

Dog Licensing, Registration and Regulations By-Law

THE CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

BY-LAW NO. 2005-26

BEING A BY-LAW to provide for the licensing, regulation and registration of dogs, to limit the number of domestic animals, to regulate owners of dog(s) and to restrict the keeping of potentially dangerous dogs and prohibit the keeping of vicious dogs within the corporate limits of the Township of Black River-Matheson.

WHEREAS The Dog Owner's Liability Act as amended, The Animals for Research Act, The Pounds Act and The Municipal Act R.S.O. 2001 Section 11(1) subsection 9, Sections 8, 9, 10 and Sections 103, 104 and 105 contain certain provisions relating to dogs including provisions enabling municipalities to pass by-laws relating to dogs and domestic animals.

AND WHEREAS it is considered desirable to pass a by-law for the licensing, regulation and registration of dogs and domestic animals within the limits of the Corporation of the Township of Black River-Matheson;

NOW THEREFORE the Council of Black River-Matheson enacts as follows:

DEFINITIONS

For the purpose of this by-law, the following definitions shall apply;

- ANIMAL CONTROL OFFICER means the Municipal Law Enforcement Officer or any other person appointed by the Council of the Corporation of the Township of Black River-Matheson.
- AUGUST 29, 2005 is the date in which the Public Safety Related to Dogs Statute Law Amendment Act, 2004 and other amendments to the Dog Owners' Liability Act will go into effect.
- DANGEROUS DOG/POTENTIALLY DANGEROUS DOG/VICIOUS DOG means any dog that has been determined, in a proceeding commenced pursuant to Section 4 of the Dog Owners Liability Act, that attacks or is trained to attack, on command or by signal, a human or an animal, or, a dog which, without provocation, has bitten or has attacked or has made a real and substantial threat of attack on a person or a domestic animal, provided that a dog shall not be deemed to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other sort upon the premises occupied by the keeper of the dog, or was

tormenting, abusing or assaulted the dog, or was committing or attempting to commit a crime.

- DOG means any member of the species *Canis Familiaris* and shall include both female and male.

- DOLA means the Dog Owners' Liability Act as amended.

- GUIDE DOG means a dog that is trained to aid the blind and actively in use for such purposes.

- HIGHWAY means a common and public highway, street, avenue, parkway, driveway, square, place and bridge designed and intended for use by the general public for passage of vehicles and persons.

- KENNEL means:

- i A place or confine where purebred dogs are bred and raised and registered in the Register for the Canadian Kennel Club Incorporated, or,

- ii A place or confine where dogs are bred or raised as a recognized class, or as a class designated as "purebred" in the regulations of the aforesaid Club, or,

- iii A shelter for dogs

- LICENCE for the purpose of this by-law shall be deemed to be the receipt issued by the Treasurer of the Corporation of the Township of Black River-Matheson or his authorized agent, upon payment of the appropriate tax or license fee.

- MUNICIPALITY means the Corporation of the Township of Black River-Matheson.

- MUNICIPAL LAW ENFORCEMENT OFFICER means the By-Law Officer appointed by the Council of the Corporation of the Township of Black River Matheson.

- MUNICIPAL PROPERTY means property other than a highway or public park.

- MUZZLE means a human fastening or covering device of adequate strength placed over the dog's mouth to prevent it from biting.

- OWNER shall include any person, group of persons, partnerships or corporation who possesses or harbours animals, and owns or owned shall have corresponding meaning and shall include a person or persons who are temporarily the keeper of animals and where the owner is a minor, the person responsible for custody of the minor.

- PERSON shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.
- PUBLIC PLACE includes a highway, Public Park and other municipal property.
- PUBLIC PARK means a park, recreation area, recreation center, play lot, playground, school ground, athletic field, beach, square, avenue, boulevard, drive and any building thereon intended for or used by the general public.
- POLICE WORK DOG shall mean a dog trained to aid law enforcement officers and is actually being used for police work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
- PIT BULL means the breed of dog known as a “pit bull” as defined in the Dog Owners Liability Act as amended; “pit bull” includes,
 - a) A pit bull terrier,
 - b) A Staffordshire bull terrier,
 - c) An American Staffordshire terrier,
 - d) An American pit bull terrier,
 - e) A member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of the clauses (a) to (d).
- POUND shall mean such premises and facilities designated by the Council of the Corporation of the Township of Black River-Matheson as a place that will be used as the detention, maintenance or disposal of dogs.
- POUNDKEEPER shall mean the Municipal Law Enforcement Officer or any other person appointed by the Council of the Corporation of the Township of Black River-Matheson.
- PUREBRED shall mean bred from stock having no admixture as certified by a competent authority.
- REGULATION means the regulations made under The Municipal Act R.S.O., 1990, Chapter M.45, Animals for Research Act, R.S.O. 1990, Chapter A22, Dog Owners Liability Act, R.S.O., 1990, Chapter D16 as amended and The Pounds Act, R.S.O., 1990, Chapter P17 and The Health Protection and Promotion Act, R.S.O. 1990, Chapter H7.
- SOCIETY or HUMANE SOCIETY means the branch of the Ontario Humane Society, (Ontario Society for the prevention of cruelty to animals).
- SUPPLY FACILITY means premises, other than a research facility, that are used for the

breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility.

1. DOG LICENSING, REGULATION AND REGISTRATION

1.1 Every person and resident in the Corporation of the Township of Black River-Matheson who owns, harbours or possesses a dog, shall register said dog and procure a one year license from the Corporation and pay to the Corporation the license fee calculated in accordance with Schedule "A" attached to this by-law.

1.2 On payment of the license fee in accordance with subsection 1.1, the Corporation of the Township of Black River-Matheson or its authorized agent, shall issue for each dog so registered, a serial numbered license tag and shall cause the name of the owner, his or her address, and the number of his or her tag, to be entered in a book to be kept for that purpose.

1.3 Every owner shall affix to his or her dog, the license tag issued in accordance with subsection 1.2, and shall keep such tag affixed on the dog at all times. After one year, a new tag must be purchased.

1.4 No license tag or registration under this section shall be transferable and the license tag shall expire and become void upon the sale, death, or other disposal of the dog.

1.5 Every license under this section shall expire on the 31st day of December of each year.

1.6 No person other than the owner or his agent shall remove the license tag from the dog.

1.7 The replacement fee for a lost license tag is set out in Schedule "A" attached to this by-law.

2. SUPERVISION

2.1 Any person who is so required by the Corporation of the Township of Black River-Matheson, or its authorized agent, shall forthwith deliver to the Corporation, a written statement showing the number of dogs owned by such person or which such person is assessed as owner or otherwise.

2.2 No person shall per property keep more than a total of five dogs in any residential, commercial or industrial zone within the Corporation of the Township of Black River-Matheson without having authorization from Council.

2.3 This section shall not apply to:

- The operation of a kennel for the purpose of breeding or boarding dogs,
- An animal hospital owned and operated by a veterinarian,
- A pet store,
- An Ontario Humane Society shelter, or the Pound, which complies with the Black River-Matheson by-law,
- Registered sled dog owners located in rural areas and registered with the Corporation of the Township of Black River-Matheson.

3. KENNEL

3.1 Notwithstanding the provisions of Section 1.1 of this by-law, the owner of a kennel of purebred dogs duly registered in the Register of the Canadian Kennel Club Incorporated may pay a total annual license fee of \$50.00, set out in Schedule "A", in lieu of the license fee imposed by Section 1.1 aforesaid if he produces to the Corporation of the Township of Black River-Matheson, or its authorized agent, a certificate of such registration signed by the keeper of such register, showing that all dogs kept within such kennel are so registered, and provided further that the owner of such kennel holds a current kennel license issued by the Corporation of the Township of Black River-Matheson.

3.2 Any new applicant for a kennel license for a kennel not previously licensed must first obtain clarification that the property location of such kennel complies with the requirements of the Township of Black River-Matheson Zoning By-Law.

3.3 No person shall foster any animals in the Township of Black River-Matheson without first meeting all of the following criteria,

- Obtain a license from the treasurer of Black River-Matheson which expires on the 31st day of December of every year,
- Obtain a letter from the Ministry of Health stating that they meet all of their regulations,
- The floors of each room in which dogs are kept shall be constructed of an impermeable material,
- Flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done, and,
- If such room is physically attached to a building used for human habitation, graded to an adequate drain, which shall be connected to a municipal sewage system or sewer disposal system.

3.4 Each room that is used for the housing of dogs shall be equipped with a lighting

system that is so designed, constructed and maintained that,

- It distributes light as evenly and with as little glare as possible,
- It provides adequate light for the proper observation of every animal in the room and,
- It is adequately lighted for a continuous period.

3.5 Each room that is used for the housing of dogs shall provide ventilation for the health, welfare and comfort of every dog by either,

- Having an opening or openings for natural ventilation with minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room or,
- Having a mechanical ventilation device in working order which changes the air at least two times each hour.

3.6 Each room that is used for the housing of dogs shall at all times, be maintained at a minimum temperature of 9 degrees Celsius for the health, welfare and comfort of every dogs therein.

