

AMENDED/REPEALED BY

BYLAW NO. 2000-26

DATED February 23, 2000

BY-LAW

AMENDED

NO. 1999-51

**A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF KINCARDINE
BRUCE-TIVERTON TO PROVIDE FOR THE LICENSING, RESTRAINING
AND REGULATING THE CONTROL OF DOGS WITHIN THE
MUNICIPALITY.**

WHEREAS the Council of the Township of Kincardine-Bruce-Tiverton deems it advisable to provide for the licensing, restraining and regulating the control of dogs;

WHEREAS Section 210 subsections 1 to 13 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, gives to a municipality authority to pass by-laws to legislate the following:

- a) For requiring, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.
- b) For requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality.
- c) For requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal.
- d) For licensing and regulating and requiring the registration of dogs and for imposing a license fee on the owners of them as well as the payment of a license fee for a dog tag and the imposing of requirements on the owner for affixing this tag to the dog for which it applies.
- e) For prohibiting or regulating the running at large of dogs in the municipality, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such a manner as is provided by the by-law.

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Kincardine-Bruce-Tiverton **ENACTS** as follows:

1.0 Authority

Municipal Act R.S.O. 1990, Chapter M.45 Section 210, as amended
Dog Owner's Liability Act R.S.O. 1990, C. D.16
Health Protection and Promotion Act R.S.O. 1990, C. H.07
Livestock, Poultry and Honey Bee Protection Act R.S.O. 1990 C. L.24

2.0 Interpretation & Definitions

For the purpose of this by-law:

- 2.1 "Corporation" means the Corporation of the Township of Kincardine-Bruce-Tiverton.
- 2.2 "Dog" means any member of the species *Canis familiaris*.
- 2.3 "Kennel" means:
- 2.3.1 a place or confine where purebred dogs are kept, bred or raised and registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada)
- 2.3.2 a facility that complies with the municipal zoning by-law for the purpose of boarding domestic animals
- 2.4 "Municipal By-Law Enforcement Officer" means a person or persons duly appointed by the Council of the Corporation to enforce the provisions of this by-law.
- 2.5 "Neutered Male" means a dog for which the owner produces satisfactory evidence of its being neutered.
- 2.6 "Spayed Bitch" means a female dog for which the owner produces satisfactory evidence of its being spayed.
- 2.7 "Owner" of a dog includes a person who possesses or harbors a dog and where the owner is a "minor", the person responsible for the custody of the minor.
- 2.8 "Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- 2.9 "Police Work Dog" shall mean a dog trained to aid law Enforcement Officers and is actually being used for police work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
- 2.10 "Purebred Dog" means a dog registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- 2.11 "Society" or "Humane Society" means the Ontario Humane Society, (Ontario Society for the Prevention of Cruelty to Animals).
- 2.12 "Control" includes care and custody.
- 2.13 "Muzzle" shall mean a fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

- 2.14 "Premises" shall mean any house, mobile home, room in a boarding house, or other place used for residential purposes and does not include the common elements of a condominium or apartment building.
- 2.15 "Restrained" shall mean keeping the dog inside the premises of the owner, or enclosing the dog in a pen of sufficient dimension and strength, as to be humane and to prevent the dog from coming within two feet of the property line and to persons other than the owner of the dog, or persons associated with the owner, when the dog is outside the premises but still on the property of the owner of the dog.
- 2.16 "Animal Control Officer" shall mean a By-Law Enforcement Officer appointed by Council and designated as a Provincial Offences Officer.
- 2.17 "Guide Dog" shall mean a dog that is trained to aid the blind or hearing impaired and is actively in use for such purposes.
- 2.18 Words used in the singular shall have corresponding meanings when used in the plural
- 2.18.1 "May" shall be construed as permissive.
- 2.18.2 "Shall" shall be construed as imperative.
- 2.19 Dogs shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the direct control of any person.
- 2.20 Private property shall mean property other than the property of the owner or property of the person having care, custody or control of the dog.

3.0 Enforcement

This by-law shall be enforced by the by-law enforcement officer duly appointed for the purpose of enforcing certain municipal by-laws and for providing animal control services.

4.0 Administration

This by-law shall be administered by the Municipal Clerk or duly authorized representative.

