

THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No.2026-19

Being a By-law to Regulate Dogs Within the Town of Kearney

WHEREAS *The Municipal Act, 2001, S.O. c.25*, as amended, Section 103 authorizes the Council of a municipality to pass By-laws regulating or prohibiting with respect to the being at large or trespassing of and control of dogs in the municipality;

AND WHEREAS *The Municipal Act, 2001, S.O. c. 25*, as amended, Section 10(2) authorizes the Council of a municipality to pass By-laws respecting health, safety and well-being of persons;

AND WHEREAS *The Municipal Act, 2001, S.O. c.25*, as amended, Section 105 authorizes the Council of a municipality to pass By-laws for the muzzling of dogs;

AND WHEREAS *The Municipal Act, 2001, S.O. c.25*, Section 128 authorizes the Council of a municipality to pass a By-law to prohibit and regulate public nuisances;

AND WHEREAS *The Municipal Act, 2001, S.O. c.25*, as amended, Section 391(1) authorizes the Council of a municipality to impose fees and charges for services provided;

AND WHEREAS *The Municipal Act, 2001, S.O. c.25, Section 434.1 (1)* authorizes the Council of a Municipality without limiting sections 9, 10 and 11, that a Municipality may require a person, subject to such conditions as the Municipality considers appropriate, to pay an administrative penalty if the Municipality is satisfied that the person has failed to comply with a By-law of the Municipality passed under this Act. 2017, c. 10, Sched. 1, s. 75.

AND WHEREAS The Council for The Corporation of the Town of Kearney wishes to regulate dogs and noise from dogs in the Town of Kearney;

NOW THEREFORE THE CORPORATION OF THE TOWN OF KEARNEY ENACTS AS FOLLOWS:

1.0 DEFINITIONS:

In this By-law:

- 1.1 **Animal Control Officer** shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.2 **At Large** shall mean a dog found on any property other than the premises of the owner and not restrained or under the physical control of any person;
- 1.3 **Bite** shall mean a puncture of the skin with teeth;
- 1.4 **Dog** shall mean any member of the species *canis familiaris* be it a male or female over the age of 12 (twelve) weeks;
- 1.5 **Menace** shall mean a dog that would cause a person being chased or approached to reasonably believe that the dog will cause physical injury to that person or their domestic animal;
- 1.6 **Harbour** shall mean owning, having care, custody or control of a dog;
- 1.7 **Muzzle** shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal;

- 1.8 **Municipal Law Enforcement Officer** shall mean a municipal By-law Enforcement Officer appointed under Section 15 of the Police Services Act by the Corporation of the Town of Kearney and shall include any person appointed as an Animal Control Officer by the Town for the purposes of this By-law;
- 1.9 **Owner** shall mean any person including the tenant or occupant of land or premise who possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor and owns or owned have a corresponding meaning;
- Pound** shall mean such premises and facilities designated by the municipality for 1.10 the safe keeping of impounded dogs;
- 1.11 **Leash** shall mean a strap, cord, chain or like that is securely attached to a dog and firmly grasped by a person and which is capable of holding and controlling a dog;
- 1.12 **Service Animal** shall mean an animal which is trained to assist in the movements of a person with a physical, visual, or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a peace officer;
- 1.13 **Town** shall mean the Corporation of the Town of Kearney. Municipality shall have the same meaning;
- 1.14 **Pound keeper** shall mean the Muskoka Animal Centre;
- 1.15 **Pit Bull** shall mean: a Pit bull terrier; a Staffordshire bull terrier; an American Staffordshire bull terrier; an American pit bull terrier and a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in Section 8.

2.0 **LICENSING**

- 2.1 No person shall, within the Town of Kearney, own any dog over the age of six (6) months without first having obtained a license for the dog and registering the dog at the Town Office.
- 2.2 Every person who owns or harbors any dog shall pay a license fee:
- (i) annually on January 1st of each calendar year.
- 2.3 The owner shall register their dog with the town, and provide particulars pertaining to the dog and the owner of the dog.
- 2.4 Cost of the dog licensing fees shall be set out in the Fee and Charges By-law for the Corporation of the Town of Kearney.
- 2.5 Upon payment of the license fee, the owner shall be furnished with a dog tag bearing a serial number and the year of the issue and said tag shall be securely affixed on the dog at all times until renewed or replaced.
- 2.6 Every person who owns a dog shall notify the Clerk, or Animal Control Officer when the contact information changes from the information provided at the time of the purchase of the tag.
- 2.7 A new resident of the Corporation of the Town of Kearney shall be required to obtain a license for their dog within fifteen (15) days of becoming a new resident.

