

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2018-079

**Being a by-law for the regulation and licensing of
dogs and kennel operations in the Municipality of
Trent Lakes**

Whereas the *Municipal Act, 2001*, S.O. 2001, c.25, provides authority to councils of municipalities to pass By-laws to regulate dogs.

And Whereas the *Dog Owners Liability Act*, R.S.O. 1990, c. D16 provides for liability of owner and sets out the amount of penalty.

And Whereas subsection 103(1) of the *Municipal Act 2001* provides that if a municipality passes a By-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such By-law;

And Whereas subsection 105(1) of the *Municipal Act 2001* provides that if a municipality requires the muzzling of dogs under any circumstances that the Council of the municipality shall upon the request of the dog owner, hold a hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

Now Therefore the Council of The Corporation of the Municipality of Trent Lakes enacts as follows:

Definitions and Interpretation

1. In this By-law:

- 1.1 "Animal Control Officer"** means a person appointed as such by a By-law of the Municipality, or any other person directed by the council to enforce this By-law and includes the pound keeper;
- 1.2 "Appeal Committee"** means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding muzzle orders, pursuant to this By-law;
- 1.3 "Animal Control Order"** means an order declaring a dog to be a biting dog, served on the owner, issued by an Animal Control Officer;
- 1.4 "At Large"** means to be found in any place other than the owner's property and not under control of any person;
- 1.5 "Bite"** includes the breaking, puncturing or bruising of the skin of a person or a domestic dog caused by the tooth or teeth of a dog and "bitten" has the same meaning;
- 1.6 "Biting Dog"** includes a dog that:
 - i. in the absence of a mitigating factor, has attacked, bitten, or caused physical injury to a person or a domestic dog;
 - ii. in the opinion of an Animal Control Officer, is likely to attack, bite or cause physical injury to a person or domestic dog; or
 - iii. a dog that has been declared vicious or a biting dog in another municipality in Ontario;

- 1.7 **“Council”** means the municipal Council for the Municipality of Trent Lakes;
- 1.8 **“Dog Owners’ Liability Act”** means the *Dog Owner’s Liability Act*, R.S.O. 1990, c. D. 16, as amended;
- 1.9 **“Dog”** shall mean a Male or Female dog;
- 1.10 **“Domestic or Domesticated Animal”** includes any animal kept by a person as a pet and includes a service animal, but does not include any animal not listed as an exception;
- 1.11 **“Distress”** includes a state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;
- 1.12 **“Grandfathered”** means the lawful keeping of any animal, deemed to be prohibited and, that was lawfully kept prior to the passage of this By-law and which been registered with the humane society, within 90 calendar days of the passing of this By-law. The lawful keeping of the animal shall only be for two years from the passing of this By-law or until the animal is permanently removed from the Municipality;
- 1.13 **“Guide Dog”** means a dog certified by the Canadian National Institute for the Blind, or Hearing Dogs of Canada, or a trained Special Skills dog for a physically challenged person;
- 1.14 **“Humane Society”** means the Peterborough Humane Society and any successor organization thereto;
- 1.15 **“Leash”** means a rope, chain or other material or restraining device used to restrain a dog;
- 1.16 **“License”** means an identification tag issued by the Municipality of Trent Lakes or designate which is to be affixed to the collar of the dog for which it was issued;
- 1.17 **“Kennel”** means a place where more than three dogs are kept and cared for on behalf of the owners of the dogs, or for the purposes of training or breeding;
- 1.18 **“Mitigating Factor”**
- i. the dog was, at the time of the aggressive behaviour, acting in defense of an attack by a person or aggressive dog; or
 - ii. the dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic dog trespassing without permission on the property of its owner; or
 - iii. the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;

