

**The Corporation Of The City Of Quinte West
By-Law 15-034**

Being A By-Law To Provide For The Licensing And Control Of Dogs And For Prohibiting Or Regulating The Running At Large Of Dogs In The City Of Quinte West.

Whereas Sections 11, 103 and 105 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes the council of a municipality to pass by-laws with respect to animals.

AND WHEREAS the Council of the Corporation of the City of Quinte West deems it expedient to pass a by-law for this purpose;

Now Therefore Be It Enacted By The Council For The Corporation Of The City Of Quinte West As Follows:

1. This By-law shall be entitled the **“Dog Licensing and Control By-law”**

2. **Definitions:**

2.1 In this by-law,

“agricultural property” shall mean a property that is zoned for agricultural use in the zoning by-law that applies to the property;

“animal” shall mean any member of the animal kingdom, other than a human;

“animal shelter” and **“shelter”** shall mean a premises where abandoned, lost or rescued animals are sheltered or boarded for the purposes of adoption or claiming, but shall not include an animal clinic or kennel;

“at large” and **“being at large”** shall mean found in any place other than the premises of the owner of the dog and not under the direct control of any person, and for greater certainty, includes any case where a dog has strayed from its permanent or temporary owner or their premises onto a public place or onto private property without the consent of the property owner, and **“running at large”** shall have the same meaning;

“breeder” shall mean a person who operates a kennel, who breeds purebred and/or mixed breed dogs on his or her property;

“City” and **“City of Quinte West”** shall mean The Corporation of the City of Quinte West, as incorporated on January 1, 1998;

“Clerk” shall mean the City Clerk of the Corporation of the City of Quinte West;

“Council” and **“City Council”** shall mean the Council of the City of Quinte West;

“dangerous dog” shall mean any of the following;

- a) 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,
- b) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal,
- c) a dog, previously designated as a dangerous dog, that is kept or permitted to be kept by its owner or guardian in violation of the requirements of such dog,
- d) a dog that is attack trained.

“dog” shall mean a male or female dog, whether neutered, spayed or intact;

“domestic animal” shall mean a dog, cat or other animal that is normally kept as a household pet;

“domestic fowl” shall mean and include chickens, geese, ducks, turkeys and other such poultry and the young thereof, and also includes game birds as defined in the Fish and Wildlife Conservation Act;

“dwelling unit” shall mean a residential use that functions as a housekeeping unit used or intended to be used as a domicile by one or more persons under a single tenancy containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building;

“guard dog” shall mean a dog used for security purposes on land legally used for industrial or commercial purposes;

“keep” shall mean to have temporary or permanent custody or control of an animal, and **“keeps”** and **“kept”** have corresponding meanings;

“kennel” shall mean premises in which six (6) or more dogs over 12 weeks of age are housed, boarded or bred;

- (i) a **“boarding/fostering kennel”** shall mean a kennel in which the predominant activity consists of the raising, boarding or training of dogs;
- (ii) A **“breeding kennel”** shall mean a kennel where dogs are bred and raised and registered as a recognized class or as a class designated as “purebred” in the regulations of a nationally recognized breeding or kennel club or where “mixed breed” dogs are bred and raised;

- (iii) a **“recreational kennel”** shall mean a kennel where dogs are kept for sport or show purposes and are not for profit, i.e. hunting dogs, show dogs, performance dogs.

“leash” shall mean a device used to lead or restrain a dog, not to exceed two (2) meters in length, while it is being transported from place to place outside of a cage;

“leashed” shall mean a restraining device securely attached to the dog and the person or object, not exceeding two (2) meters in length;

“minor” shall mean a person who has not attained the age of eighteen years;

“mixed breed” shall mean a dog that belongs to no one recognized breed, resulting from the crossing of different breeds or a dog of indeterminate breed;

“Municipal Law Enforcement Officer” shall mean a Police Officer, an Animal Control Officer, a Municipal Law Enforcement Officer for the City of Quinte West, or any one working under his/her authority;

“muzzle” shall mean to place a humane fastening or covering device over the mouth of a dog that is of adequate strength to prevent it from biting, and **“muzzled”** and **“muzzling”** have corresponding meanings;

“owner” shall mean, and includes any person who possesses, harbours or keeps an animal and, where an owner is a minor, includes the person who is responsible for the custody of the minor;

“property” shall mean a parcel of land and any buildings or other structures on the land;

“purebred” shall mean:

- (1) registered or eligible for registration in the register of the Canadian Kennel Club, Incorporated, or other recognized authority;
- (2) recognized as such pursuant to the Animal Pedigree Act (Canada); or
- (3) American Field Sporting Dog Association

“Kinsmen Community Dog Park” shall mean the fully enclosed fenced area as located within Hannah Park where a dog owner is permitted to allow their dog to be off leash;

“mitigating factor” shall mean a circumstance that excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:

- a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or a domestic animal;

- b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing on the property of the owner;
- c) the dog was at the time of the aggressive behaviour, being teased, provoked or tormented.

