

**THE CORPORATION OF THE TOWNSHIP OF MCGARRY  
BY-LAW NO. 99-03**

**BY-LAW TO PROHIBIT THE RUNNING AT LARGE OF DOGS IN THE TOWNSHIP OF MCGARRY, FOR APPOINTING AN ANIMAL CONTROL OFFICER, FOR IMPOSING A LICENSE FEE ON THE OWNERS OF DOGS, FOR REGULATING THE DISPOSAL OF DOGS RUNNING AT LARGE IN THE SAID TOWNSHIP, AND FOR OTHER MATTERS RELATING TO DOGS.**

**WHEREAS** Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended provides that municipalities may pass by-laws to prohibit the running at large of dogs in the Township, to appoint an Animal Control Officer, to provide for the seizing, impounding and killing of dogs found running at large, and for licensing and regulating the owners of dogs in the municipality.

**AND WHEREAS** Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended provides that municipalities may pass by-laws for restricting the number of animals or any class thereof that may be kept by any person or in or about any dwelling unit within the municipality.

**AND WHEREAS** the Council of the Corporation of the Township of McGarry deems it desirable to pass a by-law to prohibit the running at large of dogs in the Township, to appoint an Animal Control Officer, to provide for the seizing, impounding and killing of dogs found running at large, and for licensing and regulating the owners of dogs in the municipality.

**AND WHEREAS** the Council of the Corporation of the Township of McGarry deems it desirable to pass a by-law for restricting the number of animals or any class thereof that may be kept by any person or in or about any dwelling unit within the municipality.

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MCGARRY ENACTS AS FOLLOWS:**

**1. DEFINITIONS:**

- 1.1 **Animal Control Officer** - shall mean a Municipal Law Enforcement Officer, a Provincial Offenses Officer, or persons appointed by the Municipality to enforce this By-law.
- 1.2 **At Large** - an animal shall be deemed to be at large when it is found in any place other than the premises of the owner of the dog and not under the control of any person.
- 1.3 **Corporation** - The Corporation of the Township of McGarry.
- 1.4 **Dog** - shall mean any member of the species canis familiaris.
- 1.5 **Exposed to Rabies** - an animal has been exposed to rabies, within the meaning of this By-law, if it has been bitten by any animal known to have been infected with rabies.
- 1.6 **Farm Dog** - a dog is classified as a farm dog only when herding farm animals, i.e., cattle, sheep, etc.

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- 1.7 **Guide Dog** - shall mean a dog that is trained to guide the blind and/or deaf and is actively in use for such purpose.
- 1.8 **Hunting Dog** - shall mean a dog properly licensed through the Ministry of the Natural Resources for the purpose of hunting while hunting pursuant to the Provincial regulations.
- 1.9 **Kennel** - shall mean an establishment used to house, groom, breed, board, train and/or sell dogs, and which is licensed by the Township under the provisions of the Municipal Act.
- 1.10 **Noise** - shall mean the sound made by any dog which unreasonably disturbs the peace, quiet, comfort or repose of any person for a period greater than one hour in any dwelling unit.
- 1.11 **Owner** - shall mean any person, group of persons, partnership or corporation who possesses or harbors a dog; and shall include a person or persons who are temporarily the keeper of a dog, and where the owner is a minor, the person responsible for the custody of the minor; "owns" and "owned" shall have corresponding meanings.
- 1.12 **Person** - shall mean any individual or firm, incorporated group, business entity, or club to whom the context can apply.
- 1.13 **Police Work Dog** - shall mean a dog trained to aid Law Enforcement Officers and which dog 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.
- 1.14 **Pound** - shall mean such premises and facilities designated by the Municipality for the purposes of impounding and caring for animals taken up by the Municipality in violation of this by-law.
- 1.15 **Pound Keeper** - shall mean an Animal Control Officer, or a person or persons appointed by the Municipality to maintain and administer the pound.
- 1.16 **Purebred** - shall mean a dog registered or eligible for registration with an Association incorporated under the Animal Pedigree Act (Canada).
- 1.17 **Restraint** - shall mean a dog is under restraint within the meaning of this by-law, if it is on the owner's property, or on a leash no greater than six feet in length.
2. **DOGS RUNNING AT LARGE:**
- 2.1 Every owner of a dog shall keep the dog under restraint at all times.
- 2.2 No owner of a dog shall allow the dog to run at large in the municipality.
- 2.3 A dog shall not be considered running at large if it is,
- 2.3.1 Guide dog
- 2.3.2 Police work dog
- 2.3.3 Hunting dog
- 2.3.4 Farm dog providing it is actively engaged in the performance of its trained duties.

