

**The Corporation of the Township of Southgate**  
**By-law number 2020-078**

Being a by-law to license and regulate the keeping of dogs and dog kennels  
and for the control of dogs within the Township of Southgate

**Whereas** Section 5 (3) of the Municipal Act, 2001, Chapter 25, as amended, states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

**Whereas** Section 8 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the authority to govern its affairs as it considers appropriate and enables the municipality to respond to municipal issues; and

**Whereas** Section 9 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 11 of the Municipal Act, 2001, Chapter 25, as amended, provides that a municipality may pass by-laws within the "animals" sphere of jurisdiction and subsection 9 (3) provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter; and

**Whereas** Section 103 of the Municipal Act, 2001, Chapter 25, as amended, provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of dogs, it may provide for the seizure and impounding of dogs being at large contrary to the by-law and the sale of impounded dogs; and

**Whereas** Section 105 of the Municipal Act, 2001, Chapter 25, as amended, provides for the muzzling of a dog under any circumstances, and that the council of the municipality shall, upon the request of the Owner of the dog, hold a hearing to determine whether or not to exempt the Owner in whole or in part from the requirement; and

**Whereas** the Dog Owners Liability Act, the Code of Practice for Canadian Kennel Operations, and the Ontario Society for the Prevention of Cruelty to Animals Act, as amended, provides information for the basic standards of care and control of dogs; and

**Now therefore be it resolved that** the Council or the Corporation or the Township of Southgate hereby enacts as follows:

**Section 1 – Definitions**

For the purpose of this by-law the following definitions apply:

**Being (or running) at large** means a Dog that is not on the property of the Owner and not on a leash and under the control of a Responsible Person, and includes trespassing, and trespassing means a Dog being on the property of a person (as opposed to public property including streets and highways) other than the Owner of the Dog without the express permission of the owner of the property;

**Appeal Committee** means the members of the Property Standards Appeal Committee, appointed by Council for the purpose of hearing appeals regarding Muzzle Orders, pursuant to this By-law;

**Appointed By-law Enforcement Officer** means a Municipal By-Law Enforcement Officer, who has been appointed by the Corporation of the Township of Southgate;

**Canine Control Officer (alternately referred to as the "CCO")** means a Municipal By-Law Enforcement Officer, who has entered into a contract with the Corporation of the Township of Southgate to control Dogs and enforce this By-law;

**Canine Pound** means such premises and facilities that are used for the detention and maintenance of Dogs that have been impounded;

**Canine Pound Keeper** means the person, or persons, or agency that act as keeper of the pound;

**Dangerous Dog** means:

- a) a restricted Dog as defined later in definition(s);
- b) a Dog which has bitten or attacked a person, or which, in the opinion of the person enforcing this by-law, has demonstrated a propensity, tendency or disposition to do so; or
- c) a Dog which has bitten or injured a domestic animal without provocation, or without sufficient provocation in the opinion of the person enforcing this by-law;

**Dog** means any member of the species familiaris canis (domestic dog) over the age of 16 weeks;

**Hunting Dog** means a Dog used solely for the purpose of hunting or tracking by provincially licensed hunters;

**Kennel** shall mean an establishment that provides shelter where Dogs are kept for the purpose of breeding, boarding, training, but does not apply to a veterinary establishment. A kennel may be classified as one or more of the following:

- a) **Kennel for Breeding** means any building or premises used for the purpose of breeding of Dogs; and/or
- b) **Kennel for Boarding** means any premise that takes in Dogs for boarding;

**License** means the receipt issued by the Clerk or Treasurer of the Township or their authorized agent upon registration of a dog, a Kennel and payment of the appropriate fee;

**License Fee** means the license fee established by Council in the Township of Southgate Fees and Charges By-law as amended from time to time as referenced in this document as "Schedule A";

**Muzzle** means a basket-style covering device of adequate strength over the mouth of a Dog to prevent the Dog from biting;

**Muzzle Order or Order to Muzzle** means a mandatory requirement to restrain a Dog by means of a Leash and Muzzle and any such other means as the Canine Control Officer and/or By-law Enforcement Officer may order;

**Noise** means the sound made by any Dog which unreasonably disturbs the peace, quiet, comfort, or repose of any person also referenced in the applicable Township Noise By-law;

**Nuisance** means a Dog that is running at large on private or public property that has the potential to harm humans, pets, livestock or property;

**OSPCA** refers to the Ontario Society for the Prevention of Cruelty to Animals;

**Owner** means a person who possesses or harbors a Dog and where the Owner is a minor, the person responsible for the custody of the minor and "owns" and "owned" have corresponding meanings;

**Puppies** means a Dog that is less than 16 weeks of age;

**Responsible Person** means an individual or person that is capable of being in the care and control of a Dog or the Owner of the Dog;

**Restricted Dog** means:

- a) A Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier or an American Staffordshire Terrier, or a Dog that has an appearance and physical characteristics substantially similar to any of those Dogs referred to in Ontario Regulation 157/05; or
- b) A Dog of mixed breeding which breeding includes the bloodline of one or more of the breeds referred to in the definition(s), and point (i) above;

**Service Dog** means a type of assistance Dog specifically trained to help people with disabilities or a guide Dog trained to aid the visually challenged and is actively in use for such purposes with appropriate medical documentation and identifying Dog tag and shall be exempt from license registration fees;

**Township** means the Corporation of the Township of Southgate;

**Working Dog** means a Dog trained to aid in and engaged in herding or protecting livestock.

## **Section 2 – Registration, Licensing and Control of Dogs**

- 2.1** Every Owner of a Dog in the Township, within one week after the Dog comes into their possession, shall cause the Dog to be registered and licensed at the office of

the Clerk or designate, of the Township for the balance of the calendar year. Following the initial registration and licensing the Owner of a Dog shall, prior to the last Wednesday in March each year, re-register and re-license each Dog in their possession for the current calendar year.

