

# **The Corporation of the Municipality of Grey Highlands**

## **Office Consolidation of By-law No. 2021-071**

### **OFFICE CONSOLIDATION**

#### **Being a By-law to Control and License Dogs and Kennels**

**-As amended by By-law 2022-084 (shown in red) and By-law 2023-034 (shown in blue)-**

**Whereas**, Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law; and

**Whereas**, Section 11(3) paragraph 9 of the Municipal Act, 2001, permits municipalities to pass by-laws respecting matters within the sphere of jurisdiction of "animals"; and

**Whereas**, Section 9(3) of the Act provides that a by-law may regulate or prohibit respecting the matter; and, as a part of that power, require persons to do things respecting the matter, provide for a system of licenses, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a license, permit, approval or registration; and

**Whereas**, Sections 103 and 105 of the Municipal Act, 2001 provide specifically that a by-law may provide for the impounding of animals and the muzzling of dogs;

**Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:**

### **1. DEFINITIONS**

1.1 Definitions in this By-law:

(a) "**Animal Control Officer/Canine Control Officer**" means a Municipal Law Enforcement Officer appointed by the Municipality, whose duties include the enforcement of this by-law.

(a-1) "**Approved Foster Organization**" shall mean an organization that rescues and fosters dogs and that has been approved in writing for the purposes of this By-law by the Municipality. The approval process shall be determined by the Municipality and may include the requirement to submit supporting documentation to prove validity of said organization, inspection of premises or anything else deemed required by the Municipality.

(b) "**At Large**" or "**Trespass**", in the context of dogs shall mean to be found in a place other than the premises of the owner of the dog and not under the physical control, **by means of a leash held by said person**, of the owner of the dog or other competent person authorized by the owner to have control. 'Run at Large or Running At Large' shall have the same meaning under this By Law.

(c) "**Bite**" means the breaking, puncturing or bruising of the skin of a person or a domestic animal caused by the tooth or teeth of a dog.

(d) "**Dangerous Dog**" means a dog that

- has, in the absence of any mitigating factor, (exceptions may be made by the if the dog was teased, abused, assaulted or if the dog was reacting to a person trespassing on the property owned by the dog's owner ) attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or

- has significantly injured a domestic or farm animal; or
- has shown the disposition or tendency to be threatening or aggressive to persons or animals; or
- has been previously designated as a potentially dangerous dog, is kept or permitted to be kept in violation of the requirements for such dog.

(e)"**Dog**" means a domestic pet dog of the species canis lupus familiaris and includes both male and female of the species.

(f)"**Dog tag**" means a metal piece furnished by the Municipality of Grey Highlands that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification. Such tag is received upon registration of a dog and payment of the appropriate fee.

(g)"**Dwelling unit**" means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment and have self-contained culinary and sanitary features.

(g-1) "Foster Home" shall mean the dwelling unit of an individual who has been approved in writing by an Approved Foster Organization to foster dogs on a temporary basis until a permanent owner can be found.

(g-2) "**Fostering Dog Owner**" shall mean the individual who has been approved in writing by an Approved Foster Organization to foster dogs in a Foster Home and who owns, keeps, possesses, harbours or acts as a guardian of the dog on a temporary basis until a permanent owner can be found. The Fostering Dog Owner shall be considered the owner of the dog under this by-law while the dog is under their care.

(h)"**Guide Dog**" means a dog that is trained to aid persons with disabilities and is actively in use for such purposes;

(i)"**Hunting Dog**" means a dog that is trained, kept and utilized for hunting purposes.

(j)"**Kennel**" means an establishment where more than three (3) dogs are kept for the purpose of work, show, training, keeping, breeding and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment or, to the keeping of hunting, ~~or working dogs.~~ **working or foster dogs within the dwelling unit or foster home.**

(k)"**Kennel License**" means a certificate issued by the Clerk or designate of the Municipality upon fulfilling the requirements of the by-law and by payment of the appropriate fee.

(l)"**Keep**" means to have temporary or permanent control or possession of an animal.

(m)"**License**" means a license that has been issued and paid for the current licensing year **or a lifetime license issued for the lifetime of the dog that has met the requirements of the license and has been microchipped.**

(n)"**License issuer**" means the Municipal Clerk or their designate of The Corporation of the Municipality of Grey Highlands.

