

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2005-282

Consolidated on November 16, 2007

Passed by Council on November 15, 2005.

Amendments:

- 1) By-law 2007-261 November 13, 2007- Article 3, Sections 3.05 and 3.06

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 282

A BY-LAW TO REGULATE DOGS

Recitals

1. Section 11 of the *Municipal Act, 2001* authorizes the councils of municipalities to pass by-laws respecting dogs under the "animals" sphere of jurisdiction.
2. Section 103 of the *Municipal Act, 2001* authorizes municipalities to impound dogs which are at large in contravention of any such by-law.
3. Council considers it advisable to regulate dogs within the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-282.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**altered**” means spayed or neutered;

“**at large**” means a dog that is in a place other than a property owned or occupied by its owner and that is not being kept on a leash by its owner or by another person acting on the owner's behalf;

“**business day**” means any Monday, Tuesday, Wednesday, Thursday or Friday other than a public holiday;

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes;

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“**Council**” or “**City Council**” means the Council of the City of Kawartha Lakes;

“**dog**” means a female or male dog, whether altered or intact;

“**dwelling**” means a self-contained residential unit;

“**kennel**” means a facility which houses dogs for the purpose of breeding, boarding or training;

“**Manager of Building and Municipal Law Enforcement**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“**minor**” means a person who has not reached the age of 18 years;

“**municipal law enforcement officer**” means a person appointed by Council under section 15 of the *Police Services Act* to enforce the by-laws of the City;

"municipal service centre" means a designated Municipal Service Centre of the City which provides local government services;

"occupied" means being in possession of a property or part of a property, for example, as a result of a tenancy agreement or as an invited guest;

"owner" includes any person who possesses, keeps or harbours a dog and, where an owner is a minor, includes the person who is responsible for the care, control or custody of the minor;

"pet store" means a business that sells live dogs as household pets;

"police officer" means a chief of police or other police officer in a police service which is responsible for enforcing the by-laws of the City;

"pound" means a facility in which dogs impounded under the authority of this by-law are kept;

"property" means a parcel of land including any buildings or other structures on the land;

"public holiday" includes a holiday as defined in the *Retail Business Holidays Act* and any other public holiday that is declared;

"shelter" means a recognized facility that provides fostering or treatment programs for dogs that have been abandoned, abused or injured;

"special services dog" means a dog with proper identification that has been trained to provide services to a person with a disability or to a police service;

"tag" means a conventional tag or any other device that sets out the identification number of every dog that is registered with the City; and

"veterinary hospital or clinic" means premises for the medical treatment of dogs under the supervision of a licensed veterinarian.

1.02 **Interpretation:**

- (a) Except as otherwise provided, the regulations established by this by-law apply to all dogs within the boundaries of the City and to their owners.
- (b) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (c) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Dog Registration Requirements

2.01 **Annual Registration:** Every dog that has reached the age of 28 weeks shall be registered with the City in every calendar year by its owner or by another person acting on the owner's behalf.

2.02 **Expiry of Registration:** The registration of a dog expires on December 31st of every calendar year.

2.03 **Registration Procedure:** A dog may be registered at any municipal service centre or in any other manner adopted by the City by providing the necessary information, paying the prescribed fee, as set out in Schedule "A", and submitting a copy of a current certificate of immunization against rabies. It is an offence for an owner of a dog to provide false information about the dog being registered.

2.04 **Altered Dogs:** Any person who is registering an altered dog for the first time shall be required to provide proof that the dog has been altered in order to be eligible for the reduced fee, as set out in Schedule "A".

- 2.05 **Issuance of Tag:** Upon registration with the City, a dog will be included in the dog identification system by means of the issuance of a tag.
- 2.06 **Ownership of Tag:** Every tag that is issued remains the property of the City, and no tag shall be sold except with the written consent of the City.
- 2.07 **Wearing of Tag:** Every tag that is issued shall be kept securely fixed on the dog at all times when the dog is in a place other than the dwelling of its owner.
- 2.08 **Transfer of Tag:** No tag shall be transferred to or displayed on any dog other than the dog for which it was issued, except with the written consent of the City.
- 2.09 **Replacement of Tag:** An owner of a dog or another person acting on the owner's behalf may obtain a replacement for a tag that has been lost or destroyed by paying the prescribed fee, as set out in Schedule "A".
- 2.10 **Exemptions:** The requirement for annual registration set out in section 2.01 does not apply to dogs in a:
- (a) pound or shelter;
 - (b) veterinary hospital or clinic;
 - (c) kennel which holds a valid licence from the City; or
 - (d) pet store.

