



## THE CORPORATION OF THE TOWNSHIP OF AUGUSTA

### BY-LAW NUMBER 2742

#### A BY-LAW RESPECTING THE REGULATION AND CONTROL, PROTECTION AND IDENTIFICATION OF DOGS IN THE TOWNSHIP OF AUGUSTA

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**WHEREAS** the section 11 (2) 9 of the Municipal Act, 2001 S.O. 2001 allows for lower tier municipalities to pass by-laws respecting matters pertaining to animals

**AND WHEREAS** the Residents of the Township have a long tradition of raising and caring for dogs for companionship, herding, hunting, recreation, improvement of breeding stock, competitions, shows, and for training and using special service dogs to assist disabled persons, or to aid agencies of government, and for other uses;

**AND WHEREAS** Council seeks in the public interest to identify dogs, and to prohibit dogs from trespassing or running at large, or creating a nuisance, especially noise, and to ensure that dogs that have bitten a person or a domestic animal are appropriately restrained.

**NOW THEREFORE** the Council of the Corporation of the Township of Augusta enacts as follows:

#### SECTION I DEFINITIONS

1. For the purpose of this by-law, the following definitions shall apply:
  - (a) "Aggressive Dog" means any dog that has bitten a person or a domestic animal without provocation, or has a known propensity, tendency or disposition to attack without provocation other domesticated animals or persons.
  - (b) "Attack" shall mean an assault resulting in bleeding, bone breakage, sprains or serious bruising.
  - (c) "Bite" shall mean a wound to the skin causing it to puncture or break.
  - (d) "Canine" means any domesticated canine, male or female.
  - (e) "Canine Control Officer" shall mean a company or person appointed by the Township of Augusta, or any other person directed by the clerk to enforce parts of this By-law, and includes the By-law Enforcement Officer.
  - (f) "Care and Control" shall mean having, at all times, the ability to manage, direct, restrict and restrain the movement of a dog.
  - (g) "Control" shall include care and custody.
  - (h) "Corporation" means the Corporation of the Township of Augusta.
  - (i) "Dog" shall mean a domesticated canine, male or female, over the age of 12 weeks, and includes any dog spayed or neutered.
  - (j) "Dog Tag" shall mean a tag bearing a serial number and the year that it was issued.

- (k) "Domestic Animal" shall mean a cat or dog.
- (l) "Guide Dog" means any dog trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act, and shall include a dog trained as a guide dog for other physically disabled persons
- (m) "Kennel" shall mean any premises, building, cage, or pen, where 5 or more dogs are lodged, bred, kept or boarded. A Kennel shall be classified as follows:
  - i) "*small kennel*" where dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding and little revenue is derived from the sale of pups from these dogs.
  - ii) "*large kennel*" used primarily for boarding dogs where the majority of Kennel space is devoted to the boarding of dogs owned by other than family members, even if purebred dogs are being housed or bred at the same facility.
- (n) "Leash" shall mean a restraining device of sufficient strength and material for holding a dog.
- (o) "Leashed" shall mean a restraining device securely attached to the dog and a person or object.
- (p) "Municipal By-law Enforcement Officer" means a person or persons appointed or employed by the Corporation of the Township of Augusta for the purposes of enforcing the provisions of this by-law.
- (q) "Muzzled" means a humane fastening or covering device of adequate strength used over the mouth to prevent a dog from biting.
- (r) "OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals and its officers.
- (s) "Owner" means and includes any person who possesses or harbors a dog and shall include a person who is the temporary keeper or is in control of the dog, and owns and owned shall have a corresponding meaning.
- (t) "Property" shall mean a parcel of land under one ownership, occupied or to be occupied by one or more main buildings, structures or uses, with any accessory buildings, including all yards, required by the Township of Augusta Zoning By-law. A lot may or may not be land shown as a lot on the duly registered plan of subdivision or reference plan.
- (u) "Police Work Dog" shall mean a dog trained and actually engaged in Law Enforcement work.
- (v) "Pure-bred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act.
- (w) "pup" means any dog under the age of twelve weeks.
- (x) "Restrained" shall mean being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.
- (y) "Running at Large" shall mean a dog being elsewhere than on the premises of the dog owner or any person have custody or control and not being under the immediate control of a responsible person.
- (z) "Sanitize" means to clean for the purpose of controlling disease producing organisms and "sanitized" has a corresponding meaning.

