

**CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH
BY-LAW # 21-2017**

BEING A BY-LAW FOR THE CONTROL & LICENSING OF DOGS

WHEREAS Section 103 (1), 105 (1), 128 (1), and 129 (1) of the Municipal Act 2001 permits municipalities to license and regulate animals within the municipality; and

WHEREAS it has been determined that it is appropriate to license and regulate animals for the purposes and reasons of consumer protection, health and safety and to ensure no public nuisance is caused;

AND THEREFORE, the Council of the Corporation of the Township of McMurrich/Monteith REPEALS by-laws #12-2000, 04-2003, #14-2013, 26-2015 and enacts as follows:

1.0 **DEFINITIONS:**

In this by-law,

- 1.1 **“Animal Control Officer”** shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.2 **“At Large”** shall mean a dog found on any property other than the premises of the owner and not restrained or under the physical control of any person;
- 1.3 **“Beach”** shall mean an expanse of sand or pebbles along the shore of a body of water;
- 1.4 **“Bite”** shall mean a puncture of the skin with teeth;
- 1.5 **“Dog”** shall mean any member of the species canis familiaris be it male or female over the age of 12 (twelve) weeks;
- 1.6 **“Dangerous Dog”** shall mean but is not limited to any or all of the following:
 - (i) A dog that has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so.
 - (ii) A dog that has bitten injured or killed a domestic animal.
 - (iii) A dog that is attack trained, and is uncontrollable by the owner or the person responsible for the control of the dog.
 - (iv) A dog that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property.
 - (v) A dog that chases or approaches any person or domestic animal, anywhere other than the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling.
 - (vi) Has been declared dangerous or vicious in another municipality in Ontario.
- 1.7 **“Harbour”** shall mean owning, having care, custody or control of a dog;
- 1.8 **“Hunting Dog”** shall mean a dog that has been trained as a hunting dog to pursue, chase and search for game, etc, and is being used as such by the owner who is in possession of a valid hunting license as permitted by the Ministry of Natural Resources.
- 1.9 **“Muzzle”** shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal;

- 1.10 **“Municipal Law Enforcement Officer”** shall mean a municipal By-Law Enforcement Officer appointed by Council by By-Law to enforce this By-Law for the Township of McMurrich/Monteith.
- 1.11 **“Owner” shall** mean a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 1.12 **“Park”** means an area of land, usually in a largely natural state, set apart, for the enjoyment of the public, having facilities for rest and recreation, owned and managed by the municipality;
- 1.13 **“Pound”** as defined in the “Animals for Research Act” means premises that are used for the sheltering, keeping, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a municipality or the Dog Owners’ Liability Act;
- 1.14 **“Kennel”** shall mean a Breeding Kennel for the breeding of dogs or Boarding Kennel for the temporary lodging of dogs; OR a Kennel used for the lodging of more than 4 dogs kept for activities resulting in monetary gain, or sled dogs.
- 1.15 **“Restrained”** shall mean:
- (i) The use of a leash made of metal, rope, nylon or other similar strong material no more than (2) two meters in length and of sufficient strength and design to restrain the size and strength of a dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the dog at all times; or
 - (ii) Kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres, or securely tethered on property.
 - (iii) The enclosed pen or the fenced yard shall be equipped with a locking device and/or a self-latching device.
- 1.16 **“Running at Large”** shall mean, found in any place other than the property on which it was kept, or not on a leash that is held by a person who is capable of controlling the dog at all times
- 1.17 **“Service Dog”** shall mean an animal which is trained to assist in the movements of a person with a physical, visual, or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a Peace Officer.
- 1.18 **“Trail”** shall mean a path or track made across a region, through an expanse of land intended for the passage of people.

