

The Corporation of the Township of Howick

By-law No. 52-2022

Being a by-law to put in place regulations associated with the control, licensing and registration of dogs within the Township of Howick

Whereas, the Municipal Act, S.O. 2001, as amended, Section 11(3) 9, provides that a municipality may pass by-laws respecting matters within the “animals” sphere of jurisdiction and further, Section 103 provides that a municipality may pass by-laws regulating or prohibiting with respect to the animals being at large or trespassing and may provide for the seizure and impounding of animals being at large and the sale of impounded animals, and further, Section 105 provides for the muzzling of dogs; and

Whereas, Section 128 of the Municipal Act as amended provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

Whereas, Section 128 (2) of the Municipal Act states that the opinion of Council under Section 128 of the Act, if arrived at in good faith, is not subject to review by any court;

Whereas, Section 129 (a) of the Municipal Act provides that a municipality may prohibit and regulate with respect to noise, vibration, and odour;

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, 2001 is guilty of an offence;

Whereas, Section 436 of the Municipal Act permits a municipality to pass by-laws providing that the municipality may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the Act, or a direction or order made under such a by-law are being complied with;

Whereas, the Animals for Research Act, R.S.O. 1990, C. A22, Section 20 provides for the impounding and sale or destruction of a dog; and

Whereas, the Dog Owners Liability Act, R.S.O. 1990, C.D16, as amended, provides for the protection of persons and property; and

Whereas, Section 12 of the Dog Owners Liability Act, as amended, provides that a Municipal Law Enforcement Officer is a Peace Officer for the purposes of that Act;

Whereas, Section 13 of the Dog Owners Liability Act, as amended, provides that a Justice of the Peace may issue a warrant authorizing a Peace Officer to enter any building, receptacle or place, including a dwelling house, to search for and seize the dog and any muzzle, collar or other equipment for the dog;

Whereas, Section 15 of the Dog Owners Liability Act, as amended, provides that a Peace Officer may seize a dog in a public place where the dog has bitten or attacked a person or domestic animal or behaved in a manner that poses a menace to the safety of persons or domestic animals;

Whereas, the Ontario Police Services Act, R.S.O. 1990, C. P15, as amended, provides that Council may appoint Municipal Law Enforcement Officers to enforce all municipal by-laws; and

Whereas, the Council of the Township of Howick deems it necessary and expedient to pass such a by-law;

Now therefore, the Council of the Township of Howick **enacts as follows**:

1. Interpretation

- 1.1 This by-law may be cited as the “Canine Control By-law”.
- 1.2 The purpose of this by-law is to protect and promote the health, safety, comfort, convenience and general welfare of the public and of canines within the Township of Howick.

Canine Control By-law No. 52-2022

- 1.3 Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.
- 1.4 All references to applicable law are ambulatory and apply as amended from time to time.
- 1.5 Where there is a conflict between a provision of this by-law and a provision of any other Township by-law, it shall be at the discretion of the Officer to determine which by-law shall apply.
- 1.6 Any provincial or federal regulation that imposes a higher standard shall supersede this by-law.
- 1.7 For the purposes of this by-law all words shall have their normal and customary meaning save and except for those hereinafter defined:

“Canine Control Officer” shall mean a person appointed as such by a by-law of the Township of Howick to enforce this by-law;

“Canine Control Tribunal” shall mean the Committee of Council called the Canine Control Tribunal;

“Dog” shall mean a male or female dog;

“Guide dog” shall mean a dog trained and certified for a guide for the blind, hearing impaired or other disability and used as such;

“Kennel” shall mean:

- (a) a place where more than three dogs are kept for the purpose of show, training, breeding, selling; or
- (b) a place where more than three dogs are kept and cared for on behalf of the owners of the dogs, boarding, grooming or temporary housing;

“Law Enforcement Agency” means a police service or any ministry, agency, corporation or other group that performs enforcement of laws or regulations and any employee of such group whose role includes the administration or enforcement of laws or regulations;

“Herding Dog” means a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm;

“Licence Inspector or Dog Counter” shall mean any person appointed by Council as a municipal law enforcement officer;

“Livestock Guardian Dog” shall mean a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose;

“Mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and may include circumstances where:

- (a) the dog was protecting or defending a person within the immediate vicinity of the dog, from an attack or assault;
- (b) at the time of the attack, the person was committing a crime or offence upon the property of the owner of the dog;
- (c) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- (d) the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
- (e) the dog was, at the time of the aggressive behaviour, being teased, provoked, tormented, abused, or assaulted.