“rural area” shall mean any area not identified as an Urban Area;

“service dog” shall mean a dog that has been certified by a nationally recognized organization or association in providing assistance to a person by means of guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

“under the control of its owner” shall mean, in the case of an dog, being kept on a leash or lead or being physically restrained by some other effective method by its owner or by another person acting on the owner’s behalf having at all times the ability to manage, direct, restrict and restrain the movements of the dog;

“urban area” shall mean those areas designated Urban Planning District and Urban Future Development Area on Schedule A to the Official Plan for the City of Quinte West;

“veterinarian” shall mean a person licensed under the Veterinarians Act;

“veterinary hospital or clinic” shall mean premises operated under the supervision of a veterinarian for the medical treatment of animals;

“waste” shall mean:

- (1) waste matter sent out from the body (excrement) or
- (2) a solid waste matter sent from the body (feces)

“zoning by-law” shall mean a by-law passed under Section 34 of the Planning Act that restricts the use of land.

3. Application:

- 3.1 Except as otherwise provided, the regulations established by this by-law apply to all dogs within the boundaries of the City of Quinte West and to the owners of such dogs.

4. Administration:

- 4.1 The Corporation of the City of Quinte West is responsible for the administration and enforcement of this by-law.

Procedure for Licensing of Dogs

- 4.2 Every owner of a dog within the limits of the City shall procure, annually, and by the first day of January in each year, a dog licence for each dog owned by him/her.

- 4.3 Every person who becomes the owner of a dog shall within ten days of becoming the owner, register and licence the dog at the office of the Corporation.
- 4.4 Every dog licence issued pursuant to this By-law shall expire on the 31st day of December of the year in respect of which it was issued.

Applications for Kennel Licences

- 4.5 Kennel licences shall be distinguished by the following classifications:
 1. boarding/fostering kennel
 2. breeding kennel
 3. recreational kennel
- 4.6 Every application for a kennel licence shall be submitted to the Clerk on the form provided by the Licencing Officer, together with the annual licence fee. An applicant shall indicate the kennel classification for which the licence is being obtained. Every kennel licence issued pursuant to this By-law shall expire on the 31st day of December of the year in respect of which it was issued. Application for kennel licence renewals shall be directed to the Licencing Officer. Any renewed kennel licence shall expire on the 31st day of December of the year in respect of which it was issued.
- 4.7 Every application for a kennel licence will be reviewed by the Clerk to determine whether it meets the requirements of this by-law and, as part of this review, will be circulated to the Planning Dept., Fire Dept., Health Unit, and a Municipal Law Enforcement Officer for comments.
- 4.8 Reviewing agencies and individuals, as part of their review for a kennel licence, may require an inspection of the property, other than a room or place used as a dwelling.
- 4.9 If it is determined that an application meets the requirements of this by-law, the City will issue the kennel licence if the licence fee has been paid.
- 4.10 If it is determined that an application does not meet the requirements of this by-law, the City will refuse to issue the kennel licence and will refund the licence fee.
- 4.11 If, at any time, the City determines, as a result of evidence that is provided, that the operation of a kennel or the activities of a breeder do not conform with the requirements of this by-law, it may suspend or revoke the kennel licence.

- 4.12 A person whose application for a kennel licence or application for renewal of such a licence has been refused or whose kennel licence has been suspended or revoked may, within fifteen days of being notified of the City's decision, submit an appeal, in writing, to the Clerk for a review of the matter.
- 4.13 A person who has applied for a review of the City's decision shall be given an opportunity to make written representations or to appear before the Corporate and Financial Services Committee when the matter is reviewed.
- 4.14 The Corporate and Financial Services Committee shall review the matter and may affirm the decision of the City or direct it to issue, renew or reinstate the kennel licence.
- 4.15 Decisions of The Corporate and Financial Services Committee are final.

