

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE  
THOUSAND ISLANDS**

**BY-LAW NO. 17-006**

**BEING A BY-LAW FOR THE LICENSING, REGULATING AND KEEPING OF  
CANINES**

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**WHEREAS** Section 11 (3) of the Municipal Act, S.O. 2001, c.25, provides a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction: animals;

**AND WHEREAS** Section 105 of the Municipal Act, S.O. 2001, c.25, provides for a hearing to be held by the Council of a municipality, upon request of the Owner of the Dog, if a municipality requires muzzling of a Dog under any circumstances;

**AND WHEREAS** Section 23.5(2) of the Municipal Act, S.O. 2001, C.25, authorizes the municipality to delegate a person or body the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step is taken;

**AND WHEREAS** the Dog Owner's Liability Act, R.S.O. 1990 c. D.16, as amended provides for rules and regulations respecting Dogs that are alleged to have bitten or attacked a person or domestic animal or to have behaved in a manner that poses a menace to the safety of persons or domestic animals;

**AND WHEREAS** the Municipal Council of the Corporation of the Township of Leeds and the Thousand Islands deems it desirable to pass a by-law with respect to the control of dogs;

**NOW THEREFORE** the Council for The Corporation of the Township of Leeds and the Thousand Islands enacts as follows:

**1. SCOPE**

1.1 The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Township of Leeds and the Thousand Islands.

1.2 This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority (Agriculture Canada and the Canadian Kennel Club) having jurisdiction to make such restrictions.

**2. DEFINITIONS**

For the purposes of this By-law, the following definitions shall apply:

2.1 **Animal Control Officer** means a person or persons appointed by By-law under an Agreement for Services for such purposes of enforcing this By-Law.

2.2 **At Large**, means, in the case of a dog, being in a place other than a property owned or occupied by its owner and not under the control of its owner or another person acting on behalf of the owner.

- 2.3 **Built-Up Area** means any three (3) abutting, residential properties each smaller than one (1) acre in size.
- 2.4 **By-law Officer** means the person(s) appoint by By-law of the Corporation of the Township of Leeds and the Thousand Islands to administer and enforce the By-laws of the Township.
- 2.5 **Council** means the Council of the Corporation of the Township of Leeds and the Thousand Islands.
- 2.6 **Dog** means a male or female dog that is at least three months old.
- 2.7 **Dog Waste** means excrement left by a dog anywhere in the Township, excluding excrement left by a dog trained to, and in the act of, aiding the physically handicapped and/or any law enforcement agency.
- 2.8 **Impound** means the act of taking a dog found to be at large, or running at large, to facilities designated by the Township.
- 2.9 **Kennel, Commercial** means the following:
- a) A place or confine where dogs are boarded on a commercial basis;
  - b) Any premise other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate foster care program for dogs under the authority of an animal shelter, in which the predominant activity consist of the raising, boarding or training of dogs;
  - c) A business involving the buying, selling, for hire of, boarding or training of dogs;
  - d) A business for the breeding and then selling, trading, exchanging or bartering of puppies.
- 2.12 **Kennel, Hobby** means where up to a maximum of five (5) dogs are housed for the primary purpose of pleasure (pets), hunting or farm purposes (i.e. working dogs).
- 2.13 **Leash** means a restricting device of sufficient strength and material for holding a dog not exceeding 3 metres in length.
- 2.14 **Licence** means that the receipt issued by the Township or its authorized agent on payment of the appropriate licence fee.
- 2.15 **Muzzle** means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
- 2.16 **Owner** means the person, organization or corporation who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor. Owns or owned shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of dogs.
- 2.17 **Person** means the individual, firm, incorporated group, business entity or club to whom the context can apply.

- 2.18 **Police Work Dog** means a dog that is trained to aid law enforcement agencies and it is actually being used for such persons for the protection of the public including the investigation of crime and the apprehension of law violators.
- 2.19 **Pound** means the premises and facilities designated by the Township for the keeping and impounding of dogs.
- 2.20 **Puppy or puppies** means any dog under the age of 3 months.
- 2.21 **Purebred** means a dog registered or eligible for registration with an association incorporated under the Animal Pedigree Act.
- 2.22 **Running At Large** means a dog found in any place other than the premises of the owner of the dog and not under the control of any person.
- 2.23 **Service Dog** means a dog that has been trained by a qualified facility, agency or person to provide special services to a person with a disability and is actively in use for such purposes (i.e. Guide Dog, Special Assistance Dog etc.).
- 2.24 **Tag** means a metal label bearing a registration number for the dog for which it has been issued and identifies the year of issue.
- 2.25 **Township** means the Corporation of the Township of Leeds and the Thousand Islands.
- 2.26 **Working Dog** means a dog trained to aid in herding or protecting sheep and is actually being used for that purpose.
- 2.27 **Zoning By-Law** means, the current comprehensive Zoning By-law of the Township, currently By-law 07-079, as amended and/or replaced from time to time.

