

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 102-2011

BEING a By-law to control animals.

WHEREAS the Municipal Act, S.O. 2001, C.25 Sec. 9, 11, 103, 105 and 391 (1), as may be amended from time to time, provides that a Municipality may pass By-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system pursuant to the provisions thereof;

AND WHEREAS Section 20 of the Animals for Research Act, R.S.O. 1990, Chapter A. 22, provides for the impounding and sale or destruction of a dog pursuant to the provisions thereof;

AND WHEREAS the Dog Owners Liability Act, R.S.O. 1990 Chapter D. 16, provides for the protection of persons and property;

AND WHEREAS the Ontario Police Services Act, R.S.O. 1990 Chapter P. 15 as amended provides that Council may appoint Municipal Law Enforcement Officers to enforce all municipal By-laws;

AND WHEREAS the Council of the Corporation of the Township of Georgian Bluffs deems it necessary and expedient to pass such a By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS ENACTS AS FOLLOWS:

PART I

DEFINITIONS

1. For the purpose of this By-law the following definitions apply:
 - (a) "animal" includes birds and reptiles, but does not include animals or birds possessed for farming and agricultural practice;
 - (b) "breeding and boarding establishment" means any premises (including a private dwelling) where more than 2 breeding bitches are kept for the purpose of breeding for sale or any establishment that takes in animals for boarding for profit.
 - (c) "dog" means a male, female, spayed female or neutered male dog over the age of six (6) months;
 - (d) "kennel" means a kennel of dogs which are all registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada);
 - (e) "license" means the receipt issued by the Clerk or Treasurer of the Township of Georgian Bluffs or their authorized agent upon registration of a dog, kennel or boarding establishment and payment of the appropriate fee;
 - (f) "license fee" means the license fee established by Council in the applicable schedule of the Fees and Services By-law for the Township of Georgian Bluffs as amended from time to time;
 - (g) "owner" of a dog or other animal includes a person who possesses or harbours an animal and where the owner is a minor the person responsible for the custody of the minor and "owns" and "owned" have corresponding meanings;
 - (h) "trespassing" means an animal, including a dog, being on the property of a person other than the owner of the animal without the express permission of the

owner or occupier of the property.

- (i) "Guide Dog or Service Dog" shall mean a dog required as a guide for a blind person and having the qualifications prescribed by the regulations under the *Blind Person's Rights Act* or a Dog required by the person for reasons relating to his or her disability as defined under *Ontario Regulation 429/07* under the *Accessibility for Ontarians with Disabilities Act, 2005*.
- (j) "Police Work Dog" shall mean a dog trained to aid law enforcement officers and which is actually being used for Police work purposes for the protection of the public, which can include the investigation of crime and the apprehension of law violators.
- (k) "Vicious Dog" shall mean any dog known to have a propensity, tendency or disposition to attack domestic animals or humans, without provocation or any dog which has bitten another domestic animal or humans without provocation or a restricted dog.
- (l) "Restricted Dog" means
 - (a) a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier or an American Staffordshire Terrier or;
 - (b) a dog of mixed breeding which breeding includes the bloodline of the breeds referred to in (a).
- (m) "Working Dog" shall mean a dog trained to aid in herding or protecting livestock or a dog trained for and used for dog sledding.
- (n) "Hunting Dog" shall mean a hound bred dog used solely for the purpose of hunting or tracking.

PART II REGISTRATION,

LICENSING AND CONTROL OF DOGS

- 2. Every owner of a dog in the Township of Georgian Bluffs, within one week after the dog comes into their possession, shall cause the dog to be registered and licensed at the office of the Clerk of the Township of Georgian Bluffs for the balance of the calendar year. Following the initial registration and licensing the owner of a dog shall, prior to May 15th each year, re-register and re-license each dog in their possession for the current calendar year on or after May 16th of each year an additional \$10.00 fee shall be added to each applicable license fee.
- 3. (a) Registration and licensing of dogs may be performed at the Municipal Office of the Township of Georgian Bluffs by paying the prescribed fee in "Schedule A" attached and forming part of this By-law or as established in the applicable schedule of the Fees and Services By-law for the Township of Georgian Bluffs as amended from time to time.
 - (b) On payment of the license fee the owner shall be provided with a dog tag bearing a serial number and the year for which the tag is issued for each dog registered and licensed.
- (c) The owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, except while the dog is being lawfully used for hunting in the bush.