## **2.2 Licensing, Process and Conditions:**

- a) Registration and licensing of Dogs may be performed through the municipal office of the Township by paying the prescribed fee in "Schedule A" attached and forming part of this by-law as amended from time to time by the Municipal Council of the Township. Registration may be completed through the Southgate website on-line form, under the Municipal Services tab and Canine Control page. The form is also included in this document as "Schedule B".
- b) On payment of the License Fee, the Owner shall provide a completed Dog License application, with proof of rabies vaccination documentation from a licensed veterinarian.
- c) On payment of the License Fee to the Township, the Owner shall be provided with a dog tag bearing a serial number and the year for which the tag is issued for each Dog registered and licensed.
- d) The Owner shall keep the tag securely fixed on the Dog at all times until the tag is renewed or replaced, except while the Dog is being lawfully used for hunting or working. It is encouraged that Owners have Hunting Dogs and Working Dogs micro- chipped or appropriate collar identification of the Owner.
- e) A record shall be kept by the Clerk or other designated Township staff showing a description of the Dog for which the tag was issued, the name and address of the Owner and the serial number of the tag.
- f) No person shall use a tag on a Dog other than the Dog for which the tag was issued.
- g) A registration, license or tag issued under this by-law is not transferable and shall expire upon the death, sale or other disposal of the Dog.

## **Section 3 – Registration, Licensing and Control of Kennels**

- 3.1** No person shall keep a Kennel of Dogs in the Township except under the authority of a currently valid License issued by the Township, which must be renewed annually prior to the last Wednesday in March each calendar year. To acquire a Kennel license for a breeding and/or boarding facility, an application(s) must be made to the Township's Canine Control Officer. All Kennels must be inspected annually, approved for renewal and shall adhere to the site's maximum Kennel-licensed number of Dogs for the site-specific facility. Failure to comply with these terms may result in a fine for too many Dogs in a Kennel. See attached to this by-law is the Schedule C, application form for a new or renewal of Kennel license, and

the Schedule D the Kennel Inspection form used for new applications and annual license renewals.

- 3.2** No Kennel shall have more than twenty-five (25) Dogs at any time, unless a larger number of Dogs has been authorized by the Council of the Township pursuant to this Section of this by-law after due application by the person keeping the Kennel for Breeding and the completion of an inspection and report by the Township's Chief Building Official or other Township official designated by Council for that purpose. The Council shall provide reasons for either the refusal to allow or the decision to allow more than twenty-five (25) Dogs in a Kennel for Breeding. Any authorization given by Council for the keeping of more than twenty-five (25) Dogs in a Kennel for Breeding may be subject to such terms and conditions as Council may determine after processing the application.
- 3.3** A Kennel for Boarding Dogs may board not more than twenty-five (25) Dogs at any one time. For the purposes of this by-law a person may apply for a license and operate a facility for the purposes of being a Kennel for Breeding and Kennel for Boarding. The maximum number of Dogs in the Kennel shall be a combination of breeding and boarding Dogs to maximum of twenty-five (25) and the numbers. The Kennel operator must ensure that each Dog being boarded under his or her care and control, has a Township Dog tag or appropriate identification affixed to the Dog and information records available related to vaccinations and ownership for the purposes and interest of public safety.
- 3.4** A Kennel for Breeding Dogs shall not be restricted to Dogs which are registered with an association incorporated under the Animal Pedigree Act (Canada), as amended or replaced.
- 3.5** No new Kennel facility or structure used in connection with the operation or keeping of a Kennel shall be located within a distance of 35 meters of any boundary line of the Owner/operator's property. This setback distance may be reduced to not less than 7 meters for accessory building in consultation with the Municipal Planner for setback and zoning compliance where the adjacent property is zoned EP or wetland property where it is not possible to construct, and still maintain a total 50 meter (35 meter on property and 15 meter on adjacent property) setback from future residential development on adjacent lands. This section applies A1 and A2 zoned properties greater than 2 hectares (4.8 acres) in size. A new Kennel requires site specific commercial C4 zoning approved in all residential and A1 or A2 properties that are less than 2 hectares (4.8 acres) in size in these property zones. A new Kennel establishment must conform to all zoning and other by-laws and standards,

including the provisions of this By-law.

**3.6** Every person making application for a license to keep a Kennel shall make application to the Township in writing and:

- a) If applicable make application to the Township to obtain the proper zoning;
- b) Provide the Kennel records with a complete description of each dog in the Kennel together with identification information being microchip number, tattoo or Township Dog tag number sufficient to enable an appointed by-law enforcement or Canine Control Officer to clearly identify each dog in the kennel. If a tattoo or affixed dog tag is not available as a form of a dogs identification, the kennel operator shall use microchip ID;
- c) Note: All dogs in breeding kennels must be microchipped as required by January 1, 2018; Provide the location of the Kennel site plan with the number of buildings, and size of the facilities;
- d) Provide declaration of any past convictions by the OSPCA or Criminal Code of Canada related to the care of animals;
- e) Provide such other information as may be required by the Township's officials to allow them to process the application;
- f) Pay the current license fee for Kennels established by "Schedule A" attached to and forming part of this by-law and amended from time to time by the Council of the Township;
- g) Shall comply with the Guidelines set out in "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association current edition, originally dated September 1994 or future edition as may be amended from time to time;
- h) Provide proof of a veterinarian inspection each year between October and December to be supplied when applying for renewal of the Kennel license which reports on, the facility is appropriate and the health of the animals meets the minimum standards of the "The Code of Practice for Canadian Kennel Operations" and that the Veterinarian that completes the certificate of inspection shall be a member in good standing of the College of Veterinarians of Ontario;
- i) Provide the maximum number of Dogs to be kept in the facility at any time during the following twelve-month period; and
- j) A Kennel License is not transferable to a new owner of existing Kennel.

