



The Corporation of the Township of Adjala-Tosorontio

By-law 11-25

(Consolidated – as amended)

CANINE CONTROL BY-LAW

A by-law to provide for the licensing, regulating and control of canines in the Township of Adjala - Tosorontio

Consolidation		
Amendment No. 1	By-law 13-16	June 3, 2013
Amendment No. 2	By-law 19-41	July 10, 2019

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OFFICE CONSOLIDATION

Current to Amendment No. 2

By-law 13-16, June 3, 2013

By-law 19-41, July 10, 2019

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 11-25

A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND CONTROL OF CANINES IN THE TOWNSHIP OF ADJALA-TOSORONTIO
Canine Control By-law

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, as amended, provides that lower tier municipalities may pass by-laws respecting animals;

AND WHEREAS section 8 of the said Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 103 of the said Act provides that where a municipality passes a By-law regulating or prohibiting animals from running at large or trespassing it may provide for the seizure and impounding of animals found trespassing or being at large and provide for procedures to deal with such animals;

AND WHEREAS section 105 of the said Act provides that where a municipality requires a dog to be muzzled the owner may request a hearing and that such requirement to muzzle remain in effect until such time as the hearing is conducted;

AND WHEREAS section 128 of the said Act provides that a local municipality may prohibit and regulate with respect to public nuisances;

AND WHEREAS section 129 of the said Act provides that a local municipality may prohibit and regulate with respect to noise, nuisance and odour;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio hereby enacts as follows:

1.0 TITLE

- 1.1 This By-law shall be cited as “The Township of Adjala-Tosorontio Canine Control By-law”;

2.0 DEFINITIONS

2.1 For the purposes of this By-law, the following definitions shall apply:

“Appeal Committee” shall mean Council, or a Committee duly appointed by Council to conduct hearings under this By-law;

“Assistance Dog” means a Guide, Hearing or Service Dog including Therapy Dogs, specifically trained and certified to assist and mitigate the individual’s disabilities. The presence of a dog for protection, personal defence or comfort does not qualify that dog as an Assistance Dog;

“At Large” a dog shall be deemed to be at large when it is found at a place other than the premise or property of the Owner or on other private property with the permission of the property owner, and not being leashed and under the control of a person capable of restraining the Dog.

“Bite” means piercing or puncturing of the skin as a result of contact with a dog’s tooth or teeth;

“Clerk” means the Clerk of the Corporation of the Township of Adjala-Tosorontio;

“Council” means the Council of the Corporation of the Township of Adjala-Tosorontio;

“Dangerous Dog” means any of the following:

- a) a dog that has killed a person, domestic animal or livestock, regardless of circumstances;
- b) a dog, in the absence of any mitigating factor, that has bitten or injured or harmed a person, domestic animal or livestock;
- c) a dog previously designated as a menacing dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog;
- d) a dog that is kept for the purposes of security or protection, whether residential, commercial or industrial, on a person’s property;
- e) an attack-trained dog other than dogs used in law enforcement;

“Dog” shall mean any domesticated canine, male or female, whether neutered or spayed, over ninety days from birth;

“Dog Tag” means a disc or other shape of metal or plastic furnished by the Township suitable to be securely affixed to a dog’s collar or other restraining device, which must be worn by the dog whenever the dog is off the owner’s property.

“Dwelling Unit” means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Humane Society” means the Alliston and District Humane Society or any successor organization thereto;

“Leash” means a physical restraint system made of chain, rope or other similar durable material of not more than 3 meters (ten feet) in length which is designed to be held by the Owner and gives the Owner effective direct control of the Dog;

“License” means a license and dog tag issued pursuant to this By-law;

“Livestock Guardian Dog” shall mean a dog that is specifically recognized and used to work and/or live with domestic farm animals, without causing them harm while aggressively repelling predators and is used exclusively for that purpose;

“Menacing Dog” means a dog that in the absence of any mitigating factor, chases or approaches any person, domestic animal or livestock in a menacing fashion or apparent attitude of attack, including, but not limited to behaviour such as growling or snarling, baring teeth, lunging, inhibited biting where a behaviour does not physically injure or harm the person or domestic animal;