“Muzzle” means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting yet still allows a dog to pant or drink;

“Normal Farm Practice” has the same meaning as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1;

“**Officer**” means a person appointed as a License Inspector, Canine Control Officer, By-law Enforcement Officer, a Police Officer or any individual duly appointed to enforce the by-laws of the Township;

“**Owner**” of a dog includes a person who possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor;

“**Police Work Dog**” shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“**Potentially vicious dog**” means any individual dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal in a menacing fashion or apparent attitude of attack, including but not limited to behaviour such as growling or snarling;

“**Pound**” shall mean such premises as approved from time to time by Council;

“**Pound keeper**” shall mean the person appointed as such by Council and shall include the Canine Control Officer;

“**Pure bred**” shall mean registered or eligible for registration in the register of the Canadian or American Kennel Clubs or of a class designated as pure-bred in any regulations passed pursuant to provincial legislation;

“**Running at large**” shall mean to be found in any place other than the premises of the owner of the dog and not under the control of any person;

“**Service Dog**” means a dog for a person with a disability, pursuant to section 80.45 (4) of O. Reg. 191/11 under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11;

“**Single Property**” shall mean property having an individual roll number as listed in the Township Assessment Roll;

“**Tag**” shall mean a metal tag including the number under which the dog is registered;

“**Township**” shall mean the Township of Howick;

“**Vicious dog**” means any individual dog that:

- (a) has, in the absence of any mitigating factor, attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (b) has significantly injured or killed a domestic or farm animal; or
- (c) having been previously designated as a potentially vicious dog, is kept or permitted to be kept in violation of the requirements for such dog.

2. Number of Dogs

2.1 For the purposes of Section 2 and Section 3 only, “**dog**” shall mean a male or female dog that is older than three months of age.

2.2 No person shall own, harbour, keep or permit to be kept at any one time, more than three (3) dogs per single property, location, or dwelling with the following exceptions;

- (a) a licensed kennel;
- (b) an animal hospital;
- (c) a pound or an authorized facility;
- (d) a pet store;
- (e) a registered research facility or supply facility under the Animals for Research Act;
- (f) approval of the Township Canine Control Tribunal; or
- (g) livestock guardian or herding dogs pursuant to Section 2.3.

2.3 A person may own, harbor, keep or permit to be kept more than three (3) dogs at a premise without a kennel license, provided that all of the following are complied with:

- (a) the person is keeping livestock upon the same premises;

- (b) the premises are on land that is zoned agricultural pursuant to the Township Zoning By-law;
 - (c) the dogs are licensed annually in accordance with this by-law; and
 - (d) the dogs are livestock guardian dogs and/or herding dogs.
- 2.4 The owner of a Livestock Guardian Dog(s) or Herding Dog(s) shall license their dog(s) pursuant to the provisions of Sections 3.1 to 3.15. Such dogs shall have a special license fee pursuant to the Township's Fees and Charges By-law, as amended from time to time.
- 2.5 Nothing in this by-law shall apply to restrict Livestock Guardian or Herding Dogs from its duties that are a Normal Farm Practice carried on as part of an agricultural operation, pursuant to the Farming and Food Production Protection Act.