- (aa) "Township" means the Corporation of the Township of Augusta.
- (bb) "Treasurer" means the Treasurer of the Corporation of the Township of Augusta.

**SECTION II IDENTIFICATION**

1. Every dog owner shall cause his/her dog to be licensed and registered with the Township 12 weeks after its date of birth.
2. Every dog owner shall license and register his/her dog (s), within thirty (30) days after taking up residency in the Township.
3. No person shall keep a dog in the Township of Augusta who has not obtained a license in respect thereof and who has not registered the dog under the provisions of this By-law.
4. Every owner of a dog shall annually, on or before the 31<sup>st</sup> day of March of each year, because the dog to be registered, numbered, described, and licenced at the Township Office or with such agency as designated by Township council in accordance with Schedule "A".
5. On payment of a licence fee, the owner will be furnished with a dog tag, and the owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, except that the tag may be removed only while the dog is being lawfully used for hunting and is under the direct control of the owner or the owners designate.
6. No person shall use a tag upon a dog other than for which it was issued.
7. Every owner who fails to purchase a dog licence for each of their dog(s) on or before March 31<sup>st</sup> of each year shall pay the regular price as set out in Schedule "A".
8. Upon application made in accordance with the provisions of this By-law, every application for a dog licence shall furnish the Treasurer or other employee designated for that purpose with the name, address and telephone number of the dog owner and other information as requested by the Treasurer.
9. The Treasurer or other person designated for that purpose shall have charge of the granting of licences and it shall be his/her duty:
  - (a) to keep a complete register of all dogs in respect of which licences are issued;
  - (b) to keep an accurate account of all monies paid to the Municipality;
  - (c) to furnish with each licence a numbered tag which shall be securely fixed by the owner to each dog in respect of which the licence is issued.
10. Each license shall be in force for the year stated and shall expire on December 31<sup>st</sup> of the appropriate year.

**SECTION III DOGS AT LARGE**

1. For the purpose of this section, an animal shall be deemed to be running a large when found in any place other than the premises of the owner and in the absence of care and immediate control by any person.
2. The running at large of a dog (s) is prohibited within the Township. Every owner of a dog shall ensure that the animal is secure and under control.
3. Any dog found running at large contrary to the provisions of this By-law may be seized and disposed of pursuant to the provision of this By-law.

4. No person shall permit a dog to attack any person, domestic animal or to fight with another animal.
5. Any person may capture a dog running at large and trespassing on his/her property and advise the Animal Control Officer, who shall pick up the dog and either impound or return the dog to the owner.
6. Hunting dogs while engaged in hunting and under the care and control of hunters are not to be considered as running at large. Owners of hunting dogs are responsible to obtain permission from land owners before casting the dogs on said land.
7. Every person or owner who fails to maintain sufficient control of a dog while off the property of the owner may be directed by the Corporation or it's agent to leash the dog. The leash shall be securely attached to the person in control of the dog attached to the leash.
8. Every person or owner of a dog will leash a dog when directed by the Corporation or an agent of the Corporation.

#### **SECTION IV NOISE AND NUISANCE**

1. No person shall permit their dog to make or cause excessive noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
  - (a) of the neighborhood, or
  - (b) of persons who inhabit any dwelling, apartment or type of residence in the vicinity.
2. No person shall permit their dog to bark unnecessarily or make unnecessary noise at any time.
3. Any person who owns, harbors or possesses a dog shall forthwith clean up and dispose of any excrement left by the dog on any property whether private or public.

