, the protection of the public, the investigation of crime or the apprehension of persons violating the law
Pound	Such premises and facilities designated by the Township for the keeping and impounding of dogs
Pound Keeper	A person appointed by the Township to maintain and administer the pound
Redemption Period	That period of time, which the owner of a dog that has been impounded in a pound, has the right to redeem the dog
Running At Large	A dog that is allowed to travel unaccompanied by any person onto lands other than those lands owned or under the possession of the owner of the dog
Sporting Dog	A dog used or intended to be used for sporting activities including hunting and the flushing or the pursuit of prey
Tag	A metal disc bearing a registration number for the dog for which it has been issued and the year of issuance
Township	The Corporation of The Township of Stone Mills
Vicious Dog	Any dog with a known history or a specific breed or mix thereof that has a natural inclination, disposition or tendency to attack domestic animals or humans without provocation
Working Dog	Includes sheep dogs or any dog trained to aid in herding or protecting livestock and is actively used for this purpose

3. Interpretation

- 3.1. For the purposes of this bylaw, any word or phrase which implies the male gender will be deemed to include the female gender, and when applicable, any word or phrase which implies the singular will be deemed to include the plural.

4. Registration

- 4.1. The owner of any dog shall prior to the 31st day of March in each year, or at such time a dog is obtained, or reaches the age of (3) months, cause the dog to be registered by the Township.
- 4.2. For the purposes of the registration of a dog, in addition to information relating to the owner, the owner shall provide the following for each dog being registered:
- 4.2.1. Given name;
 - 4.2.2. Gender
 - 4.2.3. Neutered/Spayed
 - 4.2.4. Breed
 - 4.2.5. Age
 - 4.2.6. Colour And Markings
 - 4.2.7. Disposition.
- 4.3. The owner of a dog shall pay a fee for the registration of each dog as provided for in that bylaw which establishes the Tariff of Fees for municipal services.
- 4.4. The owner of a dog shall upon the registration of the dog, shall be furnished with a tag that includes the registration number for that dog and the year for which it is registered and a license which identifies the dog has been registered.
- 4.5. The Township shall maintain a register of all dogs registered within the Township and the Officer shall be provided with a copy of this register.
- 4.6. The owner of a dog shall obtain a new tag from the Township should a tag previously issued for that year be lost or destroyed or rendered unreadable for any reason, and the owner of that lost or destroyed tag shall pay that fee as provided for in the bylaw that establishes the Tariff of Fees for municipal services prior to the issuance of the new tag.
- 4.7. The attachment of a micro-chip or any similar device onto a dog does not eliminate the requirement for a tag.

5. Supervision and Control

- 5.1. Not more than a total of three (3) dogs shall be kept upon any developed lot in a Hamlet.
- 5.2. Notwithstanding Paragraph 4.2 herein, this provision shall specifically not apply to:
- 5.2.1. An Animal Hospital owned or operated by a Veterinarian licensed by the Ontario Veterinarian Association while providing a veterinarian service
 - 5.2.2. A Pet Store;
 - 5.2.3. A Humane Society Shelter;
 - 5.2.4. A Pound established by or for the Township; or
 - 5.2.5. Dogs under the age of three (3) months.
- 5.3. The Township may at any time require any person that is identified as the owner of a lot in accordance with the records maintained by the Township, to provide a statement in writing indicating the number of dogs maintained upon that lot.
- 5.4. No person who owns a dog shall allow the dog to run at large.

- 5.5. No person who owns a dog shall allow the dog to run at large upon private property without the specific permission of the private property owner.
- 5.6. Any person who owns a dog shall ensure the dog is under control at all times while in a public place.
- 5.7. The owner of a dog that has a history of running at large, shall when that dog is outside of a dwelling, keep that dog in an enclosure that will prevent the dog from running at large.
- 5.8. In addition to other requirements as provided herein, any person who owns a vicious dog, shall not permit the dog to be on any street, in any public place or in any place other than within the dwelling of the owner unless the dog wears a muzzle that is intended to prevent the dog from biting any person or other animal, or the dog is securely confined in an enclosure located on the lands of the owner of the dog and is so designed and constructed to:
 - 5.8.1. preventing the dog from running at large;
 - 5.8.2. to prevent any person from being attacked by the dog if a person is in the immediate proximity to the enclosure; and
 - 5.8.3. to prevent any person from inadvertently entering the enclosure.
- 5.9. Notwithstanding Paragraph 5.8 herein to the contrary, this paragraph shall not apply to a vicious dog while that dog is in attendance at an event sanctioned by the Canadian Kennel Club.
- 5.10. No owner shall allow his dog to defecate on:
 - 5.10.1. any public lands subject to pedestrian traffic;
 - 5.10.2. a public park;
 - 5.10.3. a public place regularly attended by persons on foot; or
 - 5.10.4. private property where no specific permission has been granted by the owner;unless the droppings are forthwith retrieved and disposed of by the owner.
- 5.11. An Officer may enter upon any private property for the purpose of catching a dog that has been running at large.
- 5.12. A dog which is found running at large, may be seized and impounded or returned to it's owner by the Officer.
- 5.13. The Officer may use all means at his disposal to seize and impound any dog found running at large contrary to this bylaw providing the seizing and impounding is conducted as humanely as possible and does not cause any permanent harm to the dog running at large.
- 5.14. Notwithstanding Paragraph 5.14 herein to the contrary, the restrictions provided therein do not apply if in the opinion of the Officer that an imminent harm may be caused to persons and/or property if the dog running at large is not immediately seized and impounded and no other means is available that would prevent a permanent harm or death to the dog.
- 5.15. In the event that a dog is mortally injured as a result of seizing or impounding, the dog may be euthanized by a qualified veterinarian to prevent further pain and suffering, and there shall be no damages or compensation to the owner arising from these actions.
- 5.16. Any person may capture a dog running at large while trespassing on his/her property, however when a dog has been captured, that