3.7 Each cage or pen used for the housing of dogs shall be so constructed and maintained that,

- Every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and lie down in a fully extended position,
- It is not likely to harm any dog therein,
- Any dog therein cannot readily escape there from and,
- It may be readily cleaned.

3.8 Each area in which dogs are kept shall, at all times, be maintained in a clean and sanitary condition.

3.9 Excrement, dead animals and other waste resulting from the keeping of dogs shall be removed daily from the premises.

3.10 The Medical Officer of Health or the By-Law Officer of the Corporation of the Township of Black River-Matheson shall enter any building and order their removal of any matter or thing which is dangerous or injurious to the public health including any or all the above mentioned dogs, whenever it appears to the Medical Officer or By-Law Officer that is necessary for the preservation of public health or for the abatement of anything dangerous or injurious to the public health.

4. CONTROL OF DOGS

4.1 Within the urban area of the municipality the owner of a dog is to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner unless the person owning the land gives prior consent on which the dog is found.

4.2 No person who owns, harbours or possesses any dog shall allow the dog to run at large, or trespass on private property even when on a leash.

4.3 For the purpose of this by-law a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog.

4.4 A dog shall not be considered running at large if it is a guide dog or a police work dog, or if it is a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in hunting or training for hunting, on un-posted land, or on posted land with the permission of the owner.

4.5 Any dog running at large contrary to the provisions of this by-law may be captured and impounded by the Animal Control Officer.

4.6 Any person may capture any dog running at large and trespassing on his property and deliver same to the Animal Control Officer who shall impound said dog.

4.7 An Animal Control Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of catching any dog running at large contrary to the provisions of this by-law.

4.8 For the impounding of all dogs under the provisions of this by-law, a Pound shall be established which complies with the regulations made pursuant to the Animal for Research Act and under the care and control of the pound keeper, whose duty it shall be to impound all dogs brought to him or her or found by him or her to be running at large.

4.9 It shall be the duty of the person appointed for that purpose, to capture all dogs running at large contrary to this by-law and to impound the same, where they shall be confined, subject to the right of the owner to redeem the dog in 72 hours (3 days) from the time of impounding, exclusive of holidays, Sundays and the day of impoundment, by paying to the Corporation of the Township of Black River-Matheson or its agent, the poundage fees prescribed in Section 12 of this by-law and in the event the same are not redeemed within 72 hours as aforesaid, the dog shall become the property of the Township of Black River-Matheson who may dispose of it as he deems fit pursuant to Section 20 of the DOLA. Compensation or damages for its killing may

be obtained by the municipality.

4.10 Where the dog has become the property of the Township (after 72 hours), the Township may put the dog up for adoption at a rate set out in Schedule "A" of this by-law. At such time the new owner of the dog must register and obtain a tag in accordance with Section 1.1 of this by-law. After the Animal Control Officer and the new owner have signed the adoption papers, set out in Schedule "C", it shall be deemed legal and binding.

4.11 Where a dog is captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or duly appointed officer can kill the dog in a humane manner as soon after capture as he or she thinks fit without permitting any person to reclaim the dog and in that event no damages or compensation shall be recovered on account of its killing.

4.12 In addition to any other fees or penalties which may be imposed under this by-law, if a person within a period of six (6) months is convicted on more than three (3) separate occasions of breach of this by-law, the Convicting Authority may cancel all licenses held by such person, under the provisions of this by-law, and on cancellation of a license, such person shall not be issued a further license for a period of twelve (12) months from the date of such cancellation.

4.13 It shall and may be lawful for the Mayor at any time in his or her discretion with the assent of Council of the Corporation of the Township of Black River-Matheson, and with the direction of the Medical Officer of Health whenever claims are being made upon the Town Treasurer for damages from loss of sheep killed by dogs or whenever the disease of rabies is prevalent, to issue a proclamation directing all dogs to be confined, tied up or muzzled for a limited period of time to be named in such proclamation. It shall and may be lawful for the Animal Control Officer to kill or tranquilize any dog, which may be at large or is suspected of being rabid during such period.

4.14 Any dog known to be rabid or suspected of being rabid shall be placed in quarantine, or it shall be killed in such a manner that the brain is not damaged and the head shall be submitted to a laboratory for diagnosis.

4.15 It shall be the duty of the pound keeper to care for all dogs after they have been impounded in accordance with the regulations made pursuant to the Animals for Research Act.

