

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 004-17

BEING A BY-LAW TO REGULATE AND PROVIDE FOR THE KEEPING, CONTROL AND LICENSING OF DOGS WITHIN THE TOWNSHIP OF WELLINGTON NORTH AND REPEAL BY-LAW 34- 13

WHEREAS the Council of The Corporation of the Township of Wellington North has deemed it necessary to pass a by-law regulating or prohibiting the keeping of dogs and the establishment of kennels and to provide for the leashing, muzzling, licensing and control of dogs and the licensing of kennels.

NOW THEREFORE the Council of the Corporation of the Township of Wellington North hereby enacts as follows:

1. DEFINITIONS

- 1.1 **Animal Control Officer** - shall mean the person or persons appointed by the Council to enforce this By-law and includes the person appointed by the Municipality to control dogs and any servants or agents of such person, any peace officer having jurisdiction within the Municipality.
- 1.2 **Assistance Dog** – shall mean Guide, Hearing or Service Dog including Therapy Dogs, specifically trained and certified by an organization who has received full accreditation from Assistance Dogs International (ADI)
- 1.3 **At Large** – shall mean the location of a Dog when it is found in any place other than the premises of the Owner of the Dog and not under the control of any person;
- 1.4 **Clerk** means the Clerk of The Corporation of the Township of Wellington North.
- 1.5 **Council** means the Council of The Corporation of the Township of Wellington North.
- 1.6 **Dangerous Dog** - shall mean:

- 1.6.1 a Dog, that in the absence of any Mitigating Factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - 1.6.2 a Dog that, in the absence of any Mitigating Factor, has significantly injured a domestic animal, or
 - 1.6.3 a Dog previously designated as a Potentially Dangerous Dog that is kept or permitted to be kept by its Owner in violation of the requirements for such Dog.
- 1.7 **Dog** - shall mean any member of the species canis familiaris which is over twelve (12) weeks of age;
- 1.8 **Farm Dog** - shall mean a dog which is actively herding farm animals, such as cattle or sheep and such Dog is under the control of its Owner;
- 1.9 **Guide Dog** - shall mean a Dog trained as a guide for a disabled person and having the qualifications prescribed by the regulations to the Blind Persons' Rights Act, R.S.O. 1990, c.B.7, or having certification by Hearing Ear Dogs of Canada or Special Skills Dogs of Canada;
- 1.10 **Hunting Dog** - shall mean a Dog properly licensed through the Ministry of Natural Resources for the purpose of hunting moose, deer or raccoons, while hunting pursuant to the Provincial regulations;
- 1.11 **Kennel** – shall mean a place where more than 3 dogs are housed, groomed, bred, boarded, trained, sold or kept for hunting and includes both Boarding Kennels and Breeding Kennels on a lot or parcel which is 25 acres or greater in size within an Agricultural Zone of the Municipality's Zoning by-law and which are licensed under the provisions of this By-law;
- 1.12 **Livestock Guardian Dog**- shall mean a dog that is specifically recognized and used to work and/or live with domestic farm animals, without causing them harm while aggressively repelling predators and is used exclusively for that purpose;
- 1.13 **Mitigating Factor** - shall mean a circumstance which excuses aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
- 1.13.1 the Dog was, at the time of the aggressive behaviour, acting in defense to an attack by a person or domestic animal;

1.13.2 the Dog was, at the time of the aggressive behaviour, acting in defense of its young or to a person or domestic animal trespassing on the property of its Owner; or

1.13.3 the Dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.

1.14 **Muzzle** - shall mean a humane fastening or covering device that is of adequate strength placed over a Dog's mouth to prevent it from biting and which has been or is approved by an Animal Control Officer.