- 1.19 **“Municipal Law Enforcement Officer”** shall mean a person who appointed by council by By-law to enforce this By-law;
- 1.20 **“Muzzle”** means a humane fastening or covering device that cannot be removed by a dog and is of adequate strength and design and suitable to the breed, that is placed over the mouth of a dog to prevent it from biting, and the words “muzzled” and “muzzling” have similar meaning;
- 1.21 **“Order”** means a Muzzle Order issued by the Municipality and any successor organization thereto;
- 1.22 **“OSPCA”** means the Ontario Society for the Prevention of Cruelty to Animals;
- 1.23 **“Owner of Dog”** includes any person who possesses or harbours a dog within the Municipality;
- 1.24 **“Possession or Harboring”** of a dog shall be deemed to occur when:
- i. a person permits a dog to remain at or about the property or a dwelling which s/he owns or occupies; or
 - ii. a dog is habitually kept in the occupier’s dwelling or on the owner’s property;
- 1.25 **“Provincial Offences Officer”** shall mean a person who is appointed by council to enforce and lay a charge when this by law is contravened;
- 1.26 **“Pound”** includes premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to an agreement between the Municipality of Trent Lakes and the Humane Society or the Dog Owners Liability Act;
- 1.27 **“Service Animal”** includes a dog if:
- i. it has been trained to provide assistance to a person with a disability that relates to a person’s disability; and
 - ii. it is readily identifiable that the dog is used by the person for reasons relating to his or her disability; or
 - iii. the person provides a letter from a regulated health professional confirming that the person requires the dog for reasons relating to the disability; and
 - iv. where an Article in this By-law sets out maximum number of dogs allowed to be kept, a Service Animal shall not be included in the calculation.

2. Keeping Dogs

- 2.1 Every owner of a dog shall immediately remove and dispose of excrement left by such dog on any private or public property in the Municipality, other than on the owner’s property. In any prosecution

pursuant to a violation of this section of the by-law, proof that the defendant is a person with a physical or visual disability shall constitute a defence to such prosecution.

- 2.2 Every owner of a dog shall remove and dispose of any such excrement on the owner's property in a timely manner, and in a way that does not disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.
- 2.3 Every owner in control of or in apparent control of a dog shall, while the dog is outdoors on the owner's private property, restrain the dog by one of the following means:
- i. on a suitable leash; or
 - ii. tied in a secure and humane manner so as to prevent the dog from leaving the dog owner's property; or
 - iii. contained within an enclosed pen of sufficient dimensions and construction to provide humane shelter for the dog; or
 - iv. an enclosed fenced area to prevent the dog from escaping and to prevent entry therein by persons.
- 2.4 Every person who keeps a dog in the Municipality shall ensure that the standards of care set out in the Regulations under the Ontario Society for the Prevention of Cruelty to Animals Act are provided for the dog.
- 2.5 Nothing under this article requires the Municipality of Trent Lakes to assume responsibility concerning distress or care of a dog, which is the obligation of the OSPCA.

3. Licensing

- 3.1 Every calendar year, an owner of a dog shall ensure that any dog owned by him or her is licensed by the Municipality.
- 3.2 All dogs must be licensed and every licence shall be valid for one calendar year (January 1st - December 31st) of the year issued.
- 3.3 The licence fee in respect to any dog shall be set out in the current Fees and Charges By-law.
- 3.4 The tag shall be for the current calendar year.
- 3.5 If a tag is lost, a replacement tag may be issued in accordance with tag replacement fee as set out in the current Fees and Charges By-law.
- 3.6 No person shall operate a kennel without obtaining a license and paying the fee prescribed in current Fees and Charges By-law.
- 3.7 Every service dog shall be registered/licensed and receive a tag, but at no cost to the owner.

4. Running at Large

- 4.1 Every dog owner shall ensure that his or her dog does not run at large within the Municipality of Trent Lakes unless it is under the control of some person and held firmly on a leash, to prevent the possibility of any person or other creature from being attacked or bitten.
- 4.2 No dogs will be permitted on any public beaches or parkland within the Municipality.
- 4.3 For the purpose of this By-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.
- 4.4 An Animal Control Officer may capture and take into custody a dog that is at large upon any property.
- 4.5 Any person may humanely capture a dog if found:
 - i. at large on his or her property; or
 - ii. at large on public property, anddeliver the dog to the custody of an Animal Control Officer or the Humane Society.

5. Impounded Dogs

- 5.1 The Humane Society is appointed as pound keeper for the purposes of this By-law.
- 5.2 Where an Animal Control Officer captures and takes into custody a dog running at large or has a captured dog delivered to him or her, the Animal Control Officer may in his or her discretion:
 - i. deliver the dog to the Humane Society;
 - ii. release the dog to its owner;
 - iii. if the dog is sick or injured, deliver the dog to a licensed veterinarian; or
 - iv. if the dog is severely sick, injured or vicious, destroy the dog;
- 5.3 The Humane Society shall keep a record of every dog impounded, including:
 - i. the date it was impounded;
 - ii. a description of the dog;
 - iii. a description of any identification;
 - iv. the disposition made with respect to the dog.