- (d) A record shall be kept by the Clerk or other designated person showing the complete description of the dog for which the tag was issued, the name and address of the owner and the serial number of the tag.
- (e) No person shall use a tag on a dog other than the dog for which the tag was issued.
- (f) A registration, license or tag is not transferable and shall expire upon the death, sale or other disposal of the dog or the sale or other disposal of the property on which a kennel or an establishment for the breeding or boarding of animals is situated.

KENNELS

- 4. (a) No person shall keep a kennel of dogs in the Township of Georgian Bluffs except under the authority of a currently valid license, which must be renewed annually before the fifteenth day (15th) of May each calendar year.
- (b) Every person making application for a license to keep a kennel of dogs shall make application in writing and
 - i) provide a complete description of each dog in the kennel together with a tattoo number or mark of identification sufficient to enable a person appointed to enforce the provisions of this By-law to clearly identify each dog for which a tag is issued,
 - ii) provide the location of the kennel and the number, size and construction of the facilities,
 - iii) provide the maximum number of dogs to be kept in the kennel at any time during the next twelve months,
 - vi) provide proof that every dog in the kennel is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada),
 - v) provide such other information as may be required by Council to properly consider the application, and shall
 - vii) obtain a tag for each dog in the kennel at a cost of one dollar (\$1.00) for each tag or if purchasing tags for dogs obtained during the year may exchange tags for the current year registered to dogs no longer in the possession of the licensee for new tags, and
 - viii) pay the current license fee established by "Schedule A" attached and forming part of this By-law or as established in the applicable schedule of the Fees and Services By-law for the Township of Georgian Bluffs as amended from time to time.
 - viii) maintain a maximum of 25 dogs per kennel except where approved by Council and upon inspection by the Chief Building Official.
- (c) Council of the Township of Georgian Bluffs may refuse to issue or renew a license for a kennel of dogs if provisions of this By-law are violated or if issue or renewal of a license would violate other existing legislation or would violate the personal or property rights of other people.
- (d) The Council shall have the right to revoke a licence if, after investigation and report to it by the authorized officer of the Corporation of the Township of Georgian Bluffs of a complaint respecting the operation of a kennel or a breach by the owner thereof of the regulations hereunder, such owner fails to remedy

the cause of the complaint or conform to the said regulations within 30 days after receiving notice by registered mail from the Clerk to do so, provided that such owner shall be given at least five days written notice of the date and time of the meeting at which Council intends to consider the cancellation of such licence and shall have the right to make representations to Council respecting the matter.

DOGS RUNNING AT LARGE

5. (a) No person shall allow a dog to run at large or trespass in the Township of Georgian Bluffs.
- (b) A dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person. A dog shall not be considered to be running at large, if it is a guide dog, police work dog, or working 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 land not posted, or on posted land with the permission of the owner.
- (c) No person shall take, allow or permit a dog to be on property owned or occupied by the Corporation of the Township of Georgian Bluffs except when the dog is controlled by a leash securely held by the person in charge of the dog.
 - (i) Property owned or occupied by the Corporation shall include all roadways and highways within the Township of Georgian Bluffs, parks and all other municipally owned or controlled properties.
- (d) A dog which is found running at large contrary to this By-law may be seized and impounded. A dog which is impounded shall be held for a period of not less than three (3) days exclusive of Saturday, Sunday or Public Holidays and if not claimed may then be sold, destroyed or otherwise disposed of at the discretion of the poundkeeper, except that where a dog is found running at large and is ill or injured and a veterinarian is of the opinion that the dog should be destroyed forthwith, a police officer or other person authorized to enforce this By-law may direct the veterinarian to destroy the dog immediately. Where a dog is seized or impounded it shall not be released until all seizure, pound and maintenance charges have been paid.
- (e) Where a dog is found running at large in the Township of Georgian Bluffs and the dog cannot be seized or a danger exists to attempt seizure and the dog's presence in the location in which it is found causes a danger or a nuisance, a police officer or other person authorized to enforce this By-law may kill the dog or instruct another person to kill the dog as safely and humanely as possible in all of the circumstances.
- (f) Where the identity of the owner of an impounded dog is known the owner shall be notified and notice is sufficiently given if given personally or if sent by prepaid first class post to the last known address of the owner. If the dog is not claimed within three (3) days after notice is received, exclusive of Saturday, Sunday or Public Holidays, the dog may be sold, destroyed or otherwise disposed of and the owner is liable for all costs incurred. Notice shall be deemed to have been received by prepaid first class post seven (7) days after the notice has been mailed.