### **3. ADMINISTRATION**

- 3.1 The staff are responsible for the administration of this By-law.
- 3.2 Council may appoint an Animal Control Officer or By-law Officer whose duty it shall be to:
- a) Issue fines;
  - b) Provide Council with regular reports outlining the activities such as compliance and fines issued;
  - c) The Township staff will maintain a database with information about all dogs and kennel licences issued, including owner contact information;
  - d) Seize and impound dogs found to be running at large; and
  - e) Inspect all commercial and hobby kennels as required to assure they comply with the provisions of this by-law.

#### **4. DOG TAGS**

- 4.1 Every Owner residing in the Township shall, on or before April 30 of each year, register each dog owned within the Township by obtaining a licence from the Township for each dog owned and payment of a fee thereto in accordance with General Rates and Fees By-law. A person may register or renew the registration of a dog at the Township Office for this purpose.
- 4.2 All pet owners purchasing a tag(s) for dog(s) within the Municipality shall provide the following information to the issuer:
  - a) Name, breed, age, sex, colour, markings, disposition of the dog and whether the dog has been spayed or neutered; and
  - b) Owner contact information including name, phone number, and address.
- 4.3 Any dog brought into the Township after April 30 of any year shall be registered by the owner of the dog by obtaining a license for it within thirty (30) days after bringing it into the Township, and payment of a fee thereto in accordance with the General Rates and Fees By-law. With the exception of Commercial Kennels.
- 4.4 Every dog for which a licence has been issued shall be furnished with a tag that the owner shall keep securely affixed on the dog (when the dog(s) are being walked or taken of their property) unless the dog(s) is being lawfully used for showing, working, hunting, obedience and rally trials or dog sledding.
- 4.5 No licence or dog tag is transferable and the dog tag shall expire and become void upon the sale, death or other disposal of the dog.
- 4.6 Owners of dogs that are professionally trained to assist law enforcement agencies, including but not limited to police dogs and working dogs shall be exempt from the registration and licensing requirements of this By-law. Service dogs shall be issued a tag – No fee required.
- 4.7 Not more than a total of three (3) dogs shall be kept in or about any property within the boundary of the Township, including built-up areas with the following exceptions:
  - a) The operation of a Commercial kennel for the purpose of breeding or boarding animals, if it complies with the Municipality's Zoning By-law;
  - b) An Animal Hospital owned and operated by a Veterinarian licenced by the Ontario Veterinarian Association;
  - c) A pet store;
  - d) An Ontario Humane Society Shelter, or a Pound, which complies with the Municipality's Zoning By-Law; and
  - e) A dog under the age of six (6) months.
- 4.8 If, at any time, as a result of evidence provided, that the requirements of this By-law have not been adhered to by Commercial or Hobby Kennels, the licence may be suspended or revoked.

## 5. KENNELS

- 5.1 All Commercial and Hobby Kennels are to be registered and licenced by the Township. All Kennel licences shall be valid for a one-year period.
- 5.2 The owner/operator/manager of the Kennel shall reside on the property on which the kennel is located.
- 5.3 Owners of Commercial and Hobby Kennels in the Township are required to pay the annual licence fee on or before April 30 as detailed in the General Rates and Fees By-law. Failure to renew a Kennel licence while continuing to operate a kennel will result in charges under the Provincial Offences Act.
- 5.4 Commercial and Hobby Kennels established in the Township after April 30 of any year shall be required to obtain a licence within thirty (30) days and pay the fee thereto in accordance with General Rates and Fees By-law.
- 5.5 Any new applicant for a kennel not previously licenced must first obtain confirmation that the property location of such Kennel complies with the requirements of the Township's Zoning By-law. Failure to obtain a Kennel Licence will result in charges under the Provincial Offences Act.
- 5.6 Every person who holds a Commercial or Hobby Kennel licence or the owner/operator of the Kennel shall, when so requested by any person authorized by the Township, produce such licence for inspection.
- 5.7 In the case of new Commercial and Hobby Kennel Applications, the Planning Department, as part of the review to determine if the property location complies with the requirement of the Township's Zoning By-law, may require:
  - a) A detailed plot plan including the distance from the location of kennel to all property lines and neighbouring dwellings; and
  - b) An inspection of the property. Prior to granting said licenses
- 5.8 Commercial and Hobby Kennels licensed by the Township prior to the adoption of this by-law will be grandfathered with respect to the requirements of section 5.7 a) and b).
- 5.9 In addition to the regulations in this By-law, a **Hobby Kennel**, will be permitted provided:
  - a) It is on lands zoned Rural or General Agricultural as designated by the Township's Zoning By-law. A special exception may be permitted in a Commercial, Industrial or Wrecking Yard zone that is being used for residential purposes only provided the lands are not in, or within 300 metres, of a village boundary. A rezoning and site plan approval will not be required for this special exception, and will be at the discretion of the Planning Department and in consultation with Council;
  - b) No boarding, training, shows and no revenue derived from the sale of pups is permitted;
  - c) Not more than (5) dogs shall be permitted on the premises;

