

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 2017-077

"CANINE CONTROL BY-LAW"

A by-law to Control and Regulate Dogs within the Town of New Tecumseth

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes the Council of a lower-tier municipality to pass by-laws regulating animals;

AND WHEREAS Section 103 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipality to provide for the seizure and impounding of animals being at large or trespassing and to provide a process for the sale of impounded animals;

AND WHEREAS Section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 432 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to establish a procedure for voluntary payment of penalties out of court for offences respecting animals being at large or trespassing;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it advisable to pass a by-law to regulate dogs; to seize, impound and dispose of dogs; and to establish a process for penalties and licensing fees;

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth hereby enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

1.1.1 **"Appeal Committee"** shall consist of five (5) Members of Council;

1.1.2 **"Assistance Dog"** means a guide, hearing, or service Dog including therapy Dogs, specifically trained and certified to assist and mitigate an individual's disabilities. The presence of a Dog for protection, personal defense or comfort does not qualify that Dog as an assistance Dog;

1.1.3 **"At Large"** means a Dog found in any place other than the premises or property of the owner or on other private property with the permission of the property owner, and not being on a leash and not under care and control of a person capable of restraining the Dog.

1.1.4 **"Canine Control Officer"** means a person or person(s) appointed by the Town to enforce and implement the provisions of this by-law and includes the Town's Municipal Law Enforcement Officer(s), Peace Officer(s), Pound Keeper(s) or any person, company or association who has entered into a contract with the Town to control animals and/or to maintain a pound and the employees and agents of all such persons, companies and associations;

1.1.5 **"Canine Control Offence Notice"** means a notice issued by a Canine Control Officer or a Municipal Law Enforcement Officer for an alleged commission of a contravention of this by-law.

- 1.1.6 "**Clerk**" means the Clerk appointed by the Town of New Tecumseth pursuant to the Municipal Act;
- 1.1.7 "**Council**" means the Council of the Town of New Tecumseth;
- 1.1.8 "**Dog**" means a domesticated canine animal, male or female, over the age of twelve weeks;
- 1.1.9 "**Dog Tag**" means a disc or other shape of metal or plastic furnished by the Town as hereinafter provided and suitable to be securely affixed to a Dog's collar or other restraining device, which must be worn by the Dog whenever the Dog is off the owner's property;
- 1.1.10 "**Dwelling Unit**" means a room or suite or two or more rooms, designated or intended for use by any person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment;
- 1.1.11 "**Farm Working Dog**" means a dog that is specifically trained to and actively assists its owner(s) with herding and/or protection of livestock and where the owner(s) can demonstrative they are active livestock producers/farmers;
- 1.1.12 "**Feces**" means excrement or waste matter eliminated from the bowels;
- 1.1.13 "**Harbour**" means to shelter, house or possess but does not include the provision of shelter to a Dog for a period of time of less than thirty (30) days, provided that the Dog is owned by someone other than the household group or a person normally a resident in the dwelling unit in which the Dog is harboured and proof of a permanent address for the Dog can be provided;
- 1.1.14 "**Household Group**" means two or more persons who live in the same Dwelling Unit whether or not they are related to one another.
- 1.1.15 "**Hunting Dog**" shall mean a Dog that is trained, kept and utilized for hunting purposes;
- 1.1.16 "**Humane Society**" means the Alliston & District Humane Society;
- 1.1.17 "**Kennel**" means any premises where more than five (5) Dogs are kept, boarded or bred as a commercial business;
- 1.1.18 "**Livestock Guardian Dogs**" means a dog that is specifically trained to work and/or live with domestic farm animals (i.e. cattle, sheep) without causing harm while aggressively repelling predators and is used exclusively for that purpose;
- 1.1.19 "**Municipal Law Enforcement Officer**" shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Town of New Tecumseth;
- 1.1.20 "**Owner**" means and includes any person(s) who possess(es) or Harbours a Dog within the Town. Where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner of the Dog;
- 1.1.21 "**Peace Officer**" means a Provincial Offences Officer within the meaning of the *Provincial Offences Act*, R.S.O. 1990, c.P.33 or the *Dog Owners Liability Act*, R.S.O. 1990, Chapter D.16.

- 1.1.22 **"Police Working Dog"** means a Dog that is certified to aid law enforcement officers and is actively being used for police work purposes;
- 1.1.23 **"Pound"** means premises designated by the Town of New Tecumseth and used for the retention and/or maintenance of Dogs that have been impounded pursuant to a by-law of the municipality;
- 1.1.24 **"Pound Keeper"** means the person or persons so appointed by the Town to operate the pound;
- 1.1.25 **"Rural"** means any land located outside the urban areas as defined in Schedule B attached.
- 1.1.26 **"Town"** means the Town of New Tecumseth;
- 1.1.27 **"Urban"** means those areas located within the urban boundaries as defined in Schedule "B" attached;