ANIMALS

6. (a) No person shall operate an establishment for the breeding or boarding of animals, including dogs but excluding farm animals, in the Township of Georgian Bluffs except under the authority of a currently valid license which must be renewed annually before the fifteenth day (15th) of May each year.
- (b) Every person making application for a license to operate an establishment for the breeding or boarding of animals shall make application in writing provide;
- i) a full description of the animals to be bred or boarded and the maximum number of animals to be kept in the facility at any time during the following twelve month period, and
 - ii) a complete description of the location of the establishment and the number, size and construction of the facilities, and
 - iii) such other information as required by Council to allow them to properly consider the application, and
 - iv) pay the current license fee for breeding or boarding establishments as established in "Schedule A" attached and forming part of this By-law or as established in the applicable schedule of Fees and Services Bylaw for the Township of Georgian Bluffs as amended from time to time.
- (c) Council of the Township of Georgian Bluffs may refuse to issue or renew a license to operate an establishment for the breeding or boarding of animals if provisions of this By-law are violated or if issue or renewal of a license would violate other existing legislation or would violate the personal or property rights of other people.
- (d) In addition to the license fee for an establishment for the breeding or boarding of animals the owner of such an establishment shall obtain a tag at a cost of one dollar (\$1.00) per tag for each dog kept in the breeding or boarding establishment for sixty (60) days or more or shall produce for inspection a currently valid license and tag for a dog from another jurisdiction which is being kept temporarily at the establishment.

PART III

BEING AT LARGE OR TRESPASSING

7. (a) No owner of an animal, other than a dog, shall allow or permit the animal to be at large in the Township of Georgian Bluffs or allow or permit an animal, including a dog, to trespass on the property of another person; and

(1) For the purposes of this Section

"be or being at large" means an animal being in a place other than the premises of the owner of the animal and not under the control of any person. A dog shall not be considered to be running at large, if it is a guide dog, police work dog, or working 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 land not posted, or on posted land with the permission of the owner.

- (b) An animal that is found being at large or trespassing may be seized and impounded. An animal that is impounded shall be held for a period of not less than three (3) days, exclusive of Saturday, Sunday or Public Holidays, and if not claimed may be sold or otherwise disposed of in a manner prescribed by law. When an ill or injured animal is seized or impounded and a veterinarian

determines that the animal should be destroyed forthwith the animal may be immediately destroyed as provided by law. When an animal is seized or impounded it shall not be released until all seizure, pound and maintenance fees have been paid.

- (c) Where the identity of the owner of an impounded animal is known the owner shall be notified and notice is sufficiently given if given personally or if sent by prepaid first class post to the last known address of the owner. If the animal is not claimed within three (3) days after the notice is received, exclusive of Saturday, Sunday or Public Holidays, the animal may be sold or disposed of in a manner prescribed by law and the owner is liable for all costs incurred. Notice shall be deemed to have been received by prepaid first class post seven (7) days after the notice has been mailed.

VICIOUS DOG

8. (a) No owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any streets or in any public place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.
- (b) Every owner, possessor or harbourer of a vicious dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of any children and adequately constructed to prevent the dog from escaping.
- (c) Where a vicious dog has been impounded for any reason, the Pound keeper shall not restore the said dog to its owner or to any other person unless the Pound keeper is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of subsection (a) and (b) hereof.

PART IV

EXEMPTIONS

Service Dogs or Guide Dogs will be exempt from payment of all licence fees provided that proper documentation is provided to the Township proving that the dog is a registered Service Dog or Guide Dog. Said dog will still be required to obtain and wear the current year's dog tag. These must still be obtained on an annual basis.

