

THE CORPORATION OF THE
TOWNSHIP OF GALWAY-CAVENDISH AND HARVEY

BY-LAW NUMBER B2003-69

Being a Bylaw of the Corporation of the Township of Galway-Cavendish and Harvey
For the Regulating & Licensing of Dogs and of Kennel Operations and for the
Prohibiting and/or Regulating the Running At Large of Dogs.

WHEREAS the Ontario Municipal Act, S.O. 2001, c.24, Sections 11,103 & 105 provide that Municipalities may pass by-laws to regulate the above;

AND WHEREAS THE Dog Owners' Liability Act, R.S.O. 1990, c.D16 provides for liability of owner and sets out the amount of penalty;

NOW THEREFORE the Council of the Corporation of the Township of Galway-Cavendish and Harvey enacts as follows:

DEFINITIONS:

“DOG”	shall mean a male or female dog whether neutered or spayed.
“OFFICER”	shall mean a person appointed by Council to enforce this by-law.
“OWNER OF DOG”	includes any person who possesses or harbours a dog within the Municipality.
“REGULATIONS”	means the regulations made under the authority.
“KENNEL OPERATOR”	means holder of a valid licence issued by this Municipality.
“MUNICIPALITY”	means the Corporation of the Township of Galway-Cavendish and Harvey.
“MUZZLED”	shall mean a humane fastening device to prevent a dog from biting.
“POUND”	shall mean the Municipal Pound Facility.
“VICIOUS DOG”	shall mean a dog, which without provocation has bitten a person, domestic animal or domestic fowl.

SECTION 1
Licencing

- 1.1 Annual license fee shall be levied upon every dog owner in the municipality. See Schedule A.
- 1.2 All dogs must be licenced. Licences expire on December 31st of the year of issuance.

- 1.3 On payment of the licence the owner shall be furnished with a numbered tag bearing the year in which it was issued. The tag must be securely fixed to the dog at all times until it is renewed or replaced.

SECTION 2

Waste

- 2.1 It is an offence for anyone to allow a dog to deposit waste (feces) on private property or property of the municipality unless that person without leaving the scene picks up the waste and disposes of it in a proper manner.

SECTION 3

Running at Large

- 3.1 No person shall permit a dog owned by him/her to run at large or be found on any highway or other public place in the Municipality unless it is under the control of some person and held firmly on a leash, to prevent the possibility of any person being attacked or bitten by such dog.
- 3.2 No dogs will be permitted on any public beaches and associated parkland within the Municipality.
- 3.3 The officer may seize any dog running at large and cause such dog to be returned to the owner or impounded.
- 3.4 Any owner of a dog that has been seized may pay an amount in accordance with Schedule "B" prior to release.
- 3.5 Any owner of a dog seized that has not obtained a current licence shall purchase a licence prior to release.
- 3.6 Any dog impounded will be transported to the pound. Any owner who fails to claim the dog within the time period set by the regulations of the pound shall be responsible for all costs incurred and may forfeit all rights of ownership.
- 3.7 The officer may destroy any dog that is found running at large if:
 - 1) It is reasonably believed that the dog is likely to or has caused harm to any person, dog, domestic animal or domestic fowl, or
 - 2) The dog is ill or injured and it is believed that it should be destroyed without delay for public safety or humane reasons.

SECTION 4

Dog Bites

- 4.1 When a dog has bitten or attacked a person or fought with, bitten or attacked a dog, domestic animal or fowl, the owner shall be ordered to leash or muzzle the dog until such time as the incident has been reviewed by the Officer and/or Municipal Law Enforcement (Ontario Provincial Police). As a result of this review, the Officer may:

- 1) Exempt the owner from the muzzling or leashing requirement.
 - 2) Rule that the dog is vicious whereby the owner must comply with Section 5 of this bylaw.
 - 3) Commence proceedings under the dog Owners' Liability Act whereby at the discretion of the judge penalties ranging from a fine to an order to destroy the dog may be imposed.
- 4.2 When a dog is known to have bitten a person, the Medical Officer of Health shall be notified.
- 4.3 When the Officer has issued a leash or muzzle order to the dog owner, the owner may request a hearing by Council.