5.0 Licensing

- 5.1 The owner of a dog shall annually cause the same to be registered, numbered, described and licensed with the Township of Kincardine-Bruce-Tiverton as soon as the dog has attained the age of 90 days or within 5 days of coming into possession of a new dog.
- 5.2 Every license issued under this by-law shall expire on January 1st in each calendar year.
- 5.3 On payment of the license fee, the owners shall be furnished with a dog tag and shall keep the dog tag securely fixed on the dog at all times.

- 5.4 When a dog is being lawfully used for hunting in the bush an exemption to provision 5.3 will be granted.
- 5.4.1 Every tag shall bear a serial number and the year in which it was issued, and a record shall be kept by the municipality showing the name and address of the owner and the serial number of the tag.
- 5.4.2 Every owner shall pay a replacement dog tag as set out in the municipal consolidated fee by-law.
- 5.4.3 The Municipality may appoint an agent to sell dog licenses and pay a
- 5.5 The owner of each dog shall pay a license fee in accordance with the municipal consolidated fee by-law:
- for each male/female dog
 - for each spayed female
 - for each neutered male
- 5.6 No person shall:
- 5.6.1 register an unspayed female dog as a spayed female
- 5.6.2 register an unneutered male as a neutered male
- 5.6.3 use a tag upon a dog other than that dog for which it was issued.
- 5.6.4 Each person shall provide proof of the dog having been spayed or neutered acceptable to the Municipality.
- 5.7 No person shall keep more than 3 dogs unless in possession of a Kennel license. Exemptions to this provision are noted as follows:
- A facility that complies with the municipal zoning by-law for the purpose of boarding domestic animals
 - A Pet Store
 - A Veterinary Clinic or Pet Hospital
 - A Humane Society Shelter
- 5.8 No license tag or registration under this section shall be transferable and the license tag shall expire and become void upon the sale, death, or other means of disposal of the dog.
- 5.9 No person other than the owner or his agent shall remove the license tag from the dog.
- 5.10 The owner of a kennel shall pay a kennel license fee only.
- 5.11 No owner shall permit a dog to bark or howl persistently for a prolonged or excessive period of time.
- 5.12 No owner of a dog shall permit the said dog to run at large within the boundaries of the municipality.
- 5.13 Any dog found running at large, contrary to the provisions of this by law may be captured and impounded by the Municipal By-Law Enforcement Officer (Animal Control) and thereafter shall be kept in a pound for a period of up to 72 hours not including day of admission and exclusive of Saturday, Sunday and statutory holidays and, after all known means of notification has been attempted, the dog may thereafter be destroyed or otherwise disposed of.

5.14 The owner of a dog who has bitten a person or domestic animal shall ensure that said dog is muzzled or leashed while said dog is on any property in the Municipality, including the premises of the owner of the dog.

5.14.1 Where the owner of the dog objects to the muzzling or leashing requirement set forth the owner of the dog may request and is entitled to a Hearing by the Council of the Municipality. Council may, by Resolution, delegate the holding of the aforesaid Hearing to the Committee of Council or the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement.

6.0 Right to Destroy

It shall be the right of the duly appointed Municipal By-law Enforcement Officer of The Corporation of the Township of Kincardine-Bruce-Tiverton to cause to have destroyed any dog running at large where:

6.1 the dog is sick and/or injured and the officer feels it should be destroyed without delay for humane reasons,

6.2 the dog is believed to be a danger or threat of danger to the safety of any person;

6.2.1 the dog is believed to be a danger or threat of danger to domestic animals, livestock, poultry, rabbits, or fur-bearing animals, as defined in the Livestock, Poultry and Honey Bee Protection Act;

6.3 The Municipality, its agents and shall not be liable for damages or compensation for any dog disposed of under the provisions of this by-law and no such damages or compensation shall be paid to any person.

7.0 Issue of Voluntary Payment Ticket

If the Municipal By-Law Enforcement Officer is unable to seize any dog found to be running at large, contrary to the provision of this by-law and the owner of such dog is known, a voluntary payment ticket may be issued out of court in cases where it is alleged that the by-law respecting dogs running at large has been contravened and, if payments are not made in accordance with the procedures, the fine is recoverable under the Provincial Offences Act. 189, c.84, s. 4(4).

