

CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST

BY-LAW NO. 2005-55

Being a By-law for the licensing and regulating of dogs and to rescind by-law no. 22-2001.

WHEREAS, Section 8 of the Municipal Act, 2001, S.O.2001,c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act;

WHEREAS, Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides Spheres of Jurisdiction for lower-tier municipalities:

AND WHEREAS Section 9 of the Municipal Act, 2001, S.O.2001,c. 25, as amended, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS, Council of the Municipality of Highlands East deems it desirable to:

Prohibit the keeping of animals in certain Zones of the Municipality and;
Prohibit dogs on designated Municipal property and;
Prohibit or regulate the running at large of dogs, to seize, impound, dispose and sell dogs so impounded and;
Prohibit or regulate the disposal of excrement of dogs and;
Prohibit or regulate the unnecessary and bothersome noise of dogs and;
To regulate and licence establishments for the breeding and boarding of dogs and;
To regulate the keeping of dogs and to restrict the number of dogs that may be kept by any person or establishment and;
The licensing and for regulating and requiring the registration of dogs.

SECTION 1 – DEFINITIONS

1. For the purpose of this By-Law, the following definitions shall apply:
 - (a) **“Municipality”**, shall mean the Municipality of Highlands East
 - (b) **“DOG”**, shall mean any dog, male or female whether neutered or spayed.
 - (c) **“OWNER”**, includes a person who possesses or harbours a dog and, where the owner is minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
 - (d) **“PURE-BRED”**, means:
 - (i) registered or eligible for registration in the register of Canadian Kennel Club Incorporate; or

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- (ii) recognised as such pursuant to the Animal Pedigree Act (Canada); or
 - (iii) American Field Trials Association.
- (d) **“KENNEL CLASS ONE”**, means a building, structure or facility where dogs are kept, bred, or boarded and are registered or eligible for registration with an association incorporated under the Animal Pedigree Act.(Canada)
- (e) **“KENNEL CLASS TWO”**, means a building, structure or facility where dogs are kept on a temporary basis and is not registered.
- (f) **“KENNEL OPERATION”**, means any person who owns, operates, manages, controls, or supervises any kennel within the Municipality.

SECTION 2 – REQUIREMENTS FOR A LICENSE

- 2.1 Every person who owns a dog, which is kept in the Municipality, shall obtain a licence from the Municipality and shall pay the licence fee for the dog(s) as prescribed in Schedule "A" to this By-Law.
- 2.2 Every person who owns and operates a kennel within the Municipality in which a dog or dogs are kept, **shall** pay an annual licence fee as prescribed in Schedule "A", as a fee for the kennel instead of a licence fee for each dog so kept relating to the preparation of the kennel.
- 2.3 The requirement to obtain a licence as prescribed in Section 2.1 and 2.2 shall occur when the person:
- (a) becomes the owner of the dog, or kennel, as the case may be and the same is kept within the Municipality; or
 - (b) when the dog is possessed or harboured in the Municipality for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.
- 2.4 The "kennel licence" issued pursuant to Section 2.2 shall recite the number and type of all dog(s) composing the kennel.

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- 2.5 All licences and licence tags and kennel licences issued under this By-law shall expire on the 31st day of December in each year and the owner shall obtain a new licence or licenses not later than the 31st day of March of the following year.
- 2.6 Registration and licensing of a dog under the age of twelve weeks (12) is not required by this By-Law.

SECTION 3 – IDENTIFICATION OF DOG (S)

- 3.1 Every person who is issued a licence pursuant to Section 2.1, **shall** be given a tag , and the tag **shall** indicate an identification number and the year in which it was issued.
- 3.2 The tag **shall** be provided to the person by the Municipal designate and shall maintain information related to the animal which will include.
- (i) name and address of the owner
 - (ii) the dog tag number
 - (iii) the breed of dog
 - (iv) the year of issue
 - (v) any pertinent information such as tattoos or micro chip implant information
- 3.3 Every owner pursuant to Section 2.1 **shall** keep the tag securely fixed on the dog at all times during the year or until the tag is renewed or replaced.
- 3.4 Section 3.3 does not apply in cases when the dog is receiving veterinary treatment.
- 3.5 Every person who is issued a kennel licence pursuant to Section 2.2 **shall** ensure that the said licence is kept posted within the kennel in secure area of the property where the kennel is situated.
- 3.6 Tags which are lost may be replaced by providing sufficient proof that the dog possessed a licence for the current year and paying to the Municipality or designate the sum of \$2.00 for each lost tag.