#### **SECTION V AGGRESSIVE DOG(S)**

1. The owner of an aggressive dog shall ensure;
  - (a) the dog is restrained so it cannot bite, chase or attack a person or domestic animal whether on the property of the owner or not.
  - (b) when the dog is on the property of the owner, it is restrained and confined in an enclosed area or in a fenced yard, the purpose of which is to prevent the aggressive dog from coming into contact with other persons or animals that may inadvertently or by purpose enter onto the property.
  - (c) when it is off the property of the owner:
    - (i) it is securely leashed and muzzled in a manner that prevents it from biting, chasing or attacking a person or other domestic animal, and
    - (ii) it is under the control of a person over the age of sixteen (16) years.
2. An owner of an aggressive dog shall be notified in writing by the Municipal By-law Enforcement Officer that the owner must comply with the provisions in sentence 1.
3. The owner of an aggressive dog shall pay an annual licence fee as prescribed for aggressive dogs as set forth in Schedule "A".
4. The owner of an aggressive dog after having been notified in writing to comply with the provisions in this section of the By-law, may request, and is entitled to a hearing by Council. If after two years the dog has not been involved in any further incidences, and the owners can establish (for example, by affidavits of current

neighbors and/or veterinarian's report) that the propensity and disposition of the dog is no longer aggressive, the council may decide to relieve the owner from complying with Section V, (1 ) of the By-law. The methods of determining whether a dog is still aggressive will be measured against the severity of the original attack, the age of the dog at the time of the attack, the methods of training employed to rehabilitate the dog from its aggressive behavior, its current environment, the care and sincerity of the dog owner, and the records of the Canine Control Officer.

5. The owner of an aggressive dog shall at the time of licencing inform the licencing officer that the dog has been labeled aggressive by the Township.
6. In addition to the requirements of this By-law, the owner of an aggressive dog may be subject to other legislation.

## **SECTION VI            GENERAL REQUIREMENTS AND KENNELS**

1. No person shall keep or board, more than four (4) dogs at any one time on any property in the Township of Augusta unless a kennel licence has been obtained by them with respect to such dogs.
2. No person shall operate a kennel in the Township of Augusta unless they have obtained a licence for such kennel under the provisions of this By-law.
3. No person shall allow their dog(s) or kennel of dogs to become a nuisance to the public.
4. No person shall establish or operate a kennel within 300 metres of any "village" or "residential" zone as defined and depicted by the municipalities' comprehensive Zoning By-law.
5. An application for a kennel licence shall be made to the Municipal Office according to Schedule "A" on or before March 31<sup>st</sup> of each year. Each licence, unless specifically expressed to be a shorter period, suspended or revoked, shall be valid until December 31<sup>st</sup> of the appropriate year. The Township may request an inspection to be completed before the issuance of any kennel license.
6. Every owner/operator of a kennel will purchase the respective kennel licence on or before March 31<sup>st</sup> of each year.
7. No person shall operate a "small kennel", housing more than ten (10) dogs. The "small kennel" shall be allowed to keep a maximum of 8 pups as well as a maximum of 10 dogs.
8. The owner of a kennel shall pay an annual licence fee as set forth in Schedule "A". The kennel must furnish each dog with a "Kennel Identifier Tag" and furnish the Township with a sample "Kennel Identifier Tag" similar in manner to the Township tag and unique to that Kennel. Kennel Identifier Tags must be securely fixed to each dog while the dog is boarded or resides within the Township of Augusta. The exception to this rule is while the dogs are being lawfully used for hunting and are under the direct control of the owner or the owners designate.
9. No person shall operate a "large or commercial kennel" housing more than maximum of (30) dogs. Pups are excluded unless otherwise agreed upon by council and where the commercial kennel is operating under a site plan control agreement.
10. No person shall allow their kennel to become a nuisance to the public.
11. A "large or commercial kennel" of dogs must have separate housing from any other use on the property that may include other buildings or residences.

