

THE CORPORATION OF THE TOWNSHIP OF MOUNT FOREST/
ARTHUR/WEST LUTHER/ARTHUR

BY-LAW NUMBER 99- 3 /

Being a by-law for the registration and licensing of dogs, and for the control of dogs generally within the Township of Mount Forest/Arthur/West Luther/Arthur.

WHEREAS Section 210, subparagraphs 1 to 13 inclusive of the Municipal Act, R.S.O. 1990, c. M.45 authorize the councils of municipalities to pass by-laws pertaining to dogs.

NOW THEREFORE the council of The Corporation of the Township of Mount Forest/Arthur/West Luther/Arthur (hereinafter called the "corporation") enacts as follows:

1. For the purposes of this by-law:

- (a) "Clerk" means the clerk of The Corporation of the Township of Mount Forest/Arthur/West Luther/Arthur.
- (b) "Council" means the council of The Corporation of the Township of Mount Forest/Arthur/West Luther/Arthur.
- (c) "Dangerous Dog"
 - (i) means a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (ii) means a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or,
 - (iii) means a dog, previously designated as a potential dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- (d) "Dog" means any dog, male or female, over the age of 12 weeks.
- (e) "Dog Control Officer" includes the person appointed by the municipality to control dogs and any servants or agents of such person, any peace officer having jurisdiction within the municipality.
- (f) "Dwelling Unit" means one room or a group of rooms in a building used or designed or intended to be used by a person or persons as a single, independent and separate housekeeping establishment, and includes the lot used in conjunction therewith.
- (g) "Kennel" means an establishment where purebred dogs are housed, groomed, bred, boarded, trained, or sold, on a lot or parcel which is 25 acres or greater in size.
- (h) "Mitigating Factor" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- (i) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 - (ii) 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
 - (iii) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- (i) "Municipality" means The Corporation of the Township of Mount Forest/Arthur/West Luther/Arthur.
 - (j) "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
 - (k) "Owner" of a dog includes any person who possesses or harbours a dog and "own", "owns" or "owned" have a corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor.
 - (l) "Potentially Dangerous Dog" means a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on 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.
 - (m) "Pound" includes a veterinary facility or other place(s) designated by resolution of the council of the municipality.
 - (n) "Pound Fee" includes any daily charge that may be collected by the operator of a pound.
 - (o) "Purebred Dog" means a dog that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
 - (p) "Zoned" means a land use designation in a zoning by-law passed under the provisions of the Planning Act.

PART I - DOG LICENCES

2. Every person being the owner of a dog residing in the municipality for a period of two consecutive months or more shall, on or before the 1st day of March in each and every year, or upon becoming the owner of a dog, register such dog with the municipality, and procure a licence and dog tag in accordance with the provisions of this Part for each dog owned by that owner.
3. Upon application for a licence, the owner may be required to produce a certificate signed by a practising veterinarian that the dog has been inoculated with anti-rabies vaccine within a period of 12 months of the date of application for the licence.
4. Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the municipality showing the name and address of the owner and the serial number of the tag.

5. The owner shall keep the dog tag securely fixed on the dog at all times.
6. No person shall affix a dog tag issued on behalf of the municipality on a dog other than the dog for which such tag was issued.
7. The fee charged for the replacement of lost dog tags shall be \$5.00.
8. Every licence issued pursuant to this by-law shall expire on the last day of February in the year following that in which it was issued.
9. The licence fee to be paid to the municipality, at the time of issuing of the licence, shall be as set out on Schedule "A" annexed to this by-law.
10. Notwithstanding the provisions of Section 2, no licence shall be required for any dog before it is 12 weeks old, but when any such dog becomes 12 weeks old, the owner shall be liable to register and obtain a licence and tag in accordance with this Part within 15 days of its becoming 12 weeks old.

PART II - DOGS FOUND RUNNING AT LARGE

11.
 - (a) No owner of a dog shall allow the dog to run at large within the limit of the municipality.
 - (b) For the purposes of this section, a dog shall be deemed to be running at large when found elsewhere than on the property of the owner and not under the control of a competent and responsible person.
12.
 - (a) Subject to subsection (f) of this section, a dog control officer shall seize and impound any dog found running at large and restore possession of the dog to the owner thereof when:
 - (i) The owner claims possession of the dog within three days (exclusive of statutory holidays and Sundays) after the date of seizure; and,
 - (ii) The owner pays to the dog control officer an impoundment fee of \$50.00 for each dog seized and impounded, plus a pound fee of not more than \$15.00, or such lower fee that may be set by the operator of the pound for each day subsequent to the day of seizure that the dog remains impounded.
 - (b) Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the impoundment and pound fees prescribed, and shall pay all fees on demand to the dog control officer and operator of the pound.
 - (c) No dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this by-law, and any owner of a dog without a licence or a dog tag shall obtain a licence and a dog tag for the current year before delivery is made.