**3.7** Either the Council of the Township of Southgate or the Canine Control Officer or other appointed By-law Enforcement Officer may direct that the issuance or renewal of a license for a Kennel of Dogs be refused if provisions of this by-law are

contravened or if the issuance or renewal of a license would contravene any of the following:

- a) The laws of the Province of Ontario;
- b) Any by-laws of the Township
- c) The guidelines set out in the document titled, "A Code of Practice for Canadian Kennel Operations" produced by the Canadian Veterinary Medical Association currently in effect.

- 3.8** A Kennel licensed hereunder shall be open to inspection by the Canine Control Officer or other Appointed by-law enforcement officer who shall have the right to visit, enter and inspect with access to property and structures within the municipality at all reasonable times for the purpose of enforcement of the provisions of this by-law, with the Kennel owner present for the inspection. Where an owner or operator of a Kennel fails to comply with (a) a by-law of the Township; (b) the Laws of the Province of Ontario as same may apply to the keeping of animals and/or kennels; or (c) the guidelines set out in the document titled, "A Code of Practice for Canadian Kennel Operations" produced by the Canadian Veterinary Medical Association currently in effect, the Kennel License may be suspended or revoked by the Council of the Township or the Canine Control Officer or other Appointed by-law enforcement officer.
- 3.9** During annual or follow-up inspection of Kennel facility by the Canine Control Officer or Appointed by-law enforcement officer, the operators may be required to improve operations, or conditions of the facility, and/or reduce the number of Dogs in the Kennel in order to maintain the License.
- 3.10** Failure to comply with the renewal application process may lead to a Kennel license not being renewed until full compliance is attained and a new application is submitted. If after 30 days of being placed on notice that their Kennel license may not be renewed by the Township, and the operator has not come into full compliance, and a new application has not been submitted, the Kennel license will be revoked. Once a Kennel license has been revoked by written notice from the Township, the owner of the property will be required to remove the Dogs remaining in the Kennel within 30 days, and failure to comply after 30 days, the OSPCA will be contacted to support the removal and relocation of the remaining Dogs to a personal limit of 3 Dogs if allowed by the authorities. Further, failure to comply with the order to remove the Dogs remaining in the Kennel will result in a fine for "Operating a Kennel without a Kennel License". This fine will be levied every 7 calendar days until the Dogs are removed from the Kennel or the operator attains compliance and a new Kennel license is issued.

## **Section 4 – Care of Dogs in Kennels**

- 4.1** Every person who owns or operates a Kennel shall provide the Dogs under care, or cause them to be provided with:
- a) clean, fresh drinking water and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight;
  - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - c) an animal enclosure that provides containment of the canine with protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position;
  - d) the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
  - e) necessary veterinary medical care when any animal exhibits signs of pain, illness or suffering
- 4.2** Every kennel facility shall be kept in a sanitary, well ventilated condition and free of offensive odours, disease and vermin. Conditions shall be considered unsanitary where the keeping of the animal or animals results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person.
- 4.3** No person shall keep a Dog Tethered Unless:
- a) The Dog has unrestricted and unobstructed movement within the range of the Tether;
  - b) The Dog has access to water, food and shelter;
  - c) The Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain, or pronged collar, or directly around the Dog's neck; and
  - d) The Dog is Tethered in a way that it will not injure itself.
- 4.4** In no case shall a tether permit the Dog to go beyond the limits of the person's lands that form a part of the person's premises.
- 4.5** No Dog Owner shall leave a tethered Dog unattended in a public place such as the downtown business area, in a park, playground, etc. Dog owners shall be subject to a fine for failing to comply with the terms & conditions of this by-law.



## **Section 5 – Being at Large or Trespassing**

- 5.1** No Owner of a Dog shall allow or permit the Dog to be at large in the Township or allow or permit the Dog to trespass on the property of another person. A Dog shall not be considered to be running at large, if it is a working Dog, accompanied by the Owner or other responsible adult or is a hunting Dog and is actively engaged in hunting or training for hunting, or tracking, on land not posted, or on posted land with the permission of the owner.
- 5.2** With the exception of a Working Dog, no person shall take, allow or permit a Dog to be on property owned or occupied by the Corporation of the Township except when the Dog is controlled by a leash securely held by the person in charge of the Dog. Property owned or occupied by the Corporation shall include all roadways and highways within the Township, parks and all other municipally owned or controlled properties.
- 5.3** A Dog that is found being at large or trespassing contrary to this by-law may be seized and impounded. A Dog that is impounded shall be held for a period of not less than three (3) business days, exclusive of Saturday, Sunday or Public Holidays, and if not claimed may be adopted or sent to a shelter or otherwise disposed of in a manner prescribed by law. When an ill or injured Dog is seized or impounded and a veterinarian determines that the Dog should be destroyed forthwith, or the Dog is a Dangerous Dog and cannot be released under Section 8.3, the Dog may be immediately destroyed as provided by law. When a Dog is seized or impounded it shall not be released until all Canine Pound fees and fines are paid.
- 5.4** Where a Dog is found running at large in the Township and the Dog cannot be seized and a danger exists and the Dog's presence in the location in which it is found causes a danger or a Nuisance, a police officer or other person authorized to enforce this by-law may euthanize the Dog or instruct another person to euthanize the Dog as safely and humanely as possible in all of the circumstances.
- 5.5** When a Dog is running at large, trespassing or on the owner's property and is known to have bitten a person, the Canine Control Officer will contact the local Health of Animals Branch of Canada Agriculture. The Canine Control Officer may order that the Dog be kept under supervision of quarantine, by the Owner of the Dog, upon the property of the Owner of the Dog or upon such property designated as the Township's Canine Pound, until such time as the Health of Animals Branch of Canada Agriculture veterinarian takes charge of the incident. The Owner shall be held responsible for the cost of such quarantine. In the case that the Owner is not known, the Dog shall be kept under a supervised quarantine for a period of 14

days, at the Township's expense, upon a property designated or approved by the Health of Animals Branch of Canada Agriculture.

