

The Corporation of the Township of Adjala-Tosorontio

By-law No. 2024-0XX

A By-law to Provide for the Licensing, Regulating and Control of Canines in the Township of Adjala-Tosorontio and to repeal By-law 11-25

WHEREAS Section 11 of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that a lower tier municipality may pass by-laws regulating animals;

AND WHEREAS Section 103 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended 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 *Municipal Act, 2001, S.O. 2001, c.25*, as amended, 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 425 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence;

AND WHEREAS Section 432 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a by-law under Section 425 may establish a procedure for the voluntary payment of penalties where it is alleged that that a by-law related to animals being at large or trespassing has been contravened;

AND WHEREAS the Council of the Township of Adjala-Tosorontio deems it expedient to pass a to regulate dogs,

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio hereby ENACTS AS FOLLOWS:

SHORT TITLE

This By-law shall be known as the Canine Control By-law.

1. DEFINITIONS

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

- 1.1 **Appeal Committee** means Council, or a Committee duly appointed by Council to conduct hearings under this By-law and in accordance with the *Statutory*

Powers Procedure Act, R.S.O. 1990, c. S. 22;

- 1.2 **Applicant** means the owner of a Dog that has been declared a Dangerous Dog and has filed an appeal on the prescribed form with the Clerk of the Township of Adjala-Tosorontio;
- 1.3 **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 defense or comfort does not qualify that dog as an Assistance Dog;
- 1.4 **At Large** means a Dog found in any 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;
- 1.5 **Bite** means piercing or puncturing of the skin as a result of contact with a dog's tooth or teeth;
- 1.6 **Clerk** means the Clerk of the Corporation of the Township of Adjala- Tosorontio;
- 1.7 **Council** means the Council of the Corporation of the Township of Adjala-Tosorontio;
- 1.8 **Dangerous Dog** means any individual dog that:
 - a) has killed a person, domestic animal or livestock, regardless of circumstances;
 - b) in the absence of any mitigating factor, that has bitten or injured or harmed a person, domestic animal or livestock or has demonstrated a propensity, tendency or disposition to do so;
 - c) is kept for the purposes of security or protection, whether residential, commercial or industrial, on a person's property;
 - d) is an attack-trained dog other than dogs used in law enforcement;
 - e) has been declared dangerous in another municipality in Ontario.
- 1.9 **Dog** means any domesticated canine, male or female, whether neutered or spayed, over ninety days from birth;
- 1.10 **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.

- 1.11 **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;
- 1.12 **Humane Society** means the Alliston and District Humane Society or any successor organization thereto;
- 1.13 **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;
- 1.14 **License** means a license and dog tag issued pursuant to this By-law;
- 1.15 **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;
- 1.16 **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;
- 1.17 **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 defense to an attack by a person or animal, or acting in its function as a Livestock Guardian Dog;
 - b) the dog was, at the time of the aggressive behaviour, acting in defense 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;
- 1.18 **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);
- 1.19 **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;

- 1.20 **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;
- 1.21 **Persistent** means continuously for fifteen minutes or intermittently totaling fifteen (15) minutes over a period of 1 hour;
- 1.22 **Police Work Dog** means a dog that is certified to aid law enforcement officers and is actively being used for police work purposes;
- 1.23 **Pound Facility** means 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-laws of the Municipality;
- 1.24 **Township** means the Corporation of the Township of Adjala-Tosorontio.

PART I

2. LICENSING OF DOGS

- 2.1 Prior to March 31st 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;
- 2.2 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;
- 2.3 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 Fees and Charges 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.
- 2.4 Further to the requirements of Section 2.3 of this By-Law, every Owner with a Dog which has been declared a Dangerous Dog within the Township or any other municipality in Ontario shall register the Dog at the Township Office verifying the Dog's status as to their designation, and shall provide proof of current rabies vaccination;
- 2.5 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;

- 2.6 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;
- 2.7 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;

3. EXCEPTIONS

- 3.1 Assistance dogs, Police Work Dogs, Livestock Guardian Dogs, or Dogs in the custody of the Humane Society, a Pound Facility or licensed Kennel pursuant to the Township Kennel By-law are exempt from license fees as set out in the Township Fees and Charges By-law, however registration is required.

4. REVOCATION OF LICENSE

- 4.1 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, and as such a new Dangerous Dog tag shall be obtained in accordance with Section 2.4 by the Owner within five (5) days of service of such notice;

5. NUMBER OF DOGS

- 5.1 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;
- 5.2 Section 5.1 does not apply to the operation of a Kennel for which a valid Kennel License pursuant to the Township Kennel By-law has been obtained.