2.0 NUMBER OF DOGS

- 2.1 No person shall keep or Harbour more than three (3) Dogs at any one time in a Dwelling Unit, building or property in any Urban area of the Town.
- 2.2 No person shall keep or Harbour more than five (5) Dogs at any one time in a Dwelling Unit, building or property in any Rural area of the Town.
- 2.3 Any person wishing more than three (3) Dogs in an Urban Area or five (5) Dogs in a Rural Area shall:
 - 2.2.1 Apply in writing to the Town Clerk.
 - 2.3.2 Upon receipt of said request the Town Clerk or his/her designate shall convene a meeting of the Appeal Committee within thirty (30) days of receipt of the request and shall contact the person making the request to arrange a suitable date and location for the hearing. A written confirmation for the hearing, once arranged, will be provided by mail or e-mail.
 - 2.3.3 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented no later than ten (10) days following the date of the hearing.
 - 2.3.4 When the person making the request does not attend at the proper time and place, the Appeal Committee may proceed in his or her absence and the applicant shall not be entitled to any further notice of the proceeding.
 - 2.3.5 If the Appeal Committee approves the application, the Owner shall pay the annual Dog Tag fee for each permitted Dog in excess of the permitted number of Dogs as set out in the Fees and Charges By-Law.
 - 2.3.6 If the Appeal Committee denies the application, the Owner is not permitted to have any Dogs in excess of the permitted number of Dogs.
 - 2.3.7 The decision of the Appeal Committee is final and binding.

2.3.8 Dog owners who are granted an exemption or who are grandfathered shall pay the regular Dog Tag fee.

2.4 This exemption shall not apply to any Dog(s) that may be acquired in the future. Dogs grandfathered under the provision of this by-law may not be replaced if the replacement will result in the permitted number of Dogs being exceeded.

3.0 DOG TAG

- 3.1 Every Owner of a Dog in the Town shall, annually, register that Dog and shall procure a Dog Tag for that Dog and pay the appropriate fee as set out in the Fees and Charges By-law.
- 3.2 Upon application for the initial Dog Tag for any Dog, the owner shall produce proof that the Dog is neutered or spayed. Renewal of any Dog Tag, for the same Dog, will not require proof of neutering or spaying. If such proof is not available or the owner will not provide same, the fees charged will be those for a Dog that is not neutered or spayed.
- 3.3 Dog tags issued ninety (90) days after their expiry shall be subject to a dog tag fee as provided for in the Fees and Charges By-law.
- 3.4 An Owner of a Dog who becomes a resident of the Town shall register the Dog and obtain a Dog Tag within ten (10) days of taking up residence in the Town. The Owner shall pay the cost of a replacement Dog Tag upon proof of licensing in another municipality otherwise the regular fees as stated in the Fees and Charges By-law shall apply.
- 3.5 Every Dog Tag shall bear the serial number and a record shall be kept by the Town showing the name and address of the Owner and the serial number of the Dog Tag.
- 3.6 An Owner shall keep the Dog Tag securely affixed to the Dog's collar or other restraining device whenever the Dog is off the owner's property. The owner may remove the Dog Tag from the Dog's collar while the Dog is being actively used in legal and licensed hunting activities within the Town, 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 tattoo or microchip containing the required information.
- 3.7 A replacement Dog Tag for one that has been lost will be issued upon payment of the replacement fee as set out in the Town's Fees and Charges By-law.
- 3.8 Assistance Dogs including therapy dogs, Police working dogs, dogs in the custody of the Humane Society, Farm Working Dogs and Livestock Guardian Dogs are exempt from Dog Tag fees as set out in the Town's Fees and Charges By-law.
- 3.9 Dogs that have successfully completed the CKC Canine Good Neighbour Program or the AKC Canine Good Citizen Program and the Owner can provide the certificate of completion of such programs will receive a fifty per cent (50%) reduction in the normal Dog Tag fee.
- 3.10 Dogs that are micro-chipped will be entitled to a fee reduction as set out in the Town's Fees and Charges By-law when proof of microchipping is provided.

4.0 CANINE CONTROL OFFICER

4.1 Subject to Subsection 8.1 a Canine Control Officer shall:

4.1.1 Seize any Dog found At Large within the limits of the Town; and the owner of such Dog is liable to pay the Town an At Large fee as set out in Schedule "A" of this By-law. Failing such payment, the owner shall have committed an offence under this by-law;

4.1.2 Take all reasonable measures to identify the Owner of the Dog and shall ensure that the Dog is scanned for a microchip, for the purposes of returning it to the Owner;

4.1.3 Deliver the Dog to an approved Pound for care, in accordance with the Regulations made pursuant to the *Animals for Research Act*, until the Owner retrieves said Dog, at which time the Canine Control Officer or the Pound Keeper may restore possession of an impounded Dog to the Owner thereof where:

4.1.3.1 the Owner claims possession of the Dog within five (5) days (exclusive of statutory holidays and Sundays) during the hours of operation established by the Poundkeeper Contract or as arranged with the Poundkeeper; and

4.1.3.2 the Owner pays to the Town or to the Canine Control Officer or the Pound Keeper on behalf of the Town, a voluntary fee as set out in Schedule "A" to this By-law and all actual costs incurred in impounding said Dog; and

4.1.3.3 The Owner provides proof that the Dog has a Dog Tag for the current year and if not, the Owner of the Dog must also purchase a Dog Tag;

4.2 The Owner will remain responsible for costs and fees associated with the impounding and applicable fines regardless of whether or not they reclaim their Dog.