(o)"**Microchip**" means an object which may be permanently implanted in a dog by injection or surgical procedure, which is programmed to store a unique and permanent identification number and is capable of using radio-frequency signals to relay the stored information to a scanning device.

U)"**Mitigating factor**" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

permanent owner can be found.

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

- the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
  - the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- (k)"**Municipal Law Enforcement Officer**" means a By-law Enforcement Officer, interim or full time, as appointed by Council for the Municipality of Grey Highlands.
- (l)"**Municipality**" means The Corporation of the Municipality of Grey Highlands.
- (m)"**Muzzle**" means a humane fastening or covering device of adequate strength which when placed over the mouth of a dog will then prevent that dog from biting.
- (n)"**Owner**" includes a person who possesses, or has control care or custody or harbours a dog, or the person identified on the dog license and where the owner is a minor the person responsible for the custody of the minor.
- (o)"**Peace Officer or Officer**" means:
- a police officer, including a police officer within the meaning of the Police Services Act and/or Community Safety and Policing Act, a special constable, a First Nations Constable and an auxiliary member of a police force;
  - canine or animal control officer appointed by the Municipality
  - a municipal law enforcement officer; or
  - a public officer designated as a peace officer for the purposes of the Dog Owner's Liability Act.
- (p)"**Pet shop**" means an establishment engaged in the retail sale of animals.
- (q)"**Pet shop keeper**" means a person who has the charge, care or ownership of a pet shop.
- (r)"**Poundkeeper**" means those appointed by By-law as poundkeeper for the Municipality.
- (s)"**Pound**" means the premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to this By-law or the Dog Owners Liability Act.
- (t)"**Running at large**" means to be found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash held by the said person.
- (u)"**Rural**" means any land located within any area designated under Section 6 Agricultural and Rural Zones by the Municipality Zoning by-law or any land located within the Niagara Escarpment Commission Development Permit area.
- (v)"**Working Dog**" means a dog trained, kept and utilized for work purposes including, but not limited to, livestock handling and /or guarding, pest and predator control, ~~recreational dog sled use~~ and police or rescue dogs.

## **2. MUNICIPAL RESPONSIBILITIES**

### **2.1 RESPONSIBILITIES OF THE MUNICIPAL CLERK**

The Municipal Clerk or designate shall:

- (a)be responsible for the issuance, suspension and revocation of all licenses pertaining to this by-law;
- (b)accept applications for licenses required by this by-law;
- (c)provide, if requested, a copy of this by-law to each applicant for a license under the provisions of this by-law;
- (d)maintain a record of all licenses issued including name and address of dog owner; serial number of tag; date of registration; description of dog; amount of fee paid upon registration

(e) undertake a thorough review of this by-law and report thereon to the Municipal Council any proposed amendments to be undertaken as required.

(f) maintain a record of all approved Foster Organizations to be made available for public inspection on the Municipal website.

## **2.2 RESPONSIBILITIES OF CANINE CONTROL OFFICER**

Council shall by by-law appoint a canine control officer whose duties it shall be to:

(a) Assist in the prosecution of any contravention of this by-law

(b) Assist in the upkeep of an accurate dog tag registry pursuant to this by-law of which such records shall show the dog owners name and address and the serial number of the dog tag.

(c) Inspect Kennels registered in the Municipality if and when required to ensure compliance with this by-law.

(d) Administer and implement the provisions of this by-law.

(e) Inspect foster organizations requesting approval by the Municipality under this by-law.

## **3. GENERAL PROVISIONS**

The provisions of this by-law apply to dog owners within the Municipality of Grey Highlands.

### **3.1 EXCEPTIONS TO BY-LAW**

(a) This by-law shall not apply to a veterinary establishment, clinic or boarding kennel lawfully operated and supervised by a veterinarian who holds a license to engage in the practice of veterinary medicine issued under the Veterinarians Act, R.S.O. 1990, c. V.3.

(b) This by-law shall not apply to pet shops.

(c) This by-law shall not apply to dogs maintained in a zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.