property owner shall notify the Township forthwith of the capture and deliver the dog to the Officer for impounding.

- 5.17. No person shall permit a dog to become a public nuisance.
- 5.18. A dog shall be deemed to be a public nuisance if the dog:
 - 5.18.1. Persistently barks or howls and interferes with the normal enjoyment of another persons property;
 - 5.18.2. Causes damage to public or private property, including injury to livestock and poultry;
 - 5.18.3. Consistently interferes with or scatters garbage;
 - 5.18.4. Persistently barks at or chases person using public or private property;
 - 5.18.5. Swims at a public beach.
- 5.19. At the request of the owner of a dog, Council shall hold a hearing to consider the exemption of any requirement provided for herein for the muzzling and leashing of a dog.
- 5.20. Where Council has approved an exemption for the muzzling or leashing of a dog, Council may impose any condition respecting this exemption which Council has deemed appropriate.

6. Kennels

- 6.1. In addition to such other requirements as provided for herein the provisions provided for in this Section shall specifically apply to persons operating or proposing to operate a kennel.
- 6.2. No person shall develop or operate a kennel unless that kennel is developed and operated in accordance with the provisions of the Zoning Bylaw of the Township of Stone Mills as amended.
- 6.3. Notwithstanding Paragraph 6.2 herein to the contrary, no provision contained in the zoning bylaw of the Township of Stone Mills as amended is intended to prohibit or restrict the lawful continuation of a kennel provided that:
 - 6.3.1. the operation of the kennel was a legal use of the land as of the date of adoption of the zoning bylaw;
 - 6.3.2. the kennel has continued without interruption since the date of adoption of the zoning bylaw;
 - 6.3.3. there has been no change in the use of the kennel or the expansion of the kennel since the date of adoption of the zoning bylaw; and
 - 6.3.4. the owner of the kennel has maintained a lawful license for the operation of a kennel since the date of adoption of the zoning bylaw.
- 6.4. No person shall operate a kennel without a license issued by the Township for this purpose.
- 6.5. Any person whose intention it is to operate a kennel or any person wishing to renew a kennel license shall submit an application to the Township for this purpose together with the required fee as provided for in the bylaw which establishes the Tariff of Fees for municipal services.
- 6.6. Any person that has been issued a license to operate a kennel in a prior year shall discontinue the operation of that kennel if a new license has not been issued by the Township by the 31st day of March in any subsequent year.
- 6.7. The owner of a kennel shall not be required to register with the Township each individual dog in a kennel, however the owner shall maintain a registry of that information required for the registration by the Township and this information shall be made available to the Township upon request.

- 6.8. The Township shall maintain a registry of all kennels for which a kennel license has been issued, and copy of this registry or the information contained therein registry shall be provided to the Officer on a monthly basis or at such other times when additions have been made to this registry.
- 6.9. The owner of a dog comprising part of a kennel operation shall not allow that dog to run at large.
- 6.10. No person shall keep, use or maintain any kennel in a condition that is considered to be nauseous, foul or offensive or a public nuisance, and upon the finding of such a condition, the Township may revoke the license authorizing the operation of that kennel.
- 6.11. The Township may at any time inspect the operation of a Kennel or request the Humane Society to conduct an inspection of a kennel and to provide a report to the Township on the conditions thereof.