3. Licencing

- 3.1 Every calendar year, the owner of a dog shall ensure that any dog owned by him or her is licensed by the Township with exception to an owner being the operator of a licensed kennel, which shall have its own licensing requirements.
- 3.2 Upon licensing of a new dog, the Township will issue a permanent dog tag. The tag will be issued for the life of the dog or until such time that the dog is no longer in possession of the owner to which the tag was issued.
- 3.3 The license shall be obtained before the 31st day of March each calendar year unless the dog came into the owner's possession or care after that date.
- 3.4 Every owner of a dog that comes into his or her possession after March 31st shall obtain a license for the dog within ten days of taking possession of the dog.
- 3.5 If there is a change of ownership of a dog during the license year, the new owner shall have the current licence transferred to their name upon payment of a transfer fee specified in the Fees and Charges By-law.
- 3.6 The owners of a police work dog, guide dog or a service dog pursuant to Section 3.7 of this by-law shall ensure that these dogs are licensed but no fee is imposable for such dogs.
- 3.7 The license fee for a service dog shall be waived only upon providing sufficient documentation from one of the following regulated health professionals confirming that the person requires the dog for reasons relating to the disability:
- (a) a member of the College of Audiologists and Speech-Language Pathologists of Ontario;
 - (b) a member of the College of Chiropractors of Ontario;
 - (c) a member of the College of Nurses of Ontario;
 - (d) a member of the College of Occupational Therapists of Ontario;
 - (e) a member of the College of Optometrists of Ontario;
 - (f) a member of the College of Physicians and Surgeons of Ontario;
 - (g) a member of the College of Physiotherapists of Ontario;
 - (h) a member of the College of Psychologists of Ontario;
 - (i) a member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.
- 3.8 In order to license a dog and obtain a tag, the owner of the dog may be asked to produce proof that the dog is currently inoculated against rabies.
- 3.9 On payment of the license fee as set out in the Fees and Charges By-law as set by Council from time to time, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is replaced except that the tag may be removed
- (a) while the dog is being lawfully used for hunting;
 - (b) while a police work dog is actively being used in its official duties; or

- (c) while a livestock guardian dog or herding dog is actively being used in normal farming practices.
- 3.10 Where a dog tag issued pursuant to the provisions of this by-law has been lost or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in the Fees and Charges By-law.
- 3.11 The tag that must be fixed on the dog pursuant to section 3.9 must be valid for the current calendar year.
- 3.12 No owner shall permit a dog to wear a tag other than the one issued for the dog.
- 3.13 There shall be no refund or rebate to any owner for any portion of a dog licence when such licence has been issued in accordance with the provisions of this by-law. If during the same calendar year, a licensed dog becomes deceased, the owner may transfer the license to a new dog at the same residence by contacting the Township.
- 3.14 The owner of any kennel shall pay the kennel licence fee, as set out in the current Fees and Charges By-law, as amended from time to time by Council, by March 31 of each year.
- 3.15 The owner of any kennel shall, upon payment of the kennel licensing fee, receive two tags for use by the dogs housed in the kennel. These tags must be attached to the dogs whenever they are removed from the kennel to allow licensed kennel owners to transport dogs to shows, veterinary clinics etcetera.

4. Kennels

- 4.1 Any person or persons who keep more than three dogs which are aged over three months at one location may apply for a kennel license.
- 4.2 A kennel license may be issued to the owner of confined dogs kept exclusively for hunting, working or dog-sled purposes.
- 4.3 The owner of any kennel shall pay the kennel licence fee, as set out in the current Fees and Charges By-law, as amended from time to time by Council, by March 31 of each year. No person shall operate a kennel without a valid kennel license for the current year.
- 4.4 The Council of the Township of Howick reserves the right to refuse a kennel license.
- 4.5 Every person who holds a kennel license shall comply with the following requirements:
 - (a) the license shall be exposed at all times in a conspicuous place in the interior of the premises;
 - (b) the premises shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
 - (c) the dogs shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times;
 - (d) the dogs shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease;
 - (e) the kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation;
 - (f) the kennel building and its location shall conform to the Zoning By-law and the Ontario Building Code and the building shall be maintained in damage-free condition;
 - (g) the kennel floor shall be thoroughly cleaned daily or more often if necessary;
 - (h) any cage shall be adequately sized to allow the dog to extend its legs to their full extent, to stand, sit, turn around or lie down in a fully extended position. There must also be sufficient space to enable species appropriate contact, provide bitches with nursing puppies an additional 10% space per nursing puppy and provide for the social and behavioural needs of the dog;

