

# The Corporation of the Township of Guelph/Eramosa

## By-law Number 80/2016

### A By-law for the registration and licensing of dogs and for the control of dogs generally within the Township of Guelph/Eramosa.

**WHEREAS** Section 11, of the *Municipal Act, S.O. 2001, s.25*, as amended, authorizes municipalities to pass by-laws to regulate animals;

**AND WHEREAS** Section 11, of the *Municipal Act, S.O. 2001, s.25*, as amended, authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality;

**AND WHEREAS** Council for the Township deems it expedient to regulate dogs within the Township of Guelph/Eramosa;

**AND WHEREAS** By-law No. 76/2003, By-law No. 35/2010 and By-law No. 19/2011 are hereby repealed;

**NOW THEREFORE** the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

Part 1	Definitions
Part 2	Care of Dogs
Part 3	Licensing and Registration of Dogs
Part 4	Leashing and Dogs at Large
Part 5	Nuisance Barking and Dog Waste
Part 6	Seizure and Impounding of Dogs
Part 7	Dangerous Dogs
Part 8	Kennels
Part 9	Designated Dog Parks
Part 10	Offence and Penalty
Part 11	Obstruction, Enforcement, Conflicts and Severability
Schedule A	Set Fine Schedule

#### 1. **DEFINITIONS**

For the purposes of this By-law:

- a) **“Animal Control Officer”** shall mean the person or persons appointed by the Township of Guelph/Eramosa to enforce this By-law.
- b) **“Building”** means any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals or chattels but does not include a fence, sign, travel trailer or vehicle.
- c) **“Dangerous Dog”** shall mean:
  - i. a dog, that in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
  - ii. a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal, or
  - iii. a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

- d) **“Dog”** means a male or female dog over the age of 12 (twelve) weeks.
- e) **“Dog Park”** means an area in a park that has been designated by the Township as a park in which Dogs, subject to the rules and regulations set out in this By-Law, are permitted to run off-leash.
- f) **“Dog Tag License”** or **“Dog Tag”** means a marking device issued on an annual basis by the Township of Guelph/Eramosa.
- g) **“Dwelling”** means one room or group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment, and includes the lot used in conjunction therewith.
- h) **“Kennel”** means a place where a minimum of three (3) dogs or four (4) intact cats are housed, boarded, bred, trained, sold or kept and which is licensed by the Township under the provisions of the Municipal Act S.O. 2001, c.25, but does not include a Veterinary Clinic as defined herein. Accessory retail sales and accessory Pet Grooming are permitted. Notwithstanding, the definition of Kennel does not apply to where dogs are kept as working dogs associated to a Livestock Facility as defined. The limit shall be four (4) where the Township is satisfied this criterion has been met.
  - a. **“Boarding Kennel”** means a building, premises or place in which more than three (3) dogs or four (4) intact cats are maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the housing up to a maximum number of twenty (20) dogs and/or twenty (20) cats
  - b. **“Breeding Kennel”** means a building, premises or place in which more than three (3) dogs, or four (4) intact cats, are bred for remuneration or otherwise to a maximum number based on the square footage of the housing up to a maximum number of ten (10) intact dogs or cats.
- i) **“Leash”** means a chain, rope, or other similar device of not more than 1.9 meters (6 feet) in length which is designed to be held by a person and is used or designed to be used to restrain a dog.
- j) **“Muzzle”** shall mean a humane fastening or covering device that is of adequate strength placed over a dog’s mouth to prevent it from biting and which has been or is approved by an Animal Control Officer.
- k) **“Nuisance”** means any activity or action which disturbs or is likely to disturb any person.
- l) **“Owner”** includes any person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- m) **“Pound”** includes a place(s) designated as a pound facility by the Council of the Township of Guelph/Eramosa.
- n) **“Pound Fee”** includes any daily charge that may be collected by the operator of a pound.
- o) **“Running at Large”** shall apply to a dog when found elsewhere than on the property of the owner and not under the control of any person.
- p) **“Service Dog”** means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for

the deaf or hearing-impaired or a special skills dog or animal for disabled persons;

- q) **“Tether”** means a rope, chain or any restraining device that prevents an animal from moving away from a localized area and the words ‘tethered’ and ‘tethering’ have a corresponding meaning.
- r) **“Township”** shall mean the Corporation of the Township of Guelph/Eramosa.
- s) **“Veterinary Clinic”** means a building or a part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian within the meaning of the Veterinarian Act, includes facilities where animals can be temporarily boarded.

