

THE CORPORATION OF THE TOWNSHIP OF DAWN-EUPHEMIA

BY-LAW NUMBER 46 OF 2013

A By-law to provide for the regulation, restriction and prohibition of the keeping and the running at large of dogs in the Township of Dawn-Euphemia

WHEREAS the Township of Dawn-Euphemia is empowered under Sections 103 and 105 of the Municipal Act, 2001, S.O. 2001, c.25 to pass by-laws relating to animals within the Township of Dawn-Euphemia;

AND WHEREAS the Township of Dawn-Euphemia is empowered under Section 11(2)6 of the Municipal Act, 2001, S.O. 2001, c.25 to regulate matters for purposes related to the health, safety and well-being of the inhabitants of the Township;

AND WHEREAS the Township of Dawn-Euphemia is empowered under the Dog Owners' Liability Act, and related regulations, to regulate matters related to dogs;

NOW THEREFORE the Municipal Council of the Township of Dawn-Euphemia enacts as follows:

1. DEFINITIONS

For the purpose of this By-law:

- (a) "Act" shall mean the Dog Owner Liability Act, R.S.O. 1990 c. D. 16 (hereafter referred to as "the Act") as amended from time to time;
- (b) "Animal Control Officer" shall mean a person or persons appointed by the Council to carry out and enforce the provisions of this By-law;
- (c) "Council" shall mean the Council of the Township of Dawn-Euphemia;
- (d) "Dangerous Dog" shall mean any dog:
 - (i) that has bitten or injured a human being or domestic animal; or
 - (ii) that has been threatening or aggressive towards a human being or domestic animal.
- (e) "Dog" shall mean a male or female dog over the age of three (3) months;
- (f) "Dog Enumerator" shall mean a person or persons appointed by the Council of the Township of Dawn-Euphemia to issue dog tags;
- (g) "Licensed" shall mean licensed under this By-law;
- (h) "Kennel" shall mean a lot, building, structure or establishment in which three or more dogs are housed, boarded or bred;

- (i) "Guide Dog" shall be within the meaning of the Blind Persons' Rights Act. Hearing ear dogs, handicap-aid dogs and police service dogs, are exempt from the payment of all license fees;
- (j) "Household" means a person or group of persons occupying a dwelling unit
- (k) "Muzzle" shall mean a humane fastening or covering device of adequate strength placed over a Dog's mouth to prevent it from biting people or other animals;
- (l) "Newcomer" means a person taking up residence in the Township, whose immediately previous residence was in another Township;
- (m) "Owner" includes a person who keeps, possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor;
- (n) "Pit Bull" shall be as defined in the Dog Owners' Liability Act R.S.O. 1990 c.D. 16;
- (o) "Pound Keeper" shall mean, for the purpose of this By-law, Blue Cross Animal Shelter, Sarnia, ON;
- (p) "Puppy" shall mean a male or female dog from birth up to and including three (3) months of age;
- (q) "Restricted Dog" shall mean a pit bull dog as defined in the Dog Owners' Liability Act R.S.O. 1990 c.D. 16;
- (r) "Running at large" shall mean to be found in any place other than the premises of the owner of the dog and not either under the physical control of any person or on a leash;
- (s) "Township" shall mean the Township of Dawn-Euphemia;

2. EXEMPTIONS

(a) Service Dogs & Guide Dogs

This by-law shall not apply to either police service or guide dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial or municipal agency.

3. KEEPING OF DOGS

- (a) No owner or household shall be allowed to possess or harbour in excess of three (3) dogs at anytime, however if a dog has a litter, the owner shall, within six (6) months of birth of the litter, take steps necessary to comply with the maximum number of dogs allowed.

- (b) Section 3(a) of this by-law shall not apply to any person keeping a kennel of dogs licensed under Part 9 of this by-law.