12. Every person operating a “large or commercial kennel” may only operate within rural or industrial zones as defined and depicted by the municipalities comprehensive Zoning By-law. The building used as a kennel will not be within 300 metres of a dwelling located on another property. Commercial kennels that are under a site plan control may reduce the requirement of 300 meters if they provide sound buffering to councils satisfaction.
13. Every kennel owner/operator shall build fencing and runs for kennels built in accordance with Schedule “B” and shall be located so as to minimize noise from being directed towards neighboring dwellings.
14. All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the standards as set out in Schedule “C”. All “large or commercial kennel” operators shall have their premises inspected by the OSPCA or by the Township (subject to Section V (17)) at least once per year and obtain a letter or certificate of compliance. Letters or certificates of compliance must be posted at the kennel site and be made available to the Township at the time of re-licensing.
15. When, in the opinion of the Canine Control Officer, a kennel does not comply with the provisions of this by-law, creates or is likely to create a public health nuisance or it is unsanitary in condition, the Canine Control Officer shall notify the By-law Enforcement Officer. The By-Law Officer shall give a written notification order to the kennel owner/operator requiring the owner/operator to abate the nuisance or rectify the conditions within a stated period of time. If the owner/operator fails to abate the nuisance or rectify the conditions specified by the By Law Enforcement Officer, they shall be deemed to be contravening the provisions of this By-law.
16. Every owner/operator of a kennel who fails to abate the nuisance or rectify the conditions specified by the By-Law Enforcement Officer in Section V (15) shall be deemed to contravening the By-Law.
17. Any kennel licence may be suspended pending compliance of a written order. A kennel licence may be revoked for non-compliance of the written order by the By-law Enforcement Officer if the kennel does not comply with the provisions of this By-law.
18. Whenever, in this By-law, a duty is imposed upon the Township to inspect a property or kennel, the Township and its officers shall have at their discretion, the ability to retain the services of a qualified individual or consulting agency with respect to the nature of the inspection, or require the owner to have their site inspected by the OSPCA. The fee for such services shall be payable by the owner within 30 days of the account being rendered, and if not so paid may be added to the tax roll of the property owner, and shall bear interest at the same rate that applies to overdue taxes, and collected in like manner as municipal taxes.

## **SECTION VII            IMPOUNDMENT AND RECOVERY OF DOGS**

1. A Canine Control Officer or designate may seize any dog found running at large within the Township of Augusta, or found to be in contravention of the provisions of this By-law and cause such dog to be delivered to the Township Pound, or to the dog(s) owner if the dog has a licence for the current year and it is the first such offence for the owner.
2. No person shall interfere with the Canine Control Officer in his/her attempt to capture and impound a dog.
3. No person shall attempt to remove a captured, trapped or impounded dog from the custody of the Canine Control Officer, whether the Canine Control Officer is present or not.

4. The Canine Control Officer may cause by any means the destruction of any dog that is found to be running at large and is likely to cause imminent harm to any person or animal, or is injured or ill and it is necessary to be destroyed for public safety and/or humane reasons.
5. The owner of any dog may obtain release of their dog that has been delivered to the Township Pound or Canine Control Officer, by:
  - (a) payment of the fees required by the Pound operator; and
  - (b) payment of the municipal release fees as set forth in Schedule "A"; and
  - (c) proof of a valid dog license or kennel licence as issued by the Township.
6. If an owner fails to claim the dog during the time prescribed in the regulations of the Pound, the dog may be sold or disposed of by the said Township Pound.