- (i) cages are to be constructed of metal, wire or partly of wire and shall have metal or other impermeable bottoms which shall be cleaned and washed daily or more often if necessary;
 - (j) whelping facilities shall be separate from the individual and/or group kennel enclosures housing other kennel dogs;
 - (k) the whelping area shall consist of a whelping box which is 2 ½ times the size of the bitch constructed with four sides and a floor and shall be regularly cleaned and sanitized.
- 4.6 The owner or operator of a kennel shall, at all times, maintain accurate and complete records in relation to the kennel's operations, which includes:
- (a) a list of all dogs at the kennel, including both purebreds and non-purebreds; and
 - (b) In the case of a boarding kennel, the names and addresses of dog owners cared for at the kennel; and
 - (c) In the case of a breeding kennel, the names and addresses of dog owners who receive a dog from the kennel; and
 - (d) up-to-date veterinary medical information on all dogs at the kennel, including all vaccination records.
- 4.7 The owner or operator of a kennel shall supply such records described in section 4.6 immediately upon request of an Officer.
- 4.8 An officer may inspect any place where kennel dogs are kept, pursuant to this by-law.
- 4.9 If the kennel is found not to conform to the requirements set out herein, an officer may direct that the dogs be seized and impounded and may revoke the license issued to the kennel.
- 4.10 Every owner or operator of a kennel shall allow access to the facility for the purpose of inspection at all reasonable hours to any person appointed by the Township of Howick to enforce this by-law.

5. Running at Large, Seizure, Impounding

- 5.1 Every dog owner shall ensure that his or her dog does not run at large within the Township of Howick.
- 5.2 Section 5.1 shall not apply to police work dogs, livestock guardian dogs or herding dogs when these dogs are in the course of performing their duties that are normal farm practices.
- 5.3 A dog which is found at large contrary to this by-law may be seized and impounded by an officer. An impounded dog shall be held for a redemption period of not less than three (3) days exclusive of the day on which it was impounded and Saturdays, Sundays or Public Holidays.
- 5.4 Where a dog is seized or impounded, it shall not be released until all seizure, pound and maintenance charges have been paid. Any unlicensed dogs shall be licensed and registered with the Township and all licensing fees shall be paid to the Township before the dog is released to the owner.
- 5.5 If not claimed after the redemption period has expired, a dog may then be sold, destroyed or otherwise disposed of at the discretion of the officer or pound keeper in accordance with the Animals for Research Act.
- 5.6 Where a dog is found at large and is ill or injured and a veterinarian is of the opinion that the dog should be destroyed immediately, an officer may direct the veterinarian to destroy the dog immediately.
- 5.7 The pound keeper may sell, destroy or cause or permit to be destroyed any dog that has been impounded where:
- (a) the person that owned the dog before it came into the possession of the pound keeper has requested in writing that the dog be destroyed;

- (b) an inspector under the Animals for Research Act or a veterinarian has ordered that the dog be destroyed under that Act;
- (c) during the redemption period of three days, the dog is in the pound and is ill or injured and, in the pound keeper's opinion, is incapable of being cured or healed as to live thereafter without suffering.

6. Attack, Bite or Menacing Behaviour by Dog

- 6.1 The owner of a dog shall exercise reasonable precautions to prevent it from biting or attacking a person or domestic animal or behaving in a manner that poses a menace to the safety of persons or domestic animals.
- 6.2 Pursuant to Section 15(1) of the Dog Owners Liability Act, as amended, where a dog is alleged to have attacked or bitten any person or domestic animal or behaved in a manner that poses a menace to the safety of any person or domestic animal, and such dog is found in a public place, such dog may be impounded by an officer and held by the pound.
- 6.3 Pursuant to Section 13(1) of the Dog Owners Liability Act, as amended, where a dog is alleged to have attacked or bitten any person or domestic animal or behaved in a manner that poses a menace to the safety of any person or domestic animal, an officer may apply for a warrant to enter any building, receptacle or place, including a dwelling house, to search for and seize the dog and any muzzle, collar or other equipment for the dog and such dog shall be impounded by an officer and held by the pound.
- 6.4 Any dog impounded pursuant to section 6.2 or 6.3 of this by-law shall be held by the pound for such time until:
 - (a) proceedings under the Dog Owners' Liability Act, as amended, have been followed; or
 - (b) proceedings under the provisions of this by-law have been followed.
- 6.5 No dog shall be so impounded or held under section 6.2 or 6.3 for a period in excess of twenty-one (21) days unless otherwise ordered by a court of competent jurisdiction.

