

**THE CORPORATION OF THE TOWNSHIP OF ATHENS AND REAR OF
YONGE AND ESCOTT TRANSITION BOARD
BY-LAW # 00-01-03**

.....
**BEING A BY-LAW FOR THE LICENSING, REGULATING AND KEEPING OF
DOGS FOR THE CORPORATION OF THE TOWNSHIP OF ATHENS AND
REAR OF YONGE AND ESCOTT**
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WHEREAS S.14.SS.(6)(d) of the Minister's Order made under the Municipal Act, R.S.O. 1990, C.M.45. S. 25.2 states that a Transition Board shall adopt by-laws for the new municipality;

AND WHEREAS Section 210, paragraphs 1 through 13 of the Municipal Act authorizes the enactment of by-laws for prohibiting or regulating the keeping of animals or any class therefor within the Municipality or defined as areas thereof;

AND WHEREAS Section 210, paragraph 140 of the Municipal Act authorizes the enactment of By-laws for prohibiting and abating public nuisances within the municipality;

NOW THEREFORE The Transition Board for the Corporation of the Township of Athens and Rear of Yonge and Escott hereby enacts as follows:

**PART 1
DEFINITIONS**

1. In this By-Law

MUNICIPALITY shall mean the Corporation of the Township of Athens and Rear of Yonge and Escott

BUILDING means any structure consisting of walls and a roof or any part or combination thereof, which is used for shelter, accommodation or enclosure of persons, animals, equipment goods or materials, or a structural system serving a function thereof

DISABLED PERSON shall mean a person who is blind, deaf or has any degree of permanent physical disability, which requires the physical reliance of a wheelchair, crutches, braces, canes or other remedial appliance or devices

GUIDE DOG shall mean a dog that is trained to aid the blind and actively in use of such purpose

DOG means a male or female dog that is six months old or more

FENCE means any barrier or barricade that encompasses either in whole or in part of any lot or tract of land and includes any gate or entrance attached to and forming part of a fence, but does not include a wall

GATE and ENTRANCE means any part of a fence or a wall through which access may be gained to an area enclosed by a fence or wall

KENNEL means any premises, excluding animal clinics and grooming establishments, where two or more purebred dogs which are registered in the Canadian Kennel Club Incorporated

LEASH shall mean a restricting device of sufficient strength and material for holding a dog

MUNICIPAL BY-LAW ENFORCEMENT OFFICER shall mean a Municipal By-Law Enforcement Officer or Animal Control Officer of the Township of Athens and Rear of Yonge and Escott

MUZZLED means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting

OWNER of a dog includes a person who possesses or has care and control of a dog and where the owner is a minor, shall include the person responsible for the custody of the minor

RUNNING AT LARGE means found in any place other than on the lands and premises of the owner of the dog and not under the care and control of any person

WASTE shall mean dog excrement

VICIOUS DOG a) shall mean a dog which, without provocation, has bitten a person or a domestic animal

b) shall mean a dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or persons

PART II LICENSING

2. Every owner of a dog in the Municipality shall, on or before the 31st day of March of each year, register the dog by obtaining a license from the Municipality at the Township Office or such place as may be designated by the Municipality
3. Every owner of a dog born in the Municipality shall obtain a license for it within six (6) months after it's date of birth
4. Every owner of a dog brought into the Municipality shall obtain a license for it within three (3) months after bringing it into the Township
5. Every owner shall pay a fee for each license as set out in schedule "A" of this by-law
6. Every owner that fails or refuses to obtain a license for a dog within the time prescribed by this by-law shall pay a late registration fee as set out on Schedule "A"
7. Every dog license shall, irrespective of the date on which it is issued, expire on December 31st of the year in which it is issued
8. Every owner of a dog for which a license has been issued shall be furnished with a dog tag that the owner shall keep securely affixed on the dog at all times except when the dog is being lawfully used for hunting in the bush
9. The owner of a dog must pay an additional \$0.25 for the tag at the time of purchase, as well replacement of lost dog tags shall cost \$0.25 per tag
10. No person shall affix a tag upon any dog other than the dog for which it was issued
11. Notwithstanding the provisions of this Part to the contrary, the owner of a kennel shall pay on or before March 31st of each year a license fee for the kennel as set out on schedule "A" of this By-Law and shall not be required to register or obtain a license or tag for each dog owned by the owner of the kennel
12. The owner of a dog professionally trained or assist a disabled person or a dog professionally trained to assist a law enforcement agency shall be required to register or obtain a license for the dog, however, no fee shall be charged
13. No person shall keep, or do anything which may cause to be kept, more that three (3) dogs in the Municipality, special exception license for dog teams, etc.. upon application to be approved by Council