1.15 **Noise** - shall mean the sound made by any Dog which unreasonably disturbs the peace, quiet, comfort or repose of any person in any dwelling unit for a period longer than ½ hour, more than twice in seven days;

1.16 **Owner** - shall mean any person, group of persons, partnership or corporation who or which possesses or harbours a dog; the words "own", "owns" or "owned", shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of dogs; and where the Owner is a minor, shall include the person or persons having the custody of the minor;

1.17 **Police Working Dog** - shall mean a Dog trained to aid Law Enforcement Officers and which Dog is actually being used for Police Work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators;

1.18 **Potentially Dangerous Dog** -shall mean:

1.18.1 Dog that, in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere other than on the property of the Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or

1.18.2 Dog that has been impounded by the Animal Control Officer or for whom the Owner has been convicted on a total of three occasions within a twenty-four (24) month period for such Dog being At Large in the Municipality.

1.19 **Pound** - includes a veterinary facility or other place(s) designated by resolution of the Council of the Municipality;

- 1.20 **Pound Fee** includes any daily charge that may be collected by the operator of a Pound;
- 1.21 **Pound Keeper** - shall mean the person, or persons, or agency that act as keeper of the Pound;
- 1.22 **Township** - shall mean The Corporation of the Township of Wellington North
- 1.23 **Zoned** means a land use designation in a zoning by-law passed under the provisions of the Planning Act, R.S.O. c. P. 13, as amended.

2. DOGS RUNNING AT LARGE

- 2.1 Every Owner shall keep his or her Dog under restraint at all times.
- 2.2 No person shall allow a Dog to run at Large in the Township.
- 2.3 A Dog shall not be considered running At Large if it is actively engaged in the performance of its trained duties and,
 - 2.3.1 a Police Working Dog
 - 2.3.2 a Hunting Dog
 - 2.3.3 an Assistance Dog
 - 2.3.4 a Farm Dog
 - 2.3.5 a livestock guardian dog
- 2.4 Any Dog found running At Large contrary to this by-law may be seized and impounded by an Animal Control Officer.
- 2.5 An Animal Control Officer may enter on any public property, or private property with the consent of the Owner or tenant, for the purpose of capturing any Dog running At Large.

3. IMPOUNDMENT

- 3.1 It shall be the duty of the Animal Control Officer to respond to calls regarding Dogs running At Large and, where possible:
 - 3.1.1 return them to the Owner's residence as shown on municipal licensing records; or
 - 3.1.2 if no records exist, impound the Dog.

- 3.2 The Owner of every Dog impounded, if known, whether or not the Dog is claimed by the Owner from the pound, shall be liable for the payment of the Pound Fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Township.
- 3.3 Where at the end of seventy-two (72) hours after being impounded, exclusive of Sundays and holidays and the day of impoundment, possession of the Dog has not been restored to the Owner, the operator of the Pound may dispose of the dog in accordance with the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended.
- 3.4 No Dog shall be returned to its Owner unless it has been licensed for the current year in accordance with the provisions of this by-law and the municipal fees and charges by-law and all impound and boarding fees are paid in full.
- 3.5 Where a Dog is seized and impounded, is injured or should be destroyed without delay for humane reasons, or for the safety of persons or animals, an Animal Control Officer may dispose of, or have the Dog disposed of as soon after seizure as deemed fit, in a humane manner without permitting any person to reclaim the Dog or animal or without offering it for sale and in that event no damages or compensation shall be recoverable on account of its disposition.
- 3.6 Where a Dog is alleged to have bitten any person or domestic animal, such dog may be impounded and held by the Pound until proceedings under the:
 - 3.6.1 *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16, as amended, have been followed, provided that no dog shall be so impounded or held for a period in excess of twenty-one (21) days unless otherwise ordered by a court of competent jurisdiction; or
 - 3.6.2 under the provisions of this by-law.

