

CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

BY-LAW #07-2023

BEING A BY-LAW FOR THE CONTROL & LICENSING OF DOGS

WHEREAS Section 103 (1), 105 (1), 128 (1), and 129 (1) of the Municipal Act 2001 permits municipalities to license and regulate animals within the municipality; and

WHEREAS it has been determined that it is appropriate to license and regulate dogs for the purposes and reasons of consumer protection, health and safety and to ensure no public nuisance is caused;

AND THEREFORE, the Council of the Corporation of the Township of McMurrich/Monteith **REPEALS** By-law #21-2017 and enacts as follows:

1. DEFINITIONS

In this by-law

- 1.1 **“By-Law Enforcement Officer”** shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.2 **“At Large”** shall mean a dog found on any property other than the premises of the owner and/or property authorized to be on and not restrained or under the physical control of any person;
- 1.3 **“Beach”** shall mean an expanse of sand or pebbles along the shore of a body of water;
- 1.4 **“Bite”** shall mean a puncture of the skin with teeth;
- 1.5 **“Dog”** shall mean any member of the species canis familiaris be it male or female over the age of 12 (twelve) weeks;
- 1.6 **“Dangerous Dog”** shall mean but is not limited to any or all of the following:
 - (i) A dog that has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so.
 - (ii) A dog that has bitten injured or killed a domestic animal.
 - (iii) A dog that is attack trained, and is uncontrollable by the owner or the person responsible for the control of the dog.
 - (iv) A dog that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property.
 - (v) A dog that chases or approaches any person or domestic animal, anywhere other than the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling. Has been declared dangerous or vicious in another municipality in Ontario.
- 1.7 **“Harbour”** shall mean owning, having care, custody or control of a dog;
- 1.8 **“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;
- 1.9 **“Municipal Law Enforcement Officer”** shall mean a municipal By-Law Enforcement Officer appointed by Council by By-Law to enforce this By-Law for the Township of McMurrich/Monteith.
- 1.10 **“Owner”** shall mean a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 1.11 **“Park”** means an area of land, usually in a largely natural state, set apart, for the enjoyment of the public, having facilities for rest and recreation, owned and managed by the municipality;
- 1.12 **“Premises”** means a dwelling unit and any lot upon which such dwelling unit is located;
- 1.13 **“Pound”** as defined in the “Animals for Research Act” means premises that are used for the sheltering, keeping, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a municipality or the Dog Owners’ Liability Act;

1.14 "Restrained" shall mean:

- (i) The use of a leash made of metal, rope, nylon or other similar strong material no more than (2) two meters in length and of sufficient strength and design to restrain the size and strength of a dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the dog at all times; or
- (ii) 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 meters, or securely tethered on property.
- (iii) The enclosed pen or the fenced yard shall be equipped with a locking device and/or a self-latching device.

1.15 "Service Dog" shall mean an animal which is trained to assist in the movements of a person with a physical, visual, psychological/emotional or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a Peace Officer. "Sled Dog" shall mean a dog that has been registered in a dog sled or similar race within the previous or subsequent twelve (12) months and/or that is actively used for the following purposes:

- (i) pulling sleds, or
 - (ii) pulling a vehicle or weight, whether over snow, on dry land or in another environment.
- 1.16 "Trail" shall mean a path or track made across a region, through an expanse of land intended for the passage of people.

2. DANGEROUS DOGS PROVISIONS

- 2.1 Where any dog has bitten a person or a domestic animal, or is alleged to have bitten any person or domestic animal, the By-Law Enforcement Officer or their designate may issue an Order to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such an order shall set out the conditions of muzzling and the owner shall comply with all such conditions. The order shall remain in effect until an action under the provisions of the Dog Owner's 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. The North Bay Parry Sound District Health Unit shall be notified as well as the By-Law Enforcement Officer or the victim, when a dog has bitten or is alleged to have bitten.
- 2.2 Upon request, the owner of the dog is entitled to a hearing by the Council or Committee thereof or the By-Law Enforcement Official of the municipality and upon examining all the facts the dog may be exempted from muzzling or the conditions of muzzling will continue to apply.
- 2.3 No owner shall disobey an order to muzzle issued under Section 2.1 of this by-law.
- 2.4 For the purpose of assembling evidence of a contravention of Section 2.1 of this by-law, the By-Law Enforcement Officer may obtain a written statement, or may rely on such other evidence as that officer considers sufficient to form the basis for an Order.