- 5.6** Where the identity of the Owner of an impounded Dog can be determined by the person enforcing this by-law, the Owner shall be notified personally. If the Dog is not claimed or arrangements made with the Canine Pound within 24 hours, a registered letter will be sent to the last known address of the Owner on the next business day. Notice shall be deemed to have been received seven (7) days after the notice has been mailed including the date of mailing. If the Dog is not claimed within three (3) business days after the notice is received, exclusive of Saturday, Sunday or Public Holidays, the Dog may be adopted or sent to a shelter or disposed of in a manner prescribed by law and the Owner is liable for all costs incurred and placed on property taxes if unpaid.
- 5.7** When a Dog is found running at large and is without identification, a picture of the lost Dog may be posted on the Southgate Canine Facebook page when possible and when practical to do so. Should delays occur in public notification of the lost Dog on the Facebook page, for whatever reason, the impounded Dog shall be held for a period of not less than three (3) business days, exclusive of Saturday, Sunday or Public Holidays, after the actual date the lost Dog's picture was posted on the Southgate Canine Facebook page.

## **Section 6 – Removal of Feces**

- 6.1** Every owner of a Dog shall immediately remove any feces left by the Dog in the Township:
- a) On a highway or roadway;
  - b) In a public park;
  - c) On any public property other than a public park; or
  - d) On any private property other than the property of:
    - i. the Owner of the Dog; or
    - ii. the person having care, custody or control of the Dog.
- 6.2** Every Owner of a Dog shall remove from his or her premises and dispose, in a timely manner, feces left by such Dog, so as not to disturb the enjoyment, comfort and convenience of any person in the vicinity of the premises.
- 6.3** Section 6 does not apply to a handler of a Service Dog, where the handler is unable to remove the feces left by such Dog due to a physical disability or impediment.

## **Section 7 – Noise**

- 7.1** Every person who owns a Dog or Dogs shall undertake measures to ensure that residents on adjacent properties are not subjected to persistent barking, calling or whining by Dog(s).
- 7.2** Where the municipality receives a complaint about persistent noise from Dog(s) the appointed by-law enforcement officer shall investigate such complaints and may issue a fine against the Owner of the Dog(s) under this By-law or the Township's Noise By-law as amended or replaced.
- 7.3** When the noise complaint received by the municipality is related to a Kennel operation, the Canine Control Officer or By-law Enforcement Officer shall investigate. If the complaints persist and the Kennel operator fails to take measures to resolve the noise concerns, a second investigation will be made and a written order of notice to comply, will be issued. Further investigation related to noise complaints would result in fines under this, or other By-laws, and could lead to further enforcement orders, and/or the Kennel license being suspended or revoked, and further fines under Section 3.12, if in non-compliance.

## **Section 8 – Dangerous Dogs**

- 8.1** No Owner, possessor or harbourer of a Dangerous Dog shall permit, suffer or allow the Dog to be on any streets or in any public place unless the Dog is muzzled to prevent it from biting an animal or a human and is on a leash and under the control of a Responsible Person; and
- 8.2** No Owner, possessor or harbourer of a Dangerous Dog shall permit, suffer or allow the Dog to be on any property or in any place that is not owned or controlled by that person unless the owner or occupier of the property or place has given the person express permission and the Dog is muzzled to prevent it from biting an animal or a human, and is either on a leash and under the control of a Responsible Person or on a secured tether, as described in section 4.3 and preventing it from leaving the property.
- 8.3** Every Owner, possessor or harbourer of a Dangerous Dog shall, at all times while the Dog is on premises owned or controlled by such person either, keep the Dog securely confined, either indoors or in an enclosed pen or other structure capable of preventing entry by any children and adequately constructed to prevent the Dog from escaping, or keep the Dog muzzled to prevent it from biting another animal or a human and is either on a leash and under the control of a Responsible Person or on a secured chain preventing it from leaving the property.

- 8.4** Where a dangerous Dog has been impounded for any reason, the Canine Pound Keeper shall not return the said Dog to its Owner or to any other person unless the Canine Pound Keeper is satisfied that the person to whom the Dog is to be returned is aware of and in compliance with the provisions of subsections 8.1, 8.2 and 8.3 hereof.
- 8.5** Where a Dog is declared a Dangerous Dog, the Canine Control Officer or By-law Enforcement Officer shall deliver or send by registered mail an Order to Muzzle, in the form attached hereto as "Schedule F", to the Owner of the Dangerous Dog requiring that the Dog be Muzzled and restrained pursuant to the provisions of this By-law. Such notice that has been served by registered mail shall be deemed to have been received by the person to whom it is addressed on the fifth (5th) day after the day it is mailed.
- 8.6** An Owner of a Dangerous Dog upon receipt of the Muzzle Order shall:
- a) Keep the Dog inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.8 metres (6 ft.) in order to prevent a Dog from coming into contact with persons (other than the Owner of the Dog). The enclosed pen or the fenced yard shall be equipped with a locking device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The Owner is responsible for ensuring that the Dog is prevented from escaping and Running at Large;
  - b) While the Dog is off the property of the Owner, ensure:
    - i. That the Dog is securely on a Leash with a maximum length of 1.83 metres (6 ft) and of sufficient strength to restrain the Dog and keep it from chasing a person or Domestic Animal;
    - ii. That a Muzzle is humanely fastened over the mouth of a Dog to prevent the Dog from biting or attacking a person or Domestic Animal; and
    - iii. That the Dog is under the care and control of a person sixteen (16) years of age or older and capable of controlling and restraining the Dog in public.
  - d) Notify the Canine Control Officer or By-law Enforcement Officer within forty-eight (48) hours after the ownership of the Dog is transferred to another person or municipality, any changes to the residency of the Dog or should the dog be destroyed or dies of natural causes.
- 8.7** An Owner of a Dangerous Dog upon receipt of an Order to Muzzle shall follow all requirements of Section 8.6 or less restrictive requirements if provided for in the Order to Muzzle.

