

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW #15-57

Being a By-law to license and regulate the keeping of dogs, and to repeal By-law 08-08

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes the Council of a lower-tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 103 of the Municipal Act confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS Section 105 of the Municipal Act requires that Council afford dog owners hearings with respect to muzzle orders;

AND WHEREAS Section 129 of the Municipal Act confer the power upon a municipality to pass a by-law prohibit and regulate noise;

AND WHEREAS Section 23.1 authorizes a municipality to delegate its powers and duties;

AND WHEREAS section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS sections 435 to 439 of the Municipal Act provide for the power of entry of an officer to determine compliance with a by-law;

NOW THEREFORE the Council of the Corporation of the Town of Erin hereby enacts as follows:

1. DEFINITIONS

In this By-law:

“Appeal Committee” means a committee composed of members of Council for the purpose of conducting hearings under this By-law;

“At Large” means being at any place other than the premises of the owner of the dog and not under the control of the owner, except where the owner of the property permits the dog to be on his or her property;

“Council” means the Council of the Corporation of the Town of Erin;

“Dog” means a domesticated canine animal, male or female, over the age of three (3) months;

“Euthanized” means humanely destroyed;

“Guide Dog” shall mean a dog trained or in training and certified for a guide for the blind, hearing impaired, or other disability, and used as such;

“Impoundment Fee” is the daily charge that may be collected by the poundkeeper.

“Kennel” means a building or structure or part thereof whereby dogs are kept for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance but does not include a dwelling unit;

“Kennel License” means a license for a kennel issued by the Town;

“License” means a license for a dog issued by the Town in the form of a tag for the dog;

“Muzzle” means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink, or vision of the dog when fitted and fastened over the mouth of the dog, but that is sufficient strength to prevent the dog from biting;

“Muzzle Order” means an order issued by an officer for a muzzle to be put on a dog;

“Officer” means a Police Officer, Municipal Law Enforcement Officer or other person appointed by the Town to enforce this by-law, and includes the poundkeeper;

“Owner” of a dog includes a person who possesses or harbours a dog, and, where the owner is a minor, the person responsible for the custody of the minor;

“Police Work Dog” shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“Pound” shall mean such premises and facilities designated as a Town Dog Shelter and Pound;

“Poundkeeper” shall mean the person appointed as such by By-law of the Town;

“Premises” includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;

“Tag” shall mean a tag issued by the Town indicating the year and number issued;

“Town” means the Corporation of the Town of Erin;

“Under the control of” means when a dog is unleashed, that the dog is close to the owner, within sight and earshot of its owner, and that it responds to voice commands and it is prevented from approaching within one (1) metre of any animal or person without such person’s consent.

2. ADMINISTRATION

2.1 This By-law shall be administered by an Officer, and by such other person contracted and appointed to do so by by-law.

3. LICENSING

3.1 Every calendar year, an owner of a dog shall obtain a license for the dog from the Town.

3.2 The license shall be obtained before the 31st day of March of each calendar year, unless the dog came into the owner’s possession or care after that date.

3.3 Where a dog comes into the possession of an owner after the 31st day of March, the owner shall immediately obtain a license for the dog.

3.4 Notwithstanding any other provision in this by-law, the owner of a guide dog or a police work dog is not required to obtain a license from the Town.

3.5 The Town may require the owner of a dog to establish to the Town's satisfaction that the dog is a guide dog or a police work dog.

3.6 Every owner of a dog shall affix the tag to the collar of the dog when off its own property.

4. APPLICATION FOR A LICENSE

4.1 An application for a license or renewal of a license shall be completed on a form provided by the Town.

4.2 An application for a License shall be submitted to the Town together with the appropriate license fee as provided for in The Corporation of the Town of Erin Fees and Charges By-law.

4.3 An owner of a dog shall obtain a replacement tag in the event the tag is lost and pay the appropriate fee as provided for in The Corporation of the Town of Erin Fees and Charges By-law.