Additional Fees

- 4.16 Every owner of a dog, every breeder and every person operating a kennel who does not pay the applicable annual fee for the renewal of the kennel licence by January 31st of each year shall be required to pay a penalty for late payment, as set out in Schedule C of the Consolidated Fees By-law, in addition to the kennel licence fee.

Procedures Regarding Impounded Dogs

- 4.17 The animal shelter shall keep a record of every dog that has been impounded, including its date of impoundment, description, registered number or other means of identification, if any, date of disposition, and method of disposition.
- 4.18 The owner of an impounded dog or a person acting on the owner's behalf may, within five business days, recover the dog during the hours when the shelter is open to the public and, in order to do so, shall be required to pay the full amount of the administrative fee, as set out in Schedule C of the Consolidated Fees By-law, the fee established by the shelter for the period that the animal has been in the shelter, and the full amount of any emergency veterinary medical care that was required by the dog.
- 4.19 If a dog that has been impounded is not registered in the City's animal identification system, the owner or person acting on the owner's behalf shall be required to pay the applicable annual dog licence fee, as set out in Schedule C of the Consolidated Fees By-law, in order to recover the dog from the shelter.

5. Regulations:

Dog Registration

- 5.1 No owner of a dog that has reached the age of twelve (12) weeks shall fail to obtain a dog licence in accordance with this by-law.

- 5.2 Upon payment of the applicable annual dog licence fee, as set out in Schedule C of the Consolidated Fees By-law, a dog shall be included in the animal identification system by means of issuing a tag with the registered number of the dog or by another means of identification that is adopted by the City.
- 5.3 The owner shall keep the City issued tag securely fixed on the dog at all times until the tag is renewed or replaced.
- 5.4 No person shall affix a dog tag upon a dog other than that for which it was issued.
- 5.5 A dog licence is valid for one year only, and shall be renewed by December 31st of each year by paying the applicable annual licence fee.
- 5.6 No person shall keep or permit to be kept at any one time more than three (3) dogs per dwelling unit or location within an urban area.
- 5.7 No person shall keep or permit to be kept at any one time more than five (5) dogs per dwelling unit or location within a rural area.
- 5.8 Sections 5.6 and 5.7 of this by-law do not apply to:
- (i) a licensed kennel;
 - (ii) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
 - (iii) a shelter, which complies with City Zoning By-laws;
 - (iv) dogs under the age of twelve (12) weeks.

Kennel Licences

- 5.9 No person shall operate a kennel anywhere within the City unless he or she has first obtained a kennel licence in accordance with this By-law.
- 5.10 A person is not eligible for a kennel licence or for the renewal of such a licence unless his or her application is accompanied by the annual kennel licence fee for the kennel classification as set out in Schedule C of the Consolidated Fees By-law.
- 5.11 A person is not eligible for a kennel licence or the renewal of a kennel licence unless:
- (1) the use or proposed use conforms with the zoning by-law and zone provisions that apply to the property;
 - (2) the property complies with the property standards by-law and any other applicable by-laws;

- (3) the property conforms with all applicable law, including the Health Protection and Promotion Act, the Ontario Society for the Prevention of Cruelty to Animals Act, the Fire Protection and Prevention Act and the Building Code Act;
 - (4) the property is kept in a clean and sanitary condition at all times;
 - (5) every dog that has reached the age of twelve (12) weeks and that resides on the property permanently has been registered in the City's animal identification system and a dog licence for that dog has been issued.
- 5.12 Every person who holds a kennel licence shall allow, at any reasonable time, a Municipal Law Enforcement Officer or other authorized employee or agent of the City to inspect the property, other than any room or place used as a dwelling, to determine whether all requirements of this by-law are being complied with.
- 5.13 Any kennel licensed in any Ward of the City of Quinte West as at the date of passing of this By-law shall have six (6) months to comply with this by-law.
- 5.14 A kennel licence is not transferable, a change in occupancy or ownership shall make the kennel licence null and void.
- 5.15 In the event any of the conditions that were in existence at the date of issuance of the kennel licence change, the application for renewal or transfer of said kennel licence shall be subject to all provisions of this by-law and all other applicable by-laws of the City.
- 5.16 A kennel licence is valid for one calendar year only, and shall be renewed by December 31st of each year by paying the annual licence fee.
- 5.17 A kennel licence is not required for:
- (i) a veterinary hospital or clinic;
 - (ii) an animal shelter;
 - (iii) a property that is operating a legitimate fostering or boarding program for dogs under the authority of the animal shelter.