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- 2.4 Any dog or other animal running at large may be captured by a police constable or other duly appointed officer, and may be delivered to the Animal Control Officer.
- 2.5 An Animal Control Officer may enter on any public property, or private property with the consent of the owner or tenant, for the purpose of capturing any dog running at large.
- 2.6 The Head of Council of the Township may, at his discretion, whenever claims are being made upon the Township for damages for loss of sheep killed by dogs, or whenever the disease of canine madness known as hydrophobia is prevalent may issue a proclamation directing all dogs to be confined, tied up or muzzled for a specific period of time as set forth in such proclamation, and during the specified period of time, it shall be lawful for any person or persons to kill any dog not properly muzzled running at large within the Township.
- 2.7 Any dog found running at large in the Township and which dog cannot be apprehended by the Animal Control Officer shall be reported to the Head of Council and Civic Administration Committee Chairperson and both the Head of Council and Civic Administration Committee Chairperson may order such dog to be destroyed.

### **3. IMPOUNDMENT:**

- 3.1 It shall be the duty of the Animal Control Officer to capture dogs found running at large and return them to the owner's habitual residence if known, or to impound same, when practical, where they can be confined subject to the right of the owner to redeem the dog in seventy-two (72) hours from the time of impoundment, exclusive of Sundays and holidays and the day of impoundment, by paying to the Animal Control Officer the poundage fees. In the event the dog is not redeemed within seventy-two (72) hours as aforesaid, the dog shall become the property of the Corporation who may sell it or dispose of it as deemed fit. And when not practical to impound, dogs running at large may be killed whether before or after impoundment. In either event aforesaid, no damages or compensation shall be recovered on account of its killing or its disposition.
- 3.2 The owner of every dog impounded, if known, whether or not the dog is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees, applicable, and shall pay all fees on demand to the Animal Control Officer
- 3.3 When dogs are impounded and are not claimed by their owners within the time specified by this by-law, if deemed suitable as pets, they may be placed with new owners who will agree to such conditions, as the Corporation shall prescribe.
- 3.4 Where a dog is seized and impounded, is injured or should be destroyed without delay for humane reasons or safety to persons or animals, the Animal Control Officer or Peace Officer may kill the dog in a humane manner as soon after seizure as deemed fit without permitting any person to reclaim the dog or animal or without offering it for sale and in that event no damages or compensation shall be recoverable on account of its killing.
- 3.5 When in the judgement of the Corporation or its agents, an animal should be destroyed for humane reasons; such animal may not be redeemed.

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- 3.6 Where a dog is alleged to have bitten any person or domestic animal, such dog may be impounded and held by the Pound until proceedings under the Dog Owners Liability Act, R.S.O. 1980, Chapter 124 have been followed, provided that no dog shall be so impounded or held for a period in excess of Twenty-one (21) days unless otherwise ordered by the Judge.

**4. MUZZLING OR LEASHING OF DOGS:**

- 4.1 Every owner of a dog after it has bitten a person or a domestic animal shall ensure that said dog is muzzled or leashed while said dog is on any property in the Township, including the premises of the owner of the dog.
- 4.2 Where the owner of the dog objects to the muzzling or leashing requirement set forth in subparagraph (4.1) above, the owner of the dog may request and is entitled to a Hearing by the Council of the Township. The Council of the Township of McGarry 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, it so delegated, may in its/his/her sole discretion, exempt the owner from the muzzling or leashing requirement contained in subparagraph (4.1) above.
- 4.3 An owner of said dog shall, when on the premises and lands of the owner at all times:
- 4.3.1 keep within the premises, said dog confined; or
- 4.3.2 keep in an enclosed pen of construction and sufficient dimension to provide humane shelter for said dog and which prevents it from escaping or entry therein of unsupervised children.

**5. LICENSES AND DOG TAGS:**

- 5.1 In the year 1999 and thereafter in any year until this by-law is repealed, every person residing temporarily or permanently within the limits of the Township, being an owner of a dog shall, on or before the 31st day of January in each and every year cause such dog to be registered with the Animal Control Officer or Treasurer and shall procure a license therefor, which license shall expire on the 31st day of December in each year in which the same is issued.
- 5.2 Every owner of a dog shall cause a current dog tag to be securely affixed on the dog at all times bearing figures or marks indicating that the license fee has been paid for the current year. The Animal Control Officer upon the payment of the license fee shall supply said tag.
- 5.3 Every person residing temporarily or permanently within the limits of the Township of McGarry, being an owner of a dog within the limits of the Corporation, shall, within Ten (10) days after becoming an owner of such dog, cause the dog to be registered with the Animal Control Officer and procure a license therefor, which license shall expire on the 31st day of December in each year in which the same was issued.



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- 5.4 The dog tag shall bear the serial number and the year in which it was issued and no person shall remove the tag from a licensed dog; however, said dog tag may be off the dog while the dog is being lawfully used for hunting in the bush.
- 5.5 No license or dog tag or kennel license shall be transferable within the corporate limits of the Township of McGarry provided said license or dog tag was issued by the Township of McGarry.