3. LICENSING

- 3.1 Every person who owns or harbors any dog shall obtain a lifetime license or a yearly license (dog tag).
- 3.2 An Owner shall register any and all dogs it harbours and/or controls with the Township of McMurrich/Monteith, and provide particulars pertaining to the dog and the ownership of the dog. (Identifying marks, colour of fur, behavioural attitude of the dog etc.)
- 3.3 Upon payment of the license fee set out in Schedule "B", the owner shall be furnished with a dog tag bearing a serial number and said tag shall be securely affixed on the applicable dog, while not on authorized premises, until replaced if necessary.
- 3.4 Every person who owns a dog shall notify the By-Law Enforcement Officer or their designate when the contact information changes from the information provided at the time of the purchase of the tag.
- 3.5 A new resident of the Township of McMurrich/Monteith shall be required to obtain a license for any dog within thirty (30) days of becoming a new resident.

- 3.6 An Owner shall upon request, supply written confirmation that any dog under their control or ownership has been immunized against rabies and/or proof of spay or neuter.
- 3.7 The By-Law Enforcement Officer or their designate shall keep a record showing the name and address of the owner and the serial number of each tag issued.
- 3.8 Any licence purchased under section 3.1 is not transferable from one dog to another.

4. **GENERAL PROHIBITIONS**

- 4.1 No person(s) shall keep:
- (i) more than three (3) dogs over the age of twelve (12) weeks, on a Premises, unless a such Premises is located within a Rural Zone as identified in By-law 2016-16 (the Zoning By-law) as amended;
 - (ii) more than six (6) dogs over the age of twelve (12) weeks, on a Premises located in the Rural Zone as identified in the Zoning By-law, unless such dogs are Sled Dogs whereupon not more than a total of 15 dogs are permitted on the Premises.
- 4.2 Every person who owns or harbors a dog shall, in a sanitary manner, remove forthwith and dispose of any excrement left by such a dog on public property.
- 4.3 Every person who owns or harbors a dog shall, upon leaving their property or property authorized to be on, ensure the dog is properly restrained and if stipulated under an Order issued under this by-law or such other Order of a competent authority, muzzled.
- 4.4 No person shall allow a dog to be at large or otherwise create a nuisance (excessive barking), within the Municipality. Any dog found at large, shall be seized and impounded, by the By-Law Enforcement Officer or their designate. An By-Law Enforcement Officer or their designate may enter on any public or private property, for the purpose of impounding or otherwise detaining any dog found at large pursuant to the provisions of this By-Law.
- 4.5 If the By-Law Enforcement Officer or their designate is unable to seize any dog found to be at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this by-law.
- 4.6 Where a dog is impounded, the owner of such dog shall be liable for the designated impound fees and/or veterinary fees as prescribed. All fees shall be paid prior to the release of the dog to the owner. If the dog has not been licensed and tagged pursuant to this By-law, the dog shall not be released to the owner until the license fee has been paid and the tag issued to the owner.
- 4.7 (a) Time limitations on an impounded dog shall be three (3) business days in which the owner, can have the dog returned to them after any pound, licensing, veterinary and maintenance fees prescribed shall be paid.
- (b) If the dog is not claimed after three (3) business days the "Corporation" may sell or place the dog for adoption and any payment therefor shall be applied to the payment of pound fees. If the owner is unknown or the dog is injured or suffering the dog may be destroyed in a humane manner after five (5) business days.
- (c) In the case where a quarantine order has been placed upon a dog(s) it must be rescinded by the North Bay Parry Sound District Health Unit or the By-Law Enforcement Officer. If the owner is known, twenty-four (24) hour written notice shall be given to the owner before the dog is destroyed.
- 4.8 No person shall permit their dog, whether leashed or unleashed to trespass on private property.
- 4.9 No person shall permit a dog to be on a beach owned or under control of the Municipality or such other public authority unless such use is expressly permitted by the Municipality or public authority.
- 4.10 No person shall permit a dog to be within a park or on a trail under the control and/or ownership of the Municipality unless the dog is restrained.
- 4.11 No person shall permit a dog to be within a municipally owned or operated facility or building used by the public at any time unless during an event where dogs have been approved under Accessibility of Ontarians with Disabilities Act.
- 4.12 A Service Animal shall not be restricted by the provisions in sections 4.1, 4.7, 4.8, 4.9, 4.10