“Microchip” means an approved Canadian standard encoded identification device implanted into an animal which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal;

“Mitigating Factor” means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or animal, or acting in its function as a Livestock Guardian Dog;
- b) 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

- c) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented;

“Muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of a dog to prevent a dog from biting, yet still allows a dog to pant or drink (a basket type muzzle);

“Officer” means a person or persons appointed by the Township to enforce the provisions of this By-law as Provincial Offences Officers, By-law Enforcement Officers or Canine Control Officers;

“Owner” means any person or corporation who owns, possesses, harbours, shelters, or has custody of a dog and, where the Owner is a minor, the person responsible for the custody of the minor;

“Police Work Dog” means a dog that is certified to aid law enforcement officers and is actively being used for police work purposes;

“Pound Facility” shall mean any facility or structure maintained or operated by the Township or its agents for the retention and or maintenance of dogs that have been impounded pursuant to the by-law of the Municipality;

“Township” shall mean the Corporation of the Township of Adjala-Tosorontio;

PART I

3.0 LICENSING OF DOGS

- 3.1 Prior to April 1st of each year, every Owner of a dog shall register and obtain from the Township or its agent a *License* for each Dog that he or she owns;
- 3.2 Every person upon becoming a new Owner of a dog, and every new resident that is an Owner of a dog shall within 30 days register and obtain from the Township or its agent a *License* for each Dog that he or she owns;
- 3.2 At the time of application for a License to be issued, the Owner shall provide:
 - a) a completed application in the form provided by the Township;
 - b) the applicable License fee as set out in Schedule “A” to this By-law;

- c) any additional documents as the Township sees fit, such as proof of spaying/neutering or breed, and any costs incurred in obtaining such documents shall be at the applicant's expense;
- 3.3 Further to the requirements of Section 3.2 of this By-Law, every *Owner* with a Dog which has been declared a Dangerous Dog or Menacing Dog shall register the *Dog* solely at the Township Office verifying the Dog's status as to their designation, and shall provide proof of current rabies vaccination;
- 3.4 Every Owner shall affix to the Dog's collar or restraining device a current *Dog Tag* issued by the Township in accordance with this By- law and shall keep such Dog Tag affixed on the Dog's collar or restraining device at all times;
- 3.5 No Dog Tag or License shall be transferable and the *Dog Tag* shall expire and become void upon the sale, death or other means of disposal or transfer of the Dog so registered and Licensed;
- 3.6 Every License issued by the Township shall expire annually on the 31st day of December in the year in respect of which it was issued;

4.0 EXCEPTIONS

- 4.1 Assistance dogs, Police Work Dogs, Livestock Protection Dogs, Dogs in the custody of the Humane Society, Dogs in the custody of a Pound Facility and the holder of a valid Township Class 1 or Class 2 Kennel License issued pursuant to the Township Kennel By- law are exempt from License fees as set out in Schedule "A" of this By-Law;

5.0 REVOCATION OF LICENSE

- 5.1 An existing License is immediately revoked upon the Owner being served a Notice to Muzzle for a Dog that has been declared a Dangerous Dog or Menacing Dog, and such new Dangerous Dog or Menacing Dog License shall be obtained in accordance with Section 3.3 by the Owner within five (5) days of service of such notice;

6.0 NUMBER OF DOGS

- 6.1 No Owner shall keep, or permit to be kept, more than three (3) Dogs over the age of ninety days on any premises at any one time;
- 6.2 Section 5.1 does not apply to the operation of a Kennel as defined in the Township Kennel By- law for which a valid Class 1 or Class 2 Kennel License has been issued pursuant to the Kennel By-law;

7.0 SPAYING / NEUTERING

- 7.1 An Owner shall not attempt to register:
- a) an unspayed female dog as a spayed female Dog; or
 - b) an unneutered male dog as a neutered male Dog;