6. SPAYING / NEUTERING

- 6.1 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

For the purposes of Part II of this By-Law an Owner shall also include a person who is the temporary keeper of a dog and the person who is in charge or control of any Dog;

7. CARE OF DOGS AND REGULATIONS

- 7.1 Every person who keeps a Dog within the Township shall ensure that:

- a) a clean and sanitary environment free from an accumulation of fecal matter odor, insect infestations or rodent attractants, adequate and appropriate care potable water shelter and opportunity for physical activity, attention, grooming, sunlight and veterinary care as may be required to keep the animal in good health;
- b) every cage or pen used for the housing or keeping of a Dog shall be constructed and maintained to ensure that the dog shall may comfortably stand normally to its full height, to extend its legs and body to their full natural extent, to turn around, and lie down in a fully extended position; and,
- c) if the Dog is kept outdoors, the person having custody and control of the Dog shall provide an enclosure including but not limited to a doghouse which is structurally sound, weatherproof, with off ground flooring, and kept in a sanitary condition.

7.2 The owner of a Dog left in an unattended motor vehicle shall ensure that the Dog has suitable ventilation and is not exposed to extreme temperature which can cause distress and or death.

8. CONTROL OF DOGS

- 8.1 A Dog shall be deemed to be under control of a person when it is on a leash affixed to a restraining device such as a collar or harness with a clip designed for that purpose, the leash must be durable material and of sufficient tensile strength to restrain the Dog;
- 8.2 No person shall keep a dog tethered on a rope, chain or similar retraining device unless:
 - a) The tether is a minimum of 3 meters in length provided that the tether does not permit the dog to go beyond the limits of the Owners property;
 - b) The Dog has unrestricted movement within the range of such tether and cannot injure itself as a result of the tethering.
- 8.3 No person shall keep a dog tethered where a choke collar, a choke chain or a pronged collar forms part of the tether.

9. STOOP AND SCOOP

- 9.1 Every Owner of a Dog shall immediately remove any feces left by the dog in the following locations:
 - a) on a highway or roadway

- b) any public property other than the property of the
 - i. Owner of the Dog; or
 - ii. person having care and custody or control of the Dog.

9.2 Every Owner of a Dog shall remove from his or her premises in a timely manner, feces left by such Dog so not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises;

9.3 Section 9.1 does not apply to a handler of an Assistance Dog where the handler is unable to remove the excrement of such Dog due to a physical disability or impediment

10. AT LARGE

10.1 No Owner shall allow the Dog to be At Large in the Township of Adjala-Tosorontio;

10.2 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;

10.3 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;

10.4 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 without the permission of the property owner and not being leashed and under the control of an Owner capable of restraining the Dog;

10.5 Registered Livestock Guardian Dogs are exempt from section 10.4 of this By-law only when found on abutting or adjacent rural properties during the course of carrying out their duties. Such Dogs are exempt only when the Owners can demonstrate that they are active livestock producers/farmers, and have notified each abutting neighbour in writing;

10.6 A Dog shall not be considered to be At Large if it is an Assistance Dog, a Police Work Dog, actively engaged in the performance of its trained;

10.7 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.

11. BARKING

11.1 No Owner shall allow a Dog to howl or bark such as to disturb the peace of the

surrounding residents in a persistent manner or otherwise become a nuisance;

11.2 Registered Livestock Guardian Dogs are exempt from section 11.1 of this By-law if actively engaged in the performance of its trained duty;

12. IMPOUND PROCEDURE

12.1 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 (5) 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 Fees and Charges By-law.

- b) Humanely euthanized the seized dog 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.

12.2 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;

12.3 Other than provided in Section 12.1(b) 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 incorporated / registered foster/rescue organization; or

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

PART III

13. DANGEROUS DOGS

13.1 A Canine Control Officer may declare a Dog to be a Dangerous Dog if it exhibits

any of the behaviours or characteristics set out in Section 1.8 above;

- a) Upon receipt of a signed declaration, such as in the form attached as Schedule "A" to this By-law; or
- b) Upon receipt of a signed Declaration attested to by the Municipal Clerk where the dog has been declared dangerous, has bitten a person or domestic animal or declared menacing in another municipality.

13.2 Notice to Muzzle

13.2.1 Where a Dog is declared a Dangerous Dog, A Notice to Muzzle in the form attached hereto as Schedule "B" 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 eighteen (18) 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.