5. PIT BULLS

5.1 Except as permitted by this by-law and the DOLA, no person shall,

- i Own a pit bull.
- ii Breed a pit bull.
- iii Transfer a pit bull, whether by sale, gift or otherwise.
- iv Abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario or a designated body.
- v Allow a pit bull in his/her possession to stray.
- vi Import a pit bull into Ontario, or
- vii Train a pit bull for fighting.

6. "RESTRICTED" OR "GRANDFATHERED" PIT BULLS

6.1 For the purpose of this by-law and the DOLA, in order for a pit bull to qualify as "restricted" or "grand fathered", it must be

- i Owned by an Ontario resident on August 29, 2005, or
- ii Born in Ontario within 90 days after August 29, 2005.

6.2 Despite subsection 5.1 (i) of this by-law, any person who already owns pit bulls are considered "restricted" or "grand fathered" under subsection 6.1 of this by-law and will be able to keep them, provided they comply with the requirements set out in this by-law and the DOLA.

7. OWNERSHIP AND RESPONSIBILITY OF "RESTRICTED" PIT BULLS

7.1 Within 60 days (transition period) of August 29, 2005, "restricted" pit bull owners must;

- i Have their dog spayed or neutered.
- ii Leashed and muzzled while in public place, and
- iii Comply with any other requirements set out in the DOLA and this by-law.

7.2 "Restricted" pit bulls will be allowed to be free of a leash and muzzle if it is on the owners' enclosed property or on an enclosed property occupied by another person who consents to the pit bull being without a leash or muzzle.

7.3 A leash shall be a maximum of 1.8 meters (approx. 6 feet) long when in a public place.

7.4 Muzzles should be humane, but strong enough and well fitted enough to prevent the pit bull from biting, without interfering with the breathing, panting, vision, or with the ability to drink.

7.5 All owners of “restricted” pit bulls shall post a “beware of dog” sign in a un-restricted view as to warn anyone who may enter onto said owners’ property.

7.6 All owners of “restricted” pit bulls shall register their dog with the Municipality and fill out the form set out in Schedule “D” of this by-law.

8.0 DANGEROUS DOGS

8.1 Where a dog is alleged to have attacked or bitten another person or any other domestic animal, or has behaved in a manner that poses a menace to the safety of another person or domestic animal, such dog shall be impounded by the Animal Control Officer and held until the proceedings referred to in the DOLA, the Health Protection and Promotion Act, R.S.O. 1990 and Part IX of the Provincial Offences Act.

8.2 When a dog is known to have bitten a person or another domestic animal, the Medical Officer of Health may order the agent for the Corporation of the Township of Black River-Matheson to confine the dog under supervised quarantine for a period not to exceed ten days, pursuant to the Health Protection and Promotion Act, R.S.O. 1990, Chapter H.7.

9. EXCREMENT

9.1 Any person who owns, harbours, controls or possesses any dog shall not allow the dog to leave excrement or allow the dog to defecate on or in the following premises,

- Public place
- Private property without the consent of the owner of the premises.

9.2 The owner or person referred to in Section 9.1 shall immediately and without delay, remove the excrement and provide for its sanitary disposition.

10. ANIMAL CONTROL OFFICERS

10.1 Pursuant to the DOLA and for the purposes of the DOLA and this by-law, the following persons are peace officers:

- i A police officer, including a police officer within the meaning of the Police Services Act, a special constable, a First Nations Constable and an auxiliary member of a police force.
- ii A Municipal Law Enforcement Officer.

iii An inspector or agent under the Ontario Society for the Prevention of Cruelty to Animals Act.

iv A public officer designated as a peace officer for the purposes of the DOLA.

10.2 A peace officer shall carry out the duties as per sections 13, 14, 15, 16 and 17 of the Dog Owners' Liability Act as amended.

11. WHERE DOGS ARE NOT IMPOUNDED

11.1 Where the Animal Control Officer is unable to seize any dog found to be running at large contrary to this by-law and the owner of such dog is known to the Animal Control Officer, a violation notice of \$30.00 may be served by the Animal Control Officer on such owner who may pay such violation directly to the Corporation of the Township of Black River-Matheson or its authorized agent within seven days of notification by the Animal Control Officer of the occurrence committed under the by-law as aforesaid.

11.2 The payment of a violation notice as set out in this section is a voluntary out of court settlement and if payment is not made in accordance with section 11.1, a fine imposed pursuant to this by-law is recoverable under the Provincial Offences Act.