- 2.8 The owner shall upon request supply written confirmation that the dog have been immunized against rabies and or proof of spay or neuter.
- 2.9 All licenses and tags issued pursuant to this By-law shall be serially numbered and a record shall be kept by the Clerk showing the name and address of the owner, serial number of the dog tag and the fees paid in respect of each dog.
- 2.10 In the event the dog license is lost, the dog owner shall upon satisfying the license issuer that the license is lost shall be entitled to receive a replacement license upon payment as indicated in the fees and charges by-law.
- 2.11 No owner of a dog shall use a license issued for any dog other than the dog for which the license was issued.
- 2.12 Where a certificate is produced from the Canadian National Institute for the Blind stating that the dog is being used as a guide dog for a blind person, no licensing fee shall be charged.

3.0 RESPONSIBILITIES OF THE DOG OWNER

- 3.1 No owner or owners living at the same address shall keep more than four (4) dogs in any one household over the age of six months:
 - (i) This section does not apply to the operation of a licensed kennel.
- 3.2 Every person who owns or harbors a dog shall, in a sanitary manner, remove forthwith and dispose of any excrement left by such a dog anywhere within the Municipality.
- 3.3 Every person who owns or harbors a dog shall upon leaving their property, ensure the dog is properly restrained and if stipulated muzzled.
- 3.4 No person shall allow a dog to run at large or otherwise create a nuisance within the Municipality. Any dog found running at large may be seized and impounded by the Animal Control Officer or their designate. An animal control officer or their designate may enter on any public or private property for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this By-law.
- 3.5 If the Animal Control Officer or their designate is unable to seize any dog found to be running at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this By-law.
- 3.6 No person shall permit a dog to trespass on private property at any time even when the dog is equipped and restrained with a leash.
- 3.7 No person shall permit a dog to persistently bark or create noise.
- 3.8 No person shall permit a dog to be in any area designated as a public swimming area.
- 3.9 No person shall permit a dog to be within a park or on a trail within the Municipality unless the dog is leashed.
- 3.10 No person shall permit a dog to be within a municipally owned or operated facility or building used by the public at any time unless during an event where dogs have been approved.

3.11 A Service Animal shall not be restricted by the provisions in Sections 3.2, and 3.10.

4.0 **SEIZE AND IMPOUND**

- 4.1 Any person shall be entitled to take charge of any dog found running at large and deliver same to the to the Pound Keeper as designated.
- 4.2 The Municipal Law Enforcement Officer may seize and impound any dog that is found running at large and deliver to Pound Keeper.
- 4.3 The Pound Keeper or Municipal Law Enforcement Officer shall, within twenty-four (24) hours from the seizure of any dog bearing a municipal license notify the owner that the dog has been impounded and conditions whereby the dog can be reclaimed.
- 4.4 The Pound keeper may keep any impounded dog for a redemption period of three (3) days, excluding:
 - i) the day on which the dog is impounded;
 - ii) statutory holiday; and
 - iii) days on which the pound is not open.
- 4.5 During the redemption period, the Pound Keeper:
 - i) may inoculate the impounded dog to provide immunization against distemper or any other contagious or infectious disease;
 - ii) shall provide veterinary care of an injured or ill impounded dog as may be necessary to sustain its life.
- 4.6 During the redemption period, the Pound keeper may euthanize a dog without delay where, in the opinion of the Pound Keeper, this is warranted for humane reasons.
- 4.7 The Pound Keeper shall be entitled to recover from the owner of the dog, the cost of inoculating or providing veterinary care during the redemption period in addition to any other applicable fees for the redemption of the dog.
- 4.8 During the redemption period, the owner of an impounded dog may redeem it if the owner:
 - i) pays the applicable fees for redemption of the dog;
 - ii) provides evidence satisfactory to the Pound Keeper that they own the dog
 - iii) provides evidence satisfactory to the Pound Keeper that the dog is licensed under this By-law.
- 4.9 After three (3) days of a redemption period for an unclaimed dog, the Pound Keeper may keep, sell or dispose of, including euthanize the dog, subject to applicable provisions of the Animals for Research Act.
- 4.10 Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provision of this By-law, and said dog has a current municipal dog license, the Municipal Law Enforcement Officer may return the dog to the owner without transporting said dog to the Pound. Where the dog is returned to the owner, the Municipal Law Enforcement may issue an Animal Control Service Fee Notice to the owner of the dog and the owner of the dog shall pay an Animal Control Service Fee as set out in the fees and charges by-law.

