

Corporation of the Township of Perry

By-law #2006-01

Being a By-law to Regulate the Keeping and Controlling of Dogs,
Dog Kennels and certain other aspects within the Township of Perry.

WHEREAS Section 11 (1) of the Municipal Act, 2001, S.O. 2001, c.25 authorizes the council of a single-tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 103 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes the municipality to provide for impounding of animals that are running at large or trespassing and recoverable fines;

NOW THEREFORE the Council of the Corporation of the Township of Perry **ENACTS** as follows:

DEFINITIONS:

1. In this by-law:

“Bite” means piercing or puncturing of the skin as a result of contact with a dog’s tooth or teeth;

“Canine Control Officer” shall mean a person appointed as such by the Township, or any other person directed by the Township to enforce this by-law, and includes the pound keeper;

“Dog” shall mean ‘Canis Familiaris’, male or female, over the age of three (3) months and shall not include wolf or fox or any other wild or part wild species of ‘Canis Familiaris’;

“Guide or Service Dog” shall mean a dog trained and certified as a service dog, and used as such;

“Kennel” shall mean a building, structure or fenced area of land, or series of buildings, structures or fenced areas of land where more than three (3) dogs, but not more than twenty-five (25) dogs, over the age of three (3) months are kept, raised, boarded, or used for commercial purposes including, but not limited to, dog sledding businesses, circus acts etc., regardless of whether the commercial purpose is conducted within the municipality. ‘ Dog sledding businesses’ shall be permitted to have a maximum of fifty (50) dogs

“Owner” of a dog shall be the person who possesses or harbors a dog, and where the owner is under the age of sixteen years, the parent or guardian of that person shall be considered the owner. “Owns” and “Owned” shall have corresponding meanings;

“Pound” shall mean such premises and facilities designated by the Township for the purpose of impounding and caring for animals taken by agents of the Township for violation of this by-law. “Pound” shall also mean “Animal Shelter” for the purpose of this by-law;

“Pound-keeper” shall mean the person or designate responsible for the operation of the “Pound”; also termed as “Animal Shelter” for the purpose of this by-law.

“Dog Tag” shall mean a metal tag, indicating the year or number, and issued by the Township;

“Township” shall mean the Corporation of the Township of Perry;

DOG TAGS

Purpose

The purpose of obtaining a dog tag is to enable the Township to establish and maintain a data bank to validate the ownership of a dog who is found running at large, with the intent of the Township returning the dog to the owner, without delivering the dog to the pound.

2. (a) Every owner of a dog is required to purchase a dog tag, which shall be valid for the lifetime of the individual dog for which the tag was originally obtained.
- (b) The dog tag shall be obtained from the Township upon initial possession of the dog.
3. In order to obtain a dog tag, the owner of the dog must produce to the Township satisfactory proof that the dog is currently inoculated against rabies.
4. (a) Upon payment of the fee for a dog tag, the owner shall be furnished with a dog tag and shall keep the dog tag securely fixed on the dog at all times, for the lifetime of the individual dog for which the tag was originally obtained.
- (b) The dog tag fee shall be as set out in Schedule ‘A’.
5. (a) The dog tag that must be fixed on the dog pursuant to Subsection 4(a).
- (b) No owner shall permit a dog to wear a dog tag other than the one issued for the dog.

- (c) If a dog tag is lost, a replacement dog tag may be obtained if the owner pays the fee set out in Schedule 'A', and the Township is satisfied that a proper dog tag for the dog has already been issued by the Township.

KENNELS

- 6.
 - (a) Before the 1st day of April of each year, the owner of any kennel shall pay the kennel license fee and obtain a kennel license, as set out Schedule 'A'.
 - (b) Where the owner of a kennel has complied with the requirements of Section 5 (a) of this by-law, the kennel owner is not required to obtain an individual license for each dog kept at the kennel.
 - (c) A kennel license shall only be issued if the proposed property is located where kennels are permitted through the Township's zoning by-law, or if the property owner completes the re-zoning process, through the Township, to permit a kennel on the proposed property.
 - (d) Any person or persons who obtain a kennel license must locate all buildings, structures and fenced areas associated with the kennel at least 120 metres (396 feet) from the perimeter of all property lines. A site plan showing the layout of the kennel may be requested by the Township, which shall be provided by the kennel owner, prior to issuing or renewing a kennel license.
- 7.
 - (a) Any person(s) who keep more than three (3) dogs, with a maximum not to exceed twenty-five (25) dogs, which are aged over three months, at one location, must obtain a kennel license.
 - (b) In the case of a dog sledding business, the maximum number of dogs shall not exceed fifty (50) dogs, provided that all of the provisions of the kennel section of this by-law are adhered to.
- 8. Every person who applies for a kennel license shall comply with the following requirements:
 - (a) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation.
 - (b) The kennel building and its location shall conform to the Township's zoning by-law, section 6 (d) of this by-law and the Ontario Building Code, and the building shall be maintained in damage-free condition.
 - (c) The kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.

