

# THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

## BY-LAW 17-2022

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### Being a By-law for the regulating of dogs within the Municipality of Whitestone and to repeal By-law 42-2005

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**WHEREAS** Section 8.1 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended hereinafter referred to as the "*Municipal Act*" provides that the powers of a **municipality** under this or any other Act shall be interpreted broadly so as to confer broad authority on the **municipality** to enable the **municipality** to govern its affairs as it considers appropriate and to enhance the **municipality's** ability to respond to municipal issues;

**WHEREAS** pursuant to Sections 11, 127, and 128 of the *Municipal Act*, a **municipality** may pass By-laws respecting the health, safety and well-being of **persons**, and the protection of **persons** and property; prohibit the depositing of refuse or debris on land without the consent of the **owner** or occupant of the land and prohibit and regulate with respect to matters considered to be a public nuisance, including matters that, in the opinion of **Council**, are or could become or cause public nuisances;

**AND WHEREAS** Section 425 of the *Municipal Act*, permits a **municipality** to pass By-laws providing that any **person** who contravenes any By-law of the **municipality** passed under the *Municipal Act* is guilty of an offence;

**WHEREAS** under the Municipal Act, as amended Section 10 (2) 9, provides that a **municipality** may pass a By-law in respect to animals; and

**WHEREAS** under the Municipal Act, Section 103, gives a **municipality** the authority to impound animals;

**NOW THEREFORE** the **Council** of the **Municipality** of Whitestone hereby enacts as follows:

1. **SHORT TITLE**

1.1 The Short Title of this By-law is the "Regulating Dogs By-law".

2. **SCOPE OF THE BY-LAW**

2.1 This By-law applies throughout the whole of the **Municipality**.

3. **DEFINITIONS**

3.1 In this By-law:

"**At Large**" shall mean a **dog** found in any place or on any property other than the premises of the **owner** and not restrained by any **person**;

“**Beach**” shall mean an expanse of sand or pebbles along the shore of a body of water;

“**Bite**” shall mean the breaking, puncturing or bruising of the skin of a **person** or an animal caused by the tooth or teeth of a dog

“**Capable Person**” means a **person** of sufficient size and stature able to control and restrain a **dog** to such an extent that the physical wellbeing of a **person** or animal is not threatened.

“**Council**” means the Council of the Corporation of the **Municipality** of Whitestone;

“**Dog**” shall mean any member of the species *canis familiaris* be it male or female over the age of 12 (twelve) weeks;

“**Dog Owners’ Liability Act**” (DOLA) R.S.O. 1990, c. D. 16 is an act regulating liability of **dog owners**.

“**Dog Tag**” shall mean a disk or other shape of metal or plastic supplied by the **Municipality** as a means to identify the **owner** of the **dog** and is 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;

“**Excessive Barking**” shall mean when a **dog** creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a **person**;

“**Leash**” shall mean a chain, rope or other restraining device whereby the **dog** is restrained close enough so that it is at all times controlled;

“**Municipality**” means the Corporation of the **Municipality** of Whitestone and its land within the geographic limits of the **Municipality** as the context requires;

“**Muzzle**” shall mean a humane fastening or covering device of adequate strength placed over a **dog’s** mouth to prevent it from biting;

“**Officer**” shall mean a By-law Enforcement **Officer**, Animal Control **Officer** or Police **Officer** or any **person** who has entered into a contract with the **Municipality** of Whitestone to control **dogs** and any servants or agents of such **person**.

“**Owner**” of a **dog**, shall mean and include any **person** who possesses or harbours a **dog**, and “owns” or “owned” have a corresponding meaning.

“**Park**” means an area of land, set apart for the enjoyment of the public, having facilities for rest and recreation, owned and managed by the **Municipality**;

“**Person**” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in their capacity as a trustee, executor, administrator, or other legal representative;

“**Pound**” as defined in the *Animals for Research Act*, R.S.O. 1990, c. A.22 means premises that are used for the detention, maintenance or disposal of **dogs** or cats that have been impounded pursuant to a By-law of a **municipality** or the **Dog Owners’ Liability Act**, but does not include any premises, or part thereof, that are not used by any **person** or body of **persons** for the detention, maintenance or

disposal of **dogs** or cats so impounded.

#### 4. DOG TAGS

4.1 Every **owner** of a **dog** shall:

4.1.1 On or before the 1<sup>st</sup> day of January in each year (with the exception of lifetime **dog tags** – see 4.1.2), or upon becoming the **owner** of a **dog** after the 1<sup>st</sup> of January, register such **dog** with the Municipal Clerk and procure a **dog tag** for each **dog** owned by the **persons**.

4.1.2 A lifetime **dog tag** may be issued at the time of purchase and will last the lifetime of the **dog** for which it has been purchased.