(d) This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.

### **3.2 PROHIBITIONS WITHIN THE MUNICIPALITY OF GREY HIGHLANDS**

Within the Municipality of Grey Highlands:

(a) No person shall keep or permit to be kept more than 3 dogs within or about any dwelling unit in the Municipality of Grey Highlands, regardless of whether that person is the owner of the dogs with exception to the following:

- a licensed kennel
- an animal hospital or veterinary clinic
- a pet shop
- a registered research facility or supply facility under the Animals for Research Act
- a pound.

(b) Every person shall license a dog within 1 week after the dog comes into their care or possession

(c) Every person shall prohibit a dog from running at large.

(d) No person shall own, possess or harbour an unlicensed dog.

(e) Every Person shall renew an **annual** dog license for the current year on or before the 1st day of March every year.

(f) No person shall unlawfully remove a dog tag from a licensed dog.

(g) Every Person shall immediately apply for a replacement dog tag when required.

(h) Every person shall immediately affix the tag issued for a dog securely on the dog.

- (i) No person shall permit a dog to enter onto private property without the consent of the property owner.
- (j) Every person shall forthwith remove and dispose of dog excrement from any property within the Municipality.
- (k) No person shall forcibly retrieve a dog from an Officer or a vehicle under an Officer's control.
- (l) Every person shall forthwith notify the license Issuer upon the change of ownership of a licensed dog;
- (m) Every person shall forthwith notify the license Issuer upon the change in residence of a licensed dog.
- (n) No person shall forcibly retrieve a dog from the Pound keeper or from the premises of the Pound keeper.
- (o) No person shall retrieve a dog from the Pound keeper or the premises of the Pound keeper without payment in full of all fees and charges required to be paid under this by-law.

### **3.3 EXPIRY OF LICENSE**

An **annual** license issued under the provisions of this by-law shall expire on December 31st, unless previously renewed, suspended or revoked. **A lifetime license issued shall expire upon the death of the licensed dog unless previously suspended or revoked.**

### **3.4 LIMIT OF DOGS**

- (a) No person shall keep or harbour more than three (3) dogs at any one time in a dwelling unit or on any individually conveyable land located within the boundaries of the Municipality.
- (b) Section 3.4 (a) shall not apply to the keeping of **2 additional** hunting/working dogs in addition to the maximum set out provided ~~there is a kennel license obtained for the hunting/working dogs that the dogs are harboured within the dwelling unit.~~ **Should the dogs be harboured outside of the dwelling unit, a kennel license shall be required.**
- (c) Notwithstanding section 3.4 (a) of this by-law, young puppies may be kept with the mother for a period not exceeding 90 following birth.
- (d) **Section 3.4 (a) shall not apply to a Fostering Dog Owner for up to 7 dogs sheltered for adoption purposes in addition to the 3 legally permitted owned dogs in the foster home.**

### **3.5 APPLICATION AND REGISTRATION INFORMATION**

The license Issuer is designated to keep a record showing the following dog license registration information:

- (a) name and address of dog owner;
- (b) serial number of tag;
- (c) date of registration;
- (d) description of dog;
- (e) amount of fee paid upon registration.
- (f) every application shall be accompanied by the following:
  - (i) description of dog including colour, breed and name;
  - (ii) certification or letter from a qualified veterinarian that the dog has been spayed or neutered **and/or microchipped** if applicable
  - (iii) certification of the owner that the dog has been vaccinated against rabies;
  - (iv) applicable fee.
- (g) Every **annual** license issued by the license Issuer shall expire on the thirty-first day of December of the year for which it is issued and shall be renewed yearly.
- (h) Every holder of a license issued pursuant to this by-law shall notify the license Issuer forthwith upon the death or change of ownership or address of a dog so licensed.

(i) Every **annual** license issued by the license issuer may be transferred after such notification and payment of the applicable fee upon the following occurrences, **(lifetime tags can not be transferred except for fostered dogs for which ownership transfers can occur)**:

- (i) transfer in ownership of a dog during any licensing year;
- (ii) replacement of dog upon death of licensed dog;
- (iii) transfer of current year license from any municipality.

(j) Upon payment of the applicable fee, the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued and the Municipal Name".