4. DESIGNATING POTENTIALLY DANGEROUS DOGS

Where an Animal Control Officer designates a Dog as a Potentially Dangerous Dog, the Animal Control Officer shall serve notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with any or all of the following requirements:

- 4.1 shall keep the Potentially Dangerous Dog, when it is on the lands and premises of the Owner, confined:

- 4.1.1 within the Owner's dwelling and under the effective control of an adult; or
- 4.1.2 in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the Potentially Dangerous Dog while preventing it from escaping there from and preventing the entry therein of unsupervised children;
- 4.2 keep the Potentially Dangerous Dog under the effective control of an adult person and under leash, such leash to be approved by the Animal Control Officer and not to exceed 1.8 meters in length, at all times when it is not confined in accordance with subsection 4.1.1;
- 4.3 securely attach a Muzzle to the Potentially Dangerous Dog at all times when it is not confined in accordance with subsection 4.1.1;
- 4.4 permit the Animal Control Officer to insert a microchip implantation in the Potentially Dangerous Dog for the purpose of identifying the Potentially Dangerous Dog;
- 4.5 provide the Animal Control Officer with the new address and telephone number of the Owner within two (2) working days of moving the Potentially Dangerous Dog;
- 4.6 provide the Animal Control Officer with the name, address and telephone number of the new Owner within two (2) working days of selling or giving away the Potentially Dangerous Dog;
- 4.7 advise the Animal Control Officer within two (2) working days of the death of the Potentially Dangerous Dog;
- 4.8 advise the Animal Control Officer forthwith if the Potentially Dangerous Dog is running At Large or has bitten or attacked any person or animal; and
- 4.9 purchase and display at the entrances to the Owner's dwelling a warning sign provided by the Animal Control Officer. The sign shall be posted in such a manner that it cannot be easily removed by passersby and shall be clearly visible to a person approaching the entrance.

5. DESIGNATING DANGEROUS DOGS

Where an Animal Control Officer designates a Dog as a Dangerous Dog, the Animal Control Officer shall serve notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with the following requirements and the Owner shall comply with the said requirements:

- 5.1 keep the Potentially Dangerous Dog, when it is on the lands and premises of the Owner, confined:
 - 5.1.1 within the Owner's dwelling and under the effective control of an adult; or
 - 5.1.2 in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the Potentially Dangerous Dog while preventing it from escaping there from and preventing the entry therein of unsupervised children;
- 5.2 keep the Potentially Dangerous Dog under the effective control of an adult person and under leash, such leash to be approved by the Animal Control Officer and not to exceed 1.8 meters in length, at all times when it is not confined in accordance with subsection 5.1.1;
- 5.3 securely attach a Muzzle to the Potentially Dangerous Dog at all times when it is not confined in accordance with subsection 5.1.1;
- 5.4 permit the Animal Control Officer to insert a microchip implantation in the Potentially Dangerous Dog for the purpose of identifying the Potentially Dangerous Dog;
- 5.5 provide the Animal Control Officer with the new address and telephone number of the Owner within two (2) working days of moving the Potentially Dangerous Dog;
- 5.6 provide the Animal Control Officer with the name, address and telephone number of the new Owner within two (2) working days of selling or giving away the Potentially Dangerous Dog;
- 5.7 advise the Animal Control Officer within two (2) working days of the death of the Potentially Dangerous Dog;

- 5.8 advise the Animal Control Officer forthwith if the Potentially Dangerous Dog is running At Large or has bitten or attacked any person or animal; and
- 5.9 purchase and display at the entrances to the Owner's dwelling a warning sign provided by the Animal Control Officer. The sign shall be posted in such a manner that it cannot be easily removed by passersby and shall be clearly visible to a person approaching the entrance.
- 5.10 The Owner of a Dangerous Dog shall not keep or harbour the Dangerous Dog in a multiple dwelling or a lodging house, and, where the Owner's dwelling is a multiple dwelling or a lodging house, the Dangerous Dog may be kept or harboured at other premises for the purpose of subsection 5.1 and subject to all other provisions of this section 5.

6. LICENSING AND REGISTRATION OF DOGS

- 6.1 No person or persons shall own, harbour or keep more than three Dogs per dwelling unit in areas zoned other than agricultural and on lots or parcels containing less than 25 acres of land.
- 6.2 No person or persons shall own, harbour or keep more than ten Dogs per dwelling unit in areas zoned agricultural.
- 6.3 The provisions of 6.1 and 6.2 do not apply to:
 - 6.3.1 an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association,
 - 6.3.2 a pet store;
 - 6.3.3 an Ontario Humane Society Shelter or the Pound which complies with this by-law;
 - 6.3.4 a licensed Kennel; or
 - 6.3.5 any Owner or occupier of premises, who, as of September 25th, 2000 had more than three (3) Dogs on a property, may continue to maintain those Dogs on that property provided that those original three (3) Dogs, may not be replaced after their disposition.
- 6.4 No person shall own or harbour any Dog without having obtained a

license and dog tag for the Dog from the Township, in accordance with the fees and charges by-law.

