

The Corporation of the Township of Guelph/Eramosa

By-law Number 76/2003

A By-law for the registration and licensing of dogs and for the control of dogs generally within the Township of Guelph/Eramosa.

WHEREAS Section 11, of the *Municipal Act, S.O. 2001*, s.25, as amended, authorizes municipalities to pass by-laws to regulate animals;

AND WHEREAS Section 130, of the *Municipal Act, S.O. 2001*, s.25, as amended, authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality;

AND WHEREAS Council for the Township deems it expedient to regulate dogs within the Township of Guelph/Eramosa;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. Definitions- For the purposes of this By-law:
 - a) **“Animal Control Officer”** shall mean the person or persons appointed by the Township of Guelph/Eramosa to enforce this By-law.
 - b) **“Dog”** means a male or female dog over the age of 12 (twelve) weeks.
 - c) **“Household”** means one room or group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment, and includes the lot used in conjunction therewith.
 - d) **“Kennel”** means an establishment where dogs and cats are housed, groomed, bred, boarded, trained or sold and which is licensed by the Corporation under the Municipal Act but does not include a veterinary clinic defined herein.
 - e) **“Owner”** includes any person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
 - f) **“Pound”** includes a veterinary facility or other place(s) designated by resolution of the Council of the Township of Guelph/Eramosa from time to time.
 - g) **“Pound Fee”** includes any daily charge that may be collected by the operator of a pound.
 - h) **“Running at Large”** shall apply to a dog when found elsewhere than on the property of the owner and not under the control of any person.
 - i) **“Building”** means any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels but does not include a fence, sign, travel trailer or vehicle.
 - j) **“Veterinary Clinic”** means a building or a part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian

within the meaning of the Veterinarian Act, includes facilities where animals can be temporarily boarded.

Part I
Licensing and Registration of Dogs

2. Notwithstanding *Part VII* of this by-law, no person shall own, harbour or keep more than 2 (two) dogs within or about any household or building within the Township of Guelph/Eramosa save and except persons with kennels legally established prior to the passing of this By-law or after the passing of this By-law 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 Guelph/Eramosa.
3. No person shall within the Township own any dog without having obtained a license and dog tag for the dog from the Township.
4. The license shall be taken out annually on or before the 31st day of March of each year and shall expire on the 31st day of March in the year following its issue.
5. The annual fee payable by the owner of a dog for a license shall be in accordance with the Township's Administrative Fees By-law, as amended from time to time.
6. Upon application for a dog license, the owner may be required to produce a certificate signed by a practising veterinarian that the dog to be licensed has been inoculated with an anti-rabies vaccine within a period of 24 (twenty-four) months of the date of application for the license(s).
7.
 - a) Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the municipality showing the name and address of the owner and the serial number of the tag.
 - b) No person shall use a tag on a dog other than the dog for which such tag is issued.
 - c) 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.
 - d) No person other than the owner of the dog shall remove the tag from such dog.
 - e) The owner shall keep the dog tag securely fixed on the dog at all times.
 - f) A fee shall be charged for the replacement of a lost dog tag, according to the municipality's "Administrative Fees By-law" as amended from time to time.

Part II
Dogs Running At Large

8. No owner of a dog shall allow a dog to run at large within the limits of the Township of Guelph/Eramosa.

Part III

Responsibility of Owner to Control Dog Barking and Remove Dog Waste

9. No owner of a dog shall allow the dog to howl or bark persistently or otherwise become a nuisance.
10. Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property within the Township of Guelph/Eramosa, including the property of the dog's owner.

Part IV

Seizure and Impounding of Dogs

11.
 - a) A dog found to be running at large contrary to the provisions of Section 8, or without a license and dog tag, contrary to the provisions of Section 7, may be seized and held in the custody of the Animal Control Officer, or the dog may be seized and impounded in the dog pound.
 - b) A dog so impounded according to Section 11(a) shall be held for a period of not more than 3 (three) days, exclusive of holidays, unless previously claimed by the owners thereof, and if not claimed by and released to the owner thereof within the 3 (three) day period, may then be sold, destroyed or otherwise disposed of at the discretion of the Animal Control Officer.
 - c) A dog so seized and held in the custody of the Animal Control Officer or so impounded shall not be released until the owner thereof has paid to the municipality a penalty according to the Penalty Provisions of this By-law plus a maintenance fee for each day or part thereof during which the dog has been so impounded.
 - d) No dog shall be returned to the owner unless the dog has been licensed in accordance with the provisions of this by-law, and any purchaser of a dog without a licence or dog tag shall obtain a licence and dog tag for the current year before delivery is made to the purchaser.
 - e) Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control Officer until proceedings under the *Dog Owners' Liability Act, R.S.O. 1990, Ch. D.16, as amended*, have been followed, provided that no dog shall be so impounded or held for a period in excess of 21 (twenty-one) days unless otherwise ordered by a Provincial Judge.