- 5.4 Where the dog is impounded for being at large, the owner of the dog shall pay to the Humane Society reimbursement of its expenses with respect to the dog including:
- i. the cost of taking the dog into custody, (impound fee) fixed at the amount listed in Schedule "A";
 - ii. the daily boarding fees of the Humane Society for the care of the dog fixed in the amount listed in Schedule "A";
 - iii. actual veterinarian fees incurred with respect to the dog.
- 5.5 No person shall retrieve an impounded dog from the Humane Society without payment of the expenses in full referred to in Schedule "A".
- 5.6 Every owner shall retrieve the impounded dog from the Humane Society within 5 calendar days of the day of impound, excluding the day of impound and any statutory holidays.
- 5.7 Where a dog is not claimed by its owner within 5 calendar days, the dog may be sold or disposed of or destroyed in a humane manner.
- 5.8 Where a dog bears identification in accordance with this By-law, the Humane society shall make at least one attempt to contact the owner in accordance with the information provided prior to selling or otherwise disposing of the dog.
- 5.9 Where a dog is injured or diseased before or after being taken into custody such that in the opinion of the Humane Society it should be destroyed without delay for humane reasons for the reasons of safety to persons or dogs, the Humane Society may destroy the dog.
- 5.10 An impounded dog not wearing an identification tag for the current year, or which has not been microchipped may be given an inoculation to provide temporary immunization against common diseases.
- 5.11 Where the Humane Society is entitled to sell or dispose of a dog and receives proceeds for the disposition, the proceeds of the disposition shall be applied as follows:
- i. to the costs of taking the dog into custody, (impound fee) prescribed in the current Humane Society Agreement;
 - ii. the daily boarding fee of the Humane Society for the care of the dog prescribed in the current Humane Society Agreement;
 - iii. actual veterinary fees incurred with respect to the dog;
 - iv. the costs of any damage caused by the dog in trespassing or being at large on the property of someone other than the owner; and

- v. the residue, if any, to the owner if known, otherwise to be provided to the Municipality.

6. Dogs – Biting

- 6.1 No owner shall permit a dog to bite or attack a person or a domestic dog.
- 6.2 Where an Animal Control Officer has reason to believe that a dog is a biting dog, an Animal Control Officer may issue and serve upon the owner an Animal Control Order declaring the dog to be a biting dog.
- 6.3 A Committee shall be established to conduct a hearing to determine whether or not to exempt the owner in whole or in part from the Animal Control Order.
- 6.4 An Animal Control Order declaring a dog to be a biting dog shall set out such measures as are required by the owner of the dog to take in respect of such dog, which may include the following requirements:
 - i. the owner shall, when the dog is not securely inside the owner's dwelling but is otherwise on the owner's property, at all times keep the dog securely restrained in one of the following manners so as to prevent the dog from escaping and to prevent the dog from biting or causing injury to any person or domestic dog entering onto the owner's property:
 - a. the dog shall be located within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the dog from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
 - b. the dog shall be located in a rear or side yard within a fully enclosed pen or run of sufficient dimension, design and strength to be humane and to prevent the dog from digging its way out of or otherwise escaping from the enclosed pen or run; or
 - c. the dog shall be muzzled so as to prevent it from biting a person or domestic dog and securely restrained within a rear or side yard by means of a leash or chain to prevent the dog from escaping from the yard; and
 - d. the dog shall not be kept in the front yard of the owner's property.
 - ii. the owner shall securely attach a muzzle to the dog at all times when the dog is any place other than the owner's property;
 - iii. the owner shall keep the dog under the physical control of a person 18 years of age or older by means of a non-retractable leash with a maximum length of 2 metres held by the said

person at all times when the dog is in any place other than the owner's property;