6.4.1 The provisions of 6.4 do not apply to an Assistance Dog.

- 6.5 The license shall be taken out annually on or before January 15th of each year and shall expire on December 31st.
- 6.6 Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Township showing the name, address and telephone number of the Owner, the serial number of the tag and information to identify the Dog.
- 6.7 No person shall use a tag on a Dog other than the Dog for which such tag is issued.
- 6.8 No license or registration shall be transferable and the license and registration referred to herein shall expire and become void upon the sale, death or other disposal of a Dog to which such license and registration relates.
- 6.9 No person other than the Owner of the Dog shall remove the tag from such Dog.
- 6.10 The Owner shall keep the dog tag securely fixed on the Dog at all times.
- 6.11 A fee shall be charged for the replacement of a lost dog tag as set out in the Township's fees and charges by-law

7. KENNELS

- 7.1 Every Owner or Operator of a Kennel shall no later than the 15th day of January in each year apply for a Kennel License. No person shall own or operate a Kennel without a Kennel License.
- 7.2 The fee for a Kennel License shall cover all Dogs owned and maintained by the Kennel Owner or Operator.
- 7.3 Every person who owns or operates a Kennel shall comply with the applicable by-laws of the Township. No Kennel License shall be issued unless such Kennel complies with the by-laws of the Township. Where an Owner or Operator of a Kennel fails to comply with a by-law of the Township, the Kennel License may be suspended or revoked.

- 7.4 Every person who owns or operates a Kennel shall permit an Animal Control Officer, upon production of proper identification, to enter and inspect the Kennel at all reasonable times for the purposes of determining compliance with the license and the provisions of this by-law or any other by-laws of the Township applicable to a Kennel.
- 7.5 Every person who owns or operates a Kennel shall have regard to the guidelines set out in "A Code of Practice for Canadian Kennel Operations", (Canadian Veterinary Medical Association) second edition May, 2007).
- 7.6 No person who owns or operates a Kennel shall keep Dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the animal or animals results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person.
- 7.7 Every person who owns or operates a Kennel shall provide the animals under care, or cause them to be provided with,
 - 7.7.1 clean, fresh drinking water and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight;
 - 7.7.2 food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - 7.7.3 the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and,
 - 7.7.4 necessary veterinary medical care when any animal exhibits signs of pain, illness or suffering.
- 7.8 Every animal enclosure shall provide the animal with protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position.
- 7.9 Every run or pen area must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
- 7.10 Every run, pen, or exercise yard shall be surrounded by a sturdy fence with a minimum height of 1.2 meters.

- 7.11 Every person who owns or operates a Kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent barking, calling, whining or other persistent Noise making by the Dogs kept at such Kennel.
- 7.12 Where the Township receives a complaint about Noise emissions from a licensed Kennel, an Animal Control Officer shall investigate such complaints and may at his or her sole discretion initiate a prosecution with respect to an alleged contravention of subsection 7.11.
- 7.13 Where a Kennel is found guilty of 3 or more violations of subsection 7.11 in one license term, the Animal Control Officer or Council may order the Owner or Operator to submit, at its expense, a Noise evaluation study prepared by a qualified acoustical consultant and may suspend the license to operate a Kennel until such time as the Noise evaluation study has been reviewed and approved by the Township and satisfactory arrangements for the implementation of any Noise abatement measures have been made, including the entering into of any agreements and the posting of any securities required to ensure the completion of any required Noise abatement measures.
- 7.14 An application for a Kennel license renewal shall be submitted in the proper form, and shall include the appropriate fee paid to the Township.
- 7.15 Any application for a new Kennel shall be subject to an application being made for an amendment to the Township Zoning By-law in respect to applicable zoning for a Kennel.
- 7.16 A license to operate a Kennel shall be subject to such terms and conditions set out in the license and no person shall operate a Kennel except in accordance with the terms and conditions of the Kennel license issued by the Township.
- 7.17 Notwithstanding Section 7 of this by-law, no person shall operate a Kennel within or about any household or building within the Township of Wellington North save and except persons with licensed Kennels legally established prior to the passing of By-law 49-2000, OR after the passing of By-law 49-2000 where the Kennel was established in compliance with the provisions of the applicable Zoning By-law and Licensing By-law for the operation of the Kennel within the Township of Wellington North.