2.0 **GENERAL PROVISIONS**

- 2.1 Where any dog has bitten a person or a domestic animal, or is alleged to have bitten any person or domestic animal, the Animal Control Officer or their designate may issue an Order to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such an order shall set out the conditions of muzzling and the owner shall comply with all such conditions. The order shall remain in effect until an action under the provisions of the Dog Owner’s Liability Act has concluded or until it is deemed by the Issuer that the dog in question does not present a risk to public safety or an exemption is granted. The North Bay Parry Sound District Health Unit shall be notified as well as the Animal Control Officer or the victim, when a dog has bitten or is alleged to have bitten.

- 2.2 Upon request, the owner of the dog is entitled to a hearing by the Council or a Committee thereof or the Animal Control Official of the municipality and upon examining all the facts the dog may be exempted from muzzling or the conditions of muzzling will continue to apply.
- 2.3 No owner shall disobey an order to muzzle issued under Section 2.1 of this by-law.
- 2.4 For the purpose of assembling evidence of a contravention of Section 2.1 of this by-law, the Animal Control Officer may obtain a written statement, or may rely on such other evidence as that officer considers sufficient to form the basis for an Order.
- 2.5 No owner or owners living at the same address shall keep more than three (3) dogs in any one household over the age of twelve (12) weeks, unless they have been approved for a kennel license.
- 2.6 No owner shall permit their hunting dog to run at large for the purpose of hunting unless it's during a current hunting season and it is permitted by the Ministry of Natural Resources, and when the dog's handler has a valid hunting license. Any dog found running at large during the weeks of the hunting season when the owner can prove that his dog is a hunting dog, and that dog has been seized and impounded pursuant to this bylaw, shall be released to the owner upon request without fee. If the dog has not been licensed and tagged pursuant to Schedule C of this bylaw, the dog shall not be released to the owner until the license fee has been paid.
- 2.7 Every dog handler of a hunting dog shall be required to provide proof of a valid hunting license upon request by a designated official during the weeks of the hunting season.

3.0 **LICENSING**

- 3.1 Every person who owns or harbors any dog shall pay a license fee:
 - (i) Annually on January 1st of each calendar year.
- 3.2 The owner shall register their dog with the Township of McMurrich/Monteith, and provide particulars pertaining to the dog and the ownership of the dog.
- 3.3 Cost of the dog licensing fees shall be set out in Schedule "A".
- 3.4 Upon payment of the license fee, the owner shall be furnished with a dog tag bearing a serial number and the year of the issue and said tag shall be securely affixed on the dog at all times until renewed or replaced.
- 3.5 Every person who owns a dog shall notify the Animal Control Officer or their designate when the contact information changes from the information provided at the time of the purchase of the tag.
- 3.6 A new resident of the Township of McMurrich/Monteith shall be required to obtain a license for their dog within thirty (30) days of becoming a new resident.
- 3.7 The owner shall upon request, supply written confirmation that the dog has been immunized against rabies and/or proof of spay or neuter.
- 3.8 The Animal Control Officer or their designate shall keep a record showing the name and address of the owner and the serial number of each tag issued.
- 3.9 Any licence purchased under section 3.1 is not transferable from one dog to another. The cost of the license shall be as prescribed in Schedule "C".
- 3.10 A **KENNEL LICENSE** may be issued for keeping, breeding or boarding of dogs.
 - 1) Class 1 is for the Breeding Kennel for the breeding of dogs.
 - 2) Class 2 is for the Boarding Kennel for the temporary lodging of dogs.
 - 3) Class 3 is for the lodging of more than 4 dogs kept for activities resulting in monetary gain, or sled dogs.

- 3.11 An applicant for a kennel licence must satisfy the township Council that this kennel operation will not disturb neighbouring properties. Owner must follow "SCHEDULE "B": attached. The cost of the license shall be as prescribed in Schedule "C". Kennel Inspection Report is attached as Schedule "D".
- 3.12 Provisions of this By-law shall not apply to prevent the use of any existing, licenced kennel that was lawfully used and legally established for such purpose on the date of passing of this By-law. so long as it continues to be used for that purpose, the use is not discontinued for any length of time and that the existing dogs cannot be replaced when they are given away or die.