7. Designation as Potentially Vicious or Vicious Dogs

- 7.1 Upon receipt of a written complaint of a potentially vicious or vicious dog, an officer may investigate and upon being satisfied that grounds exist, may designate the dog a potentially vicious or vicious dog.
- 7.2 An officer who finds committing a dog acting as a potentially vicious or vicious dog may designate the dog as such without a written complaint.
- 7.3 An officer may investigate any dog who has been identified by a law enforcement agency as potentially vicious or vicious and upon being satisfied that grounds exist, may designate the dog as such without a written complaint.
- 7.4 Where a dog has been designated as a potentially vicious or vicious dog, an officer shall provide a written notice of such designation to the owner of the dog.
- 7.5 Service of any document under this by-law may be given in writing in any of the following ways and is effective:
 - (a) when a copy is delivered to the person to whom it is addressed;
 - (b) on the 5th day after a copy is sent by regular or registered mail to the person's last known address as shown on the Township's dog registry, or on the last revised assessment roll of the Township;
 - (c) by email to the last known email address of the person to whom service is required to be made.
- 7.6 Where a dog has been designated as potentially vicious or vicious, the owner may appeal to the Canine Control Tribunal by written notice within fifteen days of the Township notifying the owner of the decision to designate the dog.

- 7.7 Where an owner appeals to the Canine Control Tribunal, the Tribunal shall hear the appeal by way of a new hearing under the Statutory Powers Procedure Act to determine whether the dog is vicious or potentially vicious.
- 7.8 Upon hearing an appeal, the Canine Control Tribunal may:
- (a) Confirm the designation;
 - (b) Confirm the designation and exempt the owner from one or more of the provisions(s) in section 8; or
 - (c) Rescind the designation.
- 7.9 In deciding whether to confirm or rescind the determination of a potentially vicious or vicious dog pursuant to section 7.8, the Canine Control Tribunal may consider whether any mitigating factors were present when the act occurred.
- 7.10 No member of the Canine Control Tribunal or its staff is personally liable for anything done by it or him or her under authority of this by-law.

8. Restrictions Relating to Potentially Vicious and Vicious Dogs

- 8.1 No person shall keep a potentially vicious or vicious dog without paying the annual license fee as outlined in the Fees and Charges By-law. The annual license fee shall apply immediately following said designation.
- 8.2 Every owner of a potentially vicious or vicious dog shall provide proof of residential insurance with a minimum amount of \$500,000 recognizing the said dog as a vicious dog and naming the Township as an additional insured while the dog is residing within Township limits and such proof of insurance shall be presented to the Township at the time of licensing said dog each year. On designation, proof of such insurance shall be provided to the Township within thirty (30) days of receiving notice.
- 8.3 No person under the age of eighteen years shall own, possess, have care or control or walk a potentially vicious or vicious dog. A person under the age of eighteen years shall have thirty (30) days of receiving notice to find alternative housing for a potentially vicious or vicious dog.
- 8.4 No person shall transfer ownership of a potentially vicious or vicious dog without having first obtained the consent of the pound keeper.
- 8.5 Every owner of a potentially vicious or vicious dog shall notify the Township immediately upon discovery that the following has occurred:
- (a) the dog is at large;
 - (b) the dog attacks or bites any person or domestic animal; or,
 - (c) the dog becomes deceased.
- 8.6 Every owner of a potentially vicious or vicious dog shall display in a conspicuous place at the entrance to the owner's premises, a warning sign indicating the presence of a vicious or potentially vicious dog.
- 8.7 No person shall breed or permit to be bred a potentially vicious or vicious dog.
- 8.8 No person shall allow a potentially vicious or vicious dog in his or her possession to stray.
- 8.9 No person shall train a potentially vicious or vicious dog for fighting.
- 8.10 Every owner of a potentially vicious or vicious dog shall ensure that the dog is:
- (a) licensed by the Township of Howick annually;
 - (b) equipped with a muzzle at all times when not enclosed within the property of the owner of the dog;
 - (c) fitted with a collar or harness with a leash of not more than 1.8 metres, attached at all times when not enclosed within the property of the owner of the dog;

- (d) not left unattended except where the dog is securely contained inside the owner's home or within a yard of the property that is enclosed by a fence that is no less than eight feet in height, is securely locked and is constructed in a fashion so as to prevent the dog from escaping or breaking out from the property.

