



**BY-LAW NO. 2013-078**

**A BY-LAW OF THE CORPORATION OF THE TOWN OF  
BRACEBRIDGE TO REQUIRE THE LICENSING OF DOGS  
AND FOR THE CONTROL OF DOGS WITHIN THE TOWN  
OF BRACEBRIDGE**

WHEREAS Section 8 of the Municipal Act, S.O. 2001, (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act 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;

AND WHEREAS Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 11(3) of the Municipal Act provides that a lower tier municipality may pass by-laws respecting matters within the spheres of jurisdiction including animals and business licensing;

AND WHEREAS Section 103(1) of the Municipal Act states that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals being at large or trespassing contrary to the by-law and the sale of impounded animals if they are not claimed within a reasonable time or if the expenses of the municipality respecting the impounding of the animals are not paid;

AND WHEREAS Section 105(1) of the Municipal Act states that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement;

AND WHEREAS Section 425(1) of the Municipal Act states that a municipality may 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 426(1) of the Municipal Act states no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS Section 429(1) of the Municipal Act provides that subject to subsection (4), a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

AND WHEREAS Section 432 of the Municipal Act states that a by-law under section 425 may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any of the following by-laws have been contravened: By-laws related to animals, as defined in section 11.1, being at large or trespassing;

AND WHEREAS Section 6 of the Dog Owners' Liability Act states that except as permitted by this Act or the regulations, no person shall, own a pit bull; breed a pit bull; transfer a pit bull, whether by sale, gift or otherwise; abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario or a designated body; allow a pit bull in his or her possession to stray; import a pit bull into Ontario; train a pit bull for fighting;

AND WHEREAS Section 1(1) of the Dog Owners' Liability Act defines a "pit bull" as including a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier and any dog that has an appearance and physical characteristics that are substantially similar to those dogs;

AND WHEREAS Section 7(1) of the Dog Owners' Liability Act states that a pit bull is restricted if it is owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 comes into force; or it is born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 comes into force;

AND WHEREAS Section 15(1) of the Dog Owners' Liability Act provides that a peace officer may seize a dog in a public place if the officer believes on reasonable grounds that the dog is a pit bull other than a restricted pit bull;

AND WHEREAS Regulation 157/05 to the Dog Owners' Liability Act contains several mandatory controls for pit bulls, including muzzling and leashing requirements;

AND WHEREAS Section 436 of the Municipal Act states provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with: a by-law of the municipality passed under the act, a direction or order of the municipality made under this Act or made under a by-law of the municipality passed under this Act and a condition of a licence issued under a by-law of the municipality passed under this act;

AND WHEREAS The Council of the Corporation of the Town of Bracebridge passed By-law 2010-030 on the 12<sup>th</sup> day of May, 2010, being a by-law to require the licensing of dogs and for the control of dogs within the Town of Bracebridge;

AND WHEREAS by motion 13-GC-253 the Council of the Corporation of the Town of Bracebridge deems it expedient to amend By-law 2010-030;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE ENACTS THE FOLLOWING BY-LAW, TO BE REFERRED TO AS THE DOG CONTROL BY-LAW":

## DEFINITIONS

1. In this by-law:
  - 1.1. **ANIMAL CONTROL OFFICER** means a person designated by Council for the enforcement of this by-law and includes Council appointed Municipal Law Enforcement Officers.
  - 1.2. **AT LARGE** means found in any place other than the property of the owner or other property with that property owner or occupiers consent, or any other place while not under the direct control of any person.
  - 1.3. **CONTROL** means on a leash being firmly held by a person or not on a leash but located within six meters of a person and immediately responding to the verbal obedience commands of that person.
  - 1.4. **COUNCIL** means the council of The Corporation of the Town of Bracebridge.

- 1.5. **DOG** means any female or male domesticated dog, or member of the species *Canis Familiaris*.
- 1.6. **LEASH** means a chain, rope, chord or the like that is securely attached to a dog and firmly grasped by a person and which is capable of holding and controlling a dog.
- 1.7. **MUZZLE** means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- 1.8. **OCCUPIER** means a person who is renting, leasing or otherwise legally in charge of a property other than an owner.
- 1.9. **OWNER** means any person who possesses or harbours a dog, and where the owner is young person, the person responsible for the custody of the young person.
- 1.10. **PIT BULL** means a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier and any dog that has an appearance and physical characteristics that are substantially similar to those dogs.
- 1.11. **RESTRICTED PIT BULL** means a pit bull owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force, or born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force.
- 1.12. **SHOW DOG** means a Registered pit bull that is shown at least annually in a sanctioned event with one of the following: Canadian Kennel Club, the American Kennel Club, the United Kennel Club or the American Dog Breeders Association.
- 1.13. **SPORTS FIELD** means an area within a Town park designed to be used for a sporting activity including soccer, baseball, rugby, football and tennis or other organized sporting event as approved by Council for a particular park.
- 1.14. **TOWN** means the Town of Bracebridge.
- 1.15. **YOUNG PERSON** means a person who is or, in the absence of evidence to the contrary, appears to be under sixteen years of age.