- d) All dogs that are owned by the owner of the Hobby Kennel are required to be registered with the Township. New dogs (that are 6 months of age) are required to be registered with the Township within thirty (30) days of the date of ownership of the dog.

5.10 In addition to the regulations in this By-law, a **Commercial Kennel**, will be permitted provided it:

- a) It is on lands zoned to permit kennels in the Township's Zoning By-law;
- b) It must meet the minimum separation distance between the kennel and all neighbouring dwellings as required in the Township's Zoning By-law;
- c) It will be subject to Site Plan Control and the agreement must be registered on title prior to commencing the operation of the kennel;
- d) This shall include purebred and non-purebred dogs;
- e) All dogs that are owned by the owner of the Commercial Kennel are required to be registered with the Township. New dogs (that are 6 months of age) are required to be registered with the Township within thirty (30) days of the date of ownership of the dog; and

5.11 If, at any time, as a result of evidence provided, that the operation of a Commercial or Hobby kennel or their activities do not conform to the requirements of this By-law, the licence may be suspended or revoked.

## 6. GENERAL REGULATIONS

- 6.1 The owner of a dog shall remove forthwith any of the dog's waste left anywhere in the Township.
- 6.2 A dog shall not be permitted to leave the property of its owner unless it is on a leash not exceeding three (3) metres in length, or it is being lawfully used under the care and control of its owner for working, showing, hunting, and/or the dog is professionally trained to be service dogs or assists law enforcement agencies, including but not limited to police work dogs.
- 6.3 No person who owns or has care and control of a dog within the Township shall permit such dog to become a public nuisance.
- 6.4 A dog shall be considered a public nuisance, including but not limited to the following reasons:
  - a) it persistently barks or howls in a manner likely to disturb the public;
  - b) it dumps or scatters garbage or trash;
  - c) it persistently chases vehicles or pedestrians that are using public or private property;
  - d) it excretes feces on property other than the property harbouring the dog; and

e) it causes damage to public or private property.

## **7. Dogs Running At Large**

- 7.1 An owner of a dog shall not allow the dog to run at large in the Township, excluding dogs that are professionally trained to be a service dog or law enforcement agencies, including but not limited to police work dogs, and the owner must have care and control of the dog.
- 7.2 Any dog found running at large in the Township may be seized by the Animal Control Officer and/or the By-law Enforcement Officer and may be impounded at the designated Kennel and it shall remain there until all maintenance and boarding costs are paid, and penalties are paid as set out in the General Rates and Fees By-law. If payments are not made, the fine is recoverable under the Provincial Offenses Act. If necessary, a dog licence must also be obtained in order to claim the dog.
- 7.3 Where an injured dog is impounded or otherwise detained for running at large and requires the immediate services of a qualified veterinarian or should be euthanized due to such injuries without delay for humane reasons, the By-law Officer, or any other duly appointed officer may deliver the injured dog to a qualified veterinarian for care/euthanization due to such injuries of the dog as soon after impounding or otherwise detaining the dog as he/she thinks fit and shall notify the Owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the Owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the Owner or any other person.
- 7.4 A dog shall not be considered to be running at large if it is registered, accredited or otherwise certified as a Service Dog, or assisting law enforcement officers, or it is a dog being lawfully used for working or hunting, the owner must have care and control of the animal. If an animal kill occurs by a dog being lawfully used for working or hunting, the provisions of the *Protection of Livestock and Poultry from Dogs Act*, R.S.O. 1990, c. L24, and Dog Owners Liability Act R.S.O 1990 c. D.16 as amended will prevail.
- 7.5 Any person may capture any dog running at large on his or property and must contact the By-law Officer for impoundment of the dog. Only an Animal Control Officer or By-law Officer appointed by the Township may impound a dog.
- 7.6 If a dog is not claimed within three (3) days from the date on which it is impounded, excluding the day on which the dog is impounded and holidays, every effort will be made to see that the dog is re-homed.