**PART III
WASTE**

14. Neither the owner nor any person having the care and control of a dog shall allow the dog to deposit waste on any private or publicly owned property without the permission of the owner of the property unless such person immediately removes all of the waste from the property and disposes of it in a lawful manner
15. The provisions of section 13 shall not apply to the owner of a guide dog while it is on a leash and providing assistance to a person with impaired vision or to a disabled person

**PART IV
RUNNING AT LARGE**

16. No owner or any person having care and control of a dog shall allow the dog to run at large in the Municipality
17. No person shall allow a dog to leave the property of it's owner unless the dog is on a leash not exceeding three (3) metres in length or is being lawfully used under the care and control of it's owner for hunting in the bush
18. Any dog found running at large in the Municipality may be seized and/or impounded by the by-law enforcement officer, or animal control officer and may be taken to any kennel designated by the Municipality and shall remain there until all conditions for it's release have been met including payments of all impounding and maintenance costs
 - (a) in the event of the redemption of a dog impounded, the owner shall pay to the Treasurer of the Municipality the sum of \$15.00 together with the sum of \$1.50 for each day or portion thereof that the dog is impounded
 - (b) in the event of the redemption of a dog impounded, the owner shall pay ~

Fine for each dog impounded ~ 1 st offense ~	\$20.00
2 nd offense ~	\$25.00
Boarding fees, per day	~ \$ 8.00
Pick up charges	~\$15.00
Fine for not having tag/license	~\$15.00
19. No dog seized or impounded shall be released unless and until the owner has:
 - (a) Paid all impoundment fees and maintenance costs as may be prescribed from time to time; and
 - (b) Registered and obtained a license for the dog, if necessary
20. If no person claims a dog within three (3) days from the date on which it is seized, excluding the day on which the dog was impounded and holidays, the owner shall forfeit all rights of ownership to the dog and the municipality may dispose of it according to the Animal Research Act
21. A municipal by-law enforcement officer, or animal control officer who reasonably believes that:
 - (a) a dog running at large is likely to cause imminent harm to any person or animal;
 - (b) is injured or ill and should be destroyed without delay for public safety and humane reasons; may kill the dog

**PART V
KENNELS**

22. For the purpose of this part, dogs less than six (6) months old shall be considered to be pups
23. No person shall operate a kennel in the Municipality unless such person has obtained a kennel license in accordance with this by-law