PART II

8.0 CONTROL OF DOGS

- 8.1 For the purposes of Part II of this By-Law an Owner shall also include a person who is the temporary keeper of the dog and the person who is in charge or control of any Dog;
- 8.2 The Owner shall immediately remove any excrement left by the Dog anywhere in the Municipality other than the property of the owner;

9.0 AT LARGE

- 9.1 No Owner shall allow the Dog to be At Large in the Township of Adjala-Tosorontio;
- 9.2 A Dog shall not be considered to be At Large if it is an Assistance Dog, a Police Work Dog, or Livestock Guardian Dog, actively engaged in the performance of its trained duty;
- 9.3 Any person may capture any Dog found At Large on their property and must immediately or as soon as practicable contact the Canine Control Officer or other duly appointed Officer, who shall impound the said dog;
- 9.4 An 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 impounding or otherwise detaining any Dog found At Large pursuant to the provisions of this By-law;
- 9.5 For the purpose of this by-law, a dog shall be deemed to be At Large when it is found at a place other than the premise or property of the Owner or on other private property with the permission of the property owner and not being leashed and under the control of an Owner capable of restraining the Dog.

9.6 An Owner shall be deemed to be in control of a dog when the Dog is physically constrained by a leash of durable material and the Owner is holding the leash.

10.0 BARKING

10.1 No Owner shall allow a Dog to howl or bark such as to disturb the peace of the surrounding residents or otherwise become a nuisance;

10.2 Livestock Guardian Dogs are exempt from section 10.1 of this By-law if actively engaged in the performance of its trained duty;

11.0 IMPOUND PROCEDURE

11.1 An Officer may seize and impound any Dog found At Large, and may:

- a) restore possession of the Dog to the Owner where:
 - i) the Owner claims possession of the dog within five days, exclusive of statutory holidays or Sundays, after the date of seizure; and
 - ii) the Officer is satisfied that the Dog is Licensed for the current year after identification of the Dog by the Owner and payment where required is made by the Owner of the fee as set out in the Table of Fees attached as Schedule "A" hereto;
- b) have the seized Dog humanely euthanized by a veterinarian licensed to practice in the Province of Ontario where because of injury or for other reasons, should be destroyed without delay for humane reasons or safety to persons or other animals;

11.2 Where a Dog is impounded, the Owner, if known, and regardless of whether or not the Dog is claimed from the Pound Facility, shall be liable for the payment of all handling fees and veterinarian fees, and shall pay those amounts to the Township upon demand forthwith;

11.3 Other than provided in Section 10.1 of this By-Law, an Officer shall maintain a seized and impounded Dog at a Pound Facility for five (5) days exclusive of statutory holidays or Sundays from the date of seizure. Where at the end of five days, regardless of whether or not the Owner is known or can be determined, an Officer may dispose of the Dog by:

- a) selling the Dog or putting the Dog up for adoption; or
- b) releasing custody of the Dog to the Humane Society; or

- c) having the Dog euthanized by a veterinarian licensed to practice in the Province of Ontario;

PART III

12.0 DANGEROUS DOGS AND MENACING DOGS

12.1 An Officer may declare a Dog a Dangerous Dog;

- a) Upon receipt of a signed declaration, such as in the form attached as Schedule “B” to this By-law, and
- b) The Dog has committed acts that would satisfy the definition of a Dangerous Dog in this By-Law;

12.2 Where a Dog is declared a Dangerous Dog, A Notice to Muzzle in the form attached hereto as Schedule “C” to this By-Law shall be served on the Owner of the dog which shall include the following requirements on the Owner:

- a) The Dog shall be kept in control while on the Owner’s premises, restrained within the rear or side yard, with a securely placed leash or fully enclosed pen of sufficient design and strength to contain the Dog,
- b) The Dog shall be kept in control while off the Owner’s premises restrained by means of a securely attached Muzzle and a non-retractable Leash and under the effective control of a person (18) eighteen years of age or older, and
- c) The Owner of the dog shall display at the main entrances to the owner’s Dwelling Unit a warning sign provided by an Officer, and posted in such a manner that it is clearly visible and cannot be easily removed by passersby;