## 2. **CARE OF DOGS**

### Responsibility To Care For Dogs

- a) Every person who keeps a dog within the Township shall provide it or cause it to be provided, at all times with:
  - i. a clean and sanitary environment free from the accumulation of waste matter; and
  - ii. adequate and appropriate:
    - a. care;
    - b. fresh food;
    - c. unfrozen, fresh and clean water;
    - d. shelter from the elements;
    - e. veterinary medical care when the dog exhibits signs of pain, discomfort, illness or suffering; and,
  - iii. the opportunity for physical activity sufficient to maintain good health.
- b) Every person who keeps a dog that normally resides outside, or that is kept outside unsupervised for extended periods of time shall keep the dog within a confined area within the lands that form part of the premises and ensure that the dog is provided with, and has complete and unrestricted access to the following:
  - i. a shelter that is constructed to protect the dog’s entire body from the elements, having regard to the animal's weight and type of coat, and that is raised above the surface of the ground and that has an entrance that faces away from the prevailing wind. The shelter must be insulated, or there must be an alternative heat source provided; and
  - ii. an area separate and apart from the shelter for the dog to use for defecation and urination; and
  - iii. an area separate and apart from the shelter that provides the dog with sufficient shade and protection from direct sunlight at any time of the day; and
  - iv. an area that is dry and free from standing water.

### Tethers

- c) No person shall keep a dog tethered unless:
  - i. the tether is a minimum of four (4) metres in length; and
  - ii. the dog has unrestricted and unobstructed movement within the range of the tether; and
  - iii. the dog has access to water, food and shelter; and

- iv. the tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and
  - v. the dog is tethered in a way that it will not injure itself.
  - vi. In no case shall a Tether permit the dog to go beyond the limits of the person's lands that form a part of the person's premises.
- d) In no case, shall a person tether a dog by tying or affixing a rope, cord, chain or any other restraining device directly around the dog's neck.

#### Keeping Dogs Under Sanitary Conditions

- e) Every person who keeps a dog within the Township shall keep the dog, or cause the dog to be kept on premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any person or dog, or that may endanger the health of any person or dog.

#### Leaving Dogs Unattended In Motor Vehicles

- f) No person shall leave a dog unattended in a motor vehicles unless:
- i. the dog is restrained in a manner that prevents contact between the dog and any member of the public;
  - ii. the dog has suitable ventilation; and
  - iii. the dog is not exposed to extreme temperatures which could lead to distress and/or death.

### **3. LICENSING AND REGISTRATION OF DOGS**

- a) A maximum of 3 (three) dogs may be owned, harboured or kept within or about any dwelling or building within the Township of Guelph/Eramosa provided said dogs are not owned, harboured or kept for any commercial gain or purpose and that the dwelling or building does not operate or is not construed to operate as a kennel, as defined in the applicable zoning by-law and licensing by-law. Any dwelling or building within the Township of Guelph/Eramosa that harbours or keeps 3 (three) or more dogs for any commercial gain or purpose **shall be deemed to be a kennel and** must obtain a kennel licence under the applicable licensing by-law.
- b) No person shall within the Township own any dog without having obtained a license and dog tag for the dog from the Township.
- c) The dog tag license shall be taken out annually on or before the 30<sup>th</sup> day of April of each year and shall expire on the 30<sup>th</sup> day of April in the year following its issue.
- d) The annual fee payable by the owner of a dog for a dog tag license shall be in accordance with the Township's Fees By-law, as amended from time to time.
- e) Upon application for a dog tag license, the owner may be required to produce a certificate signed by a practicing veterinarian that the dog to be licensed has a current rabies vaccination, as well as proof of spaying/neutering.