PART V

Licence Fees

Fees for dog licencing, kennel registration and breeding or boarding establishments are established as per the current Township of Georgian Bluffs Fees and Services By-law.

Part VI

GENERAL PROVISIONS

9. The Council of the Corporation of the Township of Georgian Bluffs will determine the compensation to be received for services rendered in administering the provisions of this bylaw or any Act or Regulation requiring the seizing, impounding or distraining of dogs or other animals and detained in the possession of the distrainer.
10. The maximum number of dogs per household except for Guide Dogs, Service Dogs, Working Dogs or Hunting Dogs, shall be restricted to three (3) unless licensed under a kennel or breeding and boarding establishment license.

11. No person shall make a false statement on any registration or application required under this By-law.
12. Every owner of a dog or the owner or operator of a kennel or establishment for breeding or boarding animals shall allow access to the facility, for the purpose of inspection at all reasonable hours, to any person appointed to enforce the provisions of this By-law.
13. The provisions of this By-law shall be enforced by an Ontario Provincial Police Officer, a Municipal Law Enforcement Officer or other person appointed by the Council of the Township of Georgian Bluffs to enforce the provisions of this By-law.
14. Any person who violates any provision of this By-law is a guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
15. Each day a contravention continues may be deemed to be a separate offence.
16. All money paid for seizing, impounding and maintaining a dog or other animal under subsection 7 (b) shall be paid to the Treasurer of the Corporation of the Township of Georgian Bluffs or a person designated by the Treasurer.

PART VII

SEVERABILITY

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

This By-law rescinds By-law No. 33-2011.

This By-law shall come into force and effect upon the final passing thereof and shall remain in force until repealed by Council.

Read a first and second time this 23rd day of November, 2011

Read a third time and finally passed this 23rd day of November, 2011

Mayor Alan Barfoot

Clerk Bruce Hoffman

**THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS
PART 1 PROVINCIAL OFFENSES ACT
SET FINE SCHEDULE**

| Item | Short Form Wording | Provision Creating Offence | Set Fine |
|-------------|---|-----------------------------------|-----------------|
| 1 | Owner fails to purchase dog licence for current year. | Section 2 | \$125.00 |
| 2 | Owner fails to re-register and re-licence dog | Section 2 | \$125.00 |
| 3 | Owner fails to keep tag securely fastened to dog | Section 3 (c) | \$125.00 |
| 4 | Use tag on wrong dog | Section 3 (e) | \$125.00 |
| 5 | Failure to obtain Kennel Licence for current year | Section 4 (a) | \$300.00 |
| 6 | Allow/Permit dog to run at large | Section 5 (a) | \$125.00 |
| 7 | Failure to have dog on leash when on Township property | Section 5 (c) | \$125.00 |
| 8 | Failure to purchase for current year a Breeding/Boarding licence | Section 6 (a) | \$300.00 |
| 9 | Failed to supply full description of animals in Breeding/Boarding establishment | Section 6 (b) (i) | \$125.00 |
| 10 | Failure to supply complete description of Breeding/Boarding Establishment | Section 6 (b) (ii) | \$125.00 |
| 11 | Failed to supply location of Breeding/Boarding Establishment | Section 6 (b) (ii) | \$125.00 |
| 12 | Allow/Permit animal to be at large | Section 7 (a) | \$125.00 |
| 13 | Allow/Permit animal to trespass | Section 7 (a) | \$125.00 |
| 14 | Allow/Permit a vicious dog in a public place without muzzle | Section 8 (a) | \$125.00 |
| 15 | Failure to keep vicious dog properly confined | Section 8 (b) | \$125.00 |
| 16 | Kept more than 3 (three) dogs | Section 10 | \$125.00 |
| 17 | Provided false information on registration/application | Section 11 | \$125.00 |
| 18 | Failure to allow an inspection of Kennel/Breeding/Boarding establishment | Section 12 | \$300.00 |

Note: The penalty provisions for offences indicated above are contained in Section 14 of By-law Number 102-2011 of which a certified copy has been filed.