12.3 An Officer may declare a Dog a Menacing Dog:

- a) Upon receipt of a signed declaration, such as in the form attached as Schedule “B” to this By-law, and
- b) The Dog has committed acts that would satisfy the definition of a Menacing Dog in this By-Law;

12.4 Where a Dog is declared a Menacing Dog, A Notice to Muzzle in the form attached hereto as Schedule “C” to this By-Law shall be served on the Owner of the dog which may include any, all or less restrictive

requirements from the requirements contained within the subsections of section 12.2 of this By-Law;

- 12.5 Every Notice to Muzzle shall include a statement advising the Owner of the ability to make application for a hearing before the Appeal Committee in accordance with the provisions of this By-Law;
- 12.6 A Notice to Muzzle shall be served personally or by registered mail sent to the Owner's last known address. Such notice that has been served by registered mail shall be deemed to have been received by the person to whom it is addressed on the fifth (5th) day after the day it is mailed;
- 12.7 The Owner shall comply with all terms and requirements made in a Notice to Muzzle;
- 12.8 Where the Owner of the dog is in contravention of the Notice to Muzzle, the Owner shall release custody of the Dog to an Officer who shall impound the Dog at a Pound Facility until hearing of any appeal, or should the time to appeal expire be disposed of in the manner provided in section 11.3 (b) or (c) of this By-law;
- 12.9 Where a Dog has been declared a Dangerous Dog or Menacing Dog, such designation may be removed upon successful completion of the Canadian Kennel Club Canine Good Neighbour Program;

13.0 APPEAL

- 13.1 Where a Dog has been declared a Dangerous Dog and a Notice to Muzzle has been issued pursuant to the provisions of this By-law, the Owner of the dog may appeal the Notice to Muzzle by filing an appeal in writing with the Clerk of the Township within thirty (30) days after the Notice to Muzzle has been served;
- 13.2 The Notice to Muzzle shall remain in full force and effect until such time as it is confirmed, modified or exempted by the Appeal Committee;
- 13.3 Upon receipt of an appeal pursuant to the provisions of this By-law, the Clerk shall schedule the appropriate hearing before the Appeal Committee and shall give the Owner at least seven (7) days notice of the hearing;
- 13.4 Prior to the hearing, the Owner of the dog shall pay any outstanding fines imposed for the contravention of any provision of this By-law;
- 13.5 An application by the Owner for a hearing under this By-law does not act as a stay of any requirement imposed by an Officer;

- 13.6 The Appeal Committee may, after having heard all of the evidence and submissions made to it, resolve into In Camera to debate the matter and to reach its decision;
- 13.7 The decision made by the Appeal Committee sitting In Camera shall be confirmed in open Council by Resolution;
- 13.8 The decision of the Appeal Committee may be subject to such terms as the Appeal Committee shall impose and shall be final and binding;

PART IV

14.0 RECOVERY OF EXPENSES

- 14.1 The Township shall have the right to recover from the Owner of the dog all costs incurred in applying and enforcing this By-law to the Owner and shall include an administration fee;
- 14.2 The provisions of this By-law shall be enforceable pursuant to the Municipal Act, S.O. 2001, Chapter 25, as amended;

15.0 ENFORCEMENT

- 15.1 An Officer shall enforce the provisions of this By-law;
- 15.2 Each day of contravention shall be a separate offence;
- 15.3 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation who concurs in the contravention by the Corporation is guilty of an offence and liable upon conviction to a fine not exceeding \$5,000;

16.0 REPEAL

- 16.1 **THAT** By-law 05-09 shall be repealed;

17.0 SEVERABILITY

- 17.1 Should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- 17.2 Should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

18.0 FORCE AND EFFECT

18.1 **THAT** this By-law shall come into force and effect on the final passing thereof;

19.0 **THAT**, notwithstanding anything contrary to the rules of procedure, this by-law be introduced and read a first and second time and be considered read a third time and finally passed this 6th day of September, 2011.

MAYOR TOM WALSH

**Office
Consolidatio
n**

CLERK BARBARA KANE