SECTION 5 Vicious Dog

- 5.1 When not in the owner's dwelling unit but otherwise within the owner's property, it shall constitute an offence for the owner to fail to ensure that the dog is secure in accordance with sub section 5.1 (1) as to prevent the dog from causing injury to any person, dog, or domestic animal or fowl.
- 1) The dog must be kept in an enclosed pen or run. It must be enclosed on all four (4) sides with locked gates, solidly constructed to a minimum of six (6') feet in height and secured at the bottom to prevent escape (by means of digging). Area size should be adequate for the breed of the dog.
- 5.2 It shall constitute an offence for the owner to fail to ensure that any one left in charge of a vicious dog is fully capable of controlling the dog.
- 5.3 When the dog is outside the owners' property, it is an offence for the owner to fail to leash and muzzle the dog at all times.
- 5.4 It is an offence to fail to tell the Officer that a dog is vicious at the time of licensing.
- 5.5 It is an offence for the owner of a vicious dog to fail to post a sign on his/her property stating that there is a vicious dog on the premises.

SECTION 6 RESTRICTIONS

- 6.1 It shall constitute an offence for any person to harbour more than a total of three (3) dogs on a parcel of land consisting of two (2) acres or less.
- 6.2 It shall constitute an offence for any person to harbour more than a total of four (4) dogs on a parcel of land consisting of more than two (2) acres and not exceeding twenty-five (25) acres.
- 6.3 It shall constitute an offence for any person to harbour more than a total of ten (10) dogs on a parcel of land consisting of more than twenty-five (25) acres.

- 6.4 The above restrictions do not apply to kennel operations licensed through this Municipality.

SECTION 7

Kennels

- 7.1 The owner of a kennel shall pay a total annual licence fee as set out in Schedule "A".
- 7.2 The owner shall conform to guidelines set by the Municipality prior to a licence being issued.

SECTION 8

Guidelines for Kennel Operation

- 8.1 Every person who applies for a kennel licence shall comply with the following requirements. No kennel licence shall be issued unless the premises comply with all provisions of this bylaw.
- 1) Present Zoning By-law must permit such use.
 - 2) All building and structures must be built to a solid secure standard and require an inspection by the Small Animal Control Officer prior to issuance of a Kennel Licence.
 - 3) Kennel buildings shall not be directly connected to a building which is or can be used for human habitation.
 - 4) Provide adequate lighting for a minimum continuous period of eight (8) hours within every twenty-four (24) hour period.
 - 5) Provide adequate food, shelter, exercise, potable water, and veterinary care as set in the code of Practice for Canadian Kennel Operations.
- 8.2 Outside areas – minimum size requirements are eighty (80) square feet for small to medium breeds plus an additional forty (40) square feet for every dog after the second. Minimum one hundred and twenty (120) square feet for large breeds plus an additional sixty (60) square feet per dog after the second. Solidly constructed minimum of six (6) feet in height and secured at the bottom to prevent escape by means of digging.
- 8.3 The Officer reserves the right to inspect any premises prior to licensing.

SECTION 9

Miscellaneous

- 9.1 The Ministry of Health recommends that all dogs be inoculated against rabies every year.
- 9.2 It is recommended that all dogs not used for breeding purposes be spayed or neutered to decrease the incidents of unwanted dogs.

With the exception of Section 9 every person who contravenes any section of this bylaw shall upon conviction, forfeit and pay at the discretion of the convicting Magistrate, a penalty not to exceed the sum of five thousand dollars (\$5,000.00), subject to the Provincial Offences Act 1989, c.84, s.4(4).

This bylaw repeals Bylaw B98-25 passed the 20th day of January 1998 and Bylaw B98-48 passed the 3rd day of March 1998.

This bylaw shall come into force and take effect upon being passed by council.

Read a First time this 8th day of July, 2003

Read a Second time this 8th day of July, 2003.

Read a Third time and Passed this 8th day of July, 2003.

Tom Flynn, Reeve

Pat Kemp, Clerk

SCHEDULE "A"

LICENSE FEES:	\$12.00 per male or female dog (if obtained after Mar. 31st, the fee is \$20.00)
KENNEL LICENSE FEES:	\$25.00 per year

SCHEDULE "B"

MUNICIPAL KENNEL FEES	\$40.00 day
OFFICER RATE PER HOUR	salary rate per hour
MUNICIPAL MILEAGE RATE	Council approved rate per km
MINIMUM PAYMENT OF COSTS AT	\$40.00