

CORPORATION OF THE TOWNSHIP OF MALAHIDE

BY-LAW No. 05-71

Being a by-law to provide for the Regulation, restriction and prohibition of the keeping and the running-at-large of dogs in the Township of Malahide

WHEREAS paragraphs 1, 8, 9, 11 and 13 of Section 210 of the Municipal Act, R.S.O. 1990, c. M. 45, as amended, provide that all by-laws may be passed by Councils of municipalities for the licensing, keeping and regulating of dogs.

THEREFORE the Council of the Corporation of the Township of Malahide enacts as follows:

Part 1

DEFINITIONS

1.1 Definitions

In this by-law:

- a) **Animal Control Officer – defined**
“Animal Control Officer” shall mean a person(s) appointed by the Township, whose duties include the enforcement of this by-law.
- b) **Council – defined**
“Council” shall mean the Council of the Township of Malahide.
- c) **Dangerous Dog – defined**
“Dangerous Dog” means any dog:
 - (i) that has bitten or injured a human being or domestic animal; or
 - (ii) that has been threatening or aggressive towards a human being or domestic animal.
- d) **Dog – defined**
“Dog” shall mean a male or female dog over the age of four (4) months.
- e) **Dwelling Unit – defined.**
“Dwelling Unit” shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.
- f) **Guard Dog – defined**
“Guard Dog” shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.
- g) **Hunting – defined**
“Hunting” shall mean lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, and does not include trapping.

- h) Kennel – defined
“Kennel” shall mean a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred.
- i) License agent – defined
“License agent” shall mean a person appointed by Council to issue dog licenses.
- j) License issuer – defined
“License issuer” shall mean the Licensing Officer for the Township of Malahide.
- k) Municipality – defined
“Municipality” shall mean the Township of Malahide.
- l) Owner – defined
“Owner” includes a person who keeps, possesses or harbors a dog and where the owner is a minor the person responsible for the custody of the minor.
- m) Person – defined
“Person” includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
- n) Pet Shop – defined
“Pet Shop” shall mean an establishment engaged in the retail sale of animals.
- o) Pet Shopkeeper – defined
“Pet Shopkeeper” shall mean a person who has the charge, care or ownership of a pet shop.
- p) Pound – defined
“Pound” means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals that have to be impounded pursuant to this by-law.
- q) Poundkeeper – defined
“Poundkeeper” shall mean a person appointed by the Township of Malahide to act in the capacity of Poundkeeper.
- r) Premises – defined
“Premises” includes the entire lot on which a building may or may not be situated.
- s) Restrained – defined (Dangerous Dog)
“Restrained” means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and secure so as to prevent a dog from coming in contact with or making a real or substantial threat of attack on a person other than the owner of the dog, or invitee of the owner, and includes keeping such dog securely on a leash of not more than 2 meters in length when outside of such building, house or enclosed pen.
- t) Running at large – defined
“Running at large” shall mean to be found in any place other than the premises of the owner of the dog and not either under the physical control of any person on a leash.

Part 2 EXEMPTIONS

- 2.1 **Animal hospital-clinic-kennel-registered**
This by-law shall not apply to an animal hospital; clinic or kennel lawfully operated and supervised by a veterinarian for the exclusive purpose of treating sick or injured animals, who is a registered member of the Ontario Veterinary Association.
- 2.2 **Ontario Society for the Prevention of Cruelty to Animals.**
This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.
- 2.3 **Pound**
This by-law shall not apply to a pound.
- 2.4 **Pet Shop**
This by-law shall not apply to pet shops.
- 2.5 **Zoos- fair-exhibitions-circuses-authorized**
This By-law shall not apply to dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.
- 2.6 **Service Dogs**
This by-law shall not apply to police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial, or municipal agency.
- 2.7 **Research Facility – registered**
This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.
- 2.8 **Hunting Dogs.**
This by-law shall not apply to dogs while being used for the purpose of hunting.

Part 3. KEEPING OF DOGS

- 3.1 **Maximum – 3 per premises.**
No person shall keep more than 3 dogs in any one dwelling unit or on any premises.
- 3.2 **More than 3 dogs per premises.**
Notwithstanding Section 3.1 any person owning more than three (3) dogs on the day prior to this by-law coming into effect is permitted to maintain those dogs with proof of ownership in the form of a license provided that if the dogs should be sold or otherwise go out of the owners possession, they are not permitted to be replaced beyond a limit of three (3) dogs per dwelling unit.
- 3.3 **Kennels – registered**
Section 3.1 of this by-law shall not apply to any person keeping a kennel of dogs licensed under Part 5 of this by-law.
- 3.4 **Guard Dogs-industrial-commercial premises**
Notwithstanding section 3.1 of this by-law, more than two (2) guard dogs may be licensed for lawfully used industrial or commercial premises.
- 3.5 **Excrement-removal-disposal-sanitary-immediate**
Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Hamlet areas in the Township of Malahide.