(k) The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.

(l) Notwithstanding section 3.5 (k) of this by-law, the tag may be removed while the dog is being lawfully used for hunting in the bush.

(m) Where a tag has been lost, an application shall be made to the license Issuer for a replacement tag.

**(n) Fostering dog owners and/or approved Foster Organizations shall be required to inform the new owner of the requirements to license the dog under this by-law.**

**(o) The Municipality may enter into alternate agreements with Approved Foster Organizations related only to dog tag requirements for fostered dogs within Grey Highlands which may be contrary to the provisions of this by-law.**

## **4. FEES**

### **4.1 LICENSE FEES**

License fees shall be set and approved by the Municipal Council from time to time and are listed in the current approved Fees and Charges By-law.

(a) Guide dogs within the meaning of the Blind Persons' Rights Act, or other dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as an assistance dog, are exempt from the payment of all license fees applicable pursuant to this by-law.

**(b) The license fee for fostering dog owners to obtain an initial tag for a newly fostered dog shall be discounted by 50% for the first year.**

**(c) The license fees for transferring a dog tag of a fostered dog from a foster home to a permanent owner shall be waived.**

## **5. KENNEL LICENSING**

No person, company or corporation shall operate a kennel except in accordance with this by-law and the applicable Zoning By-law enacted by Council pursuant to Section 34 of the Planning Act.

### **5.1 KENNEL APPLICATION**

(a) Every person making application to operate a Kennel shall pay an initial application fee to the Municipality as outlined in the Municipality's Consolidated Fees and Charges By-law, complete the prescribed application form and provide such information as may be required to properly consider the application.

(b) Once the initial application is approved, the operator must renew the license on an annual basis by completing the prescribed application/renewal form and pay the annual renewal fee.

(c) Prior to any license being issued by the Municipality for a kennel, the applicant must supply verification satisfactory to the Municipality that the property where such kennel is to operate is designated under the Municipality's comprehensive zoning by-laws(s) or approval from Niagara Escarpment Commission to allow the operation of a kennel and that the kennel complies with any requirements of the

Municipality including the comprehensive zoning by-law, this by-law and or other agency approvals for the operation of the kennel.

## **5.2 KENNELS - GENERAL**

(a) Every person who owns or operates a Kennel, **or is required to obtain a kennel license under this by-law**, shall operate in general keeping with the requirements as set out in "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, Third Edition.

(b) After giving notice in writing, the Municipality may at any time suspend or revoke a Kennel license for a failure by the holder thereof to comply with this by-law. Such grounds for cancellation shall include but not be limited to unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the Kennel license, as determined by the Municipality in its sole discretion.

(c) The written notice described in 5.2 b shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.

(d) No person shall operate or continue to operate a Kennel without a valid license.

(e) All Kennel licenses shall be valid for one calendar year or applicable portion thereof.

(f) Kennel licenses shall only be issued by the Clerk of the Municipality or any staff member acting under the Clerk's direction.

(g) The owner, operator or manager of a Kennel shall reside on the property on which the Kennel is located.

## **5.3 KENNEL CONDITIONS**

(a) Every person who applies for and receives a kennel license or operates Boarding/Breeding facilities for dogs shall comply with the following requirements **to the satisfaction of the inspector**:

(i) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation.

(ii) The kennel building and its location shall conform to the zoning by-law or approval authority for land use (ie. Niagara Escarpment Commission) and the Ontario Building Code and the building shall be maintained in damage-free condition.

(iii) The kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.

(iv) The kennel floor shall be thoroughly cleaned daily, or more often if necessary.

(v) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around, or lie down in a fully extended position.

(vi) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary.

(vii) The kennel building shall have **access to**:

- electric lighting;
  - windows which may be opened for proper ventilation **and natural light**;
  - a heating system sufficient to adequately heat the building if required;
  - hot and cold running water;
  - a food preparation area;
  - an outside area for exercise enclosed by chain link fence. The wall of an adjacent building may be included as part of such fenced-in area;
- and**

•A manure receptacle for the storage of dog waste. All kennel owners shall comply with the provisions of Part V of the Environmental Act, R.S.S.O. 1990 and all regulations thereto with respect to waste management systems, including but not limited to the collection and disposal of waste.