4. RUNNING AT LARGE

- (a) No owner of a Dog shall allow the Dog to run at large within the Township at any time.
- (b) A Dog shall be deemed to be running at large if found in any place other than the premises of the owner of the Dog and not under the control of any person.
- (c) Any dog running at large may be seized and killed, or impounded and thereafter killed or sold or otherwise disposed of by the Animal Control Officer or the Pound keeper.
- (d) When a Dog is seized by the Animal Control Officer and delivered to the Pound keeper or delivered to the Pound keeper by a Police Officer or Provincial Offences Officer, the Pound keeper shall impound the Dog and shall complete a serially numbered notice stating the following:
 - i) Name of Owner, if known;
 - ii) A description of the Dog, including identity tags, if any;
 - iii) Reason for pick-up (e.g. running at large);
 - iv) Particulars of the date, time and place of pick-up.

The notice will be prepared in triplicate with one copy being given to the Township, one copy being mailed by prepaid first class mail to the owner of the animal, if known, and one copy retained by the Pound keeper.

- (e) Possession of the dog may be restored to the owner if the owner claims possession and pays all pound charges imposed by the Pound keeper within five (5) days (exclusive of statutory holidays, Saturdays and Sundays) after the date of seizure or impounding, provides a valid and current licence for the dog, and pays a municipal dog control service fee in the amount of twenty-five (\$25.00) dollars for the first instance of a Dog running at large, fifty (\$50.00) dollars for the second instance of a Dog running at large and one hundred (\$100.00) dollars for the third and any subsequent instances of a Dog running at large.
- (f) Where a dog which has been seized is injured or should be destroyed without delay for humane reasons, the Animal Control Officer or the Pound keeper may dispose of the dog in a humane manner as soon after seizure as they think fit without allowing any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered on account of such disposition.

5. MUZZLING

- (a) After a dog has bitten a person or a domestic animal, the Animal Control Officer shall issue a notice to the Owner requiring that the dog be muzzled and leashed.
- (b) The owner of the dog may request and is entitled to hearing by the Council which may exempt the owner from the muzzling or leashing requirement, or both, however, the requirement to muzzle or leash applies until such relief has been granted. The requirement to muzzle or leash applies to the dog and its owner and to all subsequent owners of the dog.
- (c) Where a notice to muzzle or leash is in effect, the Dog shall be muzzled or leashed at all times unless:
 - (i) within the owner's dwelling; or
 - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing contact with unsupervised children.

6. KEEPING OF RESTRICTED DOGS

- (a) The owner of a restricted dog shall comply with the following requirements:
 - (i) A restricted dog must be licensed with a current year dog tag to prove ownership of such dog;
 - (ii) To keep a restricted dog, when it is on the land or premises of the owner, confined and under effective control, as approved by the Animal Control Officer;
 - (iii) To keep a restricted dog under the effective control of an adult person and under leash or otherwise contained at all times as approved by the Animal Control Officer when it is not confined in accordance with clause (ii);
 - (iv) To provide the Township of Dawn-Euphemia with the new address and telephone number of the owner within seven (7) days of moving the restricted dog;
 - (v) To provide the Township of Dawn-Euphemia with the name, address and telephone number of the new owner within seven (7) days of selling or other transfer of ownership of a restricted dog;
 - (vi) To advise the Township of Dawn-Euphemia within seven (7) days of the death of a restricted dog; and to advise the Township of Dawn-Euphemia forthwith if the restricted dog is running at large or has bitten or attacked any person or animal.

7. RESPONSIBILITIES OF DOG OWNERS AND THE PUBLIC

- (a) No owner shall permit his or her dog:

- (i) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running;
 - (ii) To fight with any domestic animal or domestic bird; and
 - (iii) To damage public or private property.
- (b) No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this by-law or provincial legislation.
- (c) No person shall:
- i) tease, torment, annoy, or abuse any dog; and
 - ii) untie, loosen or otherwise free any dog which is not in distress unless such person has the authorization of the owner or the lawful authority to do so.