First Offence	- One Hundred Dollars	(\$100.00)
Second Offence	- Two Hundred and Fifty Dollars	(\$250.00)
Third Offence	- Five Hundred Dollars	(\$500.00)

7.1 Notwithstanding the provisions of section 7.2 of this by-law, any person may, upon presentation of a voluntary payment ticket issued alleging the commission of an offence, contrary to the provisions of this by-law, pay the fine designated out of court within seven (7) days from the date of issuance of the said ticket, and upon such payment, no further action will be taken under this by-law in respect of the said offence.

7.2 Voluntary payment tickets not paid in accordance with section 7.1 of this by-law will be recovered under the authority of the Provincial Offences Act.

7.3 The owner of any dog running at large and impounded, shall pay:

- a reclaim fee of \$60.00;
- all pound and veterinary fees incurred;
- the current dog license fee

7.3.1 All reclaim fees will be remitted to the Municipality.

7.4 Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pick up, pound and maintenance fees prescribed and shall pay all fees on demand to the Municipality.

7.5 Where a dog is known to have bitten any person or killed or injured any livestock or poultry, it may:

7.5.1 at the discretion of the Municipal By-Law Enforcement Officer, may be seized and impounded until such time as the matter has been decided, and

7.5.2 any costs of such seizure and impounding shall be the responsibility of the owner of said dog.

8.0 Removal of Dog Excrement

8.1 Every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public or private lands in the Municipality.

9.0 Penalties

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable:

- (a) on a first offence, to a fine of not more than \$300.00; and
- (b) on a subsequent conviction, to a fine of not more than \$1,000.00 for each day or part thereof upon which the contravention has continued after the day on which the offender was first convicted.

10.0 Order of Prohibition

10.1 In addition to any other remedy or any penalty provided by by-law, the court in which a conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to Section 327 of the said Municipal Act, RSO 1990.

10.2 The Municipality, its agents and servants and the Pound Keeper shall not be liable for damages or compensation for any dog disposed of under the provisions of this by-law and no such damages or compensation shall be paid to any person.

11.0 Repeal Existing By-laws

By-law No. 1987-24, 1990-53, 1991-16, 1994-4 and 1995-86 of the former Town of Kincardine, By-law No. 1991-12, 1994-10 and 1995-21 of the former Township of Kincardine, By-law No. 1991-4 and 1991-8 of the former Township of Bruce and any by-law or part of any by-law passed by the former municipalities of the Township of Kincardine, Town of Kincardine, and the Township of Bruce.

12.0 By-law shall come into full force and effect on its final passing.

13.0 This by-law may be cited as the "Dog Control, By-law".

READ a FIRST and SECOND time on this 5th day of May 1999.

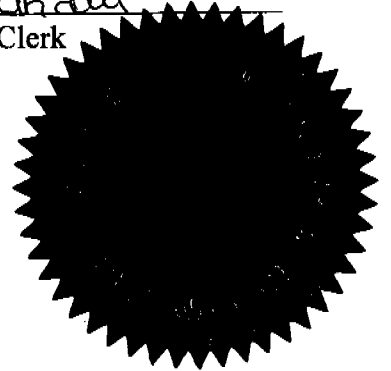
READ a THIRD time and FINALLY PASSED this 19th day of May 1999.



Mayer



Clerk



THE CORPORATION OF THE TOWNSHIP OF KINCARDINE-BRUCE-TIVERTON

DOG CONTROL BY-LAW

BY-LAW NO. 1999-51

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THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE (FORMERLY THE TOWNSHIP OF KINCARDINE-BRUCE-TIVERTON)

BY-LAW NO. 1999-51 as amended by By-law #2000 -26

Dog Regulation By-law

ITEM	COLUMN 1 Description of Offence	COLUMN 2 Provisions Creating Offence	COLUMN 3 Set Fines (Including Costs)
1	Owner of dog – fail to licence	Section 5.1	\$105.00
2	Owner of dog – fail to attach tag	Section 5.3	\$105.00
3	Register as spayed female dog	Section 5.6.1	\$105.00
4	Register as neutered male dog	Section 5.6.2	\$105.00
5	Use tag on wrong dog	Section 5.6.3	\$105.00
6	Fail to provide proof of dog being spayed or neutered	Section 5.6.4	\$105.00
7	Keep dogs without kennel licence	Section 5.7	\$105.00
8	Transfer dog tag	Section 5.8	\$105.00
9	Remove dog tag	Section 5.9	\$105.00
10	Fail to pay kennel fee	Section 5.10	\$105.00
11	Permit dog to make unnecessary noise	Section 5.11	\$105.00
12	Permit dog to run at large	Section 5.12	\$105.00
13	Fail to muzzle dangerous dog	Section 5.14	\$105.00
14	Fail to remove dog excrement	Section 8.1	\$105.00

The penalty provision for the offences indicated above is Section 9 of By-law #1999-51 as amended by By-law #2000 -26, certified copies of which have been filed.