## **8. AGGRESSIVE DOG(S)**

- 8.1 Where a proceeding has been commenced by the Township under the *Dog Owner's Liability Act* against an owner whose dog is alleged to have bitten or attacked a person or domestic animal, the owner shall be required to muzzle the dog upon issuance of an interim muzzle order by the Court, until such time as a decision has been rendered by the Court.

## **9. COMMERCIAL KENNELS – SPECIFICATIONS**

All Fencing and runs for Commercial Kennels shall be built as follows:

9.1 A fence or its equivalent which is to form a kennel enclosure or part thereof shall be of:

a) Sound Construction as to ensure animals cannot get out.

9.2 A fence a degree of security and strength, may be approved by the Animal Control Officer upon receipt of completed plans and specifications for said fence.

9.4 Gates which form part of the Kennel enclosure shall be:

a) Of such height and of such construction as to provide a degree of safety and rigidity equivalent to or greater than that of required fence.

b) self closing, self latching with the latching device at the top of and on the inside of the gate.

9.5 Maintenance:

a) All fences, walls, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this Bylaw.

9.6 All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards:

a) Dog cages and or dog houses shall be constructed so as to be easily cleaned.

b) All Kennels must at all times be maintained in a clean, sanitary condition.

c) Excrement and other waste resulting from the operation of a kennel shall be removed daily from the runs in an environmentally approved manner.

d) Prior to a licence being issued for a new kennel, the animal control officer shall conduct an inspection of the kennel or review of the plans for the proposed kennel, as the case may be, for the purpose of determining that the kennel or proposed kennel complies with the requirements of this bylaw and the owner shall provide the animal control officer with such information and such access to the premises as he or she may reasonably require in order to conduct the inspection or review.

9.7 If the Animal control officer is not satisfied he/she will refer the matter to the council who, if they concur, may hire a qualified person to advise on the adequacy of the kennel in question.

- a) where, in the opinion of the animal control officer, any kennel does not comply with the provisions of this bylaw or creates or is likely to create a public health concern, nuisance or unsanitary condition, he/she shall require the owner of the kennel to abate the nuisance or rectify the conditions within a reasonable period of time after notice in writing to the owner.
  - b) if the owner fails to abate the nuisance or rectify the conditions specified by the animal control officer he/she shall be deemed to be contravening the provisions of this bylaw.
  - c) In addition to any other remedies available to the Municipality, if the owner fails to carry out such work necessary to correct the situation, the municipality may carry out the work at the owner's expense and any costs incurred by it in doing the work shall be collected in like manner as taxes.
- 9.8 If, at any time, as a result of evidence provided, that the operation of a Hobby kennel do not conform to the requirements of this By-law, the licence may be suspended or revoked.

## **10. PENALTY PROVISIONS**

- 10.1 Every person who contravenes any provisions of this By-law shall be guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.
- 10.2 Any fee imposed under this By-law constitutes a debt to the person who has benefited from the service. The Township shall, if there is a failure by the person to pay this debt, add the fees imposed to the tax roll for any real property in the Township, the owners of which are responsible for paying the fees and collect them in like manner as municipal taxes.
- 10.3 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation of repetition of the offence by the person convicted.

## **11. VALIDITY**

- 11.1 If a court of competent jurisdiction declares any provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision of this By-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 11.2 That By-law 39-01 is hereby repealed and in the event of a conflict between the provisions of this By-law and any other By-law of the Township, the provisions of this By-law shall prevail.
- 11.3 This By-law may be cited as the Canine Control By-law.
- 11.4 This By-law shall come into force and take effect on the date of the approval of the set fines by the Ministry of the Attorney General.

**READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF MARCH, 2017**

**READ A THIRD TIME AND FINALLY PASSED THIS 13<sup>th</sup> DAY OF MARCH, 2017.**

  
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Joe Baptista, Mayor

  
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Vanessa Latimer, Clerk



THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS

PART 1 Provincial Offences Act

By-law #17-006 "Canine Control By-law"

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Fail to obtain dog license	Part 4 Section 4.1	\$100.00
2.	Fail to affix license tag on dog	Part 4 Section 4.4	\$100.00
3.	Fail to obtain Kennel License	Part 5 Section 5.1	\$150.00
4.	Fail to remove forthwith excrement left by dog	Part 6 Section 6.1	\$100.00
5.	Allow dog to run at large	Part 7 Section 7.1	\$150.00
6.	Allow dog to become public nuisance	Part 6 Section 6.3	\$150.00

**NOTE:** The general penalty provision for the offences listed above is Section 10.1 of By-law #17-006, a certified copy of which has been filed.