9. Create a Nuisance

- 9.1 Every person who owns, harbours, possesses or is in control of any dog shall immediately remove any excrement left by the dog on any property, except the property of the owner of the dog or the property of the person in possession of the dog.
- 9.2 Every person who owns, harbours, possesses or is in control of any dog shall remove from his or her premises and dispose, in a timely manner, excrement left by such dog, so as not to disturb the enjoyment, comfort and convenience of any person in the vicinity of the premises.
- 9.3 Sections 9.1 and 9.2 shall not apply to persons reliant on a guide dog or persons in control of a police work dog when such dog is in the execution of its duties.
- 9.4 No owner or person harbouring a dog shall allow a dog to bark, whine or yelp excessively.
- 9.5 Section 9.4 shall not apply to a police work dog when they are in the course of their duties.
- 9.6 Section 9.4 shall not apply to a livestock guardian dog or a herding dog when these dogs are in the course of their duties that is a normal farm practice.

10. Prohibition of Cruelty to Dogs

- 10.1 No person may keep any dog unless the animal is provided with:
 - (a) clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (b) food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health;
 - (d) necessary veterinary medical care when the dog exhibits signs of pain or suffering.
- 10.2 No person may keep any dog which normally resides outside or which is kept outside for short to extended periods of time unless the dog is provided with outside shelter. The shelter must:
 - (a) be weatherproof with an exterior windbreak and exterior door flap;
 - (b) have a door facing away from the prevailing wind and must be elevated off the ground;
 - (c) provide sufficient space to allow the dog the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - (d) be at least 1 ½ times the length of the dog and at least 1 ½ times the dog's width and at least as high as the dog's height measured from the floor to the highest point of the dog when standing in a normal position plus 10%;
 - (e) be insulated to ensure protection from heat, cold and wet and be appropriate to the dog's weight and type of coat;
 - (f) provide sufficient shade to protect the dog from the direct rays of the sun at all times;
 - (g) be regularly cleaned and sanitized and excreta removed at least once a day.
- 10.3 No person shall cause a dog to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the dog's neck onto a choke collar.
- 10.4 No person shall cause a dog to be confined in an enclosed space without adequate ventilation.

10.5 No person shall allow any dog to suffer from any infectious disease.

11. Administration, Enforcement and Inspection

- 11.1 This by-law shall apply to all property within the limits of the Township of Howick and shall be administered and enforced by the Township, an officer or any person appointed or otherwise delegated the authority of administration and enforcement.
- 11.2 When a complaint is made against the owner of a dog for a violation of any provision of this by-law, an officer may require a complainant to complete any documentation the officer deems necessary to the satisfaction of the officer. An officer may refuse to investigate any complaint where the required documentation is not completed to a satisfactory level.
- 11.3 An officer, upon producing proper identification, may enter on and inspect any land, at any reasonable time, without a warrant, for the purposes of carrying out an inspection to determine:
- (a) whether or not this by-law is being complied with;
 - (b) whether an order made under section 431 of the Municipal Act, as amended, is being complied with.
- 11.4 Where an inspection is conducted by the Township, the person conducting the inspection may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 11.5 No person shall obstruct, hinder or attempt to obstruct or hinder, an officer in the exercise of a power or the performance of a duty under this by-law.
- 11.6 A person who fails to provide an officer their name, address, date of birth, phone number or identification, after being lawfully required to do so, shall be deemed to have obstructed or hindered an officer.
- 11.7 No person shall make a false statement on any registration, application, or form under this by-law, including a complaint form.

12. Penalty, Severability, Force and Effect

- 12.1 Every person who contravenes any provision of this by-law is guilty of an offence.
- 12.2 If a corporation has contravened any provision of this by-law, every director and officer of the corporation who knowingly concurred in such a contravention is guilty of an offence.
- 12.3 Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine or penalty as provided for by the Provincial Offences Act R.S.O. 1990 Chapter P.33, as amended.
- 12.4 Each day on which a person contravenes any provision of this by-law shall be deemed to constitute a separate offence under this by-law as provided for in section 429(2) of the Municipal Act, S.O. 2001, c. 25, as amended.
- 12.5 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.

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12.6 It is hereby declared that notwithstanding that any part of this by-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of Council to enact such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this by-law are separate and independent there from and enacted as such.

12.7 This by-law shall come into force and effect on the date of final passing.

12.8 Upon the final passing of this by-law, By-law No. 32-2016 is hereby repealed.

Read a first and second time this 4 day of October, 2022.

Read a third time and finally passed this 4 day of October, 2022.



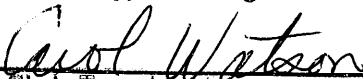
Reeve Doug Harding



Clerk Carol Watson

CERTIFIED

A true copy of the original



Clerk, Township of Howick