SECTION 4 – DOGS AT LARGE

- 4.1 No person **shall** permit a dog owned by him or her to run at large in the Municipality.

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- 4.2 Section 4.1 shall not apply in cases where prior consent to allow dog to be at large is given by the person owning the land on which the dog is found or for the lawful use of a dog(s) for hunting in a legal hunting season.

SECTION 5 - NUMBER OF DOGS PERMITTED

- 5.1 In this part, DOG means any dog, male or female, over the age of twelve (12) weeks.
- 5.2 No person or persons may own, harbour, or keep any more than five (5) dogs other than a registered Kennel on any one lot in any RURAL ZONE or RURAL RESIDENTIAL ZONE and not more than two (2) dogs on any one lot in any other zone as defined by the provisions of any applicable land use control bylaw.
- 5.3 No Class Two kennel shall contain more than ten (10) dogs and are to be housed, fed or otherwise cared for without overcrowding, unnecessary discomfort and risk of injury or disease to the dogs within.

SECTION 6 – REMOVAL OF DOG EXCREMENT

- 6.1 Every person being the owner of a dog, shall forthwith; without leaving the scene, remove the dog's excrement from private property (excluding that of owner's property) or from the property of the Municipality.
- 6.2 Section 6.1 does not apply to a seeing-eye dog that is providing assistance to the owner.

SECTION 7 – UNNECESSARY AND BOTHERSOME NOISE OF DOGS

- 7.1 No person shall permit a dog, kept, harboured or owned, to bark at any time in a manner likely to disturb the neighbours.

SECTION 8 – SEIZURE AND IMPOUNDING OF DOGS

- 8.1 By-law Enforcement Officer or other officer authorized by the Municipality may:
- (a) Seize and impound any dog(s) found running at large within the Municipality.
 - (b) In his discretion, restore possession of the dog to the owner

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provided the dog has a tag or the owner obtains a tag.

- (c) Where it is impossible to identify the owner of the dog(s), he shall deliver the animal to the Municipal Dog Pound or impounded.
 - (d) Any dog found running at large within the Municipality may be destroyed if he sees fit without permitting any person to reclaim the dog.
 - (e) No damages or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the By-Law Enforcement Officer.
- 8.2 (a) Any dog, impounded pursuant to Section 5.1(c) may be kept at the Municipal Dog Pound, or a secure place, and a fee charged to the owner prior to the release of the dog, for all costs of the impoundment.
- (b) When a dog is so impounded and kept pursuant to Section 5.2(a), then it shall not be destroyed until any minimum redemption period has expired as established by applicable provincial law.

SECTION 9 – REGULATIONS FOR “CLASS ONE” AND “CLASS TWO” KENNELS

- 9.1 No person **shall** own, operate, manage, control or supervise a Class One and Class Two Kennel except in accordance with this Bylaw and any other Bylaw of the Municipality.
- 9.2 From the date of passing of this Bylaw no Class One and Class Two kennel shall be constructed or used except in accordance with the following provisions:
- (a) No Class One and Class Two kennel or part thereof shall be used for human habitation or human sleeping purposes; nor shall any Class One and Class Two kennel or part thereof be structurally connected with a dwelling.
 - (b) The construction of any Class One and Class Two kennel shall conform to the requirements of the Ontario Building Code, latest revised edition, and if required, to the Canadian “Farm Building Code”.

