

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 05-09

A BY-LAW TO REGULATE AND CONTROL CANINES (DOGS)

Canine Control By-law

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, as amended, provides that lower tier municipalities may pass by-laws respecting animals;

AND WHEREAS section 8 of the said Act 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 103 of the said Act provides that where a municipality passes a by-law regulating or prohibiting animals from running at large or trespassing it may provide for the seizure and impounding of animals found trespassing or being at large and provide for procedures to deal with such animals;

AND WHEREAS section 105 of the said Act provides that where a municipality requires a dog to be muzzled the owner may request a hearing and that such requirement to muzzle remain in effect until such time as the hearing is conducted;

AND WHEREAS section 128 of the said Act provides that a local municipality may prohibit and regulate with respect to public nuisances;

AND WHEREAS section 129 of the said Act provides that a local municipality may prohibit and regulate with respect to noise, vibration and odour;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio hereby enacts as follows:

TITLE

1. This By-law shall be cited as “The Township of Adjala-Tosorontio Canine Control By-law”;

DEFINITIONS

2. For the purposes of this By-law, the following definitions shall apply:

“Bite” means piercing or puncturing of the skin as a result of contact with a dog’s tooth or teeth;

“Council” means the Council of the Corporation of the Township of Adjala-Tosorontio;

“Clerk” means the Clerk of the Corporation of the Township of Adjala-Tosorontio;

“Dangerous Dog” means a dog that has attacked, bitten or caused injury to a person or other domestic animal;

“Dog” shall mean any domesticated canine, male or female, whether neutered or spayed, over ninety days from birth;

“Dwelling Unit” means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Guide Dog” shall mean any dog trained and actively used to assist a person who is legally blind or legally deaf and is actively in use for such purposes;

“Guard Dog” shall mean any dog that has been specifically trained to defend or protect persons or property against intruders or theft and is used exclusively for that purpose;

"Hobby Breeder" includes a person who keeps more than three registered animals or animals eligible for registration with an association incorporated under the Animal Pedigree Act, (Canada) at his or her principal residence for the purpose of breeding to produce animals of one breed for personal use to show and/or train and/or further the bloodline and who may sell excess stock and for whom it is not their primary occupation.

“Humane Society” means the Alliston and District Human Society or any other Society with jurisdiction in the Township;

“Issuer” shall mean the Clerk of the Township or designate;

“Leash” means a chain, rope or other similar device of not more than 1.83 metres (six feet) in length which is designed to be held by the owner and is used or designed to be used to restrain a canine;

“License” means a license and dog tag issued pursuant to this By-law;

"Livestock Guardian Dog" shall mean a dog that is specifically trained to work and/or live with domestic farm animals (i.e. cattle, sheep, etc.) without causing them harm while aggressively repelling predators and is used exclusively for that purpose.

“Muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of a dog to prevent a dog from biting;

“Officer” means persons appointed by the Township to enforce the provisions of this By-law as Provincial Offences Officers, By-law Enforcement Officers or Canine Control Officers;

“Owner of a Dog” means any person who owns, possesses, harbours, shelters or has custody of an animal and, where the Owner is a minor, the person responsible for the custody of the minor;

“Pit Bull” means a Pit Bull Terrier, a Staffordshire Bull Terrier, an American Staffordshire Terrier, an American Pit Bull Terrier or a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in this definition;

“Police Work Dog” means a dog that is trained to aid law enforcement officers and is actively being used for police work purposes;

“Pound” shall mean any facility or structure maintained or operated by the Township or its agents for the temporary housing of dogs;

“Running at Large” a dog shall be deemed to be running at large when it is found at a place other than the premises or property of the owner of the dog and is not leashed or under the physical control of any person;

“Secure” shall mean effective at preventing a Guard Dog from getting out and effective at preventing unsupervised access by children;

“Township” shall mean the Corporation of the Township of Adjala-Tosorontio;

“Trespassing” means a dog being on property or running at large on property owned by a person who is not the owner of the dog or property owned by or highways maintained by the Township;

PART 1 – LICENSING OF DOGS

3. Every owner of a dog over the age of ninety days shall make application to license and register the dog with the Township or its agent and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog and further make application and provide such information annually to the Township;
4. Every owner of a dog shall pay annually in accordance with the Table of Fees as set out in Schedule “A” attached to this By-law;

EXCEPTION

5. A person who is the holder of a valid Township Class 1 or Class 2 Kennel License issued pursuant to the Township Kennel By-law is not required to pay the fees required pursuant to section 4 of this By-law;

