

# **The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde**

## **By-law No. 2020-45**

### **BEING A BY-LAW TO REGULATE THE KEEPING AND CONTROL OF DOGS WITHIN THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART ET AL**

**WHEREAS** Council deems it advisable to provide for the keeping, regulating and control of dogs and to provide for the removal of dog excrement on public or private property within the Municipality of Dysart et al;

**AND WHEREAS** Section 103 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, 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** Section 105 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that where a municipality requires a dog to be muzzled the owner may request a hearing and that such requirement to muzzle remains in effect until such time as the hearing is conducted;

**AND WHEREAS** Section 425(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

**AND WHEREAS** Section 429(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001;

**AND WHEREAS** Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

**AND WHEREAS** Section 436 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality has the power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with: a By-law of the municipality passed under the Act, a direction or order for the municipality made under this Act or made under a By-law of the municipality passed under this Act and a condition of a license issued under a By-law of the municipality passed under this Act;

**NOW THEREFORE** the Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

#### **1.0 SHORT TITLE**

1.1 The short title of this bylaw is the "Canine Control By-law".

#### **2.0 DEFINITIONS:**

In this By-law:

2.1 **Act:** means the Dog Owners' Liability Act, R.S.O. 1990, c.D.16, as amended or any Act and Regulations enacted in substitutions therefore.

- 2.2 **Bite:** means a puncture wound to the skin as a result of contact with a dog's tooth or teeth, and bitten has a corresponding meaning.
- 2.3 **Dangerous Dog:** means any dog that:
- a) Has killed a domestic animal, regardless of circumstance;
  - b) Has bitten or injured a person or domestic animal without provocation;
  - c) Has shown the disposition or tendency to be threatening or aggressive; or,
  - d) Has been declared dangerous in another Municipality
- 2.4 **Dog:** means a male or female domesticated canine, service dog, and over the age of 4 months.
- 2.5 **Committee:** means a committee established by Council.
- 2.6 **Council:** means the Council of The Corporation of The United Townships of Dysart et al.
- 2.7 **Excessive:** means the continuous barking or howling of a dog, but does not mean the barking or howling of a dog when a person provokes the animal or enters onto the property;
- 2.8 **Harbour:** shall mean owning, having care, custody or control of a dog;
- 2.9 **Kennel:** shall mean building or structure where more than 3 dogs are kept, bred or boarded, and the said kennel must be lawfully operated in accordance with the Municipality's Zoning By-law.
- 2.10 **Leash:** means a chain, rope, or other similar device which is designed to be held by a person and is used or designed to be used to restrain a dog.
- 2.11 **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.
- 2.12 **Muzzle Order:** means a Muzzle Order issued by the Municipality.
- 2.13 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, or other individual duly appointed to enforce this By-law.
- 2.14 **Owner:** means and includes any person who possesses or harbors a dog within the Municipality. Where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner of the dog.
- 2.15 **Pound:** means premises that are used for the sheltering, keeping, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a municipality or the Dog Owners' Liability Act.
- 2.16 **Running at Large:** means the running at large of a dog when it is found on a highway, public space, or any other property, other than the property where it is usually kept, and not under the control of any person.
- 2.17 **Service Dog:** means a dog trained to perform specific tasks for a person with disabilities.
- 2.18 **Without Provocation:** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