4.4 No owner shall permit a dog to wear a tag other than the one issued for that dog.

5. KENNELS

5.1 Every calendar year, a person who keeps or operates a kennel must obtain a kennel license from the Town.

5.2 Every person who keeps or operates a kennel shall comply with the following requirements:

- (a) The kennel building shall be a separate building and shall not be attached to any building used or capable of being used for human habitation.
- (b) The kennel building and its location shall conform to the Town's zoning by-law and the Ontario Building Code and the building shall be maintained in damage-free condition.
- (c) The kennel building shall be no less than 150 metres from any property line including the property line of a road allowance.
- (d) The kennel building shall be no less than 300 metres from a dwelling on a separate lot.
- (e) In the case where the lot of a proposed kennel abuts a vacant lot, the kennel building shall be no less than 300 metres from the vacant lot.
- (f) The kennel building shall have a floor of concrete or other impermeable material.
- (g) The floor of the kennel building shall have a drain opening constructed as a plumbing fixture connected to the sanitary sewer maintained in functioning condition at all times.
- (h) The kennel floor shall be thoroughly cleaned daily or more often if necessary to keep the floor clean.
- (i) Any cage shall be adequately sized to allow the dog to extend its legs to their full extent, to stand, sit, turn around, or lie down in a fully extended position.
- (j) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary to keep clean.

(k) The kennel building shall have:

- i) electric lighting;
- ii) windows which may be opened for proper ventilation;
- iii) a heating system sufficient to adequately heat the building;
- iv) hot and cold running water; and
- v) a food preparation area.

(l) The yards and runways associated with a kennel shall be completely enclosed with a solidly constructed fence so as:

- i) to fully obstruct the visibility of the neighbouring properties from the dogs; and
- ii) to prevent the dogs from escaping from the premises.

5.3 Every person who holds a kennel license, shall comply with the following requirements:

- (a) The license shall be exposed at all times in a conspicuous place in the interior of the kennel.
- (b) The kennel shall be maintained in a sanitary, well ventilated, clean condition, and free from offensive odours.
- (c) The dogs shall be kept in sanitary, well bedded, well ventilated, lighted, clean quarters and a healthful temperature shall be maintained at all times.
- (d) The dogs shall be adequately fed and watered periodically each day and kept in a clean, healthy condition, free from vermin and disease.
- (e) An exercise area, yard or runway shall be provided so as to enable each dog to exercise freely and easily so as to maintain physical health and well being.
- (f) The exercise area, yard or runway associated with the kennel shall be cleaned at least once daily when in use.
- (g) The excreta, dead animals and other waste resulting from the keeping of dogs shall be removed from the premises as necessary.

5.4 If the kennel is found not to conform to the requirements set out herein, an Officer may direct that the dogs be seized and impounded, at the owner's expense, and may revoke the license issued.

6. EXCREMENT

6.1 Every owner of a dog shall remove forthwith any excrement left by the dog on any property including a highway.

6.2 Section 6.1 does not apply to a person reliant on a guide dog or a person in control of a police work dog, when such dog is in the actual execution of its duties.

7. RUNNING AT LARGE

7.1 No person shall cause or permit his or her dog to run at large within the Town.

7.2 Section 7.1 does not apply to a police work dog, when the dog is in the course of performing its duties.

7.3 No person shall abandon or discard a dog within the Town.

8. LEASHING

8.1 Every owner of a dog shall keep the dog leashed or under the control of a person when the dog is on land in the Town, other than the owner's property, unless prior consent is given by the person owning the land on which the dog is found.

8.2 Section 8.1 does not apply to guide dogs or police work dogs, when these dogs are in the course of performing their duties.

9. KEEPING OF DOGS & NOISE

9.1 Any building, structure, pen or run used or intended to be used for the keeping of a dog shall be at least 1.5 metres (5 feet) from the boundary of the property upon which it is located.

9.2 No operator of a kennel or owner shall permit a dog to make noise which disturbs the peace, quiet, comfort or repose of any inhabitant of the Town at any time.

9.3 No person shall keep a dog permanently outdoors unless the dog is provided with a structurally sound, weather-proof insulated enclosure, of suitable size, with off the ground flooring.