### Dog Tags

- f) Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Township showing the name and address of the owner and the serial number of the tag.
- g) No person shall use a tag on a dog other than the dog for which such tag is issued.
- h) No license or registration shall be transferable and the license and registration referred to herein shall expire and become void upon the sale, death or other disposal of a dog to which such license and registration relates.
- i) No person other than the owner of the dog shall remove the tag from such dog.
- j) The owner shall keep the dog tag securely fixed on the dog at all times.
- k) A fee shall be charged for the replacement of a lost dog tag, according to the Township's Fees By-law, as amended from time to time.

#### **4. LEASHING AND DOGS AT LARGE**

- a) No owner of a dog shall permit a dog to be at large in the Township of Guelph/Eramosa except in a designated off leash area.
- b) 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 that property owner's prior consent.
- c) No person shall permit a dog to enter upon or remain in an area where dogs are prohibited by posted official signs.
- d) No person shall permit any animal, including dogs, to enter or remain in Township-owned cemeteries, with the exception of service dogs.
- e) No owner of a dog shall use a leash or other restraining device that exceeds 6 (six) feet in length, but in no case shall an owner use a leash of a length that does not enable proper control of the dog.
- f) The owner of a dog shall control a dog by means of a leash that is held or affixed to the person.
- g) A dog shall not be deemed to be controlled by a leash if the leash is attached to an immovable object, a motor vehicle or a bicycle.
- h) No person shall permit a dog to be left unattended while tethered or tied on premises where the public has access.
- i) No person shall use a collar on a dog that restricts, or may restrict, the dog's ability to breathe or swallow or that causes or may cause discomfort to the dog.

- j) Part 4 of this by-law shall not apply to:
  - i. police working dogs while they are in the course fulfilling their duties; and
  - ii. hunting dogs that are under the direct supervision of an person who is a bona fide hunter actively engaged in hunting in accordance with applicable law to whom has been issued such necessary licenses and permits as may be required by such applicable law; and provided that such person has obtained the prior consent of the registered owner or tenant having the authority to grant permission to use the parcel of land on which the hunting dogs are at large, which consent is obtained prior to the date of the occasion on which the dogs are at large; and
  - iii. any events authorized by the Township, which allows for dogs to be off leash.

**5. NUISANCE BARKING AND DOG WASTE**

- a) No owner of a dog shall allow the dog to howl or bark excessively or otherwise become a nuisance. Excessive barking is barking that is persistent and occurs for an extended period of time or on a repeated basis. When determining if barking is a violation, consideration will be given to the time of day, duration and frequency of barking.
- b) Every owner of a dog shall immediately remove any excrement left by a dog on any public or private property and dispose of it in a proper waste receptacle.

**6. SEIZURE AND IMPOUNDING OF DOGS**

- a) A dog found to be running at large, or without a license and dog tag, may be seized and held in the custody of the Animal Control Officer, or the dog may be seized and impounded in the dog pound.
- b) A dog so impounded shall be held for a period of not more than 5 (five) days, exclusive of holidays, and if not claimed by and released to the owner thereof within the 5 (five) day period, may then be sold, destroyed or otherwise disposed of at the discretion of the Animal Control Officer.
- c) A dog so seized and held in the custody of the Animal Control Officer or so impounded shall not be released until the owner thereof has paid to the municipality a penalty according to the Penalty Provisions of this By-law plus a maintenance fee for each day or part thereof during which the dog has been so impounded.
- d) No dog shall be returned to the owner unless the dog has been licensed in accordance with the provisions of this by-law, and any purchaser of a dog without a licence or dog tag shall obtain a licence and dog tag for the current year before delivery is made to the purchaser.
- e) Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control Officer until proceedings under the *Dog Owners' Liability Act, R.S.O. 1990, Ch. D.16, as amended*, have been followed, provided that no dog shall be so impounded or held for a period in excess of 21 (twenty-one) days unless otherwise ordered by a Provincial Judge.

