



The Corporation of the Town of New Tecumseth

By-law 2002-045 (Consolidated – as amended)

Dangerous Dog By-law

**A by-law to provide for the muzzling of dogs
declared dangerous in the Town of New Tecumseth.**

Consolidation		
Amendment No. 4	By-law No. 2021-115	August 23, 2021
Amendment No. 3	By-law No. 2020-044	May 11, 2020
Amendment No. 2	By-law No. 2019-028	February 4, 2019
Amendment No. 1	By-law No. 2005-075	June 27, 2005

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OFFICE CONSOLIDATION

Current to Amendment No. 4
By-law No. 2021-115, August 23, 2021

**THE CORPORATION OF THE TOWN OF
NEW TECUMSETH**

**BY-LAW
Number 2002-45**

"DANGEROUS DOGS BY-LAW"

A by-law to provide for the
muzzling of dogs declared dangerous in the
Town of New Tecumseth

"WHEREAS Section 11(2) and (3) of the *Municipal Act 2001* as amended authorizes the Council of a municipality to pass by-laws with regard to animals and the health, safety and well-being of persons;

AND WHEREAS Section 105, of the *Municipal Act 2001* as amended authorizes Council of a municipality to hold hearings for requiring the muzzling of a dog;

AND WHEREAS the Council of The Corporation of the Town of New Tecumseth deems it advisable to enact such a by-law;

NOW THEREFORE the Corporation of the Town of the Town of New Tecumseth enacts as follows:"

1. **DEFINITIONS**

For the purpose of this by-law:

- 1.1 "Appeal Committee" shall mean at least three (3) Members of Council;
- 1.2 "Bite" shall mean a puncture of the skin with teeth;
- 1.3 "Canine Control Officer" shall mean the Canine Control Officer for the Town of New Tecumseth;
- 1.4 "Clerk" shall mean the Town Clerk for the Town of New Tecumseth
- 1.5 "Consent Order" shall mean an undertaking signed by the owner of a dog to adhere to certain restrictions with respect to the methods to be used in restraining his or her dog when it comes into contact with other persons or domestic animals;

- 1.6 “Dangerous Dog” shall mean any individual dog that:
- 1.6.1 Has killed a domestic animal without provocation while off the owner’s property; or
 - 1.6.2 Has bitten or injured a human being or domestic animal without provocation on public or private property; or
 - 1.6.3 Is attack trained; or
 - 1.6.4 Is kept for the purposes of security or protection, whether residential, commercial or industrial, of a person’s property; or
 - 1.6.5 Shows the disposition or tendency to be threatening or aggressive; or
 - 1.6.6 Has been declared dangerous in another municipality in Ontario.
- 1.7 “Domestic animal” shall mean any animal kept by a person as a pet;
- 1.8 “Microchip implant” shall mean an electronic device implanted under the skin of a dog so that the animal can be identified at all times by local Authorities;
- 1.9 “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;
- 1.10 “Owner” shall mean a person who possess or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 1.11 “Police work dog” shall mean a dog trained for and actually engaged in law enforcement for the Police or other person duly appointed as a peace officer;
- 1.12 “Restrained” shall mean being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The dog shall only be transported from one location to another by means of a collar-type leash and a muzzle as described in Subsection 1.9;
- 1.13 “Running at large” shall mean an animal that is not on the property of the owner or not on a leash and/or under the control of a responsible person.
- 1.14 “Town” shall mean The Corporation of the Town of New Tecumseth.

2. DECLARE DOG DANGEROUS

- 2.1 The Town shall be empowered to declare that a dog is dangerous if it exhibits any one or more of the behaviours or characteristics set out in Section 1.6 above;
- a) on the basis of any statement given in the form attached as Schedule "A" provided that the Declaration identifies the dog, the dog owner and the dog owner's address;
 - or
 - b) upon receipt of a signed Declaration attested to by the Municipal Clerk where the dog has been declared dangerous in another municipality.

3. NOTICE TO MUZZLE

- 3.1 The Clerk shall, within two days of receipt of a duly executed Declaration, deliver or send by registered mail a Notice to Muzzle, in the form attached hereto as Schedule "B", to the owner of the dangerous dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.

4. APPEAL NOTICE TO MUZZLE AND/OR DANGEROUS DOG DECLARATION

- 4.1 "Where a dog has been declared dangerous by the Town, pursuant to the provisions of this by-law, the owner of the dog may apply for a hearing in respect of such Notice to Muzzle and/or Dangerous Dog Declaration".
- 4.2 "An Application requesting a hearing to appeal the Notice to Muzzle and/or the Dangerous Dog Declaration under Subsection 4.1 shall be made in writing and delivered to the Clerk. The application shall state the reason(s) for the appeal and shall be filed with the appeal fee in accordance with Town's Fees and Charges By-law as amended within thirty (30) days after the Notice to Muzzle and/or Dangerous Dog Declaration has been served."
- a. That Section 6.2 of By-law 2002-45 be deleted and replaced with the following:

"The Appeal Committee may confirm or set aside the Notice to Muzzle and/or the Dangerous Dog Declaration or exempt the owner of the dog from any of the muzzling, restraining or leashing requirements, or impose additional requirements, or all, or may dispose of appeal by Consent Order"
 - b. That Schedule "B" of By-law 2002-45 be deleted and replaced with the attached Schedule "B" which may be amended from time to time.