4.3 No Dog shall be returned to the Owner until the Owner obtains a Dog Tag for the current year at which time possession of the Dog is restored.

4.4 If the Canine Control Officer is unable to seize any Dog found to be at large contrary to this by-law and the Owner of such Dog is known to the Canine Control Officer, the Officer shall issue a Canine Control Offence Notice alleging commission of an offence under this by-law.

4.5 Where at the end of the said five (5) days (exclusive of Statutory Holidays and Sundays) possession of the Dog has not been restored to the Owner under subsection 4.1.3, the Canine Control Officer or the Pound Keeper may release custody of the Dog to the designated Humane Society representative.

4.6 Where the designated Humane Society representative has not claimed the Dog within two (2) days of being notified by the Canine Control Officer or the Pound Keeper, the Canine Control Officer or the Pound Keeper, as authorized by the Clerk, may cause the Dog to be destroyed in a humane manner by a licensed veterinarian and no damages or compensation shall be recovered by anyone on account of the Dog being destroyed or disposed of.

4.7 Where a Dog seized under subsection 4.1 is critically injured or should be destroyed without delay for humane reasons after being examined by a licensed veterinarian or for reasons of safety to persons or animals, the

Canine Control Officer or Pound Keeper may, with the permission of the Clerk, authorize the Dog's humane destruction by a licensed veterinarian without permitting any person to claim possession of the Dog.

5.0 DOGS AT LARGE

- 5.1 No person shall permit a Dog to be at large within the boundaries of the Town.
- 5.2 For purposes of this section, a Dog shall be deemed to be at large, if found at any place within the boundaries of the Town other than the property of the Owner of the Dog and, when so found, the Dog is not under the control of a person capable of restraining the Dog.
- 5.3 A Dog shall not be deemed to be at large, if, while off the premises of its Owner, the Dog is under control of the owner or a person capable of restraining the Dog and on privately owned land with the consent of the owner of said privately-owned land.
- 5.4 A Dog shall be deemed to be under the control of a person when it is on a leash affixed to a restraining device such as a collar or harness with a clip designed for that purpose. The leash must be of durable material and of sufficient tensile strength to restrain the Dog. The person in control of the Dog must be holding the leash.
- 5.5 A Canine Control Officer or Peace Officer shall seize any Dog found at large and the Owner of such Dog is liable to pay the Town a fee for Dogs At Large as set out in Schedule A to this By-law. Failing such payment, the Owner shall have committed an offence under this By-law.
- 5.6 Livestock Guardian Dogs are exempt from Section 5 of this by-law only when found on abutting or adjacent rural properties during the course of carrying out their duties. Such dogs are exempt only when the Owner(s) can demonstrate that they are active livestock producers/farmers, have notified each abutting neighbour in writing of the presence of the dogs and have posted "Beware of Dog" signs on any gate or entrance to the property.

6.0 STOOP AND SCOOP

- 6.1 Every Owner of a Dog shall immediately remove any Feces left by the Dog in the following locations in the Town of New Tecumseth:
 - a) on a highway or roadway;
 - b) any public property including a public park;
 - c) on any private property other than the property of:
 - i. the Owner of the Dog;
 - ii. or the person having care, custody or control of the Dog.
- 6.2 Every Owner of a Dog shall remove from his or her premises, in a timely manner, Feces left by such Dog, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises.
- 6.3 Section 6.1 does not apply to a handler of an Assistance Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment.

7.0 PENALTY

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7.1 That every person who contravenes any of the provisions 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.

8.0 VOLUNTARY PAYMENT

8.1 Notwithstanding all other provisions of this by-law in respect of penalties for Dogs At Large, any person may, upon presentation of a canine control offence notice issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said notice, a penalty of a fine as set out in Schedule "A" to this By-law and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the canine control offence notice.

8.2 For the purposes of enforcing this by-law, the Town's Canine Control Officers are hereby appointed Municipal Law Enforcement Officers in accordance with Section 15 of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.

9.0 SEVERABILITY

9.1 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be *ultra vires*, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

10.0 REPEALING

10.1 The Corporation of the Town of New Tecumseth By-law No. 93-141, 2008-110, 2008-114, 2011-036, and 2012-020 be repealed.


11.0 CITING

11.1 That this by-law shall be cited as the "Canine Control By-law".

12.0 ENACTMENT

12.1 That this by-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF MAY, 2017.


MAYOR


CLERK

**Schedule "A" of
By-law 2017-077**

1. VOLUNTARY FEE FOR DOGS AT LARGE

4.1 & 5.0 Fee for Dogs At Large

- \$ 50.00 – 1st Offence – licensed Dog
- \$100.00 – 1st Offence – unlicensed Dog
- \$150.00 – 2nd Offence
- \$200.00 – 3rd Offence (payable at Town Administration Centre only)

Plus actual costs incurred by the Town-appointed Pound.

SCHEDULE "B" OF BY-LAW 2017-077

**CANINE CONTROL BY-LAW
By-law 2008-110
Schedule "B"**