Section 3.00: Behaviour of Dogs

- 3.01 **Requirement to Clean Up:** Every owner and other person who is in charge of a dog shall immediately remove any excrement left by his or her dog on any property other than a property owned or occupied by the dog's owner.
- 3.02 **Exemption:** The requirement set out in section 3.01 is not applicable to the owner who is physically unable to comply with this requirement or a police officer who is engaged in work related activities.
- 3.03 **Being at Large:** No owner shall cause or permit his or her dog to be at large.
- 3.04 **Exception:** A dog shall not be deemed to be at large if, without being kept on a leash or lead, it is on a property other than a property owned or occupied by its owner with the express permission of the owner or occupant of that property.
- 3.05 **Muzzling and Leashing of Dogs**
- 3.05 **Order To Restrain:**
- (a) Where a dog exhibits aggressive, dangerous or vicious behaviour towards a person or domestic animal, a Municipal Law Enforcement Officer may issue an "Order to Restrain" to the owner or person responsible for the dog, for a period of time to be determined by the Municipal Law Enforcement Officer.
 - (b) Any Order to Restrain may include but is not limited to:
 - (a) confining the dog to the owner's property;
 - (b) restraining the dog with a leash;
 - (c) restraining the dog with a muzzle;
 - (d) the posting of warning signs.
 - (c) Every owner or person responsible shall at all times comply with an Order to Restrain. (2007-261, effective Nov. 13/07)
- 3.06 **Appeal of Order To Restrain:**
- (a) In the event that the owner or person responsible for the dog disagree with the Order to Restrain, he or she may appeal the Order to Restrain to Council within 7 days of receipt of said order by filing a "Notice to Appeal" including an administrative fee of \$75.
 - (b) Upon receipt of notification of an appeal, the Manager of Municipal Law Enforcement shall prepare a report for the consideration of Council and the Applicant shall be provided with at least two (2) weeks notice of the meeting

of Council to consider the Order to Restrain and shall have the opportunity to address Council prior to Council making a decision.

- (c) The Order to Restrain shall remain in full force and effect between the date of the Order to Restrain and the date of the hearing of the appeal by Council, the owner or person responsible for said dog, shall comply with all the requirements as outlined in the Order to Restrain.
- (d) At such time as Council makes its decision to confirm, modify or quash the Order to Restrain, the decision shall be considered to be final and binding and the owner of the dog shall comply therewith.

(2007-261, effective Nov. 13/07)

Section 4.00: Impounding Dogs

- 4.01 **Impoundment**: Any dog found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound.
- 4.02 **Injured or Vicious Dogs**: Despite section 4.01, any dog found at large in contravention of this by-law that is gravely injured or that is exhibiting the characteristics of a vicious or wild animal to such an extent that a municipal law enforcement officer or police officer attending the dog fears for his or her own health or safety or the health and safety of others in the vicinity, may be destroyed immediately at the officer's sole discretion.
- 4.03 **Recovery of Impounded Dogs**: The owner of an impounded dog or another person acting with the authorization of the owner may recover the dog from a pound within five business days, excluding the day on which the dog was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the dog has been in the pound and all costs incurred by the City in impounding the dog, including the full amount of any emergency veterinary care that was required for the dog.
- 4.04 **Recovery of Unregistered Dogs**: In order to recover an impounded dog that has reached the age of 28 weeks but that is not registered with the City, the owner or other person acting with the authorization of the owner shall, in addition to paying the costs set out in section 5.03, be required to register the dog in the manner set out in section 2.03 within ten business days, excluding the day on which the dog was recovered from the pound.
- 4.05 **Disposition of Impounded Dogs**: If an impounded dog is not recovered from a pound within the time period specified in section 4.03, the dog may be sold or otherwise disposed of by the City in any lawful and humane manner.

Section 5.00: Enforcement and Penalties

- 5.01 **Enforcement**: This by-law may be enforced by every municipal law enforcement officer and police officer.
- 5.02 **Obstruction**: No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- 5.03 **Offence and Penalty**: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 5.04 **Offence by an Owner or Dog**: It is an offence for an owner of a dog or for his or her dog to contravene any provision of this by-law, and every owner of a dog who contravenes this by-law or whose dog is found to be in contravention of this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.
- 5.05 **Multiple Offences**: The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to a prosecution against the same person for any subsequent or continued contravention of this by-law.
- 5.06 **Court Order**: If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 6.00: General Provisions

- 6.01 **Administration of the By-law:** Except where otherwise indicated, the City Clerk is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This by-law comes into force on January 1, 2006.

By-law read a first, second and third time, and finally passed, this 15th day of November, 2005.

Mayor

Clerk

SCHEDULE "A"
PRESCRIBED FEES

Annual Registration Fees	
Dog with current certification of rabies immunization	\$25.00
Altered Dog with current certification of rabies immunization and proof of alteration	\$20.00
Special Services Dog	No Charge
Other Fees	
Replacement of Tag	\$5.00