

THE CORPORATION OF THE TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN ADDITIONAL

BY-LAW #15-1892

A By-law for the licensing and registration of dogs; for regulating the control of dogs; and for the impounding and seizure of dogs within the Township of Macdonald, Meredith & Aberdeen Additional.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, Chapter C. 25, as amended, provides that Municipalities may pass By-laws for licensing, regulating, prohibiting, impounding, muzzling, or selling animals; and

WHEREAS Section 103 (1) (c) of the *Municipal Act, 2001* provides for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened; and

WHEREAS Section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances; and

WHEREAS the Council of the Corporation of the Township of Macdonald, Meredith & Aberdeen Additional deems it advisable to exercise such authority;

NOW THEREFORE the Council of the Corporation of the Township of Macdonald, Meredith & Aberdeen Additional hereby enacts as follows:

1. DEFINITIONS

- a. "Bite" means piercing or puncturing of the skin as a result of contact with a dogs tooth or teeth;
- b. "By-Law Enforcement Officer/Provincial Offences Officer" means the person appointed by Council to uphold the provisions of this By-law or his/her delegate;
- c. "Clerk" means the Clerk Administrator for the Corporation of the Township of Macdonald, Meredith & Aberdeen Additional;
- d. "Dangerous Dog" means a dog that has attacked, bitten or caused injury to a person or other domestic animal, or a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- e. "Disabled Person" refers to a physically, vision or hearing impaired person who is the owner of a dog which serves as a guide or leader;
- f. "Dog" means any dog male or female over the age of six (6) months.
- g. "Kennel" means a place or facility where four or more dogs are bred or raised;
- h. "Owner" means and includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- i. "Poundkeeper" means the shelter operated by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals Humane Society on behalf of and under agreement with the Corporation of the Township of Macdonald, Meredith & Aberdeen Additional;
- j. "Township" means The Corporation of the Township of Macdonald, Meredith & Aberdeen Additional;

2. LICENSING AND REGISTRATION

- a. Notwithstanding Section 4 of this by-law, every owner of a dog shall obtain a license annually and cause the dog to be registered, numbered, described and licensed with the Township as soon as the dog has attained the age of 6 months.
 - b. No person shall:
 - i register an unspayed female dog as a spayed female;
 - ii register an unneutered male as a neutered male;
 - iii use a tag upon a dog other than the dog for which it was issued.
 - c. Upon application for a license, the dog owner will be required to produce a certificate signed by a registered veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months from the date of application for the license.
 - d. Dog tags shall be worn at all times, and shall bear the serial number and the year in which it was issued and a record shall be kept by the Township of Macdonald, Meredith & Aberdeen Additional showing the name and address of the owner and the serial number of the tag issued to such owner
 - e. No license tag or registration shall be transferrable and the license tag shall expire and become void upon the sale, death, or other means of disposal of the dog. No refund of the licensing fee shall be provided to the dog owner in the event of the dog's demise.
 - f. At the time of registration, the owner/ applicant shall be required to pay to the Township, a licence fee as set out in Schedule "A" attached hereto and forming part of this By-law.
 - g. The fee charged for the replacement of lost dog tags shall be as set out in Schedule "A" attached hereto and forming part of this By-law.
 - h. Every license issued pursuant to this By-law shall expire on the 31st day of March in the following year.
 - i. A visually impaired owner of a guide dog shall be issued a dog licence by the Township without charge upon presentation of a valid card issued by the Canadian National Institute for the Blind to such owner and providing that such owner is otherwise in compliance with this By-law.
 - j. A hearing impaired owner of a hearing ear dog shall be issued a dog licence by the township without charge upon presentation of a valid card issued by the hearing Ear Dogs of Canada to such owner and providing that such owner is otherwise in compliance with this By-law.
- 3. PENALTY FOR NON-RENEWAL**
- Any person who fails to renew a dog license on or before March 31 of each year shall be subject to a penalty as set out in Schedule "A" attached hereto and forming part of this By-law.
- 4. KENNELS**
- a. No one person shall, nor shall any one household own, possess, harbour, board, or license more than three dogs unless the person or household holds a valid kennel license as set out in Schedule "A" attached hereto and forming part of this By-law.
 - b. The owner of a kennel of dogs, shall pay an annual license fee to the township in accordance with the rates established in Schedule "A" for a license fee for the kennel, and such person is not liable to pay in respect of such individual dogs any licence fee under this By-law save and except for a charge per dog tag for each dog listed on the kennel licence as set out in Schedule "A" attached hereto and forming part of this By-law.
 - c. Regardless of the number of dogs per household, all dog owners within the Township of Macdonald, Meredith & Aberdeen Additional shall comply with this by-law relating to running at large, barking or howling, or causing a nuisance or disturbance.