ISSUANCE OF LICENSE

6. At the time of Application for a license to be issued the Owner shall provide:
 - a) a completed application in the form provided by the Township,
 - b) the applicable license fee as set out in Schedule “A” to this By-law,
 - c) any additional documents, investigations or inspections to be made in respect of such application as the Issuer deems appropriate or in the interest of the general public and any costs incurred for such inspection or documents shall be at the applicant’s expense;
7. Every owner shall affix to the dog a current license tag issued by the Township in accordance with this By-law and shall keep such tag affixed on the dog at all times;

Where a Notice to Muzzle has not been issued pursuant to this By-law in relation to the dog, an owner may remove a license tag from the dog while the dog is being actively used in legal and licensed hunting activities within the Township, provided that the owner provides for alternative means of identification, providing the name and address of the owner. The alternative means of identification must be either a collar permanently inscribed with the required information, a tattoo containing the required information or by a micro chip implanted under the skin of the dog encoded with the required information;

8. No license tag or registration shall be transferable and the license tag shall expire and become void upon the sale, death or other means of disposal or transfer of the dog so registered and licensed;
9. Every license issued by the Township shall expire annually on the 31st day of December in the year in respect of which it was issued;

NUMBER OF DOGS

10. No owner of a dog shall have more than three dogs in any dwelling unit or any structure;
11. Section 10 does not apply to the operation of a Kennel as defined in the Township Kennel By-law for which a valid Class 1 or Class 2 Kennel License has been issued pursuant to the Kennel By-law;

SPAYING / NEUTERING

12. An owner of a dog shall not attempt to register:
 - a) an unspayed female dog as a spayed female dog or

- b) an unneutered male dog as a neutered male dog;
 - c) section 12 (a) and (b) do not apply to the operation of a Kennel as defined in the Township Kennel By-law for which a valid Class 1 or Class 2 Kennel License has been issued pursuant to the Kennel By-law;
13. The Township shall not issue a dog license until the applicable license fee has been paid in full to the satisfaction of the Township;
14. Part I does not apply to the following:
- a) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association,
 - b) a shelter or pound of the Human Society,
 - c) dogs under the age of ninety days;

HOBBY BREEDERS

15. Every owner shall obtain an approved amendment to the appropriate Zoning By-law to permit this use and individually license their dogs in accordance with Part 1 of this by-law.
16. Upon licensing and license renewal the following documentation will be required:
- a) Proof of membership in good standing of the Canadian Kennel Club;
 - b) Copy of CKC registration certificate for every dog kept within this license;
 - c) Copy of litter applications submitted to the CKC through out the calendar year;
17. A license shall not be granted if any parcel of land to be used for the purpose of hobby breeding is within any settlement area and/or plan of subdivision.
18. Council may revoke any license issued to the hobby breeder under this By-law if three or more substantiated written complaints have been received by the Township in relation to this By-law.
19. Dogs are to be housed solely within the residential dwelling of the owner.
20. Outside exercise area for dogs shall be fenced or adequately secured so as not to allow animals to run at large and the surface should be easy to clean and free of animal waste.
21. No more than a maximum of seven (7) dogs shall be housed on the premises.

PART II - CONTROL OF DOGS

22. For the purposes of this Part an owner of a dog, as defined in section 2 of this By-law, shall also include a person who is the temporary keeper of the animal and the person who is in charge or control of any dog;
23. The owner of a dog shall immediately remove any excrement left by the dog anywhere in the Municipality other than the property of the owner;

RUNNING AT LARGE

24. No owner of a dog shall allow the dog to run at large;
25. No owner of a dog shall allow the dog to trespass;

26. Notwithstanding sections 17 and 18, a dog shall not be considered to be running at large if it is a Guide Dog or a Police Work Dog or *Livestock Guardian Dog* and is actively engaged in the performance of its trained duty;
27. Any person may capture any dog found running at large on their property and must immediately or as soon as practicable contact the Canine Control Officer or other duly appointed officer, who shall impound the said dog;
28. An Officer may enter on any public property or on private property, with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise distraining and detaining any dog found running at large pursuant to the provisions of this By-law;

BARKING

29. No owner shall allow a dog to howl or bark such as to disturb the peace of the surrounding residents or otherwise become a nuisance;
30. Livestock Guardian Dogs are exempt from section 29 of this By-law if actively engaged in the performance of its trained duty.