8. DOG WASTE

- 8.1 Every person who owns, harbours, possesses or is in control of any Dog shall immediately remove any feces left by the Dog in the Township:
- 8.1.1 on a highway or roadway;
 - 8.1.2 in a public park;
 - 8.1.3 on any public property other than a public park; or
 - 8.1.4 on any private property other than the property of,
 - 8.1.4.1 the Owner of the Dog, or
 - 8.1.4.2 the person having care, custody or control of the Dog.
- 8.2 Every person who owns, harbours, possesses or is in control of any Dog shall remove from his or her premises and dispose, in a timely manner, feces left by such Dog, so as not to disturb the enjoyment, comfort and convenience of any person in the vicinity of the premises.
- 8.3 Section 8 does not apply to a handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment.

9. OTHER MATTERS

- 9.1 No Owner of a Dog shall permit the Dog to make any persistent barking, calling or whining Noise likely to disturb the residents of adjacent properties.

10. APPEAL

- 10.1 Council hereby appoints the Clerk or designate to conduct hearings on its behalf as it relates to the designation of dangerous dogs.
- 10.2 Where the Owner of a Dog who receives a notice from an Animal Control Officer designating such Dog as a Potentially Dangerous Dog or a Dangerous Dog, requests by notice in writing delivered to the Clerk within five (5) working days of receipt of such notice, shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 within thirty (30) days of the Clerk's receipt of the written request for a hearing and the Clerk may:

- 10.2.1 affirm or rescind the Animal Control Officer's designation of the Dog;
- 10.2.2 substitute its own designation of the Dog as a Potentially Dangerous Dog or Dangerous Dog ; or
- 10.2.3 substitute its own requirements of the Owner of a Potentially Dangerous Dog or Dangerous Dog pursuant to section 4 or 5.

11. INQUIRY

- 11.1 Animal Control Officers may either on his or her own initiative, or as a result of a complaint received by him or her from a resident of the Township, conduct an inquiry into whether a Dog should be designated as a Potentially Dangerous Dog or a Dangerous Dog, as the case may be.

12. IMPOSITION OF REQUIREMENTS OF SECTIONS 4 AND 5

- 12.1 Any of the requirements of sections 4 and 5, except for subsections 4.2 and 4.3 and 5.2 and 5.3, which may be imposed by notice on a Dog Owner by the Animal Control Officer pursuant to such sections, shall not be enforceable until:
 - 12.1.1 the time for requesting an appeal has expired without an appeal being requested;
 - 12.1.2 an appeal has been requested and the request has been withdrawn or abandoned; or
 - 12.1.3 an appeal has been requested and the Clerk has issued its decision.

13. SERVING NOTICES

- 13.1 Any notices served by an Animal Control Officer or requests for hearings made by an Owner pursuant to this By-law, shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth (5th) day after the date of mailing.

14. FAILURE TO COMPLY AND COST RECOVERY

- 14.1 The Township, its agents and servants, and any Animal Control Officer shall not be liable for damages or compensation for any Dog injured or killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.
- 14.2 Where a person defaults in complying with a direction, requirement or order under this By-law to do a matter or thing, an officer or agent on behalf of the Township may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or order at the person's expense.
- 14.3 In accordance with section 446 of the *Municipal Act, 2001* the Municipality may recover the costs, from the person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such costs to the tax roll and collecting them in the same manner as property taxes, and such costs shall include interest at an annual rate of 15 per cent.
- 14.4 For the purpose of subsection 21.2, interest shall be calculated for the period commencing the day the Municipality incurs the costs and ending on the day the costs including the interest are paid in full.
- 14.5 The amount the Municipality's costs incurred plus interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

15. PENALTY PROVISIONS

- 15.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Municipal Act and all contraventions of this by-law are designated as continuing offences.
- 15.2 Every person who is convicted of an offence is liable to a minimum fine of Two Hundred and Fifty Dollars (\$250) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.