## REGULATIONS

2. Every owner or person in control of a dog shall, in a sanitary manner, immediately remove and dispose of any excrement left by the dog anywhere within the Town. This requirement does not apply to a person with a medically recognized physical disability who is dependent upon and accompanied by a trained guide dog.
3. Where any dog has bitten a person or animal, or there are reasonable grounds to believe that a dog has bitten a person or animal, an Animal Control Officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. An owner who receives an Order to muzzle a dog is entitled to a hearing before the General Committee of Council. General Committee may uphold, amend or rescind the Order of the Animal Control Officer. The Order shall remain in effect from the time it is issued until the first of: an action under the Dog Owner's Liability Act has concluded, the Animal Control Officer withdraws the Order or the Order is rescinded by General Committee. No owner shall disobey an Order issued under this by-law.

4. Every owner shall ensure that his/her dog is not at large or otherwise creating a nuisance within the Town. An Animal Control Officer or a member of the public may seize a dog at large. Any dog seized by a member of the public shall be turned over to the Animal Control Officer as soon as practicable.
5. Seized dogs will be impounded until returned to their owner. If an owner is not found within 72 hours, excluding statutory holidays, the dog may be sold, surrendered to the Ontario Society for the Prevention of Cruelty to Animals or other animal welfare agency, or destroyed. An owner is not entitled to the return of his or her dog until such time as all pound fees have been paid. These fees are found in the Town's fees and charges by-law in effect at the time. Furthermore, all veterinarian expenses incurred by the Town and/or a veterinarian in the treatment of a dog picked up and/or impounded for running at large shall be paid in full prior to the dog being surrendered to the owner.
6. Every owner shall ensure that his/her dog is not on any land other than their own, or another land owner's or occupier's property with their consent, unless the dog is on a leash or under the control of the owner or land owner or occupier at all times.
7. Every owner shall ensure that his/her dog is not on any Town property normally used by the public as a swimming area during the period of May 1<sup>st</sup> to September 30<sup>th</sup>, inclusive.
8. Every owner shall ensure that his/her dog is not on any groomed trail maintained and used for Nordic skiing at the Bracebridge Management Resource Centre during the period of December 1st to April 15th, inclusive.
9. Every owner shall ensure that his/her dog is not on any Town sports field at any time.
10. Every owner shall ensure that his/her dog is not on any Town playground at any time.

#### **PIT BULL RESTRICTIONS**

11. No person shall own, possess, be in control of or harbour a pit bull in Town. This shall not preclude the owning, possessing, controlling or harbouring of currently licensed Restricted pit bulls. If the owner of a pit bull refutes that the dog is a pit bull as defined, the burden of proof that the dog is not a pit bull is the owner's.
12. Every owner shall ensure that his/her dog is muzzled at all times when not on their property or another property with that property owner or occupier's consent.
13. Every owner of a Pit Bull shall ensure that his/her Pit Bull is securely attached to a leash of not more than 1.8 metres in length when not on their property or another property with that property owner or occupier's consent.
  - 13.1. Notwithstanding the requirements under section 11, every owner of a Pit Bull shall at all times ensure that the Pit Bull is within an enclosed property when not securely attached to a leash as required under section 11. A Pit Bull shall be deemed to be within an enclosed property when the property is enclosed in a way that can be relied on to prevent the Pit Bull from breaking out of the property
14. Every owner of a Pit Bull shall ensure that his/her Pit Bull is sterilized and proof of the sterilization shall be provided to the Animal Control Officer upon demand. This section shall not apply to Restricted Pit Bulls that are registered and participate in sanctioned events with any of the following clubs: Canadian Kennel Club, American Kennel Club, United Kennel Club or the American Dog Breeders Association. An exempt Pit Bull must participate in at least one club sanctioned event per year to maintain this exemption. Proof of annual participation must be provided to the Animal Control Officer upon demand.