- 4.11 Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provision of this By-law and said dog is injured the Officer may euthanize said dog without delay where, in the opinion of the Officer that it is warranted for humane reasons.

5.0 **MUZZLING AND LEASHING OF DOGS**

- 5.1 Where a dog has bitten a person or domestic animal or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the Municipal By-law Enforcement Officer, at their discretion, may Order the dog to be muzzled or leashed or both, for a period of time to be determined by the Officer. Further, the owner of said dog shall comply with the Order.

6.0 **KENNELS**

- 6.1 All Kennels must be licensed annually. No person shall operate a Kennel without first obtaining a license.
- 6.2 A KENNEL LICENSE may be issued to areas zoned with permitted uses as pursuant to the Town's Zoning By-law, that may be amended from time to time, for keeping, breeding or boarding of dogs.
- 6.3 An applicant for a kennel license must satisfy the town Council that this kennel operation will not disturb neighboring properties. The cost of the license shall be as prescribed in the "fees and charges by-law".
- 6.4 Provisions of this By-law shall not apply to prevent the use of any existing, licensed kennel that was lawfully used and legally established for such purpose on the date of passing of this By-law. So long as it continues to be used for that purpose, the use is not discontinued for any length of time and that the existing dogs cannot be replaced when they are given away or die.

7.0 **PENALTIES**

- 7.1 Any person who is contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to a fine up to a maximum of \$5,000.00 as provided for under the provisions of the Provincial Offences Act, R.S.O. 1990, C.P. 33, as amended.
- 7.2 Every person guilty of an offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with *Schedule "A"* of this By-law.

8.0 **PIT BULL REGULATIONS**

- 8.1 Owners of pit bulls shall comply with all requirements of Ontario Regulation 157/05, including leashing, muzzling, confinement, and any other conditions set out under provincial law. If the owner of a pit bull refutes that the dog is a pit bull as defined, the burden of proof that the dog is not a pit bull is the owner's.

9.0 **REPEAL**

9.1 That By-law No. 2021-04 is hereby repealed in its entirety and any other by-law in contravention with this by-law shall not be inforcable.

10.0 **ENFORCEMENT**

10.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.

10.2 That the set fines in *Schedule "A"* for By-law No. 2026-19 shall come into force and effect upon approval by the Chief Judge of the Ontario Court (Provincial Division).

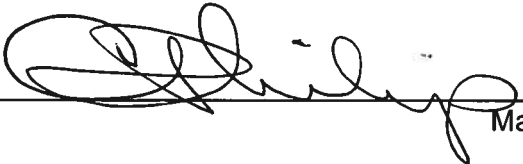
11.0 **SEVERABILITY**

11.1 All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.

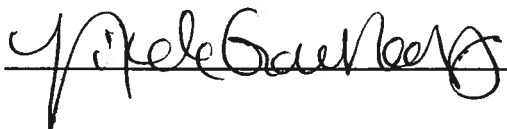
That this By-law shall come into force and effect on the date of passing

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 9th day of April, 2026.

**THE CORPORATION OF THE
TOWN OF KEARNEY**



Mayor



Clerk

SCHEDULE "A"
UNAPPROVED

ITEM #	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	PENALTY
1.	Fail to obtain dog license	Section 2.1	\$300.00
2.	Fail to secure dog tag	Section 2.5	\$300.00
3.	Keep more than 4 dogs	Section 3.1	\$300.00
4.	Fail to clean-up and dispose of excrement	Section 3.2	\$300.00
5.	Fail to properly restrain or muzzle	Section 3.3	\$300.00
6.	Allow dog to run large	Section 3.4	\$300.00
7.	Permit dog to trespass on private property	Section 3.6	\$300.00
8.	Permit dog to bark or make excessive noise	Section 3.7	\$300.00
9.	Permit dog in swimming area	Section 3.8	\$300.00
10.	Permit dog to be unleashed on park or trail	Section 3.9	\$300.00
11.	Fail to comply with muzzle order	Section 5.0	\$300.00
12.	Fail to obtain kennel license	Section 6.1	\$300.00