Keeping of Animals

Guard Dogs

- 5.18 No person shall keep a guard dog on any property unless the owner of the guard dog or the owner or occupant of the property places and maintains a sign in a prominent place on the property that reads: "**Beware Guard Dog**".

Dogs Being at Large

- 5.19 No owner shall cause or permit his or her dog to be at large or to trespass.
- 5.20 No owner shall fail to ensure that a dog is under the control of its owner at all times when on any property that is not owned or occupied by its owner.
- 5.21 The regulation set out in section 5.20 does not apply to:
- (i) a dog that is at large on a property with the express permission of the owner or occupant of that property;
 - (ii) the Kinsmen Community Dog Park.

Behaviour of Dogs

- 5.22 No person shall allow a dog to deposit waste (excrement/feces) on private property or property of the City unless such person immediately and entirely, without leaving the scene, causes such waste to be removed and disposed of properly.
- 5.23 Subsection 5.22 shall not apply to a service dog while on a leash and actually in use providing assistance to a person with a disability or impairment.
- 5.24 No owner shall cause or permit his or her dog to:
- (1) persistently bark or howl;
 - (2) damage public or private property;
 - (3) scatter garbage or interfere with waste management activities;
 - (4) chase persons, vehicles, domestic animals, poultry, or other animals kept on agricultural property;
 - (5) swim at a public beach, swimming or wading pool; or
 - (6) be in a public park or recreational area and not under the control of its owner.
- 5.25 Where the By-law Department of the Corporation of the City of Quinte West has received and investigated three complaints about the persistent barking of a dog, which complaints have resulted in a conviction of the owner of the dog under the Noise By-Law, the Municipal Law Enforcement Officer shall be entitled to retrieve the dog from the owner and keep the dog in the animal shelter of the City for a period of 10 days or until the Municipal Law Enforcement Officer is satisfied that the owner of the dog has taken proper and effective steps to control the barking of the dog, whichever is the lesser.

- 5.26 Every owner of a dog shall take all precautions necessary to prevent the dog from biting or attacking any person, domestic animal or domestic fowl.
- 5.27 A Municipal Law Enforcement Officer may issue an order to an owner whose dog is alleged to have bitten or attacked a person or domestic animal, requiring the owner to muzzle the dog until such time as the incident has been reviewed by a Municipal Law Enforcement Officer. The Municipal law Enforcement Officer, as a result of the review may:
- (1) exempt the owner from the muzzle requirement;
 - (2) rule that the dog is a dangerous dog;
 - (3) commence proceedings under the Dog Owner's Liability Act, R.S.O. 1990.
- 5.28 An owner may appeal an order to muzzle his or her dog to the Clerk, but an appeal shall not act as a stay of the muzzling order.

Dangerous Dog

- 5.29 No owner of a dog that has been ruled to be a dangerous dog under section 5.27 (2) shall fail to comply with the following:
- (1) the dog shall be located wholly within a fenced area and any gate in such area shall be locked at all times when a dangerous dog is in the fenced area,
 - (2) at all times, when the dog is outside the boundaries of its owners land, keep the dog muzzled so as to prevent it from biting,
 - (3) immediately upon the transfer of a dangerous dog from one owner to another, the former owner and the new owner shall notify the City of said transfer, and shall provide the name, address and telephone number of the new owner for the City's records, and
 - (4) every owner of a dangerous dog shall post a sign in a conspicuous place on his/her property, stating that there is a dangerous dog on the premises.

Impounding Dogs

- 5.30 Any dog that is running at large may be seized and impounded by a Municipal Law Enforcement Officer.
- 5.31 A Municipal Law Enforcement Officer may use any reasonable means to impound a dog that is at large or trespassing in contravention of this by-law.

Obstruction

5.32 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.

6. Offence And Penalty Provisions:

6.1 Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to such penalties as are provided for in the Provincial Offences Act.

6.2 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7. Validity:

7.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

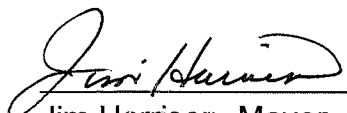
8. Repeal:

By-law 09-95 is hereby repealed in its entirety upon the effective commencement of this by-law.

9. Commencement:

This By-law shall take effect and come into force commencing January 1, 2017.

Read A First, Second And Third Time And Finally Passed This 16th Day Of March, 2015.



Jim Harrison, Mayor



Kevin Heath, City Clerk