9.4 Every owner shall keep a dog in clean and sanitary conditions.

9.5 Every person who keeps a dog in the Town of Erin shall provide the dog or cause it to be provided with such food, water, exercise, attention, and veterinary care as may be required from time to time to keep the dog in good health.

9.6 No person in the Town of Erin shall keep a dog tethered on a chain, rope or similar restraining device of less than three metres in length.

9.7 Every person who has tethered an animal shall ensure that at all times, the animal has unrestricted movement within the range of the tether, and that the animal shall not suffer injury as a result of the tethering.

10. OWNERS TO TAKE PRECAUTIONS

10.1 An owner of a dog shall exercise reasonable precautions to prevent the dog from:

- (a) biting or attacking a person or animal; or
- (b) behaving in a manner that poses a threat to the safety of persons or animals.

11. SEIZURE OR IMPOUNDMENT

11.1 Any dog found at large contrary to this By-law may be seized by an Officer.

11.2 An Officer may take possession of a dog for the purpose of providing protective care to it at any time when the Officer deems it necessary to provide protective care to the dog.

11.3 A dog seized under this By-law shall be impounded at the Town pound for a period of three (3) days, exclusive of the day on which the dog was impounded and statutory holidays and Sundays, unless:

- (a) The dog is redeemed by the owner during this period of impoundment in accordance with the provisions of this By-law; or
 - (b) The dog was seized for the purpose of providing protective care to it; or
 - (c) In the opinion of the Officer, the dog should be euthanized or receive veterinary care immediately.
- 11.4 The owner of a dog impounded under this By-law may redeem the dog upon:
- (a) payment of the appropriate impoundment and maintenance fees as provided for in The Corporation of the Town of Erin Fees and Charges By-law; and
 - (b) production of a valid license for the dog.
- 11.5 If a valid license can not be produced under section 11.4 (b), the owner of the dog shall obtain a license for the dog in accordance with the provisions of this By-law.
- 11.6 If a dog is not redeemed within the time period specified in this By-law, the dog shall become the property of the Town or its contractor and may be:
- (a) put up for adoption;
 - (b) euthanized by the Town or its contractor.
- 11.7 An Officer may euthanize a dog without delay without permitting any person to redeem it if:
- (a) the dog seized and impounded under this By-law is seriously injured or ill and should be euthanized without delay for humane reasons; or
 - (b) euthanasia of the dog seized and impounded under this By-law is necessary for the safety of persons.
- 11.8 Where, in the opinion of an Officer, a dog seized and impounded under this By-law is injured and requires the services of a veterinary surgeon, the Officer shall arrange for such services and, in addition to any amount charged under this By-law, be entitled to charge the owner of the dog the cost of the veterinary care to the dog.
- 11.9 Where a licensed dog is impounded and the pound keeper has not been able to contact the owner of the dog, the dog shall not be sold or destroyed without first delivering a notice to the owner of the dog. Notice shall be delivered personally or by registered mail to the address shown on the Dog License Application Form. The notice shall state that if the dog is not claimed by a specified date, the dog will be sold or destroyed without further notice or recourse.

12. MUZZLING OF DOGS

- 12.1 Where an Officer has reason to believe that a dog has bitten a person or an animal, the Officer may issue a muzzle order to the owner of the dog.
- 12.2 The Officer may impose conditions on the muzzle order to ensure the health and safety of the owner, the dog, and other persons and animals.
- 12.3 A muzzle order may be served by:
- a) delivering it personally to the owner of the dog; or

- b) by posting it up in a conspicuous place on the premises of the owner; or
- c) sending it by registered mail to the last known address of the owner of the dog.

12.4 Service of a muzzle order served by registered mail is deemed to be made on the seventh day after the day of mailing.

12.5 Notwithstanding any other section of this By-law, when a muzzle order has been served the owner of a dog shall:

- a) not permit the dog to be off the premises of the owner unless it is properly leashed and muzzled; and
- b) ensure that the dog does not bite, chase or attack a person or a domestic animal on any property, including that of the owner; and
- c) either tether the dog on a chain capable of restraining the dog or confine it within a fenced yard capable of preventing the dog from escaping; and
- d) put the dog under the control of a person at least sixteen (16) years of age when the dog is not on the owner's premises; and
- e) notify the Officer within five (5) days of transfer if the dog is transferred to a new location or if the ownership of the dog is transferred to another person; and
- f) not contravene any other conditions imposed in the muzzle order; and
- g) shall within seven (7) days purchase a Dangerous Dog warning sign from the Town and place it in a conspicuous place at the entrance to the owner's premises indicating the presence of a dog.