5. DOGS RUNNING AT LARGE

- a. No dog shall be permitted to run at large within the Township of Macdonald, Meredith & Aberdeen Additional
- b. For the purposes of this by-law a dog shall be deemed to be running at large when it is found not to be under the care and control of a person and on a leash within 3 meters (10 feet) of that person, or leashed to a structure, unless the dog is on the property of its owner or a person who has consented to it being on his property while it is unleashed.
- c. The By-Law Enforcement/Provincial Offences Officer or O.P.P. Officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or dead.
- d. No leash shall exceed 3 meters (10 feet) in length.
- e. Every leash used or carried for the purpose of restraining any dog shall be substantially constructed or composed of strong material such as a chain or rope and shall be capable, at all times, of securely restraining such dog.
- f. The owner of any dog found to be running at large may be issued an Offence Notice and required to pay the fee as set out in Schedule "A" attached hereto and forming part of this By-law.

6. IMPOUNDING AND DESTRUCTION

- a. A dog which is found running at large contrary to the provisions of this by-law may be seized and impounded in the Pound.
- b. A dog so impounded shall be held for a period of four days and if not claimed and released to the owner thereof within such period, such dog may then be euthanized or sold by the Poundkeeper as he or she may deem appropriate.
- c. Where three charges are laid under this section against the owner of a dog and result in conviction, the By-law Enforcement Officer/Provincial Offences Officer shall be entitled to retrieve the dog from the owner and keep the dog in the animal shelter for a period of ten days or until the By-law Enforcement Officer/Provincial Offences Officer is satisfied that the owner of the dog has taken proper and effective steps to restrain the dog, whichever is the lesser.
- d. A dog so impounded shall not be released until the owner thereof has paid to the Poundkeeper all fees during which the dog has been impounded plus any administrative fees approved by the Board of the Society.
- e. Where a dog is adopted under this by-law the proceeds of the adoption shall be paid to the Poundkeeper.

7. INJURED DOGS

- a. Where in the opinion of the constable, peace officer, Poundkeeper or By-law Enforcement Officer/Provincial Offences Officer, a dog under this by-law is injured or should be euthanized without delay for humane reasons or for safety to persons, such person may euthanize the dog as soon after the seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it by public auction or otherwise for sale, and no damages or compensation shall be recovered by the owner.
- b. Where a dog seized or impounded by the Poundkeeper or By-law Enforcement Officer/Provincial Offences Officer, under Section 6 subsection (a) is injured or ill and is treated by a veterinary surgeon, the Poundkeeper shall, in addition to any amount charged under Section 6 subsection (c), be entitled to charge the person claiming the dog the cost for veterinary treatment.

8. ATTACKING DOGS

- a. Where a constable or other peace officer or the By-law Enforcement Officer/Provincial Offences Officer finds a dog running at large contrary to the provisions of the by-law and he or she believes that before the dog can be seized it may attack a human being, he or she may kill the dog.
- b. Where a person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being, that person may kill the dog.
- c. No damage or compensation shall be recovered for the killing of a dog under this section.

9. CONFINEMENT OF FEMALE DOGS IN HEAT

- a. The owner of a female dog in heat shall confine such dog in a building or enclosed pen or kennel until such heat has ended.

10. POTENTIALLY DANGEROUS & DANGEROUS DOGS

- a. In this section:

- i "potentially dangerous dog" means, a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling; or
- ii a dog that has been impounded or for whom the owner has been convicted on a total of three occasions within a 12 month period for such dog being at large in the municipality.
- iii "dangerous dog" means a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- iv a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
- v a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- vi "mitigating factor" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
 1. The dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 2. 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
 3. The dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.
- vii "muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.

b. Potentially Dangerous Dog-Notice and Owner Requirements

Where the Poundkeeper or By-law Enforcement Officer/Provincial Offences Officer designates a dog as a potentially dangerous dog, the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:

- i to keep such dog, when it is on the lands and premises of the owner, confined within the owner's dwelling or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children.
- ii to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person's consent;
- iii to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a potentially dangerous dog

c. Dangerous Dogs-Notice and Owner Requirements

Where the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper designates a dog as a dangerous dog, the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper shall serve notice upon the owner of such, dog requiring the owner, upon receipt of such notice, to comply with the following requirements:

- i To keep such dog confined within the owner's dwelling; or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children
- ii to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person's consent
- iii to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a dangerous dog.
- iv to permit the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper to deliver the dog for spaying or neutering, if unaltered, at the owner's expense.