- iv. at the discretion of the Animal Control Officer the owner shall have a microchip implanted in the dog, and proof of the implantation shall be supplied in writing to the Animal Control Officer within 30 calendar days of the issuance of the Animal Control Order, or on appeal, within 30 calendar days of the date of the Committee's decision, unless the Committee exempts the owner of this requirement;
 - v. the owner shall provide to the Animal Control Officer a copy of all immunization records of the dog within 48 hours of service of the Animal Control Order;
 - vi. the owner shall notify the Animal Control Officer within 48 hours of any changes to the residency or ownership of the dog.
- 6.5 Every Animal Control Order shall include a statement advising the owner of the dog of the ability to make application for a hearing before the Committee in accordance with the provisions of this By-law.
- 6.6 Unless varied by the Committee on an appeal, a requirement of an Animal Control Order that the owner shall keep the dog leashed at all times when the dog is any place other than the owner's property shall apply to and be deemed to include all areas in the Municipality of Trent Lakes that may, from time to time, be designated as leash free zones.
- 6.7 An Animal Control Order may be served on the owner personally by handing it to the owner, but where the Animal Control Order cannot be given or served by reason of the owner's absence from the owner's property or by reason of evasion of service, the Animal Control Order may be given or served, by:
- i. leaving it at the owner's last known or usual place of abode with an inmate thereof who appeared at least 16 years of age; or
 - ii. posting it in a conspicuous place upon some part of the owner's property and by sending a copy by regular mail; or
 - iii. sending it by courier or prepaid registered mail to the owner at the address where he or she resides.
- 6.8 An owner of a dog may apply for and is entitled to a hearing before the Committee in respect of an Animal Control Order, provided the application for a hearing is made in writing and delivered to the Clerk within 15 calendar days after the Animal Control Order been served.
- 6.9 An Animal Control Order takes effect when it is served on the person to whom it is directed and remains fully in effect unless it has been varied by the Committee.

6.10 In accordance with subsection 105(4) of the Municipal Act, 2001, an application by the owner of a dog for a hearing under this By-law does not act as a stay of any requirement imposed by an Animal Control Order.

6.11 Upon receipt of an application for a hearing pursuant to the provisions of this By-law, the Clerk shall convene a meeting of the Committee and shall give the owner of the dog at least 7 calendar days written notice of the hearing.

The Committee may:

- i. confirm, vary, or reverse the declaration in an Animal Control Order that the subject dog is a biting dog, as the case may be;
- ii. confirm or vary any of the requirements of an Animal Control Order as the Committee considers appropriate;
- iii. exempt the owner of the dog in whole or in part from any of the requirements of an Animal Control Order, subject to such terms and conditions as the Committee considers appropriate;
- iv. impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the owner from some or all of the terms or restrictions in the Animal Control Order; or
- v. combine any confirmation, variance, condition, or exemption of any of the requirements in an Animal Control Order as the Committee considers appropriate.

6.12 Any notice or document that has been served pursuant to the provisions of this By-law by prepaid registered courier or regular mail shall be deemed to have been received by the person to whom it is addressed on the 5th day after the day it is mailed.

6.13 No person shall:

- i. fail to comply with an Animal Control Order;
- ii. fail to restrain a dog that is required to be restrained pursuant to an Animal Control Order;
- iii. fail to muzzle a dog that is required to be muzzled pursuant to an Animal Control Order; or
- iv. fail to leash a dog that is required to be leashed pursuant to an Animal Control Order.

7. Duty to Identify

7.1 Where an Animal Control Officer has reasonable grounds to believe that an offence has been committed by a person, the Animal Control Officer may require the name, address and proof of identity of that person and the person shall supply the required information.

A failure by the person to supply the required information constitutes a hindrance or obstruction of the Animal Control Officer.

- 7.2 No person shall hinder, obstruct or interfere with an Animal Control Officer in the performance of his or her duties.

8. Restrictions Relating to Potentially Dangerous Dogs

- 8.1 The potentially dangerous dog shall be fitted with a collar or harness that is properly fitted to and placed on the dog.
- 8.2 The movement of the potentially dangerous dog shall be controlled by a person by means of leash attached to collar or harness of the dog.
- 8.3 Every dog owner of a potentially dangerous dog shall display at the entrance to the owner's premises, a warning sign indicating the presence of a potentially dangerous dog.
- 8.4 No person shall breed or permit to breed a potentially dangerous dog.
- 8.5 No person shall abandon a potentially dangerous dog other than to a pound.
- 8.6 No person shall train a potential dangerous dog for fighting.

9. Kennels

- 9.1 Any person or persons who keep more than three (3) dogs, which are aged over (3) months, at one location, must obtain a kennel licence, this does not include a veterinary clinic or hospital under the care of a licensed veterinarian;
- 9.2 Every person who applies for a kennel licence or operates a boarding facility for dogs shall comply with the following requirements:
 - i. The kennel shall be in a separate building, not attached to any building being used or capable of being used for human habitation;
 - ii. The kennel must comply with all zoning and building code requirements;
 - iii. Kennel must be cleaned daily; and
 - iv. Kennel licence must be displayed near entrance.
- 9.3 Where dogs are permitted to use an outside area, there shall be constructed around such area, a solid board fence having a height of at least 6 feet, a fenced in area shall not be required where the outside area is more than 200 feet from all property lines.
- 9.4 If the kennel is found not to conform to the requirements set out, the licence may be revoked and the dogs seized and impounded.