- 3.6 **Trespassing-without consent-by dog-prohibited.**
 No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.
- 3.7 **Running at large-prohibited**
 No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large.
- 3.8 **Keeping of Dangerous Dogs.**
- (i) Every owner of a dangerous dog shall:
 - (a) license such dog with the Municipality as a dangerous dog in accordance with the requirements of this by-law;
 - (b) ensure that such dog is spayed or neutered;
 - (c) ensure that such dog has an up-to-date rabies shot;
 - (d) display a sign at each entrance to the property and building in which the dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
 - (ii) When a dangerous dog is off its owner's property the owner shall:
 - (a) ensure the dog is muzzled in a humane manner at all times
 - (b) ensure the dog is on a leash not longer than one (1) meter; and
 - (c) ensure the dog is under the control of a person over the age of eighteen.
 - (iii) When a dangerous dog is on its owner's property the owner shall:
 - (a) ensure the dog is securely confined indoors or in a locked pen that meets the following standards:
 1. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 2. The pen must have a minimum dimensions of two (2) meters and must have secure sides and secure top.
 3. If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimeters deep.
 4. The pen shall also provide protection from the elements for the dog.
 5. The pen shall not be within three (3) meters of the property line or within three (3) meters of a neighbouring dwelling unit.
 - (iv) If the Municipality has, in its sole discretion, determined that a dog is dangerous for the purposes of this by-law, the Municipality shall impound the said dog at the owner's expense for a maximum of ten (10) days or the Municipality may order the owner of the said dog to impound the dog on the owner's property until such time that the owner of the said dog has complied with all of the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law for the keeping of a dangerous dog within the said 10-day period, the Municipality may humanely destroy the impounded dangerous dog.
 - (v) It shall be a condition of every license for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve-month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This

policy shall name the Municipality as an additional insured for the sole purpose of the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.

3.9 - Owner's Responsibilities

- (i) No owner of a dog shall fail to prevent his or her dog from:
 - (A) Threatening, biting, or attacking a person;
 - (B) Threatening, biting or attacking any domestic animal; or
 - (C) Damaging public or private property.
- (ii) No owner of a dog shall use a chain as a means of confinement.

**Part 4
LICENSING**

- 4.1 **Licensing Agent-appointed-authorized**
The Council shall appoint a licensing agent or agents for the Municipality and every such license shall be executed on behalf of the Municipality.
- 4.2 **Registration-information-requirements**
The license agent shall keep a record showing the following dog license registration information:
 - (a) name and address of dog owner;
 - (b) serial number of tag;
 - (c) date of registration;
 - (d) description of dog;
 - (e) amount of fee paid upon registration
- 4.3 **Application-license-description-fee**
Every license application shall be accompanied by the following:
 - (a) description of dog including colour, breed and name,
 - (b) applicable fee.
- 4.4 **License-annually**
Every owner shall cause his/her dog to be licensed.
- 4.5 **Expiry-annual-December 31**
Every license issued by the license agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.
- 4.6
 - a) **Tag-serial number-issued-upon payment of fee**
Upon payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued.
 - b) **Tag-affixed-securely-to dog-at all times.**
The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.
 - c) **Tag-replacement-where lost.**
Where a tag has been lost, an application shall be made to the license agent for a replacement tag.
 - d) **Tag-replacement-proof of payment-plus fee.**
The application shall be accompanied by proof that the current year's license fee has been paid and the applicable replacement tag fee.
 - e) **Tag-removal**
No person shall, within the Township of Malahide, unlawfully remove a dog tag from a licensed dog.

- f) Ownership-change in-failure to notify.
Every owner shall notify the license agent upon the change in ownership of a licensed dog.

Part 5
KENNELS

- 5.1 No person shall keep a dog kennel without a license.
- 5.2 Every owner of a kennel shall pay to the Township a kennel license fee for each year or any portion thereof as may be established annually.
- 5.3 Every kennel shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent the arising of odors there from, and shall be kept free of flies or vermin at all times.
- 5.4 Where a kennel referred to in Section 5.2 of this by-law has acquired legal non-conforming status, such use for the boarding of dogs may continue without limitation as to the number of dogs boarded and not subject to the provisions of section 5.5 until such use is discontinued by the present owner.
- 5.5 Save as provided in Section 5.4 of this by-law, no kennel may be established except where it is permitted under the applicable Zoning By-law in force from time to time.
- 5.6 No kennel with an outside area of confinement for dogs shall be constructed or located within 10 meter's of any building used for human habitation on any adjacent lot, and no outside area of confinement for dogs shall be constructed or located within three meters of any property boundary line.
- 5.7 All kennels may be subject to inspection by the Medical Officer of Health for the Elgin – St. Thomas Health Unit or his designate, as, in his discretion he feels it is warranted and where, in his opinion, a kennel deviates from the minimum standards established by him, the Licensing Issuer of the municipality shall be at liberty to revoke the license herein granted until such time as the Issuer is notified by the Medical Officer of Health that the Kennel complies with these standards. The owner of the kennel shall have a right to appeal to Council the revocation in this regard.