d. Notice Requirements

The notice requirements referred to in Section 10, subsections (b) and (c) shall be served by hand delivery or registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:

- i a statement that the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- ii the requirements that the owner must comply with the accordance with this Section and when such requirements take effect and;
- iii a statement that the Owner may request, within three working days of receipt of the Notice, and is entitled to, a hearing by the Council of the Township of Macdonald, Meredith & Aberdeen Additional which may affirm or rescind the By-law Enforcement Officer/Provincial Offences Officer or Poundkeepers designation of the dog as potentially dangerous or dangerous, as the case may be, and which Council may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 10 subsections b (i-iii)

e. Notice Received-Hearing Requested

Where the owner of a dog receives a notice from the By-law Enforcement Officer/Provincial Offences Officer of Poundkeeper designating such dog as a potentially dangerous dog or as a dangerous dog, he may request an appeal hearing. Such requests must be made in writing to the Clerk Administrator of the Township of Macdonald, Meredith & Aberdeen Additional within three working days of receipt of such notice. Hearing requests shall be served by hand delivery or prepaid registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. The council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within fifteen working days of the Clerk Administrator's receipt of the request for a hearing and the Council may:

- i affirm or rescind the By-law Enforcement Officer's/Provincial Offences Officer's or Poundkeeper's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
- ii substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be; and/or
- iii substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 10 subsection b (i-iii)

f. Complaint Inquiry by By-law-Enforcement Officer/Provincial Offences Officer

The By-law Enforcement Officer/Provincial Offences Officer may either on his or her own initiative or as a result of a complaint received by him or her from the public conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.

g. Compliance Deadline of Owner

The requirements of Section 10 subsection b (iii) and c subsection (iii) and (iv) which may be imposed on a dog owner by the By-law Enforcement Officer/Provincial Offences Officer or Poundkeeper pursuant to such sections shall not be required until either the time for appeal under Section 10 subsection e has elapsed without the dog owner requesting an appeal pursuant to that section or the Council has ordered such requirement, whichever occurs earlier.

h. Change of Ownership

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this Section shall advise the By-law Enforcement Officer/Provincial Offences Officer immediately if he or she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the By-law Enforcement Officer/Provincial Offences Officer with particulars of same.

i

Dog Owner's Liability Act

Where it is alleged that a dog has bitten or attacked a person or domestic animal, such dog may be impounded on the order of the Staff Sergeant of the Ontario Provincial Police and held by the Poundkeeper until the proceedings provided in the Dog Owner's Liability Act, R.S.O. 1990 c. D. 16. have been followed provided that no dog shall be so impounded for a period in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

11. PROVISION OF NEEDS

- a. Every person who keeps a dog within the municipality shall provide the dog, or cause it to be provided with:
 - i clean, fresh drinking water and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - ii food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - iii 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
 - iv necessary veterinary care when the dog exhibits signs of pain, illness or suffering;
 - v a house or shelter providing protection from heat, cold, direct sunlight and wet that is appropriate to the dog's weight and type of coat, and providing sufficient space to allow the dog to turn around freely and lie in a normal position.
- b. No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
- c. No person may cause an animal to be confined in an enclosed space for an extended period of time, including a car, without adequate ventilation.

12. DOG CONTROL FINES AND FEES

- a. Any dog found running at large contract to the provisions of this by-law may be captured and impounded by the By-law Enforcement Officer/Provincial Offences Officer or O.P. Officer and thereafter shall be impounded for a period of five (5) days. If not claimed by the owner the dog within the said detention period, the dog may thereafter be destroyed or otherwise disposed of by or under the direction of the poundkeeper.
- b. Unless otherwise stated in this by-law, the owner of each dog shall purchase a dog license as set out in Schedule "A" attached hereto and forming part of this by-law.
- c. If the By-law Enforcement Officer is unable to seize any dog found to be running at large, contrary to the provisions of this by-law and the owner of such dog is known, a ticket may be issued ordering a fee to be paid by the owner, know as a Running at Large fee, as set out in Schedule "A" attached hereto and forming part of this by-law.
- d. In all cases if the owner of the dog is known, the dog owner shall be responsible for all costs, charges and fines associated with the seizure, impound or care of the doge which has contravened this By-law in any way.

13. GENERAL PROVISIONS

- a. Every person who fails to comply with the provisions of this By-law shall be guilty of an offence and, upon conviction is subject to a penalty pursuant to the Provincial Offences Act.
- b. Each day that a breach of this by-law continues shall constitute a separate offence.
- c. Fines pursuant to subsections a. and b. above are recoverable under the Provincial Offences Act, as amended.
- d. Should any Section or part of a Section of this By-law be declared by a court of competent jurisdiction to be invalid, same shall not affect the provisions of the By-law as a whole or any part thereof, other than the part so declared to be invalid.
- e. Any person who is visually, audibly or physically disabled and owns a registered dog to assist with their daily living shall be exempt from the licensing provisions of this by-law.