5. APPEAL COMMITTEE HEARING

All Members may participate electronically and be counted as quorum when a declaration of emergency has been declared by the Province of Ontario or the Town of New Tecumseth.

- 5.1 Upon receipt of the Application for a Hearing and payment of the required hearing fee as set out in the Town's Fees and Charges By-law from an owner of the alleged dangerous dog, the Clerk shall convene a meeting of the Appeal Committee and shall give the owner of the dog and the person who saw the alleged dangerous dog bite a person or a domestic animal, (7) days written notice by personal service or registered mail of the time, date and location of the hearing.
- 5.2 The Applicant and any other interested person may appear at the hearing and present oral or written evidence relating to the dog.
- 5.3 When the owner of the dog does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceeding.
- 5.4 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 later, which shall not be later than ten (10) days following the date of the hearing.

6. APPEAL COMMITTEE DECISION

- 6.1 The decision of the Appeal Committee is final and binding.
- 6.2 The Appeal Committee may confirm the dangerous dog Notice to Muzzle or exempt the owner of the dog from any of the muzzling, restraining or leashing requirements, or all, or may dispose of an appeal by Consent Order.
- 6.3 The Notice of the hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this by-law shall be governed by the *Statutory Powers and Procedures Act*.

7. EFFECTIVE DATE OF NOTICE TO MUZZLE

- 7.1 Notwithstanding that an Applicant has applied for a hearing to appeal the Notice to Muzzle, the Notice to Muzzle takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal.

8. NOTICE OF APPEAL COMMITTEE DECISION

- 8.1 A written copy of the decision of the Appeal Committee, pursuant to Subsection 5.4 or the Consent Order, pursuant to Subsection 6.2, shall be prepared, as soon as is practicable after the conclusion of the hearing, and shall be delivered or mailed by ordinary mail to the Applicant at the address shown on his or her Application, the Defendant, Nottawasaga O.P.P., the Simcoe County District Health Unit, Canine Control Officer, By-Law Enforcement Officer, Members of Council, Appeal Committee Members and the Clerk.

9. **RESPONSIBILITY OF OWNER OF DANGEROUS DOG**

9.1 The owner of a dog, upon being served with a Notice to Muzzle or, on an appeal, which has been confirmed to be dangerous by the Appeal Committee, shall ensure that:

9.1.1 the dog is licenced with the municipality as a dangerous dog in accordance with the Canine Control By-Law and that a policy of liability insurance, satisfactory to the municipality, is in force in the amount of at least one million dollars, covering the twelve month period during which licensing is sought for injuries caused by the owner's dangerous dog. This policy shall contain a provision requiring the Town to be named as an additional insured for the sole purpose of the Town to be notified by the insurance company of any cancellation, termination or expiration of the policy.

9.1.2 the dog is not permitted to run at large within the Town of New Tecumseth;

9.1.3 when the dog is on the property of the owner it is restrained at all times in accordance with Subsection 1.12;

9.1.4 when the dog is off the property of the owner:

- a) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
- b) it is muzzled; and
- c) it is under the control of a person sixteen (16) years of age or older.

9.1.5 within thirty (30) days after the date of the issuance of the Notice to Muzzle, or on appeal, the date of the Committee's decision, the dog is identified with a microchip implantation, at the owner's expense, and the said microchip number is registered with the Clerk;

9.1.6 the Canine Control Officer is notified within forty-eight (48) hours of any changes to the residency of the dangerous dog.

9.1.7 the Canine Control Officer is notified within forty-eight (48) hours after the ownership of the dangerous dog is transferred to another person.

9.1.8 the Canine Control Officer is notified should the dangerous dog be destroyed.

10. **EXEMPTION**

10.1 This by-law shall not apply to a Police Work Dog.

11. **PENALTY**

11.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction, is liable to a fine as prescribed pursuant to the *Provincial Offences Act*.

12. **VOLUNTARY PAYMENT**

12.1 **First Offence**

Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of a first 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 the said tag, a penalty of a set fine of \$500.00 dollars for the first offence and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

12.2 **Second Offence**

Notwithstanding Section 12.1 of this by-law, any person issued a violation tag alleging commission of a second offence under this by-law may, upon presentation of a violation tag issued 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 the said tag, a penalty of a set fine of \$1,000.00 dollars and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

13. **SEVERABILITY**

13.1 Should any section, subsection, clause, paragraph or provision of this bylaw 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.

14. **CITING**

14.1 This by-law shall be cited as the "Dangerous Dogs By-Law".

15. **EFFECTIVE DATE**

15.1 This by-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF MARCH, 2002.

MAYOR

CLERK

Office
Consolidation