**6. LICENSE FEES:**

- 6.1 An annual license fee as set by the municipality shall be collected by the Animal Control Officer or Treasurer with respect to every dog and kennel in the Township.
- 6.2 Notwithstanding the provisions of this by-law, the Treasurer of the Township is authorized and directed to have dog and kennel licenses for sale in her office and the Treasurer shall have the same authority as the Animal Control Officer. All license fees collected by the Animal Control Officer shall be paid to the Treasurer within One (1) month of the receipt thereof together with an appropriate explanatory statement.

**7. KENNELS:**

- 7.1 Every owner of a kennel shall apply for and pay a license fee set by the municipality.
- 7.2 An application for a kennel license or renewal shall be submitted in the proper form, and shall include a detailed site plan and the appropriate fee to the Township.
- 7.3 Any application for a new kennel shall be subject to circulation within 120 meters of the property and a public meeting held for a decision by Council as to whether or not a license shall be granted.
- 7.4 The Township may require the owner/operator of a kennel to erect and install a proper fence, minimum height of four (4) feet, around every pen, run or exercise yard. Such fence is to be constructed to prevent visibility.
- 7.5 No person shall operate a kennel except in accordance with the terms and conditions of the kennel license issued by the Township.
- 7.6 Notwithstanding the provisions of this by-law, the Township of McGarry may in its absolute discretion, attach a condition to a kennel license limiting the number of dogs which may be kept in the kennel.
- 7.9 After having given notice in writing, the Township may, at any time, cancel a kennel license when the Townships is of the opinion in its absolute and unfettered discretion, that the continued operation of the kennel is not in the best interest of the Township. Without limiting the Township's discretion, such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the kennel license.

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- 7.10 The written notice described in Section 7.9 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.
- 7.11 No person shall operate or continue to operate a kennel without a valid license.
- 7.12 All kennel licenses shall be valid for a one-year period.

**8. DOG WASTE:**

- 8.1 Every person who owns harbors, possesses or is in control of any dog within the Municipality shall remove forthwith and sanitarly dispose of any excrement left by said dog on any property in the Municipality, other than the premises of the owner of the dog.

**9. MISCELLANEOUS MATTERS:**

- 9.1 Subject to the provisions of this by-law, no person shall possess, harbor, care for or control a dog at any dwelling unit unless the total number of dogs possessed, harbored, cared for or controlled at the dwelling unit does not exceed three. For the purpose of this paragraph, puppies that have not been weaned and are under the age of 20 weeks shall not be counted in determining the number of dogs at a dwelling unit. The provisions of this paragraph do not apply to:
- 9.1.1 an animal hospital owned and operated by a Veterinarian licensed by the Ontario Veterinary Association,
- 9.1.2 a pet store,
- 9.1.3 an Ontario Humane Society Shelter or the Pound which complies with this by-law.
- 9.2 No owner of a dog shall permit the dog to make any noise likely to disturb the inhabitants of the municipality for longer than 1 hour.

**10. LIABLE FOR DAMAGES:**

- 10.1 The Township, its agents and servants, and the Animal Control Officer shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

**11. PENALTY PROVISIONS:**

- 11.1 Every person who contravenes any of the provisions of this by-law
- 11.1.1 (a) is guilty of an offence; and
- (b) upon conviction thereof is liable to a fine or penalty of not more than Five Thousand (\$5,000.00) Dollars for each such offence and every such penalty shall be

recoverable under The Provincial Offenses Act, R.S.O.  
1990, Chapter P.33, as amended.

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**12. SHORT TITLE:**


12.1 This by-law may be cited as the Township of McGarry Dog Control By-law.

13. This by-law will come into effect and By-law No. 94-7 will be rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

**READ** a First and second time this 2nd day of February 1999.

**READ** a Third time and finally passed in Open Council this 2nd day of February 1999.

  
Reeve: Clermont Lapointe

  
Clerk-Treasurer/Administrator  
Diane Pearson

SCHEDULE A TO BY-LAW 99-03

THE CORPORATION OF THE TOWNSHIP OF MCGARRY BY-LAW NO. 99-03 TITLE: BY-LAW TO CONTROL DOGS

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1.	Allowing dog to run at large	Section 2	\$53.75
2.	Failing to muzzle or leash	Section 4	\$53.75
3.	Failing to procure a dog license	Section 5	\$53.75
4.	Failing to attach dog tag at all times	Section 5	\$53.75
5.	Failing to remove dog waste	Section 8	\$53.75
6.	Keeping more than Three (3) dogs on premises	Section 9.1	\$53.75
7.	Failing to control noise	Section 9.2	\$53.75

NOTE: The penalty provision for the offences indicated above is Section 11 of By-law No. 99- a certified copy of which has been filed.