### **3.0 GENERAL PROHIBITIONS**

- 3.1 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, excluding that of the owner's property.
- 3.2 No owner shall allow a dog, to excessively howl or bark or otherwise become a nuisance.
- 3.3 Every owner shall upon leaving their property, ensure the dog is properly restrained and if stipulated muzzled.
- 3.4 No person who owns or keeps a dog, or dogs, shall knowingly or unknowingly permit such dog, or dogs to run at large, except that nothing in this By-Law shall prevent the lawful use of a dog or dogs for hunting during legal hunting season.
- 3.5 If an Officer 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 Where a dog is impounded, the owner, shall be liable for designated impound fees and/or veterinary fees as prescribed. All fees shall be paid prior to the release of the dog to the owner. All payments will be made to the Municipality of Dysart et al or their representatives.
- 3.7 Any dog, or dogs, which are not released to the owner as set out above, may be sold or otherwise disposed of.
- 3.8 No owner shall allow a dog, to trespass on private property, even when on leash.
- 3.9 No owner shall have a dog on public property unless the dog is leashed and under control.
- 3.10 No owner shall permit a dog to be within a municipally owned or operated facility or building used by the public at any time with exception of a Service Dog, unless during an event where dogs have been approved or where Council has deemed permitted.
- 3.11 Every person being the owner of a Kennel within the Municipality of Dysart et al shall pay an annual fee of \$25.00 on or before the 1<sup>st</sup> day of January in each and every year, or within 30 days of establishing such Kennel.

### **4.0 DANGEROUS DOG / MUZZLE ORDER**

- 4.1 An Officer may declare a dog a Dangerous Dog:
  - 4.1.1 Upon receipt of a signed Declaration Regarding a Dangerous Dog in the form attached hereto as Schedule "A", attested to by a witness who actually saw the dog commit an action consistent with that of a Dangerous Dog. The Declaration must identify the dog, the owner and owner's address; or
  - 4.1.2 Upon receipt by the Municipality of a signed Declaration attested to by the Director or Administrator/Clerk of another municipality where the dog has been declared dangerous.
- 4.2 Where a dog is declared a Dangerous Dog, a Muzzle Order shall be served on the Owner of the dog by an Officer, and shall include the following requirements on the owner:
  - 4.2.1 When the dog is on the property of the owner, the dog shall be inside a building or house, or restrained to the side or rear yard with a securely placed leash or a fully enclosed pen of sufficient design and strength to contain the dog;

- 4.2.2 When the dog is off the property of the owner, the dog shall be restrained by means of a securely attached muzzle, a leash with a maximum length of one (1) meter of sufficient strength and under the effective control of a person sixteen (16) years of age or older;
  - 4.2.3 The owner of the dog shall display a warning sign at the main entrance of the property that is clearly visible, warning of a dangerous dog;
  - 4.2.4 Provide the Municipality with a copy of current rabies vaccination records; and
  - 4.2.5 Notify the By-law Department as to any changes of residency of the dangerous dog, transfer of ownership to another person or if the dangerous dog has been destroyed.
- 4.3 A Muzzle Order shall be served personally or by registered mail to the last known address. Such order that has been served by registered mail shall be deemed to have been received by the person to whom it was served to on the fifth (5th) day after it is mailed.
- 4.4 Upon request, the owner of the dog is entitled to a hearing by the Council or a Committee and the Committee or Council may amend, confirm or rescind thereof or a designated official of the Municipality and upon examining all the facts the dog may be exempted from muzzling or the conditions of muzzling will continue to apply.
- 4.5 The owner of the Dangerous Dog shall comply with all terms and requirements made in the Muzzle Order.
- 4.6 The provisions of this section do not prevent, supersede or quell proceedings pursuant to the Dog Owners' Liability Act by any other party and does not prevent the Officer from proceeding under the Dog Owners' Liability Act in place of this section where warranted.

## **5.0**

### **EXEMPTIONS**

#### **5.1**

Police Working Dogs shall be considered exempt from the Dangerous Dog provisions of this By-law.

## **6.0**

### **POWERS OF ENTRY**

#### **6.1**

An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.

#### **6.2**

No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this By-law.

## **7.0 ADMINISTRATION & ENFORCEMENT PROVISIONS**

#### **7.1**

This By-law shall be administered by the Chief Building Official or designate.

#### **7.2**

This By-law shall be enforced by an Officer.