## **SECTION VIII**

## **PENALTY**

1. Any person violating any the provisions of this By-law, is guilty of an offence and the penalty upon conviction therefore shall be as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter 33 and amendments thereto.
2. The By-Law Enforcement Officer and Canine Control Officer of the Corporation of the Township of Augusta or duly appointed agents of any of them shall enforce the provisions of this By-law.
3. Where a provision of this By-law conflicts with a provision of another By-law in force in the Township of Augusta, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
4. It is the declared intention of the Council of the Corporation of the Township of Augusta that any section or part of a section of this By-law which may subsequently be held to be illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.
5. That Schedule "A" attached hereto is hereby made part of this By-law fully and to all intents and purposes as though recited in full herein.
6. That Schedule "B" attached hereto is hereby made part of this By-law fully and to all intents and purposes as though recited in full herein.
7. That Schedule "C" attached hereto is hereby made part of this By-law fully and to all intents and purposes as though recited in full herein.

## **SECTION IX**

## **REPEALS**

By-law 2532 and all by-laws relating to the regulation and control of dogs and is contrary to this by-law are hereby repealed.

Read a first and second time this 8<sup>th</sup> day of December 2008.

Read a third time and passed this 8<sup>th</sup> day of December 2008.

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REEVE

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CLERK

**SCHEDULE 'A' to BY-LAW 2742**

**FEES**

DOGS Annual licence fee Expires annually on December 31 <sup>st</sup>	REGULAR PRICE	DISCOUNTED PRICE PRIOR TO MARCH 31 <sup>ST</sup> OR WITHIN 30 DAYS OF MOVING INTO THE TOWNSHIP
Guide & Police Work dogs	No Charge	No Charge
All other dogs	\$30.00	\$ 15.00
Designated Aggressive Dog	\$500.00	\$300.00
Small Kennel	\$90.00	\$60.00
Large or Commercial Kennel	\$200.00	\$120.00
Replacement Tag	\$5.00	\$5.00
Release Fees for Impounded Dogs		
First Offence	..... \$60.00 per dog owner/residence	
Second Offence	..... \$120.00 per dog owner/residence	
Third Offence	..... \$180.00 per dog owner/residence	
Subsequent Offences ..	\$250.00	

## Schedule "B" to By-Law 2742

It is not the intention of this By-Law to require every kennel to have a fenced yard. Nor should a fenced yard be determined to be a "kennel" unless it has first met the requirements as stated below.

The intention is that where a fenced in area is provided for a "kennel" of dogs, or where it is required by this By-Law, such as in a Large or Commercial Kennel application, or in the case of an aggressive dog that ;

- a) the fenced in area is not located on the property or built in such a way that would direct sound waves towards neighboring dwellings.
  - b) the fenced in area is built and maintained to withstand internal loads applied by the dogs and from the external loads applied by nature and the environment.
  - c) the fenced in area has a sheltered area and is built in accordance with the published papers and guidelines of the Canadian Veterinary Medical Association, in "A Code of Practice for Canadian Kennel Operations"
  - d) the area be cleaned and sanitized with feces picked up on a regular basis so the area remains healthy and does not create a public nuisance.
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## Schedule "C" to By-Law 2742

The kennel standards referred to in this schedule; pertain to both small and large kennel license holders.

When ever an individual has a group of dogs requiring a kennel license according to this By-Law, that person should manage their dogs in accordance with the recommendations established by the Canadian Veterinary Medical Association in their document, "A Code of Practice for Canadian Kennel Operations." A copy of these recommendations is available at the Township office, the OSPCA, or online at <http://www.canadianveterinarians.net>.

While all the recommendations should be followed, this By-Law will enforce only those recommendations that specifically concern;

- a) Housing and Accommodations, except for residential dwellings,
- b) Food and Water,
- c) Care and Supervision,
- d) Minimum Space Requirements.

Additionally,

- e) Excretion, dead animals and other waste resulting from the operation of a kennel shall be removed and disposed of daily from the premises in a sanitary manner, and
  - f) Subject to the Dead Animal Disposal Act, in any kennel, the carcass of an animal shall be;
    - i) forthwith removed from the cage or pen; and
    - ii) except for the whole or a part of the carcass that is retained in a sanitary manner for research, forthwith disposed of;
  - g) No kennel or part thereof, including any fencing, shall be permitted within three meters of the property line.
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