IMPOUND PROCEDURE

31. An Officer may:
 - a) seize and impound any dog found running at large and
 - b) restore possession of the dog to the owner thereof where:
 - i) the owner claims possession of the dog within five days, exclusive of statutory holidays or Sundays, after the date of seizure, and
 - ii) the owner pays to the Officer the handling fee for a dog seized and impounded as set out in the Table of Fees attached as Schedule "A" to this By-law;
 - c) where a dog is found running at large and seized pursuant to (a) above and because of injury or for other reasons should be destroyed without delay for humane reasons or safety to persons or other animals, have the dog humanely euthanized by a veterinarian licensed to practice in the Province of Ontario;
32. Where a dog is impounded the owner, if known, and regardless of whether or not the dog is claimed from the pound shall be liable for the payment of all handling fees and veterinarian fees and shall pay those amounts to the Township upon demand forthwith;
33. The Township shall maintain a seized and impounded dog at a pound for five days from the date of seizure unless claimed by the owner. Where at the end of five days the dog has not been restored to the owner, regardless of whether or not the owner is known or can be determined, the Township may dispose of the dog by:
 - a) surrendering the dog to the Human Society, or
 - b) selling the dog or putting it up for adoption, or
 - c) by having the dog euthanized by a veterinarian licensed to practice in the Province of Ontario;

GUARD DOGS

34. At the time of obtaining a license the owner shall identify in the application to the Township that the dog is a Guard Dog;

35. The owner of a Guard Dog shall at all times confine the dog by:
- a) keeping the dog in a secure building, or
 - b) keeping the dog in a secure fenced area, and
 - c) keeping any Guard Dog muzzled when the dog is or can get within one metre of a person who is lawfully in that location;
36. The owner of a Guard Dog shall ensure that a sign indicating that a Guard Dog is on the premises is posted in a manner such that it is clearly visible;

PIT BULLS

37. Notwithstanding the provisions of this By-law, the owner of a Pit Bull shall ensure that:
- a) a Beware of Pit Bull sign is posted on the premises where the Pit Bull is located and the Pit Bull is kept in a secure area that will contain the Pit Bull;
 - b) when not on the property of the owner the Pit Bull is securely placed on a collar type leash with a maximum length of one metre which is of sufficient strength to restrain the Pit Bull and a muzzle has been fastened humanely over the mouth of the Pit Bull of adequate strength and design;

PART III - DANGEROUS DOGS

38. An Officer for the Township may declare that a dog is dangerous;
- a) upon receipt of a signed declaration in the form attached as Schedule "B" to this By-law by anyone who was bitten by the dog, by any person who witnessed the dog bite a person or another domestic animal,
 - b) upon receipt of a signed declaration attested to by an Officer indicating that the dog has been declared a dangerous dog or has committed acts that would satisfy the definition of a dangerous dog in this By-law;
 - c) the dog has bitten a person or another domestic animal;
39. Where the bite is the first bite on record with the Township the Officer:
- a) shall deliver or send by registered mail to the owner a notice indicating the nature of the occurrence and cautioning the owner that the dog may be or has been, as the case may be, declared a dangerous dog, or
 - b) may deliver or send by registered mail a Notice to Muzzle in the form attached hereto as Schedule "C" to this By-law, to the owner of the dog. The Notice to Muzzle shall state that the dog has been declared dangerous and that it be muzzled and restrained pursuant to the provisions of this By-law;
40. Where the bite is the second or subsequent bite on record with the Township, an Officer shall deliver or send by registered mail a Notice to Muzzle in the form attached hereto as Schedule "C" to this By-law, to the owner of the dog. The Notice to Muzzle shall state that the dog has been declared dangerous and that it be muzzled and restrained pursuant to the provisions of this By-law;
41. The Notice to Muzzle may provide that:
- a) the dog is securely placed on a collar type leash with a maximum length of one metre which is of sufficient strength to restrain the dog,

- b) when the dog is not on the property of the owner, the owner shall ensure that:
 - i) the dog is securely placed on a collar type leash with a maximum length of one metre which is of sufficient strength to restrain the dog,
 - ii) a muzzle has been fastened humanely over the mouth of the dog of adequate strength and design,
 - iii) the dog is kept in a secure area that will contain the dog,
 - c) that a Beware of Dog sign is posted on the premises where the dog is located unless the dog has been ordered to be delivered to the pound,
 - d) that the dog be delivered to the pound and kept there until hearing of any appeal or should the time to appeal expire be disposed of in the manner provided in section 33 (a), (b) or (c) of this By-law;
42. The owner shall comply with all terms and requirements made in a Notice to Muzzle;
43. Where Officer shall impound the dog if the owner is in contravention of the Notice to Muzzle and kept there until hearing of any appeal or should the time to appeal expire be disposed of in the manner provided in section 33 (a) or (c) of this By-law;