(b)Every person who holds a kennel license or operates Boarding/Breeding facilities for dogs, shall comply with the following requirements:

(i)The license shall be exposed at all times in a conspicuous place in the interior of the premises.

(ii)The premises shall be maintained in a sanitary, well ventilated, clean condition, and free from offensive odors

(iii)The animals shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times.

(iv)The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.

(c)The Canine Control Officer, Municipal Law Enforcement Officer and any person designated may inspect at any reasonable time any place where the dogs are kept, pursuant to this by-law.

(d)If the kennel is found not to conform, to the requirements set out herein, the Canine Control Officer or Municipal Law Enforcement Officer may direct that the animals be seized and impounded and may revoke the license issued to the kennel.

(e)In addition to the conditions set out in Section 5.3 (a) and (b), every breeding kennel shall:

(i)Maintain the whelping bitch in separate accommodations from the balance of the dogs in the kennel;

(ii)Maintain a whelping box which shall be constructed with four sides and a floor made from impermeable materials;

(iii)Provide adequate supplemental heat at all times;

(iv)Provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

## **5.4KENNEL INSPECTIONS**

(a)Every person who holds a Kennel license or the owner/operator of a Kennel shall at all reasonable hours, ensure the Kennel is open to inspection by an officer upon the production of proper identification, or any other person authorized to do so under any Provincial or Federal Legislation.

(b)Every person who holds a Kennel license or the owner/operator of a Kennel shall post the license in a prominent place in the Kennel and shall, when so requested by the Canine Control Officer or any person authorized by the Municipality, produce such license for inspection.

(c)If, after request to be granted access to a Kennel as per Section 5.4 (a) of this by-law, an owner has not granted access to the Officer within 24 hours, the Kennel license may be suspended or revoked by the Municipality in its sole discretion.

(d)Where the Canine Control or Municipal Law Enforcement Officer finds that the owner or operator of a Kennel does not comply with any regulation in this by-law, he or she may direct that the animals at the Kennel be seized and impounded by the Pound-keeper.

## **6.POUNDS**

### **6.1POUND DESIGNATION**

The Municipality shall from time to time designate a place or places for the establishment, maintenance and operation of facilities for the impounding of domestic animals within the Municipality of Grey Highlands which shall be identified as the Pound or Pounds.

## **6.2 POUND KEEPER APPOINTMENT**

Council shall from time to time appoint by resolution or by-law, a Pound keeper to maintain and operate the Pound or Pounds established pursuant to this Bylaw.

## **6.3 DUTY OF POUND KEEPER**

Any pound keeper in charge of the Municipal Pound will impound and detain all dogs delivered to him/her by the Canine Control Officer and shall furnish them with sufficient food, water, shelter.

## **7. IMPOUNDING**

### **7.1 RIGHTS OF OFFICER**

An Officer may seize and impound any dog which is found by them or identified to them to be at large within the Municipality. No person shall hinder or obstruct, either directly or indirectly, an officer in the lawful exercise of a power of duty under this by-law.

### **7.2 NOTICE TO OWNER**

The Officer or Pound Keeper shall, upon seizure and impoundment of the dog, inform the dog's owner, if known, that their dog has been seized and impounded.

### **7.3 TIME**

Impounded dogs shall be kept in the Pound for a minimum period of seventy-two (72) hours unless claimed by Owner sooner.

### **7.4 TIME EXPIRED**

If an impounded dog is not claimed within 72 hours of the time on which the animal was impounded, excluding Saturday, Sunday and Statutory holidays, the Pound keeper may, on the expiration of this period, place such animal up for adoption or sale or destroy the animal if required.

### **7.5 PAYMENT OF FEES**

Where a dog is seized or impounded, it will not be released until pound, maintenance and vet charges, if applicable, have been paid, plus any penalties that may be outstanding.

### **7.6 EUTHANIZATION**

The Pound keeper or Veterinarian, upon receiving confirmation from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, or is seriously injured causing undue pain and suffering, may immediately, euthanize that impounded dog.