4.0 **GENERAL PROHIBITIONS**

- 4.1 Every person who owns or harbors a dog shall, in a sanitary manner, remove forthwith and dispose of any excrement left by such a dog anywhere within the Municipality, on public property.
- 4.2 Every person who owns or harbors a dog shall, upon leaving their property, ensure the dog is properly restrained and if stipulated, muzzled.
- 4.3 No person shall allow a dog to run at large or otherwise create a nuisance (excessive barking), within the Municipality. Any dog found running at large, shall be seized and impounded, by the Animal Control Officer or their designate. An Animal Control Officer or their designate shall enter on any public or private property, for the purpose of impounding or otherwise detaining any dog found running at large. pursuant to the provisions of this By-Law.
- 4.4 If the Animal Control Officer or their designate is unable to seize any dog found to be running at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this by-law.
- 4.5 Where a dog is impounded, the owner shall be liable for the designated impound fees and/or veterinary fees as prescribed. All fees shall be paid prior to the release of the dog to the owner. If the dog has not been licensed and tagged pursuant to this by-law, the dog shall not be released to the owner until the license fee has been paid and the tag issued to the owner.
- 4.6 (a) Time limitations on an impounded dog shall be three (3) business days in which the owner, can have the dog returned to them after any pound, licensing, veterinary and maintenance fees prescribed shall be paid.
- (b) If the dog is not claimed after three (3) business days the "Corporation" may sell or adopt out the dog for payment of pound fees. If the owner is unknown or the dog is injured or suffering the dog may be destroyed in a humane manner after five (5) business days.
- (c) In the case where a quarantine order has been placed upon a dog(s) it must be rescinded by the North Bay Parry Sound District Health Unit or the Animal Control Officer. If the owner is known, twenty-four (24) hour written notice shall be given to the owner before the dog is destroyed.
- 4.7 No person shall permit their dog, whether leashed or unleashed to trespass on private property.
- 4.8 No person shall permit a dog to be on a beach within the Municipality used by the public for swimming during the months of May through September inclusive.
- 4.9 No person shall permit a dog to be within a park or on a trail within the Municipality unless the dog is restrained.
- 4.10 No person shall permit a dog to be within a municipally owned or operated facility or building used by the public at any time unless during an event where dogs have been approved.

4.11 A Service Animal shall not be restricted by the provisions in sections 4.1, 4.7, 4.8 and 4.9.

4.12 No person shall run a kennel without obtaining an annual kennel license.

5.0 **METHOD OF RESTRAINING A DOG**

5.1 owner of the dog shall ensure that:

(i) It is secured by means of a collar and leash with the leash being a maximum length of two (2) meters and of sufficient strength to restrain the dog and keep it from chasing/biting a person or domestic animal; and/or

(ii) A muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, in order to prevent the dog from biting or attacking a person or domestic animal;

(iii) It is under the control of a person sixteen (16) years of age or older, unless accompanied by an adult.

5.2 the Animal Control Officer shall be notified within forty-eight (48) hours of any changes to the residency of a dangerous dog;

5.3 The Animal Control Officer shall be notified within forty-eight (48) hours after the ownership of a dangerous dog is transferred to another person.

5.4 The Animal Control Officer shall be notified within twenty-four (24) hours should the dog be destroyed;

5.5 The Animal Control Officer may also impose other conditions suitable to the circumstances for the protection of persons and domestic animals.

6.0 **SEVERABILITY**

6.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

7.0 **PENALTIES**

7.1 Every person who contravenes any provision 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, R.S.O. 1990, c.p.33.

7.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this by-law.

8.0 **REPEAL**

8.1 that By-law 12-2000 and #14-2013 are hereby repealed;

8.2 That the set fines in Schedule "A" for By-law # 26-2015 shall come into force and effect upon approval by the Chief Judge of the Ontario Court (Provincial Division).