24. No person shall lodge, keep, board or breed more than two purebred dogs as registered in the Canadian Kennel Club at any one time on any premises in the Municipality unless a kennel license has first been obtained for the premises
25. An application for a kennel license shall be made on or before March 31st of the year
26. Any person who applies for a kennel license shall provide the Municipal by-law enforcement officer with such information as may reasonably be required to ensure that the proposed kennel will comply with the provisions of this by-law
27. Each license for a kennel shall expire on December 31st of the year in which it was issued
28. No person owning or operating a kennel in the Municipality shall permit the dogs to be maintained in any condition or manner that is not clean, secure and humane, and without limiting the generality of the foregoing:
 - (a) all dog cages and/or dog houses shall be constructed so as to be easily cleaned
 - (b) all surfaces of yards and runways shall be covered in concrete, asphalt, fine gravel or other material which can be easily cleaned or raked
 - (c) all accessible doorways, windows and outside openings of a building housing a dog shall be screened in order to provide an effective barrier against the escape of any dog
 - (d) all kennels must at all times be maintained in a clean, sanitary condition
 - (e) all excrement, dead animals and other waste resulting from the operation of a kennel shall be removed daily from the premises and disposed of in a lawful manner
 - (f) all kennels must be adequately fenced in order to prevent any dogs from escaping
29. Where, in the opinion of the Municipal by-law enforcement officer, or animal control officer, any kennel is being operated in a manner contrary to the terms of its license or the requirements of this by-law, the municipal by-law enforcement officer shall notify the owner in writing as to the nature of the alleged contravention and direct the owner to rectify the matter within such period of time as shall be set out in the notice
30. If an owner fails or refuses to rectify a matter in accordance with a notice given by the municipal by-law enforcement officer, Council may, in addition to any other remedies available in law, suspend or revoke the license with or without terms and conditions

PART VI PUBLIC NUISANCES

31. No person who owns or has care and control of a dog within the Municipality shall permit such dog to become a public nuisance
32. A dog shall be considered a public nuisance if:
 - (a) it persistently barks or howls for 20 minutes or more, or
 - (b) it causes personal injury or damage to public or private property, or
 - (c) it persistently interferes with or dumps or scatters garbage or trash, or
 - (d) it persistently chases vehicles, cyclists and pedestrians

PART VII VICIOUS DOGS

33. The owner of a vicious dog shall at all times when it is on the owner's property but not within a building be secured in one of the following manners so as to prevent the dog from causing injury to any person or animal entering onto the owners land;
 - (a) the vicious dog shall be located wholly within a fenced area and any gate providing access to such fenced area shall be locked at all times
 - (b) When the vicious dog is kept in an enclosed run or pen, such run or pen shall be built of chain link construction (min. 9Ga. Galvanized steel wire) and that said

run or pen shall be enclosed on all four (4) sides and it's top shall be of material of the same or greater strength than that of the sides

34. The owner of a vicious dog shall at all times when the dog is off the owner's property keep the dog muzzled so as to prevent it from biting
35. No person shall own or operate a kennel containing a vicious dog except for the purpose of boarding or training the vicious dog
36. No person shall permit a dog to attack any person, domestic animal or domestic bird or to fight with another dog
37. The provisions of section 36 shall not apply to working police dogs
38. Every owner of a vicious dog shall, at the time the dog is licensed by the Municipality notify the Municipality that the dog is vicious
39. Immediately upon the transfer of a vicious dog from one owner to another, the original owner shall notify the Municipal by-law enforcement officer
40. Every owner of a vicious dog shall clearly post a sign in a conspicuous place on the owner's property stating that there is a vicious dog on the property

PART VIII VIOLATIONS AND PENALTIES

41. Every person who contravenes any provision of this by-law is guilty of an offense and upon conviction is liable to a fine of not more that \$5,000.00
42. Upon registering a conviction for a contravention of any provisions of this by-law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by the by-law make an order prohibiting the continuation or repetition of the offense by the person convicted

PART IX ADMINISTRATION

43. This by-law shall be administered by the municipal by-law enforcement officer
44. Whenever any duty is imposed upon the municipal by-law enforcement officer in this by-law, the municipal by-law enforcement officer may retain whatever professional advise, including the services of a qualified veterinarian as the municipal by-law enforcement officer considers necessary or desirable
45. All by-laws pertaining to licensing, regulating and keeping of dogs passed by the former Corporation of the Township of Rear of Yonge and Escott and all by-laws pertaining to licensing, regulating and keeping of dogs passed by the former Corporation of the Village of Athens are hereby rescinded.
46. The Transition Board for the Corporation of the Township of Athens and Rear of Yonge and Escott does hereby enact that the purpose and effect of this by-law comes into force on the 1st day of January 2001.