- 8.8** Every Order to Muzzle shall include a statement advising the Owner of the ability to make application for a hearing before the Appeal Committee in accordance with the provisions of this by-law.
- 8.9** The Owner shall comply with all terms and requirements made in an Order to Muzzle.
- 8.10** Where the Owner of the Dog is in contravention of the Order to Muzzle, the owner shall demonstrate a commitment in writing to comply or the Owner shall release custody of the Dog to the Canine Control Officer or By-law Enforcement Officer who shall impound the Dog until hearing of any appeal, or should the time to appeal expire, that the owner agrees to release the Dog to the Township, and pay all costs to dispose of such Dog in a manner prescribed by law.

## **Section 9 – Appeals**

- 9.1** Where a Dog has been declared dangerous by the Canine Control Officer and/or an appointed By-law Enforcement Officer, an Order to Muzzle shall be issued. Pursuant to the provisions of this by-law, the Owner of the Dog may apply to the Appeal Committee in the form attached hereto as "Schedule G", for a hearing in respect of such muzzle order.
- 9.2** An application for a hearing shall be made in writing and delivered to the Township Clerk within thirty (30) days after the Muzzle Order has been served.
- 9.3** An application for a hearing shall be accompanied by the Appeal of Municipal Order fee as stated in the current Township of Southgate Fees and Charges By-law, Schedule A – Administration, and be made payable to the Township of Southgate by cash, cheque or money order.
- 9.4** Within 30 days of receipt of the Application for a hearing from an Owner of the dangerous dog, the Appeal Committee Secretary shall convene a meeting, at an agreed upon time, of the Appeal Committee and shall give the owner of the dog, any material witness relevant to the matter, the victim, if any, and the Officer who declared the dog dangerous and issued the Muzzle Order, and any such others persons as determined, 7 days written notice, by personal service or registered mail of the time, date and location of the hearing.
- 9.5** The Applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog or matter.
- 9.6** When the Owner of the Dog does not attend at the proper time and location, the Appeal Committee may proceed with the hearing in his/her absence and the Applicant shall not be entitled to any further notice of the proceeding.
- 9.7** The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the hearing.
- 9.8** The Appeal Committee may confirm the Order to Muzzle or exempt the Owner of

the Dog from any of the Muzzling, restraining or Leashing requirements, or all, or may dispose of an appeal by Consent Order.

- 9.9** The decision of the Appeal Committee is final and binding.
- 9.10** Notwithstanding that an Applicant has applied for a hearing to appeal the Notice to Muzzle, the Order to Muzzle takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal.
- 9.11** A written copy of the decision of the Appeal Committee shall be prepared, as soon as is practicable after the conclusion of the hearing, and shall be delivered or mailed by ordinary mail to the Applicant at the address shown on his or her Application, any material witnesses relevant to the matter, the victim, if any, and the Officer who declared the dog dangerous and issued the Muzzle Order, Ontario Provincial Police, Grey Bruce Public Health Unit, Members of Council and Appeal Committee Members.
- 9.12** The Notice of the hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this By-law shall be governed by the Statutory Powers Procedures Act, R.S.O. 1990, c. S.22.

## **Section 10 – General Provisions**

- 10.1** The Council of the Corporation of the Township of Southgate will determine the compensation to be received for services rendered in administering the provisions of this by-law or any Act or Regulation requiring the seizing, impounding of Dogs and detained in the possession of the Canine Control Officer appointed by the Township as by-law enforcement officer.
- 10.2** The maximum number of Dogs per household except for working Dogs shall be restricted to three (3) unless licensed under a Kennel for Breeding or breeding establishment or Kennel for Boarding License.
- 10.3** Dog Owners that are non-resident landowners are required to have an annual Dog license in the Township to ensure when visiting their property in order to ensure the safety of the animal and to comply with this by-law.
- 10.4** The owner of a dog shall ensure that the dog has an up to date rabies vaccination and, be able to, if required provide documented evidence from a veterinarian.
- 10.5** No person shall make a false statement on any registration or application required under this by-law.
- 10.6** This by-law shall be enforced by Canine Control Officer appointed by the Township as a By-law Enforcement Officer and/or any By-law Enforcement Officer appointed by Council to enforce the provisions of this by-law.
- 10.7** All money paid for seizing, impounding and maintaining a Dog under subsection

5.2 and 5.3 shall be paid to the Treasurer of the Corporation of the Township or a person designated by the Treasurer and authorized by a resolution of the Council of the Township.

- 10.8** The short title of the by-law shall be the Township of Southgate Canine Control By-law.
- 10.9** If any Section or Sections of this by-law or parts of it are found by any Court to be illegal or beyond the power of the Council to enact it or they shall be deemed to be severable and all other Sections or parts of this by-law shall be deemed to be separate and independent and shall continue in full force.

### **Section 11 – Hinder/Obstruct Officer**

- 11.1** No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

### **Section 12 – Offences and Penalties**

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

### **Section 13 – Enactment**

- 13.1** By-law 2018-114 is hereby repealed.

- 13.2** This by-law shall come into force and effect upon the final passing thereof and shall remain in force until repealed by Council.