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- (c) No Class One and Class Two kennel shall be used unless the following standards are met:
 - (i) Dogs shall be housed in individual enclosures except in the case of puppies under six (6) months of age, which may be with or without the bitch.
 - (ii) Each enclosure shall be large enough to permit any dog enclosed therein to move freely.
 - (iii) Where floors are on grade, suitable bedding shall be provided in the form of a raised platform of wood, fibreglass or similar material and large enough for the dog to lie on.
 - (iv) Outside exercise facilities shall be provided which shall be fenced in such a manner as to keep the dogs securely enclosed. Each dog shall be placed in such facilities at least twice in every twenty-four (24) hour period for not less than thirty (30) minutes each period.
 - (v) **For Class One kennel only**, each enclosed area or pen shall be maintained at a minimum temperature of 15 degrees Celsius (59 degrees F)
 - (vi) **For Class One kennel only**, floors shall be of dense concrete or similar material. and shall be adequately sloped to drain.
 - (vii) **For Class One kennels only**, walls shall be non-porous, watertight and easily cleaned.
- 9.3 No **Class One** kennel shall contain greater numbers of dogs than may, in the opinion of the municipal law enforcement officer, be housed, fed or otherwise cared for without overcrowding, unnecessary discomfort and risk of injury or disease to the dogs within.
- 9.4 (a) Every Class One and Class Two kennel operator shall maintain the kennel in a clean and sanitary condition at all times. In particular the Class One and Class Two kennel operator shall see to it that all excrement, refuse and other objectionable material is removed from

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the premises at least once in every twenty-four (24) hour period including weekends.

(b) Such excrement, refuse and other objectionable material shall be disposed of in a manner, which does not cause a nuisance and is environmentally safe.

- 9.5 Every Class One and Class Two kennel operator shall ensure that all dogs are provided with an adequate source of clean, fresh drinking water available to them at all times.
- 9.6 Every Class One and Class Two kennel operator shall ensure that competent and experienced Class One and Class Two kennel staff or attendants as may be necessary are on duty for a minimum of eight hours in every twenty-four-- (24) hour period including weekends.
- 9.7 Every Class One and Class Two kennel operator shall ensure that any dog that appears to be suffering from any disease shall, within reason, be given care and attention from a qualified veterinarian.
- 9.8 Every Class One and Class Two kennel operator shall at all times take all reasonable steps to prevent a nuisance by undue noise caused by the barking of the dogs housed within his/her kennels.
- 9.9 **Every Class One kennel operator only** shall record the following:
- 9.10 (a) The names and addresses of the owners of all dogs cared for at the kennels.
- (c) The dates of arrival at and departure from the kennel of all dogs.
- 9.11 The municipal law enforcement officer or any other officer of the peace having jurisdiction within the Municipality may at any time enter a Class One and Class Two kennel and inspect the premises to ensure compliance with the Bylaw.
- 9.12 Compliance with the conditions set forth in this Bylaw for the operation of a Class One and Class Two kennel of dogs will permit the holder of a Class One or Class Two Kennel Certificate to be eligible for the renewal of such a certificate.

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- 9.13 Non-compliance with the conditions set forth in this Bylaw for the operation of a Class One or Class Two kennel of dogs will cause immediate revocation of a Class One or Class Two Kennel Certificate and of the privileges attached thereto.

SECTION 10 – OFFENCE

THAT any person who violates or contravenes with any of the provisions of this by-law and is liable upon conviction to a penalty as set out under the Provincial Offences Act.

SECTION 11 - SEVERABILITY OF PROVISIONS

Should any section, subsection, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 12 – AMENDMENT OF SCHEDULES

THAT Schedule "A" may be amended from time to time by a Resolution passed by the Council for the Municipality of Highlands East without an amendment to this Bylaw.

SECTION 13 – RESCIND PREVIOUS BY-LAW

THAT By-law No. 22-2001 is hereby rescinded in its entirety.

READ A FIRST AND SECOND THIS 25TH DAY OF OCTOBER, 2005.

READ A THIRD TIME AND PASSED THIS 25TH DAY OF OCTOBER, 2005.

Keith Tallman, Reeve

Sharon Stoughton-Craig, Clerk

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SCHEDULE "A"

To By-law No. 2005-55

LICENCE FEES FOR DOGS

Dog which is spayed or neutered	\$5.00
Dog which is neither spayed or neutered	\$10.00
KENNEL LICENCE FEE	\$50.00