### **7.7 OFFICER DELIVERY**

The Pound keeper or Canine Control Officer shall, upon receipt of a dog delivered to them by any other Officer, deal with that dog in the same manner as other dogs seized and retained by them pursuant to this By-law.

### **7.8 LOG BOOK**

The Canine Control Officer shall maintain a log book, in which they shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing and the manner in which the impounded dog has been disposed of or collected.

### **7.9 INFECTIOUS OR CONTAGIOUS DISEASE**

No person shall keep, harbour or have in their possession any dog suffering from any infectious or contagious disease, unless such dog is in isolation and under treatment for the cure of such disease.

## **8.DOGS RUNNING AT LARGE**

### **8.1PROHIBITION**

No owner of a dog shall allow or permit such dog to run at large in the Municipality of Grey Highlands. 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 physical control of any person by means of a leash held by said person.

### **8.2CAPTURED DOG**

An Officer may capture any dog running at large and cause it to be impounded or return same to its registered owner, in the sole discretion of the Officer. Should the dog be returned to the Owner, a ticket may be issued to said Owner.

### **8.3PAYMENT REQUIRED**

The Owner of every dog impounded, if known, and whether or not the dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound's fees as determined and shall pay all fees on demand. Any outstanding payments after 6 months may be added to the property collected in the same manner as taxes.

### **8.4EXCEPTIONS**

Section 8.1 of this By-law shall not apply to:

- (a) licensed guide dogs or police working dogs while they are in the course of fulfilling their duties; and
- (b) hunting dogs that are under the direct supervision of a person who is a bona fide hunter actively engaged in hunting or training in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the of Canada, the Province of Ontario or the Municipality provided that such person has obtained the prior written consent of the owner of the parcel of land on which the hunting dog(s) are, or may be, running at large in pursuit of game, or otherwise. Consent must be obtained not more than 3 months prior to the date of the occasion on which the dogs are to, or may be, running at large on or over the parcel of land.

### **8.5REQUIRED EUTHANIZATION**

Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, a Licensed Veterinarian, in his or her sole discretion may destroy the dog in a humane manner as soon after capture as they deem necessary.

### **8.6VETERINARY CARE**

Should any dog captured under this section be injured where the dog would not be required to be humanely destroyed, a licensed veterinarian shall have authority to provide required medical assistance to the dog for up to 72 hours. All costs associated with such care shall be the responsibility of the owner and required to be paid to the Municipality prior to release of the dog.

## **9.DOG WASTE**

## **9.1STOOP AND SCOOP**

Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property in the Municipality, other than the premises of the Owner of the dog.

## **10.DANGEROUS DOGS**

### **10.1 PREVENTION**

The Owner of a dog shall exercise all reasonable precautions to prevent the dog from:

- (a)biting or attacking a person or domestic animal; or
- (b)behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.

### **10.2ORDER BY OFFICER**

Every owner of a dog that has been labelled as a “dangerous dog” by the Canine Control Officer shall be ordered to ensure that said dog is muzzled and/or leashed while said dog is on any property in the Municipality, including the premises of the Owner of the dog if not enclosed by a fence and every owner shall comply with the order. The Canine Control Officer shall provide written notice to the Clerk’s Office and any owner of a dog being labelled as dangerous.

### **10.3APPEAL TO ORDER**

Where the Owner of a dog objects to the muzzling or leashing requirement set forth in section 10.2 above, the Owner may request and is entitled to a Hearing by the Council of the Municipality of Grey Highlands after payment of the prescribed fee is received. The Request and payment shall be received within 15 calendar days of the Order of the Canine Control Officer. The Council may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council. Council or Committee of Council, if so delegated, may, in its sole discretion, uphold the provisions of section 10.2 above or exempt the Owner, with or without conditions, from the muzzling or leashing requirements contained in section 10.2 above. Council shall hold a hearing pursuant to the provisions of the Statutory Powers and Procedures Act at the time, date and place set out in the notice referred to in this section and Council may: exempt the owner from the muzzling and/or leashing requirements, confirm the muzzling and or leashing requirements, vary the muzzling and/or leashing requirements, or: combine any exemption confirmation or variance as it sees fit. The decision of Council shall be final and binding.