8.3 That this By-Law shall come into force and effect on the date of passing.

9.0 **ENFORCEMENT**

- 9.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

Read a first and second and third time this 5th day of June, 2017.

Joanne Griffiths – Reeve

Cheryl Marshall – Clerk-Treasurer

The Corporation of the Township of McMurrich/Monteith

Part 1
Provincial Offences Act

By-Law 21-2017

Control & Licensing of Dogs

Schedule "A"

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Failure to obey muzzle order	2.3	\$200.00
2	Allowing more than 3 dogs to reside in a residence	2.5	\$200.00
3	Allow dog to hunt when handler fails to provide a valid hunting license	2.7	\$200.00
4	Failure to pay license fee	3.1	\$100.00
5	Failure to affix dog tag	3.4	\$100.00
6	Fail to notify Animal Control Officer of changes to owner information	3.5	\$100.00
7	Failure to remove excrement	4.1	\$100.00
8	Failure to restrain a dog in public	4.2	\$150.00
9	Allowing dog to run at large	4.3	\$150.00
10	Allow dog to excessively bark	4.3	\$150.00
11	Allowing dog to trespass on private property	4.7	\$100.00
12	Allowing a dog within a beach area during prohibited time	4.8	\$125.00
13	Failure to restrain a dog in a park or on a trail	4.9	\$125.00
14	Allowing dog into a Municipal facility or building	4.10	\$125.00
15	Operate Kennel – no licence	4.12	\$150.00

Note: The general penalty provision for the offences listed above is Section 7 of by-law 26-2015, a certified copy of which has been filed.

SCHEDULE "B"
KENNEL REGULATIONS
The Corporation of the Township of McMurrich/Monteith
By-law 21-2017

1. No kennel or any part thereof shall be located closer than 30 metres to any roadway, or closer than 150 metres to any adjacent residential lot or to any boundary of any residential zone.
2. The building shall be separated and enclosed and shall not be attached to a dwelling unit, unless it is a breeding kennel and it can be closed off from the living area.
3. The building shall conform to the Building Code Act. It shall be maintained in such a manner as to be free from damage.
4. The building shall have a floor of concrete or some other impermeable material, the floor shall be cleaned daily or more often if necessary.
5. All dogs that are kept in cages, shall be kept in cages of adequate size, to allow the animal to extend its legs fully, to stand or sit or lie down in a fully extended position. All cages shall be constructed solely of metal, wire-mesh or impermeable concrete block.
6. All dogs shall be kept in sanitary, well bedded, clean quarters and such quarters shall be kept at a healthful temperature at all times.
7. All dogs shall be adequately fed and watered, periodically each day and shall be kept in a clean healthy condition free from vermin and disease.
8. Where dogs are allowed to use an outside area, this area shall be surrounded by a metal mesh fence of a height and mesh size, that will safely contain the breed. For the purpose of these regulations, the fence shall be deemed to be part of the building. Such outdoor use shall not be permitted between the hours of 9 p.m. and 7 a.m. except during supervised exercise periods when the operator or his/her employee shall be in control of the dog(s).
9. Every owner/operator of a kennel shall file with the Township a letter, issued and signed by the Animal Control Officer of the Township of McMurrich/Monteith, stating that the kennel operation complies with all requirements of this By-Law as well as any other applicable laws and/or regulations.
10. No owner/operator or employee shall allow the kennel to become a nuisance to the public due to unreasonable noise from barking dogs or otherwise.
11. In case of a complaint, any individual in the employ of the North Bay Parry Sound District Health Unit, or the Township of McMurrich/Monteith, who is duly authorized may during business hours, enter such kennel location to inspect it and ensure compliance with this By-law.

See Schedule "C" for kennel licence fees.