- 15.3 Notwithstanding section 15.2, every person who is convicted of an offence is liable to a set fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 15.4 Pursuant to section 441 of the *Municipal Act, 2001* if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, including any extension of time for payment ordered under that section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 15.5 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.
- 15.6 In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Municipality for which all of the Owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

16. SEVERABILITY

- 16.1 If any section, subsection, clause, paragraph or provision of this By-law is found by any Court of competent jurisdiction to be invalid or beyond the powers of the Council to enact, such section, subsection, clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law and all other sections or parts of this By-law shall be deemed to be separate and independent there from and are enacted as such.

17. REPEAL SECTION

- 17.1 This by-law will come into force and effect upon the passing of this by-law by Council.
- 17.2 Notwithstanding section 17.1, the set fines referred in section 15.3 above will come into force and effect upon the final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the *Provincial Offences Act*, R.S.O.

1990, c. P. 33, as amended. The set fines schedule, as approved, is attached hereto as Schedule "A" and forms part of this by-law.

- 17.3 By-law number 34-13 of the Township and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law comes into force and effect.
- 17.4 Notwithstanding Section 17.3, the provisions of By-law number 34-13 and their amending by-laws, are deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under those by-laws and any assessment, rate, charge, tax, fee, liability or penalty outstanding under same by-laws may be collected as if such by-laws had not been repealed.
- 17.5 Notwithstanding section 17.3, By-law number 34-13, and its amending by-laws, are deemed to continue in force and effect with respect to any enforcement under Part I of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, as well as the set fine schedule as approved by the Chief Justice, until such time as the Chief Justice approves the set fine schedule as set out in section 15.2 above. Where the provisions of any By-law number 34-13 and their amending by-law are inconsistent with the provisions of this by-law, the provisions of this by-law shall prevail.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 9th DAY OF JANUARY, 2017.**

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

Schedule A

The Corporation of the Township of Wellington North

PART I PROVINCIAL OFFENCES ACT

By-law Number 105-17: A by-law to regulate and provide for the keeping, control and licensing of dogs within the Township of Wellington North

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fines |
|------|---|---|-----------------------|
| 1 | Allowing a dog to run at large | Section 2.2 | \$100.00 |
| 2 | Potentially dangerous dog not confined | Section 4.1 | \$500.00 |
| 3 | Potentially dangerous dog not under the effective control of an adult person and under leash approved by Animal Control Officer | Section 4.2 | \$500.00 |
| 4 | Not securely attaching a muzzle to potentially dangerous dog | Section 4.3 | \$500.00 |
| 5 | Not permitting Animal Control Officer to insert a microchip implantation in potentially dangerous dog | Section 4.4 | \$400.00 |
| 6 | Not providing Animal Control Officer with new address and telephone number of owner within two (2) working days of moving potentially dangerous dog | Section 4.5 | \$100.00 |
| 7 | Not providing Animal Control Officer with name, address and telephone number of new owner within two (2) working days of selling or giving away potentially dangerous dog | Section 4.6 | \$100.00 |
| 8 | Not advising Animal Control Officer within two (2) working days of death of potentially dangerous dog | Section 4.7 | \$50.00 |
| 9 | Not advising Animal Control Officer forthwith if potentially dangerous dog is running At Large or has bitten or attacked any person or animal | Section 4.8 | \$100.00 |
| 10 | Not displaying a warning sign | Section 4.9 | \$200.00 |
| 11 | Dangerous dog not confined | Section 5.1 | \$500.00 |
| 12 | Dangerous dog not under the effective control of an adult person and under leash approved by Animal Control Officer | Section 5.2 | \$500.00 |
| 13 | Not securely attaching a muzzle to dangerous dog | Section 5.3 | \$500.00 |
| 14 | Not permitting Animal Control Officer to insert a microchip implantation in dangerous dog | Section 5.4 | \$400.00 |
| 15 | Not providing Animal Control Officer with new address and telephone number of owner within two (2) working days of moving dangerous dog | Section 5.5 | \$100.00 |