Part V

Killing of Dogs

12. According to Section 2 of the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, Ch. L.24, as amended*, any person may kill a dog:
 - a) that is found killing or injuring livestock or poultry;
 - b) that in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept;
 - c) that is found straying at any time, and not under proper control, upon premises where livestock or poultry are habitually kept.

13. According to Sections 8(1) and 8(2) of the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, Ch. L.24, as amended*, the owner of a dog who has knowledge that the dog has killed or injured livestock or poultry shall destroy the dog or cause the dog to be destroyed within 48 (forty-eight) hours after acquiring such knowledge.

An owner of a dog who refuses or neglects to destroy it when required so to do by subsection 8(1) may be summoned before a provincial judge who may order the dog to be destroyed, and for the purpose of carrying out the order a constable may enter upon the premises of the owner and destroy the dog, and the provincial judge may, in addition to any other penalty provided by this Act, direct the owner of the dog to pay the cost of the proceedings and of the destruction of the dog.

14. Neither the Corporation, nor its agents, servants or Poundkeepers, shall be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

Part VI
Muzzling or Leashing of Dogs

15. a) Every owner of a dog, after it has bitten a person or domestic animal, shall ensure that said dog is muzzled or leashed while said dog is on any property within the municipality, including the premises of the owner of the dog.
- b) Where the owner of the dog objects to the muzzling or leashing requirement set forth in Section 15(a), the owner of the dog may request and is entitled to a Hearing by the Council of the Township of Guelph/Eramosa. The Council of the Township of Guelph/Eramosa may, by resolution, delegate the holding of the aforesaid Hearing to a committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, at its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in Subparagraph (a) above.

Part VII
Kennels

16. No kennel shall be erected or maintained subsequent to the passing of this by-law except in compliance with the Township Zoning By-law, as amended from time to time, and in compliance with the Township's By-law for the License and Regulation of Kennels.

Part VIII
Penalties

17. 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, cP.33*.
18. No dog so seized and held in the custody of the Animal Control Officer or so impounded under **Section 8** of this By-law shall be released until the owner thereof has paid to the municipality:
- i) a penalty of \$60.00 (Sixty Dollars);

- ii) a maintenance fee of \$15.00 (Fifteen Dollars) for each day or part thereof during which the dog has been so impounded;
 - iii) pay the veterinary costs for any injured or sick dog; and
 - iv) any other applicable fee which may apply to licensing of the dog according to Section 3 of this By-law
19. All penalties imposed by this by-law shall be paid over to the municipality's Treasurer/Tax Collector for deposit to the credit of the Corporation of the Township of Guelph/Eramosa.
20. By-law No. 30/2000, 1/2002, 4/2002 and 33/2003 are hereby repealed.

READ three times and finally passed
this 15th day of **December, 2003.**

Clint Martin, Mayor

Janice Sheppard, Clerk

Township of Guelph/Eramosa

Part I Provincial Offences Act

By-law No. 76/2003, as amended,
a by-law for the registration and licensing of dogs,
and for the control of dogs generally
within the Township of Guelph/Eramosa

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine (includes cost) |
|-------------|--|--|--|
| 1 | Own, harbour or keep more than 2 dogs | Part I Sec 2 | \$100.00 |
| 2 | Own dog without license and dog tag | Part I Sec 3 | \$100.00 |
| 3 | Fail to affix dog tag | Part I Sec 7 (e) | \$100.00 |
| 4 | Affix tag on incorrect dog | Part I Sec 7 (b) | \$100.00 |
| 5 | Allow dog to run at large | Part II Sec 8 | \$130.00 |
| 6 | Allow dog to bark or howl causing undue noise | Part III Sec 9 | \$130.00 |
| 7 | Fail to dispose of excrement | Part III Sec 10 | \$100.00 |

NOTE: The general penalty provision for the offences listed above is section 61 of the *Provincial Offences Act, R.S.O. 1990, c.P.33*