## 7. DANGEROUS DOGS

- a) Where an Officer becomes aware that a dog has bitten or attacked a person or animal without provocation, the Officer may, by written order delivered personally to the owner of the dog or sent by registered mail to the last known address of the owner of the dog, requiring the owner to comply with any or all of the requirements set out in this subsection within the time period stipulated in said order, and the dog shall thereafter be deemed to be a Dangerous Dog and the owner shall comply with such order.
- b) Every person who owns or keeps a Dangerous Dog shall keep the Dangerous Dog restrained in accordance with the provision of this By-Law.
- c) Every owner of a Dangerous Dog shall at all times while the Dangerous Dog is not in the owner's dwelling unit, but is otherwise within the boundaries of the owner's premises, ensure that:
  - i. the dog wears a muzzle; and/or
  - ii. the dog is securely tethered in accordance with this by-law; or;
  - iii. the dog is contained within an area securely enclosed by a locked fence of an appropriate height for the breed of dog, or an area enclosed by other means such that the dog cannot come into contact with members of the public or other animals; or escape from such enclosure; and
  - iv. a sign, no smaller than 5" x 7" (12.7 cm x 17.8 cm), is displayed at all entrances to the property upon which the dog is kept, bearing words and a symbol that warn that a Dangerous Dog resides on the property.
- d) Every owner of a Dangerous Dog shall, at all times while the dog is not within the owner's premises, keep the dog:
  - i. under the control of a person who is eighteen (18) years of age or older; and
  - ii. on a leash that does not exceed six (6) feet in length; and/or,
  - iii. muzzled in accordance with this by-law.
  - iv. at least 3.28 feet (1m) from any other person, person's animal, and wildlife
- e) Every owner of a Dangerous Dog shall notify the Township immediately if the following should occur:
  - i. any change in ownership or residence of the Dangerous Dog and provide the name, current address and telephone number of the new owner; or
  - ii. the dog is at large, attacks or bites any person or animal; or,
  - iii. the dog becomes deceased.
- f) The owner of a Dangerous Dog shall ensure that the dog is spayed or neutered, unless a veterinarian determines that the health of the dog would deem surgery to be unsafe, and that the required dog tag license fee is paid for a dog as set out in the Fees By-Law.
- g) An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with this by-law.
- h) This By-Law shall not apply to police working dogs while they are carrying out their duties.
- i) No person shall permit a Dangerous Dog to be in an Off Leash Area.

### Muzzling or Leashing of Dogs

- j) Every owner of a dog, after it has bitten a person or domestic animal shall ensure that said dog is muzzled and/or leashed while said dog is on any property within the municipality, except within the dwelling of the owner of the dog.
- k) Where the owner of the dog objects to the muzzling or leashing requirement set forth in this by-law, the owner of the dog may request and is entitled to a Hearing by the Council of the Township of Guelph/Eramosa. The Council of the Township of Guelph/Eramosa may, by resolution, delegate the holding of the aforesaid Hearing to a committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, at its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in Subparagraph (k) above.
- l) No owner shall muzzle a dog in any manner that restricts, or may restrict, the dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.

### **8. KENNELS**

- a) No kennel shall be erected or maintained subsequent to the passing of this by-law except in compliance with the Township Zoning By-law, as amended from time to time, and in compliance with the Township's By-law for the License and Regulation of Kennels.

### **9. DESIGNATED DOG PARKS**

- a) No person shall use or enter a Dog Park except in accordance with the hours of operation as displayed on official signs located at the entrance to the park.
- b) No owner shall leave their dog unattended in a Dog Park.
- c) No owner shall have more than (3) three under his or her care and control in a Dog Park at any one time.
- d) No child under the age of six (6) years of age is permitted in the Dog Park.
- e) No child between the age of six (6) and twelve (12) years of age is permitted in the Dog Park unless supervised by an adult at least eighteen (18) years of age and physically capable of controlling the dog.
- f) No owner shall permit a dog under his or her care and control to use a Dog Park where:
  - i. the dog constitutes a danger to another person or dog;
  - ii. the dog barks excessively;
  - iii. the dog is likely to frighten or threaten another person or dog;
  - iv. the dog displays or has displayed aggressive behaviour;
  - v. the owner has been advised by an Officer or Police that the dog is prohibited from using the Dog Park;
  - vi. the owner has been convicted of an offence related to the conduct of the dog under any Federal or provincial legislation or Township by-law;
  - vii. the dog is a Dangerous Dog; or
  - viii. the dog is less than (3) three months of age.