- (d) Where, at the end of the said three days, possession of the dog has not been restored to the owner under subsection (a) of this section, the dog control officer may sell the dog for such price as he deems reasonable.
- (e) Where the owner of a dog has not claimed the dog within three days after its seizure under subsection (a) of this section, and the dog has not been sold, the dog control officer may kill the dog in a humane manner or otherwise dispose of the dog as he sees fit and no damages or compensation shall be recovered on account of its killing or other disposition.
- (f) Where a dog, seized under subsection (a) of this section, is injured or should be destroyed without delay for humane reasons or to protect persons or animals, the dog control officer may kill the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering the dog for sale and no damages or compensations shall be recovered on account of its killing.

PART III - LIMITATION ON NUMBER OF DOGS

13.

- (a) No person or persons shall own, harbour, or keep more than three dogs per dwelling unit within the former geographic area of the Town of Mount Forest and the former geographic area of the Village of Arthur as it existed prior to the annexation of a portion of the Township of Mapleton on the 1st day of January, 1999.
- (b) No person or persons shall own, harbour, or keep more than three dogs per dwelling unit in areas zoned other than agricultural and on lots or parcels containing less than 25 acres of land within the former geographic area of the Township of Arthur, within the former geographic area of the Township of West Luther (including the portion thereof annexed from the former geographic area of the Township of West Garafraxa), and within the portion of the Township of Mapleton annexed to the former geographic area of the Village of Arthur on the 1st day of January, 1999.

PART IV - KENNELS

- 14. The owner of a kennel may on or before the 1st day of March in each calendar year, or within ten days of his or her becoming a kennel owner, cause the kennel to be registered, described and licensed at the office of the clerk of the corporation and shall pay upon such registration a fixed licence fee for the kennel as set out on Schedule "A" annexed to this by-law instead of a licence fee for each dog.
- 15. The corporation shall provide the kennel owner with proof of payment of the kennel licence fee upon registration and payment thereof.
- 16. The owner of a kennel before being entitled to register and obtain a kennel licence as provided for herein shall:

- (a) Produce to the corporation proof that the dogs in the kennel are purebred dogs which proof shall consist of a certificate or other satisfactory evidence that the dogs are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) (including the Canadian Kennel Club).
- (b) Have the kennel inspected by a provincial offences officer.
- (c) Have an area of land containing 25 acres or more upon which to operate the kennel.
- (d) Provide satisfactory evidence that the kennel, dog run, pen, and/or exercising yard and any structure used in connection with the kennel operation is at least 300 clear feet from any dwelling or residential lot other than premises occupied exclusively by the kennel owner or operator or member of his or her immediate family, and at least 200 clear feet from any public roadway.
- (e) Provide satisfactory evidence that the floors of the kennel pen or other structure used for the operation of the kennel are suitable and made of durable material impervious to water so laid and provided with gutters as to drain readily the water or urine which shall not be allowed to lie stagnant or drain into the ground.
- (f) Provide satisfactory evidence of the existence of a receptacle of adequate size and construction for the keeping of excrement from the dogs and confirmation that all excrement from the dogs shall be kept in the required receptacle which shall be emptied and cleaned and the contents disposed of in a manner that is satisfactory to the Medical Officer of Health at least once per week.

PART V - GENERAL PROVISIONS

17. Noise

No owner of a dog shall permit the dog to make any noise likely to disturb the inhabitants of the Township of Mount Forest/Arthur/West Luther/Arthur.

18. Dog Waste

- (a) Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said dog on any property in the former geographic area of the Town of Mount Forest and the former geographic area of the Village of Arthur as it existed prior to the annexation of a portion of the Township of Mapleton on the 1st day of January, 1999.
- (b) Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by the said dog on any property in the former geographic area of the Township of Arthur, the former geographic area of the Township of West Luther (including the portion thereof annexed from the former geographic area of the Township of West Garafraxa) and in the portion of the Township of Mapleton annexed to the former geographic area of the Village of Arthur on the 1st day of January, 1999, other than the premises of the owner of the dog if such premises contain 25 acres of land or more.

19. Muzzling, Leashing and Containment of Dogs

Every owner of a dog after it has bitten a person or a domestic animal shall ensure that the dog is muzzled or leashed while said dog is on any property in the Township of Mount Forest/Arthur/West Luther/Arthur including the premises of the owner of the dog.

20.

- (a) An owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person's consent, shall keep the dog from leaving such property on its own by means of:
 - (i) enclosure;
 - (ii) containment within a fenced area; or,
 - (iii) physical restraint of the dog by chain or other similar means.
- (b) Despite section 20(a), an owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person's consent, and where such lands are zoned agricultural, may keep the dog from leaving such property on its own by any reasonable means.

21. Where the dog control officer designates a dog as a potentially dangerous dog, the dog control officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:

- (a) to keep such dog, when it is on the property of the owner, confined
 - (i) within the owner's dwelling; or,
 - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children;
 - (iii) or if not confined under subparagraphs (i) and (ii) above, to keep such dog leashed and under the control of some person;
- (b) to keep such dog, when it is on the property of another person with that person's consent, leashed and under the control of some person;
- (c) to securely attach a muzzle to such dog at all times when it is not on the property of the owner or not on the property of another person with such person's consent;
- (d) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such potentially dangerous dog and provide to the dog control officer a certificate of such policy and each subsequent renewal thereof. Such policy shall contain a provision requiring the insurer to immediately notify the dog control officer should the policy expire, be cancelled or be terminated for any reason; and/or
- (e) to permit the dog control officer to insert a microchip implantation in such dog, at the dog owner's expense, for the purpose of identifying such dog as a potentially dangerous dog.