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE (FORMERLY THE TOWNSHIP OF KINCARDINE-BRUCE-TIVERTON)

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The penalty provision for the offences indicated above is Section 9 of By-law #1999-51 as amended by By-law #2000 -26, certified copies of which have been filed.

BY-LAW

NO. 2000 – 26

A BYLAW TO ESTABLISH AN AMENDMENT TO THE BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE TO PROVIDE FOR THE LICENSING, RESTRAINING AND REGULATING THE CONTROL OF DOGS WITHIN THE MUNICIPALITY

WHEREAS by By-law # 1999-51 the Council for the Township of Kincardine-Bruce-Tiverton did provide for the licensing, restraining and regulating of the control of dogs.

AND WHEREAS by Bill Pr 5 which received Royal Assent on December 23rd, 1999 the name of the municipality was changed to The Corporation of the Municipality of Kincardine.

AND WHEREAS it is necessary to amend By-law 1999-51 for the purposes of satisfying the requirements of the Ministry of the Attorney General for Part 1, Provincial Offences Act, Set Fine Application.

NOW THEREFORE be it enacted by the Council for The Corporation of the Municipality of Kincardine as follows:

1.0 Section 9.0 being the penalty section of By-law 1999-51 passed by the council of the municipality on May 19, 1999 is hereby repealed and the following is substituted for said paragraph 9.0 of By-law # 1999-51.

9.0 Penalties

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

2.0 In all other respects By-law #1999-51 is confirmed.

3.0 This by-law shall come into full force and effect on its final passing.

4.0 This by-law may be cited as the "Dog Control Amendment, By-law".

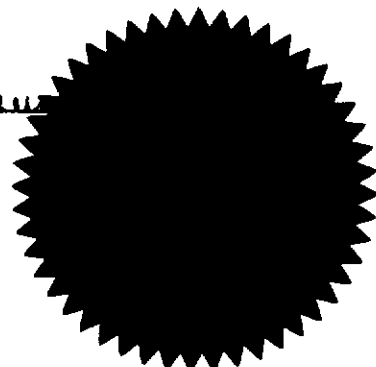
READ a FIRST, SECOND, and THIRD time and DEEMED TO BE PASSED this day of 23rd day of February, 1999.



Mayor



Clerk





BY-LAW

BY-LAW NO. 2015 - 081

BEING A BY-LAW TO AMEND BY-LAW NO. 1999 – 051; A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF KINCARDINE BRUCE- TIVERTON TO PROVIDE FOR THE LICENSING, RESTRAINING AND REGULATING THE CONTROL OF DOGS WITHIN THE MUNICIPALITY.

WHEREAS Sections 8 (1) and 9 of the said Municipal Act, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws, respecting matters within the sphere of jurisdiction of animals;

AND WHEREAS Council deems it advisable to amend By-law No. 1999-051 to include information regarding kennels as outlined in Report No. CBO 2015-02;

NOW THEREFORE the Council of The Corporation of the Municipality of Kincardine **ENACTS** as follows:

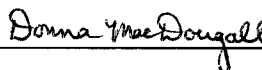
1. That Section 5.10 be deleted and replaced with:
 - 5.10 Kennel License
 - 5.10.1 The owner of a kennel shall pay a kennel license fee only.
 - 5.10.2 Every person in possession of a kennel licence shall comply with the requirements set out in "Section II – Housing and Accommodation in the Code of Practice for Canadian Kennel Operations Second edition May 2007" as amended from time to time.
2. This By-law shall come into full force and effect upon its final passage.
3. This By-law may be cited as the "Dog Control By-law Amendment 2015".

READ a **FIRST** and **SECOND TIME** this 3rd day of June, 2015.

READ a **THIRD TIME** and **FINALLY PASSED** this 3rd day of June 2015.



Mayor



Clerk