**Read a first, second and third time and finally passed this 5<sup>th</sup> day of August, 2020.**

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**John Woodbury, Mayor**

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**Lindsey Green, Acting Clerk**

**Schedule "A"**  
**Canine Control Fees and Charges**

The following is a listing of the Township of Southgate Fees and Charges By-law – Schedule D – Canine Control. This listing is provided as an example, and to provide the current fees and charges at the time of passing of this By-law.

Annually the Township's Fees and Charges By-law is reviewed, and some fees are indexed on an annual basis or increased from time to time to reflect costs. For the most current fees and charges listing, please refer to the Township of Southgate Fees and Charges By-law – Schedule D – Canine Control.

**Canine Fees**

Canine Registration License & Tag (maximum of three)	\$ 25.00 each
Replacement Tag	\$ 10.00 each
Impound Fee	\$ 28.25 per day

Note: The maximum number of Dogs per household shall be restricted to three, unless licensed under a kennel for breeding or boarding license.

**Breeding or Boarding Kennel Annual License Fees**

Two (2) to five (5) Dogs	\$ 100.00
Six (6) to ten (10) Dogs	\$ 200.00
Eleven (11) to fifteen (15) Dogs	\$ 300.00
Sixteen (16) to twenty-five (25) Dogs	\$ 500.00
Facility for maximum of fifty (50) Dogs (\$20.00 per Dog)	To be established by Council upon application

**Breeding or Boarding Establishment Annual License Fees**

Facility for maximum of ten (10) dogs	\$ 204.00
Facility for maximum of twenty-five (25) dogs	\$ 357.00
Facility for maximum of fifty (50) dogs	To be established by Council upon application
Facility for over fifty (50) dogs	To be established by Council upon application

**Fines**

Please refer to "Schedule H" for fines associated with the Canine Control By-law in accordance with Section 12.1 of this By-law.



**Schedule "C"**

**Southgate Application for Kennel License**

- New Application for Kennel License
- Application Renewal for Kennel License

Name: \_\_\_\_\_

Business Name: \_\_\_\_\_  
(if different then name)

Mailing Address: \_\_\_\_\_

Kennel Location: Civic Number: \_\_\_\_\_

Road Name: \_\_\_\_\_

Former Township  Egremont  Proton  Dundalk

Concession #: \_\_\_\_\_ Lot #: \_\_\_\_\_

Phone (home): \_\_\_\_\_ Business or fax #: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

Please indicate if this application is for renewal:  yes  no

**Breeding and Boarding Kennel:**

**Note:** Please check appropriate line below

- Two (2) to five (5) Dogs \$ 100.00
- Six (6) to ten (10) Dogs \$ 200.00
- Eleven (11) to fifteen (15) Dogs \$ 300.00
- Sixteen (16) to twenty-five (25) Dogs \$ 500.00
- Over twenty-five (25) to max of fifty (50) Dogs \$ \_\_\_\_\_  
(To be approved by Council at a rate of \$20/Dog)

**Schedule "C"**

**Southgate Application for a New Kennel License con't.**

Date: \_\_\_\_\_

Owner (print): \_\_\_\_\_

Signature: \_\_\_\_\_

**Note:**

Return completed application form and your cheque made payable to the Township of Southgate. The owner is advised to make a copy to this completed report to keep for their own records.

Council retains the right to refuse any application based on the Canine Control Officers recommendation.

**Schedule "D"**

**Southgate Inspection Report for Kennels**

Initial Kennel Application Report

Annual Report for \_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_  
  (month)  (month)

1. Water:

All dogs are provided with adequate amounts of water every day.

yes       no      Owner's initials: \_\_\_\_\_

2. Shelter:

Every dog has full access to adequate shelter for the conditions.

yes       no      Owner's initials: \_\_\_\_\_

3. Diet:

Dogs are offered a diet which is complete and wholesome and provided in amounts adequate to maintain normal body conditions for the environmental conditions and amount of exercise. All dogs should be adequately fed and watered at least once a day except as directed by veterinary treatment, normal fasts or professionally accepted practices.

yes       no      Owner's initials: \_\_\_\_\_

4. Confinement:

Dogs are confined in a manner that is safe and free of hazards

- a) If tethered, the tethers or chains are tangle free and are of sufficient length to allow freedom of movement and adequate exercise with primary fencing containing all dogs.
- b) If kept in runs, they are constructed of chain link or wire fencing that is secure and all openings are small enough to prevent entrapment injury to limbs or head.

yes       no      Owner's initials \_\_\_\_\_

5. Feces:

Stools are removed daily from the kennel area and are disposed of in a sanitary and legal manner.

yes       no      Owner's initials \_\_\_\_\_

**Southgate Inspection Report for Kennels con't.**

6. Estrus:

If intact females are kept on the premises, a confinement method is available which can safely house them under conditions within the guidelines and prevent unplanned breeding.

yes       no      Owner's initials: \_\_\_\_\_

7. Socialization: all dogs shall be adequately socialized to the point of allowing contact without aggressive behaviours such as baring teeth, growling, signs of fear-biter posturing or attempting to bite (without provocation) towards humans. Dogs exhibiting maladaptive or pathological behaviour which could result in self injury, injury to others or other undesirable consequences are being managed with an acceptable program for accommodation and remediation.

yes       no      Owner's initials \_\_\_\_\_

8. Quality of Life:

All dogs are provided with a basic quality of life. Each dog is given adequate and appropriate opportunities to engage in beneficial species- typical behaviours and activities. No dog is forced to live under pain or distress without veterinary intervention for relief from pain/suffering.

yes       no      Owner's initials \_\_\_\_\_

9. Vaccinations:

All dogs have current vaccinations as required by local law.

yes       no      Owner's initials \_\_\_\_\_

10. Socialization:

Describe provisions for adequate socialization of juveniles within your kennel facility:

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## Housing and Accommodation

- All outdoors  yes  no
- As part of residence  yes  no
- All enclosed in standalone building  yes  no
- Kennels indoors and runs outdoors  yes  no

Other: \_\_\_\_\_

**Type and Size of Lot:** (all new kennels must be 35 m from all property lines)

\_\_\_\_\_

**Type and Size of the Building:**

\_\_\_\_\_

**Describe the Material Type of Construction:** (must be able to be completely disinfected)

Exterior walls: \_\_\_\_\_

Interior walls: \_\_\_\_\_

Floor: \_\_\_\_\_

Insulation: \_\_\_\_\_

**Heating, Air Quality & Maintenance:**

\_\_\_\_\_

Air condition:  yes  no  n/a  
(temperature must not reach over 80° F)

Ventilation (number, size and type of fans): \_\_\_\_\_

Number and size of windows: \_\_\_\_\_

Are windows screened:  yes  no

Is a dehumidifier or air exchanger used:  yes  no

Is running water available in the building:  yes  no

or is running water available near the site:  yes  no

Method of waste disposal: \_\_\_\_\_

## Cages, Pens and Enclosures

Number of pens: \_\_\_\_\_ Size: \_\_\_\_\_

Describe construction materials: \_\_\_\_\_

Number of runs indoor: \_\_\_\_\_ Size: \_\_\_\_\_

Number of runs outdoor: \_\_\_\_\_ Size: \_\_\_\_\_

Describe construction materials: \_\_\_\_\_

Is the premises surrounded by a perimeter chain link or semi solid wall suitable to prevent escape or entry of animals:  yes  no

Describe: \_\_\_\_\_

Is a shelter/enclosure/bedding/shade provided in each run or cage:  yes  no

Is a separate whelping area provided:  yes  no

Supplemental heat:  yes  no

Describe: \_\_\_\_\_

Group housing, if used, describe groups: \_\_\_\_\_

Is there an isolation ward or pen:  yes  no

## Food and Water

Provision for storage of feed: \_\_\_\_\_

Vermin proof storage:  yes  no

Is feed properly marked as to type or use:  yes  no

Is clean potable water available at all times to all case/runs:  yes  no

## Attendants

Kennel operated by Owner only:  yes  no

Number of employees: \_\_\_\_\_

Describe daily activity regarding feeding: \_\_\_\_\_ hours per day

Describe daily activity regarding cleaning: \_\_\_\_\_ hours per day

Describe daily activity regarding exercising: \_\_\_\_\_ hours per day

Describe daily activity regarding socializing: \_\_\_\_\_ hours per day

Describe daily activity regarding grooming: \_\_\_\_\_ hours per day

## Veterinary Information & Protocols

Veterinary service is provided by: \_\_\_\_\_

Name of clinic: \_\_\_\_\_ Phone: \_\_\_\_\_

Frequency of vaccinations (owner may be asked to provide proof of vaccinations):

Rabies: \_\_\_\_\_

Canine distemper/hepatitis/parvo etc: \_\_\_\_\_

Other: \_\_\_\_\_

Parasite control – What products are used and when: \_\_\_\_\_

Is euthanasia carried out by a licensed vet:  yes  no

If "No" – How and by whom: \_\_\_\_\_



### Other Kennel Information

Are prospective buyers/boarders given access to view entire facility:  
 yes  no

Is there an emergency procedure posted:  yes  no

Is there a fire extinguisher in the immediate area:  yes  no Are

emergency phone numbers posted:  yes  no

What disinfecting products are used: \_\_\_\_\_

### Breeding Stock Information & Identification

Breed(s): \_\_\_\_\_

Assigned tattoo number(s) to kennel: \_\_\_\_\_

#### Identification Used:

Microchipped:  yes  no

Tattooing:  yes  no

Township tags:  yes  no

## Southgate Inspection Report for Kennels

### Owner/Operator Declaration:

I hereby certify that the forgoing information is true and correct. I also agree to comply with this By-law 2020-078, applicable legislation, regulations and the Code of Practice for Canadian Kennel Operations documents reference in Schedule E of this By-law. Furthermore, I understand that my premises are subject to inspections at any time by a duly appointed inspector and that failure to disclose information, provision of false information or failure to provide adequate care can result in immediate termination of a license and/or charges being laid.

Date: \_\_\_\_\_ Owner (print): \_\_\_\_\_

Signature: \_\_\_\_\_

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### Southgate Certification Report

I, \_\_\_\_\_ the Canine Control Officer for the Township of Southgate have inspected the kennel located at:

\_\_\_\_\_

which is owned by \_\_\_\_\_.

This kennel:

does meet each of the requirements set out above.

does not meet each of the requirements set out above.

Requirements not met:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

## Schedule "E"

### Supporting Documents to this By-law

Revision date: September 2018

#### Supporting Documents:

- The Dog Owners Liability Act (DOLA):  
[www.ontario.ca/laws/statute/90d16](http://www.ontario.ca/laws/statute/90d16)
- Ont. Regulation 157/05: Pit Bull controls:  
[www.ontario.ca/laws/regulation/050157](http://www.ontario.ca/laws/regulation/050157)
- The Code of Practice for Canadian Kennel Operations:  
[www.canadianveterinarians.net/documents/Code-of-Practice-for-Canadian-Kennel-Operations](http://www.canadianveterinarians.net/documents/Code-of-Practice-for-Canadian-Kennel-Operations)
- The Ontario Society for the Prevention of Cruelty to Animals Act (Bill 80): [www.ontario.ca/laws/statute/S15010](http://www.ontario.ca/laws/statute/S15010)
- Ont. Regulation 60/09: Standards of Care:  
[www.ontario.ca/laws/regulation/090060/](http://www.ontario.ca/laws/regulation/090060/)  
[v2](#)
- Ontario Pound Act  
[www.ontario.ca/laws/statute/90p17](http://www.ontario.ca/laws/statute/90p17)
- Pounds - Animals for Research Act Ont. Regulation 23 - Amended as 108/09 [www.ontario.ca/laws/regulation/900023](http://www.ontario.ca/laws/regulation/900023)

**Schedule "F"**  
**Canine Control By-law 2020-078**

**Canine Muzzle Order**

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Town: \_\_\_\_\_ PC: \_\_\_\_\_

**Re:** Canine Muzzle Order or Violation: \_\_\_\_\_  
*(address of where the violation was witnessed)*

Dear "Owners Name":

The Township acted on a complaint(s) received and the investigation that was made related to the reported incident and a dog owned by you.