SCHEDULE "C"

By-Law 21-2017

TOWNSHIP OF MCMURRICH/MONTEITH

DOG LICENCE FEES

<u>Description</u>	<u>Annual Fee</u>
First Dog	\$10.00
Second Dog	+\$15.00 = \$25.00
Third Dog	+\$20.00 = \$45.00
Replacement dog tags	\$3.00
Kennel License	\$100.00
Each dog tag for kennel dogs	\$ 5.00
Replacement License	\$ 5.00
Dog Redemption Impound	\$ 35.00

*Fees changed on June 1, 2015 to reflect Fees & Charges Bylaw #14-2015.

KENNEL INSPECTION REPORT

Date: _____ Licence No.: _____

Name of Kennel: _____

Address: _____

Type of Kennel

Breeding kennel – Class 1:

Boarding Kennel – Class 2:

Dogs kept for monetary gain,
or sled dogs - class 3:

Type of Inspection

Routine

New

Complaint

Follow-up

Licence Previously Investigated by Animal Control Officer?

Licence Currently Revoked?

Kennel Capacity: Dogs: _____

Isolation Area: Yes No

Indoor Facilities	S	I	N/A
Bldg-Construction, Maintenance			
Heating			
Lighting			
Drainage			
Ventilation			
Cleanliness - Cages			
Cleanliness - Runs			

Outdoor Facilities	S	I	N/A
Shelter			
Drainage			
Bedding			
Premises - Cleanliness			
Runs - Cleanliness			
Runs - 3.0 sq m			

Animal Care	S	I	N/A
Feeding			
Watering			
Cleanliness - Utensils			
Enclosures - Quantity			
Enclosures - 2.3 sq. m			
Enclosures - Construction, Maintenance			
Animal Grouping			
Animal Identification			
Veterinary Care			

General	S	I	N/A
Running Water			
Food Storage			
Waste Disposal			

S = Satisfactory I = Insufficient N/A = Not Applicable

Listed below are specific improvements that must be made in order to comply with Township of McMurrich/Monteith By-law #26-2015. Failure to take corrective action by the due date can result in revocation of your kennel licence:

Item	Action Required	Due Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Inspector: _____ Date: _____

Next inspection due: _____



By-Law Enforcement
McMurrich / Monteith
31 William Street,
Sprucedale, ON POA 1Y0
705-685-7901
Fax 705-685-7393

Date of Application: _____ Kennel # Issued: _____

KENNEL LICENCE APPLICATION

Name of Applicant: _____

Mailing Address of Applicant: _____

Telephone Number: _____ Cell: _____

Name of Kennel: _____

Address of Kennel (if different from applicant's address): _____

How long have you been in operation: _____(years) _____ (months)

Roll # of Location of Kennel: _____ Total # of Dogs: _____

Have you previously had a Kennel Licence from the Township of McMurrich/Monteith? Yes/No

If so, when: _____

If so, have there been any changes to your property since you were last issued a Kennel License?
Yes/No

Please indicate any changes:

FEES MUST ACCOMPANY APPLICATION

Please attach:

Kennel Inspection Report:	Yes/No
Building Compliance report (including signage if required):	Yes/No
Fire Inspection Report (if required):	Yes/No
Site Drawing:	Yes/No
Zoning Compliance:	Yes/No

I hereby declare that I have never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty;

I hereby grant permission for staff at any time to inspect the said kennel;

I hereby agree and understand the terms and conditions set out in By-law 26-2015 and will comply therewith. I understand that any non-compliance may result in the revoking of my licence without refund.

Personal information contained on this form is collected under the authority of the Municipal Act, 2001 and will be used, maintained and disclosed in accordance with the Municipal Freedom of

Information and Protection of Privacy Act and will be used by the Corporation of the Township of McMurrich/Monteith in determining the suitability for licensing.

Information submitted by applicants may be shared with officials, agencies and departments of the Corporation of the Township of McMurrich/Monteith who are assisting the Bylaw Officer.

Contact the Clerk's Department, 31 William Street, Sprucedale, Ontario P0A 1Y0 (705) 685-7901 for information regarding the collection and disclosure of information.

Signature of Applicant

Date

By-law Officer

Date