APPEAL

44. Where the dog has been declared dangerous and a Notice to Muzzle has been issued pursuant to the provisions of this By-law, the owner of the dog may appeal the Notice to Muzzle by filing an appeal in writing with the Clerk of the Township;
45. The Notice to Muzzle shall remain in full force and effect until such time as it is confirmed, modified or exempted by the Hearing Committee;
46. Upon receipt of an Appeal the Clerk will schedule the appropriate hearing before Council;
47. Prior to the hearing the owner of the dog shall pay any outstanding fines imposed for the contravention of any provision of this By-law;
48. The Council may, after having heard all of the evidence and submissions made to it, resolve into In Camera to debate the matter and to reach its decision;
49. The decision made by the Council sitting In Camera shall be confirmed in open Council by Resolution;
50. The decision of Council may be subject to such terms as Council shall impose and shall be final and binding;

PART IV - RECOVERY OF EXPENSES

51. The Township shall have the right to recover from the owner of the dog all costs incurred in applying and enforcing this By-law to the owner and the dog and shall include an administration fee;
52. The provisions of this By-law shall be enforceable pursuant to the Municipal Act, S.O. 2001, Chapter 25, as amended;

PART V - ENFORCEMENT

53. An Officer shall enforce the provisions of this By-law;

- 54. Each day of contravention shall be a separate offence;
- 55. Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation is guilty of an offence and liable upon conviction to a fine not exceeding \$5,000;

REPEAL

- 56. Upon the passing of this By-law, Township By-law 95-69 shall be repealed;

SEVERABILITY

- 57. Should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- 58. Should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

CONTINUATION OF EXISTING LICENSE

- 59. Every owner of more than three dogs with valid current licenses for the dogs, as set out in Schedule “D” to this By-law, shall be permitted to renew the licenses for the dogs until they are no longer with the owner provided that dogs exceeding the maximum number of three are not replaced;

FORCE AND EFFECT

- 60. This By-law shall come into force and effect on the final passing thereof;

THAT, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 7th day February 2005.

“T Walsh”

MAYOR TOM WALSH

“B Kane”

CLERK BARB KANE

Schedule "A"

TABLE OF FEES**I FEES FOR LICENSING DOGS**

	NEUTERED/SPAYED	NOT NEUTERED/SPAYED
Before April 1st		
first dog	\$15	\$20
second dog	\$25	\$30
third dog	\$75	\$80
After March 31st		
first dog	\$35	\$40
second dog	\$45	\$50
third dog	\$95	\$100

II FEES FOR HOBBY BREEDERS

Before April 1st	
first dog	\$20
second dog	\$30
three or more dogs	\$80 each
After March 31st	
first dog	\$40
second dog	\$50
three or more dogs	\$100 each

II HANDLING FEES

First time dog is seized	\$25
Second time dog is seized	\$50
Third time dog is seized	\$100

Schedule "B"

DECLARATION REGARDING A DANGEROUS DOG

NAME OF OWNER OF DOG:

ADDRESS:

DESCRIPTION OF DOG:

(name/breed/gender/colour/dog tag#/rabies tag#/tattoo#/microchip#/vet name)

LOCATION OF INCIDENT:

DESCRIPTION OF INCIDENT:

DATE & TIME OF INCIDENT:

NAME OF WITNESS:

SIGNATURE OF WITNESS:

SIGNATURE OF OFFICER:

DATE:

Schedule "C"

NOTICE TO MUZZLE

OWNER OF DOG:

ADDRESS:

DESCRIPTION OF DOG:

(name/breed/gender/colour/dog tag#/rabies tag#/tattoo#/microchip#/vet name)

DATE OF INCIDENT:

The Township of Adjala-Tosorontio is in receipt of a Declaration duly executed by an Officer pursuant to the Township Canine Control By-law, that the dog described herein did bite a person or a domestic animal. In accordance with the By-law the dog has been designated as dangerous. Pursuant to the By-law you are hereby ordered to restrain your dog as follows:

Signature of Officer.

Date

Schedule "D"

CONTINUATION OF EXISTING LICENSES

1. 010-001-11301
2. 010-006-11600
3. 010-002-02908
4. 010-002-13601
5. 010-004-08501
6. 010-005-18200
7. 010-001-16302
8. 010-004-10101
9. 010-001-02904
10. 010-004-12200
11. 010-002-06904
12. 010-002-02909
13. 010-004-01205
14. 010-001-08700

Note:

The license fee for additional dogs beyond the third dog shall be the same as for the third dog.