and 4.11.

5. METHOD OF RESTRAINING A DOG

5.1 Owner of the dog shall ensure that:

- (i) It is secured by means of a collar and leash with the leash being a maximum length of two (2) meters and of sufficient strength to restrain the dog and keep it from chasing/biting a person or domestic animal; and/or
 - (ii) A muzzle is fastened humanely over the mouth of a dog 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, in order to prevent the dog from biting or attacking a person or domestic animal;
 - (iii) It is under the control of a person capable of controlling the dog at all times.
- 5.2 The By-Law Enforcement Officer shall be notified within forty-eight (48) hours of any changes to the residency of a dangerous dog.
- 5.3 The By-Law Enforcement Officer shall be notified within forty-eight (48) hours after the ownership of a dangerous dog is transferred to another person.
- 5.4 The By-Law Enforcement Officer shall be notified within twenty-four (24) hours should the dangerous dog be destroyed.
- 5.5 The By-Law Enforcement Officer may also impose other conditions suitable to the circumstances for the protection of persons and domestic animals.

6. SCHEDULES AND SEVERABILITY

6.1 Schedules "A" and "B" hereto form part of this By-law.

6.2 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

7. PENALTIES

7.1 Every person who contravenes any provision 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, R.S.O. 1990, c.p.33.

7.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this by-law.

8. REPEAL

8.1 That By-law #21-2017 are hereby repealed;

8.2 That the set fines in Schedule "A" for By-law #07-2023 shall come into force and effect upon approval by the Chief Judge of the Ontario Court (Provincial Division).

8.3 That this By-Law shall come into force and effect on the date of passing.

9. ENFORCEMENT

9.1 In the event of absence of a By-Law Enforcement Officer nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

Read a first and second and third time this 7th day of March, 2023.


Glynis Robinson – Mayor


Cheryl Marshall – Clerk-Treasurer

CORPORATION OF THE TOWNSHIP OF MCMURRICH/MONTEITH

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SCHEDULE "A"

Part 1 Provincial Offence Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to obey muzzle order	2.3	\$300.00
2	Allow more than 3 dogs to reside in the Residential Settlement area or where prohibited	4.1 (i)	\$300.00
	Allow more than 6 dogs to reside in the Rural area	4.1 (ii)	\$300.00
3	Fail to obtain license	3.1	\$300.00
4	Fail to affix dog tag	3.3	\$300.00
5	Fail to notify By-Law Enforcement Officer of changes to owner information	3.4	\$300.00
6	Fail to remove excrement	4.2	\$300.00
7	Fail to restrain a dog in public	4.3	\$300.00
8	Allow a dog to run at large	4.4	\$300.00
9	Allow a dog to excessively bark	4.4	\$300.00
10	Allow a dog to trespass on private property	4.8	\$300.00
11	Allow a dog within a beach area	4.9	\$300.00
12	Fail to restrain a dog in a park or on a trail	4.10	\$300.00
13	Allow a dog into a Municipal facility or building without approval	4.11	\$300.00

Note: The general penalty provision for the offences listed above is Section 7 of By-Law #07-2023, a certified copy of which has been filed.

SCHEDULE "B"

By-Law #07-2023

TOWNSHIP OF MCMURRICH/MONTEITH

DOG LICENCE FEES

Description	Fee
Lifetime Dog Tag	\$50.00
Annual Dog Tag	\$10.00
Replacement Dog Tag	\$3.00
Dog Redemption Impound	fee at incurred cost of the pound