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|----|--|---------------|-----------------|
| 16 | Not providing Animal Control Officer with name, address and telephone number of new owner within two (2) working days of selling or giving away dangerous dog | Section 5.6 | \$100.00 |
| 17 | Not advising Animal Control Officer within two (2) working days of death of dangerous dog | Section 5.7 | \$50.00 |
| 18 | Not advising Animal Control Officer forthwith if dangerous dog is running at large or has bitten or attacked any person or animal | Section 5.8 | \$100.00 |
| 19 | Not displaying a warning sign | Section 5.9 | \$200.00 |
| 20 | Harbouring dangerous dog in a multiple dwelling or a lodging house | Section 5.10 | \$500.00 |
| 21 | Keeping more than three dogs per household or dwelling unit in an area zoned other than agricultural and/or on a lot or parcel containing less than 25 acres of land | Section 6.1 | \$250.00 |
| 22 | Keeping more than ten dogs per household or dwelling unit in an area zoned agricultural | Section 6.2 | \$250.00 |
| 23 | Owning or harbouring a dog without having obtained a license and dog tag for the dog | Section 6.3 | \$100.00 |
| 24 | Using a dog tag for a dog other than the dog for which tag was issued | Section 6.6 | \$50.00 |
| 25 | Transfer of license or registration | Section 6.7 | \$150.00 |
| 26 | Tag not securely fixed on dog | Section 6.9 | \$150.00 |
| 27 | Owning or operating a Kennel without a Kennel license | Section 7.1 | \$350.00 |
| 28 | Not permitting inspector to enter and inspect Kennel | Section 7.4 | \$250.00 |
| 29 | Owning or operating a Kennel and keeping dogs in an unsanitary condition | Section 7.6 | \$200.00 |
| 30 | Not providing clean, fresh drinking water and suitable food of sufficient quality | Section 7.7.1 | \$200.00 |
| 31 | Not keeping food and water receptacles clean and disinfected and located so as to avoid contamination by excreta | Section 7.7.2 | \$200.00 |
| 32 | Not providing opportunity for periodic exercise including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control | Section 7.7.3 | \$200.00 |
| 33 | Not providing necessary veterinary medical care when an animal exhibits signs of pain, illness or suffering | Section 7.7.4 | \$200.00 |
| 34 | Not providing enclosure with protection from heat, cold and wet and of sufficient size to allow the animal the ability to turn around freely and lie in a normal position | Section 7.8 | \$200.00 |
| | Not regularly cleaning and sanitizing run or pen or removing | Section 7.9 | \$200.00 |

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| | and disposing of excreta daily | | |
| 35 | Run or pen not surrounded by sturdy fence with minimum height of 1.2 metres | Section 7.10 | \$200.00 |
| 36 | Not ensuring the residents on adjacent properties to a Kennel are not subjected to persistent barking, calling, whining, or other persistent noise making by the dogs kept at such Kennel | Section 7.11 | \$200.00 |
| 37 | Not immediately removing any feces left by a dog in the Municipality on a highway or roadway, in a public park, on any public property other than a public park, or on any private property other than the property of the owner of the dog or the person having care, custody or control of the dog | Section 8.1 | \$100.00 |
| 38 | Not removing and disposing in a timely manner feces left by a dog on the premises of the person who owns, harbours, possesses, or is in control of a dog | Section 8.2 | \$100.00 |
| 39 | Allowing dog to make persistent barking, calling or whining noise like to disturb residents of adjacent properties | Section 9.1 | \$200.00 |

NOTE: The general penalty provision for the offences listed above is section 15 of bylaw 105-2017, certified copied of which have been filed and s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33