22. Where the dog control officer designates a dog as a dangerous dog, the dog control officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice to comply with the following requirements:

- (a) to keep such dog confined:
 - (i) within the owner's dwelling, or
 - (ii) in an enclosed pen on the property of the owner of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 22(a);
- (c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and provide to the dog control officer a certificate of such policy and each subsequent renewal thereof. Such policy shall contain a provision requiring the insurer to immediately notify the dog control officer should the policy expire, be cancelled or be terminated for any reason; and
- (d) to permit the dog control officer to insert a microchip implantation in such dog, at the dog owner's expense, for the purpose of identifying such dog as a dangerous dog.

23. The notice referred to in sections 21 and 22 hereof shall include:

- (a) a statement that the dog control officer has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- (b) the requirements that the owner must comply with in accordance with this section and when such requirements take effect; and
- (c) a statement that the owner may request, within three working days of receipt of the dog control officer's notice, and is entitled to, a hearing by the council of the corporation which may affirm or rescind the dog control officer's designation of the dog as potentially dangerous or dangerous, as the case may be, and which council may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to section 21 (a) to (d).

24. Where the owner of a dog receives a notice from the dog control officer designating such a dog as a potentially dangerous dog or as a dangerous dog, and so requests in writing to the clerk of the corporation within three working days of receipt of such notice, council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within 15 working days of the clerk's receipt of the request for a hearing and may:

- (a) affirm or rescind the dog control officer's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
- (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be; and/or
- (c) substitute its own requirements of the owner of a potentially dangerous dog pursuant to sections 21 (a) to (d).

25. The dog control officer may either on its own initiative or as a result of a complaint received by it from a resident of the Township of Mount Forest/Arthur/West Luther/Arthur conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.
26. The requirements of sections 21 (c) and (d) and 22 (c) and (d) which may be imposed on a dog owner by the dog control officer pursuant to such sections shall not be required until either the time for appeal under section 21 has elapsed without the dog owner requesting an appeal pursuant to that section or council has ordered such requirement, which occurs earlier.
27. An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this by-law shall advise the dog control officer immediately if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the dog control officer with particulars of same.
28. Any notices served by the dog control officer or requests for hearings made by an owner pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth working day after the date of mailing.
29. Notwithstanding section 11 where a potentially dangerous dog or a dangerous dog has been impounded for any reason, the dog control officer shall not restore the said dog to its owner or to any other person unless the dog control officer is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of sections 21 and 22 as the case may be. All fees otherwise payable to the dog control officer upon restoration of an impounded dog to its owner are payable by the owner of a potentially dangerous dog or a dangerous dog for any length of time it may be held in the pound pursuant to this section.
30. Where the owner of a potentially dangerous dog or dangerous dog which has been impounded is unable to demonstrate compliance with the provisions of sections 21 and 22 as the case may be to the reasonable satisfaction of the dog control officer or refuses to do so, the dog control officer, after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this by-law.

31. Compensation

The corporation, its agents and servants and the dog control officer shall not be liable for damages or compensation for any dog killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.

PART VI - OFFENCES

32. Every person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction be liable to a penalty and costs as provided for in the Provincial Offences Act, as amended.
33. Notwithstanding the provisions of section 32, any person who contravenes the provisions of section 11 hereof may voluntarily pay a penalty out of court if:
 - (a) with respect to the first contravention in any consecutive 12 month period payment of \$25.00,
 - (b) with respect to a second contravention within any consecutive 12 month period payment of the sum of \$50.00, and,

(c) with respect to a third contravention within any consecutive 12 month period payment of the sum of \$100.00,

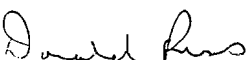
is made to the clerk or treasurer of the corporation within ten days of such person receiving written notice of the offence. Such written notice if so mailed shall be deemed to have been received on the third day after the date of mailing.


34. All penalties imposed by this by-law shall be paid over to the clerk or treasurer of the corporation for deposit to the credit of the municipality.

PART VII - REPEAL OF BY-LAWS

35. All by-laws for the registration, licensing, regulation or control of dogs of the former geographic area of the Township of West Luther (including the portion thereof annexed from the former geographic area of the Township of West Garafraxa), the former geographic area of the Village of Arthur (including the portion thereof annexed from the geographic area of the Township of Peel), the former geographic area of the Township of Arthur, and the former geographic area of the Town of Mount Forest are repealed.


READ A FIRST AND SECOND TIME this 29 day of March, 1999.

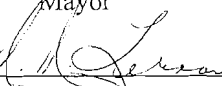


Mayor


Clerk

READ A THIRD TIME AND FINALLY PASSED this 29 day of March, 1999.



Mayor


Clerk