14. PENALTY

Any person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed in accordance with the Provincial Offences Act, R.W.O., 1990, C.P. 33 as amended.

15. SHORT FORM NAME

That the short form title of this By-law shall be the "Control of Dogs" by-law.

16. BY-LAWS REPEALED

That By-law 92-1110 is hereby repealed.

17. EFFECTIVE DATE

This By-law shall come into force and effect on the day it is finally passed

READ a first and second time this 2 day of June 2015

READ third time and passed in open Council this 21 day of July 2015


MAYOR


CLERK ADMINISTRATOR

**TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN ADDITIONAL
CONTROL OF DOGS**

SCHEDULE "A" TO BY-LAW #15-1892

<u>Annual Fees</u>	<u>Cost</u>
1. Each neutered male or spayed female before March 31	\$5.00
Each neutered male or spayed female after March 31	\$10.00
Each male or female dog before March 31	\$15.00
Each male or female dog after March 31	\$30.00
Kennel Fee	\$50.00
Tag for Individual Dog in Kennel	\$2.00
Replacement of lost tag.	\$5.00
2. <u>Pound Fees</u>	
Municipal Pound Fee	\$20.00 per day
Second Impoundment of Same Dog	\$30.00 per day
Third Impoundment of Same Dog	\$40.00 per day
Sault Ste. Marie Pound fees	As invoiced
Veterinarian Fees	As invoiced
3. <u>Fines</u>	
Failure to obtain a dog license/tag	\$50.00
Registering an unspayed female dog as a spayed female	\$50.00
Registering an unneutered male as a neutered male	\$50.00
Use of a tag upon a dog other than the dog for which it was issued	\$50.00
Failure for owner to obtain kennel license	\$100.00
Owner permitting dog to run at large	\$100.00
Failure of owner to confine a female dog while in heat	\$100.00
No leash shall exceed 3 meters (10) feet in length	\$100.00
Failure of owner to maintain care and control of dog while in public or while uninvited on private property	\$100.00
Failure of owner to abide by conditions for owning a dangerous dog	\$200.00
Failure of owner to abide by conditions for owning a potentially dangerous dog	\$200.00

TOWNSHIP OF MACDONALD, MEREDITH & ABERDEEN ADDITIONAL

BY-LAW #15-1892

PART I-PROVINCIAL OFFENCES ACT-SET FINE SCHEDULE

Name of By-law- Licensing and Registration of dogs; for regulating the control of dogs; and for the impounding and seizure of dogs within the Township of Macdonald, Meredith & Aberdeen Additional

ITEM	<u>COLUMN I</u> Short Form Wording	<u>COLUMN II</u> Offence Creating Provision or Defining Offence	<u>COLUMN III</u> Set Fine
1.	Failure to obtain a dog license/tag	Section 2 (a)	\$50.00
2.	Registering an unspayed female dog as a spayed female	Section 2 (b) (i)	\$50.00
3.	Registering an unneutered male as a neutered male	Section 2 (b) (ii)	\$50.00
4.	Use of a tag upon a dog other than the dog for which it was issued	Section 2 (b) (iii)	\$50.00
5.	Failure for owner to obtain a kennel license	Section 4 (a)	\$100.00
6.	Owner permitting dog to run at large	Section 5 (a)	\$100.00
7.	Failure of owner to confine a female dog while in heat	Section 9 (a)	\$100.00
8.	Failure of owner to maintain care and control of dog while in public or while uninvited on private property	Section 5 (b)	\$100.00
9.	No leash shall exceed 3 meters (10 feet) in length	Section 5 (d)	\$100.00
10.	Fail to confine dangerous dog	Section 10 (c) (i)	\$200.00
11.	Fail to muzzle dangerous dog	Section 10 (c) (ii)	\$200.00
12.	Fail to allow microchip to be inserted in dangerous dog	Section 10 (c) (iii)	\$200.00
13.	Fail to permit spay or neuter of dangerous dog at owners expense	Section 10 (c) (iv)	\$200.00
14.	Fail to confine potentially dangerous dog	Section 10 (b) (i)	\$200.00
15.	Fail to muzzle potentially dangerous dog	Section 10 (b) (ii)	\$200.00
16.	Fail to allow microchip to be inserted in potentially dangerous dog.	Section 10 (b) (iii)	\$200.00