8. LICENSING

- a) The Council shall appoint a Dog Enumerator to license dogs for the Township.
- b) The Enumerator shall keep a record showing the following dog license registration information:
 - i) name and address of dog owner;
 - ii) number of tag;
 - iii) description of dog including colour, breed and name;
 - iv) amount of fee paid upon registration.
 - v) veterinary information of the dog
- c) Every owner, shall cause his/her dog to be licensed annually on or before the 1st day of May.
- d) The owner of the dog is responsible for licensing of the dog. Should the Enumerator not contact the owner, the owner shall contact the Township.
- e) Upon payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued and the words "Township of Dawn-Euphemia".
- f) The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.
- g) Where a tag has been lost, a replacement tag shall be purchased and issued from the Township for the fee specified in the fee for services by-law.
- h) No person shall, within the Township of Dawn-Euphemia, unlawfully remove a dog tag from a licensed dog.

- i) Every owner shall notify the Township upon the change in ownership of a licensed dog.

9. KENNELS

- a) No person shall keep a dog kennel without a license
- b) All dog kennels license applications shall provide a sufficiently detailed site plan to determine the kennel building or buildings
- c) Every owner of a kennel shall pay to the Township a kennel license fee for each year, pursuant to the Fees for Services By-law, as amended from time to time.
- d) Every kennel shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent the arising of odours there from, and shall be kept free of flies or vermin at all times.
- e) No kennel may be established except where it is permitted under the applicable Zoning by-law.
- f) All kennels may be subject to inspection by the Medical Officer of Health for the Township of Dawn-Euphemia or his/her designate, as, in his/her discretion, he/she feels it is warranted and where, in his/her opinion, a kennel deviates from the minimum standards established by him/her, the Township shall be at liberty to revoke the license herein granted until such time as the Township is notified by the Medical Officer of Health that the Kennel complies with these standards. The owner of the kennel shall have a right to appeal to Council the revocation in this regard.

10. FEES

- a) The license fees to be paid to the Township of Dawn-Euphemia shall be as set out in the Township Fees for Services by-law as amended
- b) Guide dogs within the meaning of the Blind Persons' Rights Act, hearing ear dogs, handicap-aid dogs and police service dogs, are exempt from the payment of all license fees payable under the fees for services by-law
- c) Where a dog is claimed from the Animal Control Officer, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

11. IMPOUNDING

- a) The Animal Control Officer shall impound any dog seized by him/her or delivered to him/her by a police officer or member of the public.

- b) The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog within 5 days from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Pound keeper the applicable pound charges prescribed, and any other damages, fines and expenses according to law.
- c) Where a dog which has been seized is injured or should be destroyed without delay for humane reasons, the Animal Control Officer or the Pound keeper may dispose of the Dog in a humane manner as soon after seizure as they think fit without allowing any person to reclaim the Dog or without offering it for sale and no damages or compensation shall be recovered on account of such disposition.
- d) In the opinion of an Animal Control Officer, where a dog cannot be safely captured or where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Licensing Issuer, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
- e) Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Animal Control Officer, the owner shall pay to the Township of Dawn-Euphemia all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.
- f) No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:
 - i) recovered by any owner or other person; or
 - ii) paid by the Licensing Issuer or the Township of Dawn-Euphemia

12. FOULING

- a) The owner shall remove excrement left by the dog anywhere in the Township, other than on the property of the Owner.

13. OFFENCE AND ENFORCEMENT

- a) Every person who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty under the Provincial Offences Act, R.S.O. 1990, in accordance with Schedule "A" attached hereto.
- b) Upon conviction, the court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

14. ENACTMENT

a) By-law 18 of 2009 shall be repealed on the date this by-law comes into force and effect.

Read a first, second and third time and finally passed this 2nd day December 2013

Mayor

Clerk

Schedule "A" to

Township of Dawn-Euphemia

By-Law 46 of 2013

Dog Control By-Law

Part 1: Provincial Offences Act

ITEM	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provisions Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Owner keeping more than 3 dogs	3(a)	\$150.00
2.	Owner allowing dog to run at large	4(a)	\$150.00
3.	Fail to keep dog muzzled	5(c)	\$150.00
4.	Fail to license dog	8(c)	\$150.00
5.	Own, operate or continue to operate a kennel without a valid license	9(a)	\$250.00
6.	Fail to remove dog waste	12(a)	\$150.00

Note: The general penalty provision for the offences listed above is Section 13(a) of By-law Number 46 of 2013 as amended, certified copy of which has been filed.