15. A pit bull that is not recognized by the Town as a Restricted pit bull, or a Restricted pit bull not in compliance with this by-law, shall be subject to seizure by the Animal Control Officer if found in a public place. At the sole discretion of the Animal Control Officer or at the conclusion of a hearing under the Dog Owners Liability Act, a Restricted pit bull may be returned to its owner. All unrestricted pit bulls shall be destroyed as soon as practicable.

### LICENSING

16. Every owner of a dog shall ensure that the dog is currently licensed at all times. The licensing fee shall be waived for a certified guide dog. Upon demand, proof of sterilization shall be provided to the Animal Control Officer.
17. Upon payment of the applicable licence fee, an owner of a dog shall be provided with a dog tag bearing a serial number and the year of the licence obtained. This tag shall remain securely affixed to the dog collar and worn at all times until replaced by subsequent tags. Collars may be temporarily removed in situations where it may present a danger to the dog.

### ENFORCEMENT

18. Any person appointed as a by-law enforcement officer for the Town shall be permitted to enter onto land at any time for the purpose of enforcing this by-law and any orders or conditions imposed under the authority of this by-law.
19. Every person who contravenes any provision of this by-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
20. Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine. The Chief Justice of the Ontario Court of Justice shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule A of this by-law.

### REPEAL

21. Upon this by-law being approved by the Chief Justice of the Ontario Court of Justice, By-law 2010-030 shall be repealed in its entirety.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23<sup>rd</sup> DAY OF OCTOBER 2013.

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Mayor, Graydon Smith

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Director of Corporate Services / Clerk,  
L. McDonald

**SCHEDULE A TO BY-LAW 2013-078**

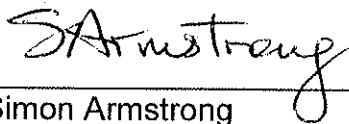
<b>OFFENCE</b>	<b>SECTION</b>	<b>PENALTY</b>
Failure to remove excrement	2	\$200.00
Failure to obey muzzle order	3	\$300.00
Failure to keep dog from being at large	4	\$200.00
Failure to keep dog under control	6	\$200.00
Failure to keep dog from swimming area	7	\$200.00
Failure to keep dog from designated ski trails	8	\$200.00
Failure to keep dog from Town sports field area	9	\$200.00
Failure to keep dog from Town playground area	10	\$200.00
Own Pit Bull – not Restricted	11	\$300.00
Failure to muzzle Pit Bull	12	\$300.00
Failure to leash Pit Bull	13	\$300.00
Failure to ensure Pit Bull within an enclosed property	13.1	\$300.00
Failure to sterilize Pit Bull – not show dog	14	\$200.00
Failure to obtain valid licence	16	\$100.00
Failure to affix valid licence to collar	17	\$100.00

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No.2013-078, for the Town of Bracebridge, attached hereto is the set fine for those offences. This Order is to take effect January 22, 2014.

DATED at Newmarket this 22<sup>nd</sup>  
day of January, 2014.



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Simon Armstrong  
Regional Senior Justice  
Central East Region

**Part I Provincial Offences Act**

TOWN OF BRACEBRIDGE BY-LAW 2013-078

TITLE: BY-LAW TO REQUIRE THE LICENSING OF DOGS AND FOR THE CONTROL OF DOGS WITHIN THE TOWN OF BRACEBRIDGE

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision creating offence or defining offence	<u>COLUMN 3</u> Set fine
1	Failure to remove excrement	s. 2	\$200.00
2	Failure to obey muzzle order	s. 3	\$300.00
3	Failure to keep dog from being at large	s. 4	\$200.00
4	Failure to keep dog under control	s. 6	\$200.00
5	Failure to keep dog from swimming area	s. 7	\$200.00
6	Failure to keep dog from designated ski trails	s. 8	\$200.00
7	Failure to keep dog from Town sports field area	s. 9	\$200.00
8	Failure to keep dog from Town playground area	s. 10	\$200.00
9	Own Pit Bull – not Restricted	s. 11	\$300.00
10	Failure to muzzle Pit Bull	s. 12	\$300.00
11	Failure to leash Pit Bull	s. 13	\$300.00
12	Failure to ensure Pit Bull within an enclosed property	s. 13.1	\$300.00
13	Failure to sterilize Pit Bull – not show dog	s. 14	\$200.00
14	Failure to obtain valid licence	s. 16	\$100.00
15	Failure to affix valid licence to collar	s. 17	\$100.00

NOTE: The penalty provision for the offences listed above is section 19 of By-Law 2013-078; a certified copy of which has been filed.