

**THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS**

**By-Law No. 2002-15**

**A By-Law to provide for licensing of dogs and to prohibit dogs running at large.**

**WHEREAS** the Municipal Act, Section 210(1-13) R.S.O. 1990, Chapter M.45 as amended, prohibits or regulates the keeping of animals; licensing of dogs; and dogs running at large.

**NOW THEREFORE** the Council of the Corporation of the Township of South Dundas enacts as follows:

**1. In this By-law:**

- a) "By-Law Enforcement Officer" means the By-Law Enforcement Officer of the Corporation of the Township of South Dundas or his designate.
- b) "dog" means a male or female dog, over the age of four (4) months.
- c) "Canine Control Officer" means any person or his designate appointed by By-Law of the Township of South Dundas to enforce this By-Law.
- d) "complaints" shall mean any written complaint received the By-Law Enforcement Officer.
- e) "Corporation" means the Township of South Dundas.
- f) "fenced yard" means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule "B" to this by-law provided that the walls of a continuously occupied building are considered as portions of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when a vicious dog is inside the fenced yard.
- g) "gate" means a swinging or sliding barrier used to fill or close an access and include a door.
- h) "kennel" means a building or structure where dogs are boarded, bred, trained, given medical treatment or housed for similar purposes for which compensation is paid and shall include a Humane Society shelter or pound.
- i) "leash" means a restraining device of sufficient strength and material for leading a dog.
- j) "owner" of a dog includes a person who possesses, harbours or has the care and control of a dog, and "owns" and "owned" have a corresponding meaning.
- k) "purebred" means registered or eligible for registration in the Register of The Canadian Kennel Club Incorporated.
- l) "running at large" means that a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

- m) "disabled person" means a person who is blind, deaf or has any degree of permanent and physical disability, which requires the physical reliance of a wheelchair, crutches, braces, cane or other remedial appliance or device.
- n) "vicious dog" means any dog with a known propensity, tendency or dispositions to attack and injure, without provocation, other domestic animals or persons; and, any dog which has bitten another domestic animal or person without provocation.
- o) "waste" means a solid waste matter sent from the body (feces).

This or other words importing the singular number or the masculine gender only shall include more persons, parties as males - vice versa.

- 2.
  - a) Every person who owns a dog which is kept in the municipality or which is intended to be kept for any period of time within the municipality shall, in each and every year, register such dog with the municipality and procure a license and dog tag for each dog owned.
  - b) Every person who acquires ownership of a dog after the 1<sup>st</sup> day of January in any year shall, within (15) days of acquiring ownership, register such dog with the municipality and procure a license and dog tag for such dog.
- 3. Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Corporation for that purpose, showing the name and address of the owner, and the serial number of the tag.
- 4. Every owner shall keep the dog tag securely fixed on the dog for which it was issued, at all times, until the tag is renewed or replaced; but the tag may be removed while the dog is being lawfully used for hunting.
- 5. In the event any tag is lost, a replacement therefore may be issued by the Corporation upon payment of a fee as set out in Schedule "A".
- 6. Every license issued pursuant to this by-law shall expire on the 31<sup>st</sup> day of December in the year for which it was issued and the license fee to be paid to the Corporation shall be set in Schedule "A".
- 7. Notwithstanding the provisions of Section 6 above, the owner of a kennel of purebred dogs registered in the register of The Canadian Kennel Club Incorporated shall pay an annual license fee to the municipality and such owner is not liable to pay any further license fee in respect of such purebred dogs. The owner of the Kennel shall be obligated to pay in addition to the aforesaid license fee, a fee for each dog tag issued to him.
- 8. No person shall place, or allow to be placed, a dog tag on any dog other than the dog for which said dog tag has been issued.
- 9. No person shall keep or allow to be kept more than three (3) dogs in any location.