### **10.4SECURITY OF DANGEROUS DOG**

Every owner of a dangerous dog shall keep the dog secure by keeping it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. No person shall confine a dangerous dog only by a chain or tether.

### **10.5WARNING SIGNS REQUIRED**

Every person who owns a dangerous dog shall post warning signs clearly and visibly on the property where a dangerous dog is kept.

### **10.6MICROCHIP REQUIRED**

The owner of a dog to which section 10.2 of this section applies shall, at their own expense, have a microchip implanted in the dog and proof of the implantation shall be supplied in writing to the Clerk’s Office within thirty (30) days of the issuance of the order or Council's decision as provided for in Section 10.3 which ever is later. No owner

of a dog to which this subsection applies shall fail to microchip the dog.

## **11.MISCELLANEOUS MATTERS**

### **11.1LIABILITY**

The Municipality, its agents and servants and a Pound-Keeper 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.

### **11.2SEVERABILITY**

The provisions of this By-law are severable and if any provisions of this by-law should, for any reason, be declared invalid or unenforceable by any court, the remaining provisions of the by-law shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

### **11.3FEES AND CHARGES**

Fees shall be as included in the current fees and charges by-law of the Municipality. Fines imposed shall be as per Schedule A attached hereto.

### **11.4PENALTY**

Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

### **11.5 CONTINUING OFFENCES**

Each day on which a person contravenes any provision of this bylaw shall be deemed to constitute a separate offence under this by-law as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25

### **11.6RIGHT OF ENTRY**

An Officer may enter, at all reasonable times, upon any property subject to the regulations of this By-law in order to ascertain whether such regulations or directions are being obeyed.

### **11.7COMPLIANCE**

Every person shall comply with any Order or Notice issued under the authority of this by-law.

## **12.CONFLICT**

If there is a conflict between a provision of the Dog Owners' Liability Act or of a regulation under that Act, or any other Act relating to dogs, the provision that is the most restrictive in relation to controls prevails.

## **13.REPEALS**

By-law Numbers 2006-112 and 2006-113 are hereby rescinded effective upon the passage of this by-law. If any section of any other by-law in effect is inconsistent with this by-law, the most current by-law prevails.

## **14.EFFECTIVE DATE**

This by-law shall come into effect upon final passage thereof.

Read a first, second and third time, and finally passed on July 21 2021.

The Corporation of the  
Municipality of Grey Highlands

Original Signed By

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Paul McQueen, Mayor

Original Signed By

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Raylene Martell, Municipal Clerk

Status: Passed

# Municipality of Grey Highlands

## Part 1 Provincial Offences Act By-law 2021-071: Canine Control

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1	Keep more than 3 dogs	3.2 (a)	\$125.00
2	Fail to license Dog	3.2 (b)	125.00
3	Running at Large	3.2 (c)	250.00
4	Failure to renew	3.2 (d)	125.00
5	Remove Tag	3.2 (f)	125.00
6	Failure to apply for replacement Tag	3.2 (g)	125.00
7	Fail to affix Tag	3.2 (h)	125.00
8	Dog on Private Property	3.2 (i)	125.00
9	Dog excrement	3.2 (j)	200.00
10	Forcible Retrieval from Officer	3.2 (k)	200.00
11	Fail to notify change of ownership	3.2 (l)	125.00
12	Fail to notify change in residence	3.2 (m)	125.00
13	Retrieve from Pound keeper	3.2 (n)	200.00
14	Kennel Operation without License	5.2 (d)	500.00
15	Fail to maintain kennel conditions	5.3 (a)	250.00
16	Fail to post License	5.3 (b)(i)	125.00
17	Fail to be open for inspection	5.4 (a)	200.00
	Obstruct Officer	7.1	125.00
	Infectious or contagious Dog	7.9	125.00
18	Fail to comply with Dangerous Dog Order	10.2	200.00
19	Fail to Secure Dangerous Dog	10.4	200.00
20	Failure to post warning of Dangerous Dog	10.5	125.00
21	Fail to Microchip Dangerous Dog	10.6	125.00

Note: The general penalty provision for the offences listed above is section 11.4 of By-law 2021-071, a certified copy of which has been filed.