12.6 A muzzle order expires when the dog dies or the Officer is satisfied that it no longer resides in the Town.

12.7 Where an owner has been issued a muzzle order by a court of competent jurisdiction, the owner shall, in addition to complying with all the conditions listed in the muzzle order, within seven (7) days of being issued the muzzle order, purchase a Dangerous Dog warning sign from the Town and place it in a conspicuous place at the entrance to the owner's premises indicating the presence of a dog.

13. HEARING BEFORE AN APPEAL COMMITTEE

13.1 Where a muzzle order has been issued, the owner of the dog may apply for a hearing to appeal the order to the Appeal Committee.

13.2 An application for a hearing shall be made in writing and delivered to the Town Clerk within thirty (30) days after the muzzle order has been served.

13.3 An application for a hearing shall be accompanied by the appropriate fee as provided for in The Corporation of the Town of Erin Fees and Charges By-law.

13.4 Notice of a hearing shall be served on the owner at least seven (7) days prior to the hearing. Service shall be affected in accordance with sections 12.3 and 12.4 of this By-law.

13.5 Notice of a hearing shall include:

- a) A statement of the facts by the Officer;
- b) Date, time and place of the hearing;

- c) A statement that if the owner does not attend the hearing the Committee may proceed in his/her absence and the owner is not entitled to any further notice regarding the proceedings.

13.6 When a hearing date before the Appeal Committee has been fixed and the owner who has been given notice of the hearing does not attend at the appointed time and place, the Appeal Committee may proceed in the absence of the owner and the owner will not be entitled to any further notice in the proceedings.

13.7 At the conclusion of a hearing, the Appeal Committee shall, as soon as practicable, make a decision, which shall:

- a) set out the findings of fact made by the Appeal Committee and its decision.

13.8 The Appeal Committee may uphold the muzzle order as issued by the Officer, exempt the owner in whole or in part from the requirements under the muzzle order and subject to any conditions the Appeal Committee deems appropriate.

13.9 A decision by the Appeal Committee is final and binding. The owner of the dog is not entitled to a further hearing on the matter.

13.10 An application made by the owner for a hearing under this By-law does not act as a stay of the muzzle order which shall take effect on the date it is served or deemed served, and shall continue to be effective until the Appeal Committee renders a decision indicating otherwise.

14. DELEGATION OF AUTHORITY

14.1 Council hereby delegates the authority to make final decisions for the purposes set out in this By-law to the Appeal Committee.

15. DAMAGES AND COMPENSATION

15.1 The Town, its officers, employees and agents shall not be liable for damages or compensation for any dog euthanized under the provisions of this By-law and no such damages or compensation shall be paid to any person.

16. SEVERABILITY

16.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue in force.

17. SINGULAR AND PLURAL USE

17.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

18. ENFORCEMENT AND PENALTY PROVISIONS

18.1 The enforcement of this By-law shall be conducted by an Officer.

18.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.

18.3 Despite any provision of this By-law an Officer exercising a power of entry on behalf of the Town under this By-law shall not remain in any room or place actually being used as a dwelling unless the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under

the authority of an order issued under section 438 of the Municipal Act, as amended, or a warrant issued under section 439 or 386.3 of the Municipal Act, as amended.

18.4 No person shall hinder or obstruct an Officer in the enforcement of this By-law.


18.5 Any person who is alleged to have contravened any section of this By-law shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have hindered or obstructed the Officer in the execution of his duties.

18.4 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be subject to a penalty in accordance with the Municipal Act, S.O. 2001, as amended.

19. REPEAL

19.1 That By-law 08-08 is hereby repealed.

Passed in Open Council on December 15, 2015.



Mayor



Clerk