Part 6
FEES

- 6.1 Fees
The license fees to be paid by the Township of Malahide shall be as set out in Appendix "A" of this by-law.
- 6.2 Guide dogs- hearing ear dogs – handicap – aid dogs – police service dogs exempted. Guide dogs within the meaning of the Blind Persons' Rights Act, hearing ear dogs, handicap – aid dogs and police service dogs, are exempt from the payment of all license fees applicable pursuant to this by-law.
- 6.3 Pound fees-payment-proof of ownership-required.
Where a dog is claimed from the Poundkeeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Poundkeeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

Part 7
IMPOUNDING

- 7.1 **Seizure-impounding**
The Poundkeeper shall impound any dog seized by him or delivered to him by a police officer or Animal Control Officer.
- 7.2 **Claim-within 72 hours-release**
The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog with 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Poundkeeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.
- 7.3 **Owner-to claim dog – before disposal.**
The owner of a dog that has been impounded may, upon application to the Poundkeeper, claim the dog before the Poundkeeper is entitled to dispose of the dog according to the provisions of section 7.4 of this by-law.
- 7.4 **Disposal-dog-not claimed-Poundkeeper-discretion**
Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Poundkeeper may retain the dog for such further time as he may consider proper and during that time the Poundkeeper may:
- (a) sell the dog for such price as he may consider proper
 - (b) euthanize the dog
 - (c) dispose of the dog in accordance with the Animals for Research Act.
- 7.5 **Euthanasia-for humane-safety reasons**
Where a dog that is captured or taken into custody is injured or in the opinion of the Poundkeeper, such be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Poundkeeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.
- 7.6 **Euthanasia-dangerous dog – running at large.**
In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
- 7.7 **Veterinary services –required –payable by owner.**
Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Poundkeeper, the Township of Malahide shall pay to the Poundkeeper all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, where the dog is alive, dies or is euthanized.
- 7.8 **Compensation-to dog owner-prohibited**
No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:
- (A) recovered by any owner or other person; or
 - (B) paid by the Township of Malahide.

**Part 8
ENFORCEMENT**

8.1 Penalty

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and all such penalties and costs may be recovered under the Provincial Offences Act.

**Part 9
TRANSITION**

9.1 Every license issued pursuant to By-law No. 99-82 shall be deemed to be a license issued under this by-law and every such license shall continue to be valid until its normal date of expiry.

9.2 Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.

9.3 If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such an act to a conclusion.

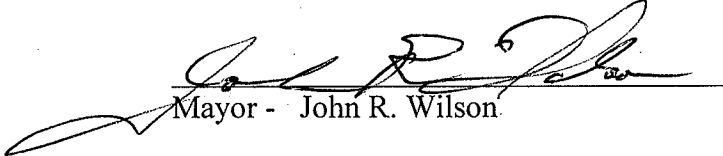
**Part 10
REPEAL - ENACTMENT**

10.1 Where the provision of any other By-law, resolution or action of Council are inconsistent with provision of this By-law, the provisions of this By-law shall prevail.


That this By-law shall come into force and take effect on the final passing thereof.

READ A FIRST AND SECOND TIME this 15th day of December, 2005.

READ A THIRD TIME AND FINALLY PASSED this 15th day of December, 2005.



Mayor - John R. Wilson



Clerk - R. Millard

TOWNSHIP OF MALAHIDE

SET FINE SCHEDULE

Part 1 Provincial Offences Act

By-law No. 05-71, Dog and Animal By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
1.	Failure to register a dog for a license	Section 2 (c) (i)	\$105.00
2.	Failure to renew a dog license	Section 2 (c) (ii)	\$105.00
3.	Permitting a dog to run at large	Section 3 (b)	\$105.00
4.	Failure to remove dog excrement from municipal property	Section 4 (b)	\$105.00
5.	Permitting a dog to attack or fight	Section 5 (a)	\$105.00
6.	Possession of a wild animal or reptile	Section 6 (a)	\$105.00

Note: Penalty provisions for the offences indicated above is Appendix "A" of By-law No. 05-71, a certified copy of the by-law is attached.

APPENDIX "A" TO BY-LAW No. 05-71
DOG CONTROL

Appendix "A"

Schedule of Fees

DOG LICENCES	An early payment of discount of \$10.00 will be deducted for all dog/kennel licenses fees paid on or before March 31st
First Dog	\$25.00
Second Dog	\$30.00
Third Dog	\$50.00
Kennel	\$40.00