10. (a) For the purpose of this Section:
- i) A dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person; and,
  - ii) is not on a leash securely attached to the owner and having a length of less than 2.4 metres (8 feet).
- (b) The Canine Control Officer may seize and impound any dog running at large; and
- i) restore possession of the dog to the owner thereof, if the dog can be identified; or
  - ii) the owner, of any dog found running at large may redeem the dog within 72 hours, Sundays and Holidays excluded, upon the production of the license for the said dog;
  - iii) if the owner claims possession of the dog prior to it being sold or disposed of in accordance with the rules and regulations of the designated pound upon payment of the pound and maintenance fees imposed by the pound;
  - iv) if the dog does not have a valid license, the owner shall be required to pay in addition to the release fee, the license fee set out in Schedule "A";
  - v) all dogs impounded, if not redeemed as set out in Section 11(ii), shall be destroyed or shall be sold at the best available price. All reasonable efforts shall be made to identify the dog and notify the owner;
- (c) For the purposes of the foregoing paragraph, any dog that is seized by the Canine Control Officer, which is not wearing a dog tag shall be deemed to be a dog that cannot be identified, unless at the time of seizure the dog is being lawfully used for hunting.
13. Every person who is the owner of a vicious dog shall at all times, secure the dog in one of the following manners so as to prevent the dog from causing injury to any person or animal entering onto the owners lands;
- a) the dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or,
  - b) the dog shall be located within an enclosed run designed in such a fashion and with such materials prevent the dog from digging its way out or otherwise escaping from the enclosed run, as set out in Schedule B;
  - c) the dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 meters in length.

14. a) Subject to the following, no person shall operate a kennel which houses a vicious dog(s).
- b) The provisions of Section 15 of this By-Law do not apply to a person operating a kennel who has in the kennel a vicious dog for the purpose of providing any of the following:
1. the temporary boarding of such dogs;
  2. the grooming of such dogs;
  3. the training of such dogs; or,
  4. medical attention for such dogs,

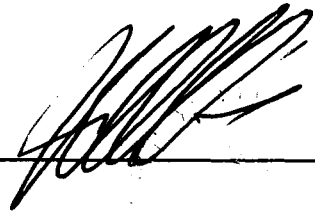
provided the person complies with the provisions of Section 14 of this By-Law.

15. It is an offence under this By-Law if a person allows a dog owned or controlled by them to create a disturbance or nuisance by barking, howling, whining, damaging public or private property or chasing vehicles or pedestrians.
16. Every owner of a dog who allows waste (excrement - feces) to be placed on private property or property of the Corporation without authorization from the owner of such property is guilty of an offence.
17. Notwithstanding Section 17 hereof, if a person who has deposited or allowed waste to be deposited on private property or property of the Corporation shall immediately and entirely without leaving the scene, cause such waste to be entirely picked up and thence removed to his own property or bagged and placed in a garbage can, such person shall be deemed not to have committed an offence under the preceding Section.
18. Sections 17 and 18 shall not apply to a seeing eye dog while on a leash and which is actually in use in providing assistance to a person with impaired vision or to a disabled person as defined herein.
19. Any person contravening the provisions of this By-Law is guilty of an offense and shall be subject to prosecution to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33 and shall be subject to a fine.

20. That By-Law No. 1-89 and 3-97, former Village of Iroquois; No. 82-12, former Township of Matilda; No. 19, 1983, former Township of Williamsburg; No. 12-89, former Village of Morrisburg or any other former by-laws or parts of by-laws in nature are hereby repealed.

**READ** passed in open Council, signed and sealed this 25<sup>th</sup> day of April, 2002.

MAYOR



Brenda Brunt  
CLERK

## **SCHEDULE "A"**

**To By-Law No. 2002-15**

Male/Female Dog	\$12.00
Replacement Tag	\$ 3.00
Kennel License	\$35.00 plus .25/tag/dog in kennel
* Release Fee	\$25.00 1 <sup>st</sup> offence \$50.00 repeated offence

## SCHEDULE "B"

To By-Law No. 2002-15

### FENCE

- a) Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150 mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced in area and that will prevent a vicious dog from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and locks located at the top of and inside the gates.
- b) A fence shall:
- i) if of chainlink construction:
1. be of not greater than 50 mm (2 inches) diamond mesh,
  2. be constructed of galvanized steel wire not less than 3.6 mm diameter (No. 9 gauge), or of minimum 2.9 mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm diameter (No. 9 gauge),
  3. be supported by at least 38 mm (1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 m (10 feet) apart. Top horizontal rails shall be at least 32 mm (1.25 inches) diameter galvanized steel. Bottom horizontal rails shall be a 12 mm (.5 inch) diameter galvanized tension rail or a 32 mm (1.25 inches) diameter galvanized rail.
- ii) if of wood construction:
1. be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches),
  2. supporting horizontal members shall have a minimum dimension of 38 x 88 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 m (4 feet 6 inches) apart,
  3. horizontal members shall be supported by posts spaced not more than 2.4 m (8 feet) on centre. Such posts shall be 88 mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
- iii) If the fence design is other than specified in (i) or (ii) either in material or otherwise, such fence shall require approval by the By-Law Enforcement Officer.