7. Dogs Seized and Impounded

- 7.1. A pound shall be established for the impounding of dogs, pursuant to the provisions of this Bylaw.
- 7.2. The establishment, maintenance and operation of a pound shall comply with the Animals for Research Act R.S.O. 1990 Chapter A.22. and the regulations made thereunder.
- 7.3. Where a dog is impounded pursuant to the provisions of this Bylaw, the operator of the pound may and shall confine the dog subject to the provisions of the Animals for Research Act R.S.O. 1990 Chapter A.22.
- 7.4. Where a dog seized and impounded bears a tag issued by the Township, the Officer shall search the register kept for that purpose and notify the registered owner thereof within 48 hours following the impounding and advise the owner the reasons for the impounding and the location where the dog has been impounded.
- 7.5. The redemption period shall be 5 clear days following the notification of the owner.
- 7.6. An owner of a dog that has been notified by the Officer that a dog has been impounded, may collect the dog from the pound at any time during the regular operational hours of the pound during the redemption period upon providing evidence that the dog has been registered by the Township and any and all fees applicable for the seizing and impounding of the dog have been paid in full.
- 7.7. Any dog impounded and not collected by the owner within the five clear days from the time of notification, may be sold by the Officer or may be euthanized by a qualified veterinarian.
- 7.8. A statement provided by the Officer of notification of a dog impounded will be considered sufficient evidence of the date and time of notification.
- 7.9. Any dog sold following the impounding by an Officer, shall be registered and a tag securely fixed upon the dog, and the amount of the sale shall be of a sufficient amount to cover the Township costs of registration, the seizing and impounding fees incurred.
- 7.10. The receipt issued by the Township for the registration of the dog shall be sufficient evidence of the new ownership of the dog and Township records shall be amended accordingly.

8. Enforcement

- 8.1. The Township may assign the responsibility for the administration and/or enforcement of this bylaw to any person or company at any time, and where a decision has been made to assign the administration and/or enforcement of this bylaw, this decision shall be confirmed by a bylaw of the Township.
- 8.2. A bylaw adopted by Council to assign the administration and/or enforcement of this bylaw shall specifically provide for any assignment of the requirement for a hearing as provided for in Paragraph 5.19 herein.
- 8.3. Penalties may be imposed upon any person who contravenes a provision of this by-law in accordance with the Schedule of Short Form Wordings and Set Fines attached hereto and which shall comprise part of this By-law. The Schedule of Short Form Wordings and Set fines shall come into effect upon the approval of same by the Regional Senior Justice of the Ontario Court of Justice (Provincial Division).
- 8.4. Amendments to the Short Form Wordings and Set Fines arising from the approval of same by the Regional Senior Justice of the Ontario Court of Justice (Provincial Division) shall be enforceable without an amendment to this by-law.
- 8.5. Any fee imposed under this bylaw constitutes a debt to the person who has benefited from the service. The Township shall, if there is a failure by the person to pay this debt, add the fees imposed to the tax roll for any real property in the Township, the owners of which are responsible for paying the fees and collect them in like manner as municipal taxes.

9. Exemptions:

- 9.1. The provisions of Section 5.4 and 6.7 specifically do not apply to Guide Dogs, Police Work Dogs, Working Dogs or Sporting Dogs while actively engaged in the activity for their particular purpose and only on those lands that are owned by the owner, on those lands for which the owner of the dogs has permission to allow the dogs to run for that particular purpose or on un-developed lands owned by the Crown in right of the Province of Ontario.
- 9.2. All dogs being used in accordance with Paragraph 9.1 herein shall bear a system for the identification of the dog, the owner and any kennel associated therewith.

10. Repeal Of Prior Bylaw

- 10.1. That Bylaw 2005-300 as well as all other bylaws passed prior to the enactment of this bylaw of a like purpose as provided for herein is hereby repealed in it's entirety.

11. Severability:

- 11.1. If the decision of any court deems any provision or requirement of this By-law, or the application of this By-law to any person to be invalid or unenforceable, this decision shall not affect any other provision or requirement, and the balance of this by-law shall remain in full force and effect.

12. Effective Date:

- 12.1. This By-law shall be deemed to have come into effect upon the enactment and coming into effect of Bylaw 2010-533 being a bylaw which provides a general amendment to zoning bylaw By-law 2000-85.

This By-law having been read a first, second and third time is hereby adopted this 17th day of May, 2010.


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Debbie Thompson, Reeve


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Darlene Plumley, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF STONE MILLS
Schedule Of Short Form Wordings And Set Fines
PART 1 - Provincial Offences Act

By-Law # 2010-532

License And Regulate Dogs And Kennels

Page 1 Of 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating Or Defining Offence	COLUMN 3 Set Fine
1	Failing to register a dog	Paragraph 4.1	\$50.00
2	Keeping of more than three dogs in a Hamlet	Paragraph 5.1	\$100.00
3	Allowing a dog to run at large	Paragraph 5.5	\$100.00
4	Failing to muzzle a vicious dog	Paragraph 5.8	\$200.00
5	Failure to retrieve droppings of a dog	Paragraph 5.10	\$100.00
6	Failure to prevent a public nuisance	Paragraph 5.17	\$100.00
7	Failure to obtain a kennel license	Paragraph 6.4	\$200.00
8	Failure to maintain a kennel	Paragraph 6.10	\$200.00

NOTE: Penalty Provision For The Offences Indicated Above Is Section 8.3 Of By-Law No. 2010-532, A True Copy Of Which Has Been Filed And Section 61 Of The Provincial Offences Act, R.S.O. 1990, C. P.33.