4.2 Every **dog tag** shall bear the serial number and the year in which it was issued and record of this will be kept at the municipal office.

4.3 Every **dog tag** issued pursuant to this By-law shall expire on the 31<sup>st</sup> of December of the year for which it was issued with the exception of the lifetime **dog tag**, and the price of a **dog tag** is payable to the Clerk and shall be in accordance with the By-law to Establish Fees and Charges as amended.

4.4 Tags from other Municipalities will be recognized as valid by the **Municipality** of Whitestone, if they are a valid **dog tag** in the **Municipality** from which they were purchased.

4.5 In the event the **dog tag** is lost, the **dog owner** shall be entitled to receive a replacement **dog tag** upon payment as indicated in the By-law to Establish Fees and Charges as amended.

#### 5. RESPONSIBILITIES OF THE OWNER

5.1 No **owner** of a **dog** shall allow their **dogs** to run **at large** within the limits of the **Municipality** of Whitestone.

5.2 No **owner** shall permit their **dog** whether **leashed** or **unleashed** to trespass on private property.

5.3 No **dog** shall be allowed, at any time, in any area designated by **Council** and posted as such, including a public **beach** or **park**.

5.4 Every **owner** of a **dog** shall forthwith clean up and dispose of any excrement left by their **dog** on any property other than property they own.

5.5 No **owner** shall permit any **dog** owned by them, to bark persistently or excessively, whine or create any noise that is likely to disturb an inhabitant of the **Municipality**.

5.7 While the **dog** is off the property of the **owner**, or on private property with permission, as described above, the **owner** shall ensure that the **dog** is under the control of a **capable person**;

- 5.8 Sections 5.2 and 5.3 shall not apply to **owners** of “Service **Dogs**” or “Assistance **Dogs**”.
- 5.9 There shall be a maximum of four (4) **dogs** per residence permitted in a residential or waterfront zone.
- 5.10 No **person** shall disobey an order to **muzzle** issued under Section 6.4 of this By-law;

## 6. GENERAL PROHIBITIONS

- 6.1 Any **person** who voluntarily chooses to hold a **dog** found running **at large** in the **Municipality** of Whitestone, shall turn said **dog** over to an **Officer**.
- 6.2 Any Agency, as appointed by **Council**, is authorized to collect the poundage fees levied upon this By-law and to maintain a **pound** as directed by **Council**.
- 6.3 Where an **Officer** impounds or otherwise distrains and detains a **dog** found running **at large** contrary to the provisions of this By-law and the **owner** of such **dog** is known, the **Officer** may return the **dog** to the **owner**. Upon returning the **dog**, the **Officer** shall notify the **owner** of the **dog** to pay the **Municipality** an animal control service fee as set out in the By-law to Establish Fees and Charges as amended.
- 6.4 Where a **dog** has been deemed to be a dangerous **dog** evidenced by biting another animal or **person**, an **Officer** must issue a notice to **muzzle** the **dog** according to the stipulations as are set out in the notice;
- 6.5 The **muzzle** order shall remain in effect until an action under the provisions of the **Dog Owners’ Liability Act** has concluded or until it is deemed by the Issuer that the **dog** in question does not present a risk to public safety or an exemption is granted.
- 6.6 In the case of a sick or injured **dog**, an **Officer** shall seek the care of a veterinarian.
- 6.7 A **dog** that is being utilized for law enforcement purposes, sporting purposes (i.e., hunting), or farming/herding purposes shall be allowed to be off **leash** provided that they are actively engaged in their dutiful activity.

## 7. ENFORCEMENT AND PENALTY PROVISIONS

- 7.1 The enforcement of this By-law shall be conducted by an **Officer**.
- 7.2 An **Officer** should make reasonable effort to contact the property **owner** before entering land for the purpose of investigation to determine if this By-law is being complied with.
- 7.3 Every **person** who is issued a Part 1 offence notice or summons and is convicted is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

- 7.4 No **person** shall hinder or obstruct, or attempt to hinder or obstruct, any **Officer** exercising a power or performing a duty under this By-law.
- 7.5 Every **person** who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an **Officer** upon request and failure to do so shall be deemed to have hindered or obstructed an **Officer** in the execution of their duties.
- 7.6 Upon conviction, any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 7.7 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.
- 7.8 By-law 42-2005 is hereby repealed.
- 7.9 This By-law shall come into force, and take effect upon passage thereof.

**Read a First and Second** time this 15th day of March, 2022.

**Mayor** George Comrie

  
**CAO-Clerk** Michelle Hendry

**Read a Third** time and **Passed, Signed and Sealed** this 15<sup>th</sup> day of March, 2022.

**Mayor** George Comrie

  
**CAO-Clerk** Michelle Hendry