- (d) The kennel floor shall be thoroughly cleaned daily, or more often, as necessary.
- (e) Any cage shall be adequately sized to allow the dog to extend its legs to its full extent, to stand, sit turn around, or lie down in a fully extended position.
- (f) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, as necessary.
- (g) The kennel building shall have:
 - 1. electric lighting;
 - 2. windows which may be opened for proper ventilation;
 - 3. a heating system sufficient to adequately heat the building;
 - 4. hot and cold running water; and,
 - 5. a food preparation area.
- (h) Where dogs are permitted to use an outside fenced-in area, there shall be constructed around such area, a solid board fence having a height of at least 1.82 metres (6 feet), and the wall of an adjacent building may be included as part of such fenced-in area. A fenced-in area may be made of chain-link or similar material where the kennel building, structures and fenced- in area are more than 200 metres (660 feet) from all property lines.
- (i) Where clipping and grooming services are performed in conjunction with the kennel, they shall be carried out in the kennel building or permitted fenced- in area only.

9. Every person who holds a kennel license shall comply with the following requirements:

- (a) The license shall be exposed at all times in a conspicuous place in the interior of the premises.
- (b) The premises shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odors.
- (c) The dogs shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times.
- (d) The dogs shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.

NUMBER OF DOGS

10. (a) No person may keep or permit to be kept at any one time, more than three (3) dogs older than three (3) months per dwelling unit or location.
- (b) Section 10 (a) of this by-law does not apply to the owner of a properly zoned, regulated and licensed kennel, as per the kennel provisions of this by-law.

RUNNING AT LARGE

11. (a) Every dog owner shall ensure that his or her dog does not run at large, at any time, within the Township of Perry.
- (b) For the purpose of this by-law, a dog shall be deemed to be running at large when found to be in any place other than the premises or property of the owner, not on a leash of a maximum of two (2) metres of which the dog cannot escape, and not under control of the owner.
- (c) Subsection 11 (b) does not apply when the owner of the dog has been given permission by the owner of another property, which is not the dog owner's property, to let the dog roam without a leash, on that specific piece of property.
- (d) A dog found running at large may be seized by the Canine Control Officer, and the attempt shall be to return the dog to the owner, if the dog has a properly issued dog tag. If the dog does not have a properly issued dog tag, it shall be delivered to the pound.
- (e) The poundkeeper, at their discretion and as per their policies, may sell or humanely euthanize any dog which comes into their possession.

LEASHING

12. (a) Every owner of a dog shall keep the dog on a hand leash or on a leash which is securely fixed to some permanent structure to which the dog cannot escape, and under control of the owner when the dog is on land other than the owner's property in the Township.
- (b) Subsection 12 (a) does not apply when the owner of the dog has been given permission by the owner of a property, which is not the dog owner's property, to not leash the dog or have the dog securely fixed to some permanent structure to which the dog cannot escape, on that piece of property.

EXCREMENT

13. (a) Every owner of a dog shall remove forthwith any excrement left by the dog on any property, other than their own property, including, but not limited to, private property and public highways, sidewalks and parks.
- (b) Subsection 13 (a) does not apply to persons reliant on a guide or service dog.

OWNERS TO TAKE PRECAUTIONS

14. The owner of the dog shall exercise reasonable precautions to prevent it from:
 - (a) Biting or attacking a person or domestic animal; or
 - (b) Behaving in a manner that poses a menace to the safety of persons or domestic animal.

FEES

15. All required fees related to this by-law shall be found in Schedule 'A' of By-law #2006-01, which shall be attached and form part of this by-law.

PENALTY

16. (a) Every person who contravenes any of the provisions of this by-law is guilty of an offence, and is liable, upon conviction, to a penalty of not more than five thousand dollars (\$5,000.00), exclusive of costs, in respect to each offence.
- (b) Each enforceable infraction contained in this by-law shall be considered a separate offence.

SEVERABILITY

17. A decision of a competent court that one or more provisions of this by-law are invalid in whole or in part does not affect the validity, effectiveness or enforcement ability of the other provisions or part of the provisions of this by-law.

REPEAL OF FORMER DOG BY-LAWS

18. All former Township by-laws relating to dogs, dog licensing and kennels are hereby repealed.

EFFECT

19. This By-law shall take effect upon the third and final reading and enactment thereof

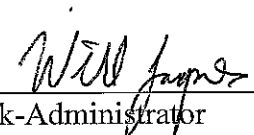
Read a First ~~and Second~~ time this 4th day of January, 2006

Read a Second time this 15th day of February, 2006

Read a Third and Final time and Enacted in Open Council this 1 day of March, 2006.



Mayor



Clerk-Administrator

Schedule 'A' to By-law #2006-01
The Corporation of the Township of Perry

Various Fees Related To By-law #2006-01

Dog Tag Fee:

- 1) **\$15.00** per dog, for lifetime of dog
- 2) **\$5.00** per dog for a replacement dog tag
- 3) **No Charge** for Guide or Service dogs

Impounded Dog Redemption Fees:

- 1) **ALL** boarding, maintenance, adoption and other fees required by the Animal Shelter for the impounded dog
- 2) **ALL** veterinarian fees and other services performed on behalf of the impounded dog, by the Township
- 3) **\$20.00** dog tag, if not already purchased OR if in need of a replacement for the impounded dog, to be delivered to the Township by the Animal Shelter

NOTE: All impounded dog redemption fees must be paid prior to the dog's release from the Animal Shelter.

Kennel License Fees

- 1) **\$150** per pack, up to twenty-five (25) dogs and up to fifty (50) dogs for dog sledding businesses, to be obtained by April 1 of the year in which the license is valid.
- 2) **\$100** per pack, up to twenty-five (25) dogs and up to fifty (50) dogs for dog sledding businesses, upon proof of registration of the kennel with the Canadian Kennel Club (C.K.C.) Inc., to be obtained by April 1 of the year in which the license is valid.