**Description of violation:**

On investigation of the reported incident it was reported to and observed by the Canine Control Officer the following information:

**Description of the Order and Compliance:**

The information received by the Township of Southgate's Canine Control Officer has been received as information and evidence that identifies your dog(s) as dangerous and supports the requirement of a Muzzle Order on your animal(s). This Order requires that you muzzle your identified dog(s), from this date forward pursuant to Section 8.6 of Canine Control By-law 2020-078 while this animal(s) is off your property and are under your care and control or the care and control of a person sixteen (16) years of age or older and capable of controlling and restraining the Dog(s) in public.

You are requested to comply with this Order immediately, even if you choose to request an appeal of this Muzzle Order.

Failure to comply with this Muzzle Order will result in further action by way of fines and the possibility of Court penalties for judgements. Should the Township investigate further incidence(s) related to aggressive behavior of your dog(s) causing harm to others the Township may seek a Court Order to have your animal(s) euthanized at the owner's expense.

**Animal(s) that this Muzzle Order applies to are the following dog(s):**

Southgate Tag#: \_\_\_\_\_ Breed and Description of Dog: \_\_\_\_\_

Southgate Tag#: \_\_\_\_\_ Breed and Description of Dog: \_\_\_\_\_

Southgate Tag#: \_\_\_\_\_ Breed and Description of Dog: \_\_\_\_\_

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**Appeal Process:**

This Order to Muzzle your dog(s) has been issued under the powers delegated to the Township of Southgate's Canine Control Officer as a result of a complaint, an investigation and an infraction of the Canine Control By-law in force and effect.

An Order to Muzzle a dog(s) is an option if required under the Southgate Canine Control By-law that is an appealable order to the appeal committee appointed by Township of Southgate Council. The Property Standards Appeal Committee is the appointed municipal body assigned to hear appeals of a Muzzle Order. This is an option that you have in relation to this Order to Muzzle. If you choose to appeal your Muzzle Order you are required to put your notice of appeal and request for the Township's investigation evidence in writing with payment of fees within 30 days of the date of issuance of this order to the Township Clerk as per Section 9 of Canine Control By-law 2020-078.

To continue the process and receive a date for your Muzzle Order Appeal Hearing, you must provide in writing to the Clerk, the factual information as to why you are appealing the Muzzle Order and evidence as justification to support your appeal consideration by the Appeal Committee. These appeal materials must be received by the Clerk's Office within 30 days of the date of the Township's registered letter providing you with the Canine Control Officer's investigation documented evidence.

Please refer to Section 9 of Canine Control By-law 2020-078 for full information regarding the Appeal Process.

Should you require additional information please contact the Township of Southgate Canine Control Officer or the Clerk.

Sincerely

Southgate Canine Control Officer

**Schedule "G"**  
**Canine Control By-law 2020-078**

**Canine Muzzle Order Appeal Form**

**Name:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Town:** \_\_\_\_\_ **PC:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Date of Order:** \_\_\_\_\_

**Initial Reason for the Appeal:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approval Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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**Acceptance by the Clerks Department:**

**Clerks Approval:** \_\_\_\_\_

**Date:** \_\_\_\_\_

An application for a hearing must be accompanied by the Appeal of Municipal Order fee as stated in the current Township of Southgate Fees and Charges By-law, Schedule A – Administration, and be made payable to the Township of Southgate by cash, cheque or money order.

**Corporation of the Township of Southgate**

**Schedule "H" to By-law 2020-078**

Township of Southgate Canine Control By-law

**Part 1 Provincial Offences Act**

**Short Form Wording**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to register/license dog	2.1	\$50.00
2	Fail to affix dog tag securely	2.2(d)	\$50.00
3	Using a dog tag for a dog other than the dog for which tag was issued	2.2(f)	\$50.00
4	Operating a kennel without a kennel license	3.1	\$500.00
5	Operate a kennel with more than twenty-five (25) dogs – no authorization	3.2	\$100.00
6	Leaving a dog unattended with a tether in public places	4.5	\$50.00
7	Dog running at large	5.1	\$50.00
8	Failure to remove feces left by dog	6	\$50.00
9	Not preventing dog(s) from persistent barking, calling, whining	7.1	\$125.00
10	Failure to muzzle a dog (restricted or deemed dangerous) in public place	8.1	\$200.00
11	Failure to leash a dog (restricted or deemed dangerous) in a public place	8.1	\$100.00
12	Permit dog (restricted or deemed dangerous) on another person's property without owner/occupier's express permission	8.2	\$100.00
13	Fail to keep dog (restricted or deemed dangerous) enclosed in pen or structure capable of preventing entry by children and dog from escaping	8.3	\$100.00
14	Failure to vaccinate a dog for rabies and keep vaccination current	10.4	\$50.00
15	Providing incomplete or inaccurate information to the Township of Southgate	10.5	\$50.00

**Note: The penalty provision for offences listed above is Section 12.1 of By-law 2020-078, a certified copy of which has been filed.**