12. DOGS SEIZED AND IMPOUNDED

12.1 The Animal Control Officer may:

- Seize and impound any dog found running at large,
- Restore possession of the dog to the owner thereof where;

i) the owner claims possession of the dog within three (3) days (exclusive of statutory holidays and Sundays) after the date of seizure;

ii) the owner pays to the Treasurer of the Corporation of the Township of Black River-Matheson, a pound fee of \$25.00 plus a fine of \$30.00 if paid out of court, plus a maintenance sum of \$5.00 for each day subsequent to the day of seizure that the dog remains impounded.

- Impound any dog seized as set out in section 17 of the DOLA.

12.1 Where a dog seized and impounded is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or the Peace Officer may kill the dog in a humane manner as soon after seizure as he /she thinks fit without permitting any person to reclaim the dog, and then in that event no damages or compensation shall be recovered on account of its killing.

13. GENERAL PROVISIONS

13.1 The Animal Control Officer or his/her designates shall have the authority to administer this by-law in its entirety.

13.2 Any other provisions and regulations pertaining to pit bulls and dangerous dogs, which are not covered in this by-law will be governed by the Dog Owners' Liability Act as amended and the Animal Control Officer shall carry out any duties pertaining to the aforesaid Act.

14. PENALTIES

14.1 Any person, who contravenes any provision of this by-law and/or the Dog Owners' Liability Act, is guilty of an offense and upon conviction, is liable to a fine pursuant to the Provincial Offences Act.

14.2 Any services rendered by the Township of Black River-Matheson in respect to enforcing any provision of this by-law shall be borne by the person (s) responsible for creating the infraction.

14.3 Where the owner is in default on any of the provisions of this by-law, the Corporation of the Township of Black River-Matheson may add the fees and charges imposed by this by-law to the tax roll for any real property in the municipality all the owners of which are responsible for paying the fees and charges and collect them in like manner as taxes as provided for in the Municipal Act, R.S.O. 1990, Chapter M.45, Section 220.1(8) as amended.

14.4 Each day a violation continues shall be deemed to be a separate offence.

15. SCHEDULES TO FORM PART OF BY-LAW

Schedules "A", "B", "C" and "D" shall form part of this by-law.

16. VALIDITY

If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for some reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provisions so declared to be

invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.

If there is a conflict between any provisions or regulation of this by-law relating to pit bulls and any provisions or regulations of the DOLA or any other Act relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevails.

That by-laws 1121-93, 2001-96, 2037-97, 2070-98, 2170-2000, 2161-2000 and any other by-laws pertaining to dogs are hereby repealed.

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

Read a first and second time this _____ day of _____, 2005.

Read a third time and finally passed this _____ day of _____, 2005.

MAYOR

CLERK

Schedule A Fees

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

DOG BY-LAW

SCHEDULE "A" OF BY-LAW 2005-26

MALE/FEMALE DOG: \$20.00

MALE/FEMALE DOG (SPAYED/NEUTERED) \$20.00

KENNEL \$50.00

REPLACEMENT TAG \$5.00

ADOPTION FEE \$20.00

Adoption Form

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

DOG BY-LAW

SCHEDULE "C" OF BY-LAW 2005-26

ADOPTION FORM

Name:_____ Sex: Male Female

Address:_____

City:_____ State:_____ Zip:_____

Home Phone:_____ Work Phone:_____

E-mail:_____ Cell Phone:_____

Are you over 19 years of age? Yes No

Is the adoption for yourself? Yes No

If no, Name, address and phone number of person adoption is for:_____

Do you rent? Yes No

If yes, do you have the Landlord's permission? Yes No

Description of dog being adopted:_____

Adoption fee paid? Yes No Purchase dog tag? Yes No

Once all fees are paid and adoption form filled out and signed, the adoption is final. The Township of Black River-Matheson will not be held liable in regards to the dog once adoption is complete. All adoptions are final.

Signature of adopter Date

Signature of Pound keeper Date

Registration Form for Pit Bulls

CORPORATION OF THE TOWNSHIP OF BLACK RIVER-MATHESON

DOG BY-LAW

SCHEDULE "D" OF BY-LAW 2005-26

REGISTRATION FORM FOR PIT BULLS

Name:_____Address:_____

City:_____ State:_____ Zip:_____

Home Phone:_____ Work Phone:_____

E-mail:_____ Cell Phone:_____

Is yard fenced where dog lives? Yes No

How many dogs? _____ When were dog(s) purchased_____

----- Are you the owner? Yes No

If no, please provide name, address and phone number of owner.-----

Are the dog(s)? Male_____ Female_____

Are the dogs spayed or neutered? Yes No

Do you own or rent? -----

If you rent, do you have the Landlord's permission to keep a dog(s) Yes No

Actual breed of dog ----- Name of dog-----

Does the dog have a tag? Yes No

Signature of owner or designate Date