13.2.2 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;

13.2.3 A Notice to Muzzle shall be served personally or sent by registered mail 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 day after the day it is mailed;

13.2.4 The Owner shall comply with all terms and requirements made in a Notice to Muzzle;

13.2.5 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

12.3 (b) or (c) of this By- law;

14. APPEAL NOTICE OF MUZZLE AND/OR DANGEROUS DOG DECLARATION

- 14.1 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 or Dangerous Dog Declaration by requesting a hearing;
- 14.2 An application to request a hearing shall be made in writing on the prescribed form and submitted to the Clerk of the Township with the applicable appeal fee within fifteen (15) calendar days after the Notice to Muzzle has been served;
- 14.3 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;
- 14.4 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.

15. APPEAL COMMITTEE HEARING

- 15.1 Upon receipt of an appeal pursuant to the provisions of this By-law, the Clerk shall schedule the appropriate hearing before the Appeal Committee;
- 15.2 The Appeal Hearing shall be conducted pursuant to the *Statutory Powers and Procedures Act*, R.S.O 1990. c. S., as amended.
- 15.3 A Notice of hearing stating the time, date and place shall be provided by the Clerk to the Applicant being the owner of the dog declared as a dangerous dog and any known witnesses a minimum of seven (7) days prior to the hearing.
- 15.4 The Applicant and any other interested person may appear at the hearing and present oral or written evidence relating to the Dog.
- 15.5 When the Applicant does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in the absence of the Applicant. The Applicant shall not be entitled to any further notice of the proceeding.
- 15.6 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its majority decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the hearing;
- 15.7 The Appeal Committee may confirm the Dangerous Dog Declaration and Notice to Muzzle or may exempt the owner of the dog from all or any of the muzzling, restraining, or leashing requirements, or may rescind the Dangerous Dog

Declaration and/or Notice to Muzzle order;

- 15.8 The Appeal Committee may adjourn into closed deliberations to receive advice if required;
- 15.9 The decision of the Appeal Committee may be subject to such terms as the Appeal Committee shall impose and shall be final and binding;
- 15.10 The Notice of Hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this By-law shall be governed by the Statutory Powers and Procedures Act.

PART IV

16. RECOVERY OF EXPENSES

- 16.1 The Township shall have the right to recover from the Owner of the dog all costs incurred in applying and enforcing this By-law.
- 16.2 Any subsequent compliance visits may be subject to a Compliance Visit fee at the discretion of the Canine Control Officer or By-Law Enforcement Officer in accordance with the Township Fees and Charges By-law.
- 16.3 The provisions of this By-law shall be enforceable pursuant to the *Municipal Act, S.O. 2001*, Chapter 25, as amended;

17. ENFORCEMENT

- 17.1 An Officer shall enforce the provisions of this By-law;
- 17.2 Each day of contravention shall be a separate offence;
- 17.3 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;

18. SEVERABILITY

- 18.1 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;
- 18.2 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;

18.3 THAT Schedule “A” – Dangerous Dog Declaration and Schedule “B” – Notice to Muzzle, attached hereto shall form part of this By-law.

18.4 THAT By-law 11-25 is hereby repealed, and this By-law supersedes any corresponding By-law of the Township of Adjala-Tosorontio which, through inadvertence, may not have been repealed.

ENACTMENT

THAT the provisions of this By-law shall take full force and effect on the day of its passing.

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 14th day of August, 2024.

Scott W. Anderson, Mayor

Robin Reid, Clerk

**Schedule "A" to By-law 2024-0XX
Dangerous Dog Declaration**

Name of Owner of Dog:

Address:

Description of Dog:

(name, breed, gender, colour, dog tag number, rabies tag number, tattoo number, microchip number, veterinarian number or other identifying information)

Location of Incident:

Description of Incident:

Date and Time of Incident:

Name of Witness (Print):

Signature of Witness

Date

Signature of Officer

Date

**Schedule "B" to By-law 2024-0XX
Notice to Muzzle**

Name of Owner of Dog:

Address:

Description of Dog:

(name, breed, gender, colour, dog tag number, rabies tag number, tattoo number, microchip number, veterinarian number or other identifying information)

Date of Incident:

The Township of Adjala-Tosorontio is in receipt of a Declaration duly executed by and Officer pursuant to the Township Canine Control By-law, that the dog described herein did commit acts that satisfy the definition of Dangerous Dog and you are hereby ordered to restrain your dog as follows:

Signature of Officer

Date

Note: In accordance the provisions of the Township Canine Control By-law, every Owner that has been served with a Notice to Muzzle may make application on the prescribed form to the Clerk with the prescribed fee requesting a hearing before the Appeal Committee within fifteen (15) days of receiving this Notice.