- g) Every owner of a dog shall before permitting a dog to enter a Dog Park ensure that the dog:
  - i. has a valid dog tag and is affixed on the dog's collar and that the collar is affixed to the dog while the dog is in the Dog Park;
  - ii. is controlled by means of a leash that is held or affixed by the owner;
  - iii. is not sick or aggressive, or if female, the dog is not in heat.
- h) Every owner permitting a dog to enter a Dog Park shall:
  - i. carry with him or her a leash for each dog under his or her care;
  - ii. immediately remove the dog at the direction of an Officer or Police;
  - iii. ensure that the dog does not leave the Dog Park while off-leash;
  - iv. ensure that the dog is under voice control and within visual sight at all times;
  - v. immediately remove any excrement left by the dog and place in a proper waste receptacle.
- i) Every person shall obey any other rule or regulation as displayed on an official sign at the entrance to the Dog Park.
- j) No professional dog trainer shall use the Dog Park for professional purposes.
- k) No person shall permit their dog to disturb wildlife in the Dog Park.
- l) Every person who uses or enters a Dog Park does so at their own risk.

**10. OFFENCE AND PENALTY**

- a) Any person who contravenes any of the provisions of this By-Law is guilty of an offence, and upon conviction, shall be liable to a fine pursuant to Part 1 of the Provincial Offences Act and Schedule "C" to this By-Law.

**11. OBSTRUCTION, ENFORCEMENT, CONFLICTS AND SEVERABILITY**

- a) No person shall hinder or obstruct an Officer in the enforcement of this By-law.
- b) This By-law shall be enforcement by a By-law Enforcement Officer or Animal Control Officer of the Township of Guelph/Eramosa or a Police Officer, or any other person appointed by Council to enforce the By-laws of the municipality.
- c) If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

READ three times and finally passed  
this **5th** day of **December, 2016**.

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Chris White, Mayor

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Meaghen Reid, Clerk

## Set Fine – Schedule A

### Township of Guelph/Eramosa

**Part I Provincial Offences Act  
By-law No. 80/2016, a by-law for the registration and licensing of  
dogs, and for the control of dogs generally  
within the Township of Guelph/Eramosa.**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set fine
1	Failure to provide adequate care	Section 2 (a)	\$500.00
2	Dog left unattended in motor vehicle in unsafe conditions	Section 2 (f)	\$250.00
3	Own, harbour or keep more than 3 dogs	Section 3 (a)	\$100.00/dog in excess of three dogs
4	Own dog without license and dog tag	Section 3 (b)	\$100.00
5	Failure to provide rabies protection	Section 3 (e)	\$100.00
6	Register unspayed or unneutered dog as spayed or neutered	Section 3 (e)	\$100.00
7	Affixing tag on incorrect dog	Section 3 (g)	\$100.00
8	Failure to affix dog tag	Section 3 (j)	\$100.00
9	Allowing dog to run at large	Section 4 (a)	\$130.00
10	Allowing dog to trespass on private property	Section 4 (b)	\$150.00
11	Allowing dog onto Township Cemetery	Section 4 (d)	\$150.00
12	Allowing dog to bark or howl causing undue noise	Section 5 (a)	\$200.00
13	Failure to dispose of excrement	Section 5 (b)	\$100.00
<b>DANGEROUS DOGS</b>			
14	Failure to display Township-approved warning signage on property of dangerous dog owner	Section 7 (c) (iv)	\$200.00
15	Failure to keep dangerous dog at least 3.28 feet (1m) from any other person, person's animal, and wildlife	Section 7 (d) (iv)	\$200.00
16	Failure to provide Animal Control Officer with name, address and telephone number of new owner within 2 (two) working days of selling or giving away dangerous dog	Section 7 (e)	\$100.00

<b>17</b>	<b>Failure to provide Animal Control Officer with new address and telephone number of owner within 2 (two) working days of moving dangerous dog</b>	<b>Section 7 (e) (i)</b>	<b>\$100.00</b>
<b>18</b>	<b>Failure to advise Animal Control Officer within two (2) working days of death of dangerous dog</b>	<b>Section 7 (e) (iii)</b>	<b>\$100.00</b>
<b>19</b>	<b>Failure to comply with order to muzzle</b>	<b>Section 7 (k)</b>	<b>\$200.00</b>

NOTE: The general penalty provision for the offences listed above is section 61 of the *Provincial Offences Act, R.S.O. 1990, c.P.33.*