## **8.0 ADMINISTRATIVE PENALTIES**

#### **8.1**

An Officer who finds that a person has contravened any provision of this By-law may issue a penalty notice addressed to that person.

#### **8.2**

Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 8.3, be liable to pay to the Municipality an administrative penalty in the amount of \$100.00 dollars.

- 8.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- a) Particulars of the contravention, including to which property it applies;
  - b) The amount of the administrative penalty; and
  - c) A statement advising that an administrative penalty will constitute a debt to the Municipality.
- 8.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 8.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Municipality and may be added to the tax roll of the owner's property.

## **9.0 SERVICE OF DOCUMENTS**

- 9.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.
- 9.2 Service by registered or regular mail under subsection 10.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 9.3 A person's last known address includes the address provided by the person to the Municipality as identified in the property tax file.

## **10.0 OFFENCE & PENALTY PROVISIONS**

- 10.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 10.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **11.0 SEVERABILITY**

- 11.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

## **12.0 IMPLEMENTATION**

- 12.1 This By-law shall come into full force and effect after adoption.

## **13.0 REPEAL**

- 13.1 By-law No. 2000-44, 2002-78 and 2007-87 are hereby repealed.

**READ** a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 23 day of June, 2020.

\_\_\_\_\_  
MAYOR: Andrea Roberts

\_\_\_\_\_  
CAO/DEPUTY CLERK: Tamara Wilbee



Municipality of Dysart et al  
Schedule "A" to By-law No. 2020-45

**Declaration Regarding a Dangerous Dog**

<b>Owner of Dog</b>		
Name:		Address:
<b>Description of Dog</b>		
Name of Dog:	Breed:	Colour:
Special Markings:	Age:	Spayed/Neutered:
Veterinary Clinic:	Rabies Tag No.	Microchip No.
<b>Location of Incident</b>		
Date:		Time:
Address:		Location on Property:
Location of Street:		Other:
<b>Description of Incident</b>		
<b>Witness Information</b>		
<b>(The information contained in this declaration is true to the best of my knowledge)</b>		
_____ <b>Signature of Witness</b> (person who witnessed the alleged dangerous dog bite a person or domestic animal)		_____ Date
_____ Please Print Your Name		
_____ Address of Witness		_____ Contact # of Witness:
_____ Signature of Municipal Law Enforcement Officer		_____ Date:
<b>Form to be completed in full and returned in person to:</b> <b>135 Maple Avenue, Haliburton, ON K0M 1S0</b>		
<b>Please note that you may be required to attend a hearing in the event an appeal is filed.</b>		

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,  
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

**PART 1 Provincial Offences Act**

**By-law 2020-45: Canine Control By-law**

<b><u>ITEM</u></b>	<b><u>COLUMN 1</u></b> <b>Short Form Wording</b>	<b><u>COLUMN 2</u></b> <b>Provision Creating or Defining Offence</b>	<b><u>COLUMN 3</u></b> <b>Set Fine</b>
<b>1.</b>	Fail to remove excrement	Section 3.1	<b>\$150.00</b>
<b>2.</b>	Allow dog to become a nuisance	Section 3.2	<b>\$150.00</b>
<b>3.</b>	Allow dog to run at large	Section 3.4	<b>\$150.00</b>
<b>4.</b>	Allow dog to trespass on private property	Section 3.8	<b>\$150.00</b>
<b>5.</b>	Allow dog on public property - not leashed	Section 3.9	<b>\$150.00</b>
<b>6.</b>	Allow dog into a municipal facility or building without approval	Section 3.10	<b>\$150.00</b>
<b>7.</b>	Fail to comply with Muzzle Order	Section 4.5	<b>\$300.00</b>
<b>8.</b>	Hinder or Obstruct an Officer performing a duty under this By-law	Section 6.2	<b>\$300.00</b>

“NOTE: The penalty provision for the offences indicated above is section 10.1 of the By-law No. 2020-45, a certified copy of which has been filed”.