10. Pit Bulls

- 10.1 No person shall own any Pit bull born after November 29, 2005 in accordance with the *Dog Owners Liability Act, Ontario Regulations 157/05*.

11. Power of Entry

- 11.1 Pursuant to Section 436 of the Municipal Act, 2001, an Animal Control Officer, and anyone under the Officer's direction, may enter on land at a reasonable time for the purpose of carrying out an inspection to determine whether or not the requirements of the dog By-law are being complied with.

12. Enforcement

- 12.1 This By-law may be enforced by a person or class of persons designated by By-law of the Council of the Municipality of Trent Lakes to enforce Municipal By-Laws respecting dogs and includes an Animal Control Officer employed by the Humane Society and an inspector or agent, authorized by the OSPCA under the provisions of the OSPCA Act, a Police Officer, Municipal Enforcement Officer, By-law Officer, or a Provincial Offences Officer.

13. Offences

- 13.1 Any Person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to any penalty provided under the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.
- 13.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Justice of the Ontario Court of Justice shall be requested to establish set fines in accordance with Schedule "A" of this by-law.
- 13.3 For the purpose of this by-law, each day of a continuing offence shall be deemed to be a separate offence.

14. Conflict

- 14.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 14.2 If there is a conflict between a provision of this by-law and a provision of any other municipal by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

15. Severability

- 15.1 If any provision or part of a provision in this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain

circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

16. Short Title

- 16.1 This by-law may be referred to as the "Animal Control By-law".

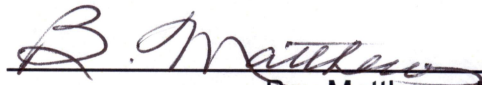
17. Interpretation

- 17.1 Whether any word, phrase or term defined in this By-law is capitalized or not, the use of that word, phrase or term is a reference to the defined word, phrase or term. Where the context requires, plural shall mean singular and vice versa.

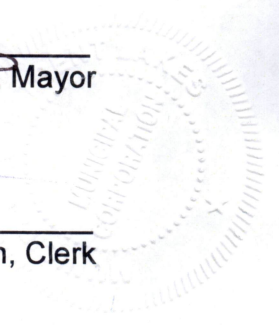
18. Effective Date and Repeal

- 18.1 This By-law and the attached Schedule come into effect on the day it receives third reading.
- 18.2 This By-law hereby repeals and replaces By-law No B2018-075.

Read a first, second and third time and passed this 14th day of August, 2018.


Bev Matthews, Mayor


Kari Stevenson, Clerk



**Schedule "A" to the Municipality of
Trent Lakes By-law No. B2018-079 – Animal Control By-law**

Part 1 Provincial Offences Act

Short form Wording and set fines

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short form wording	Provision creating or defining offence	Set fine
1	Fail to remove dog excrement	Section 2.1	\$100.00
2	Fail to remove dog excrement appropriately	Section 2.2	\$100.00
3	Fail to provide proper restraints on private property	Section 2.3	\$100.00
4	Fail to obtain a license for dog	Section 3.1	\$100.00
5	Permit dog to be at large	Section 4.1	\$100.00
6	Permit dog to be on public beach or parkland	Section 4.2	\$100.00
7	Fail to pay dog impound fee	Subsection 5.4 (i)	\$100.00
8	Fail to pay boarding fee	Subsection 5.4 (ii)	\$15.00/day
9	Permit dog to bite or attack	Section 6.1	\$300.00
10	Fail to comply with Animal Control Order	Subsection 6.13	\$300.00
11	Obstruct an Animal Control Officer	Section 7.2	\$300.00
12	Being the owner of a potentially dangerous dog failing to display warning sign	Section 8.3	\$100.00
13	Failure to obtain a Kennel license	Section 9.1	\$200.00
14	Failure to maintain sanitary conditions for a boarding facility or kennel daily	Subsection 9.2 (iii)	\$200.00

Note: the general penalty provision for the offences listed above is section 13 of By-law No. B2018-079, a certified copy of which has been filed.