REPORT RE: COUNCIL OCTOBER 16, 2012
REPORT NO: MLEO 26-2012

SUBJECT: HOUSE KEEPING TO THE BY-LAW TO REGULATE AND CONTROL OF DOGS WITHIN THE TOWN OF SOUTH BRUCE PENINSULA AS PER R-700-2012

RECOMMENDATION:

THAT the by-law respecting the Licencing, Regulating and Control of Dogs within the Town of South Bruce Peninsula be placed on an upcoming Council agenda for consideration.

BACKGROUND:

With respect to Resolution 700-2012 the Animal Control By-Law has been amended to reflect the request for year round access to both the Oliphant and Tayja’s DOLRA’s and the addition of the Tayja’s Doggy Park at the Dan Davidson Ball Diamond.

INTER-DEPARTMENTAL IMPACT:

No inter-departmental impact.

IMPLICATIONS: 

Approval of Manager of Financial Services

No budget implications at this time.

EXPECTED DATE OF COMPLETION:

Once the by-law has received three readings, no further action would be required from Council.

Respectfully Submitted.

Carol Hopkins
MLEO

Date: Qd $712
THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER -2012

A BY-LAW TO LICENSE, REGULATE AND CONTROL DOGS WITHIN THE TOWN OF SOUTH BRUCE PENINSULA

WHEREAS section 8 of the Municipal Act 2001 C25 s.8 gives the council of the Municipality the rights, powers and privileges of a natural person for the purpose of exercising its’ authority under this or any other Act.

AND WHEREAS section 11(3) gives the Municipal council the power to regulate or prohibit with respect to the being at large or trespassing of animals.

AND WHEREAS section 103(1) (a) & (b) of the Municipal Act allows for the Municipality to pass a By-law to control the running at large of animals, their, seizure, impounding, the sale when not reclaimed, and the voluntary payment of the penalties out of court.

AND WHEREAS sections 105(1) (2) (3) (4) of the Municipal Act allows for a Municipality to require a dog to be muzzled or council may exempt said dog from muzzle order.

NOW THEREFORE THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA ENACTS AS FOLLOWS:

SECTION 1 – DEFINITIONS

For the purpose of this by-law the following definitions apply.

1.1 “AGRICULTURAL LOCATION”
A valid Farm Business Registration number is required for the farm business operating on the land, unless one of the exemptions applies and is granted. Under the Farm Registration and Farm Organization Funding Act, a farm business generating Gross Farm Income of at least $7,000 as reported to Canada Revenue Agency for income tax purposes must register annually. Therefore to qualify you must produce your Farm Registration number.

1.2 “ANIMAL CONTROL OFFICER”
Means an Animal Control Enforcement Officer and or their designate, Provincial Offences Officer and or any person or Company who have entered into a contract with the Town to control dogs within the municipality.

1.3 “BOARDING ESTABLISHMENT-NO BREEDING”
Means more than two unregistered, spayed or neutered dogs in one location where the appropriate licence has been issued by the Town of South Bruce Peninsula.

pg. 1
1.4 **"CONTROL"**
Shall mean the dog must be on a leash or chain that must be held by the person accompanying the dog and that person must be physically able to control the dog with the leash or chain.

1.5 **"DOG"**
Means a male, female, spayed female or neutered male dog over the age of 12 weeks.

1.6 **"DOG OFF LEASH RECREATION AREA" (DOLRA)**
Means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow his dog to run at large, and is not required to leash such dog, in each year from sunrise to sunset as defined in this by-law in Schedule “E” hereto and forming part of this by-law.

1.7 **"KENNEL"**
Means a kennel of dogs which are all registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) and includes regulations as attached and forming Schedule “A” of this By-Law.

1.8 **"LEASHING"**
As per Section 5 of this By-Law.

1.9 **"LEASH"**
A line or rope no more than 3 metres in length used to walk or control a dog or other animal.

1.10 **"LICENCE"**
Means the metal tag and receipt issued by the Town or the Town’s authorized agent upon registration of a dog or kennel and payment of the appropriate fee.

1.11 **"LICENCE FEE"**
Means the licence fee established by the Town’s Fee By-Law.

1.12 **"OWNER OF 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 shall be considered the owner.

1.13 **"SPAYED" OR "NEUTERED"**
Means a dog that has been medically altered so it will not reproduce.

1.14 **"TOWN"**
Means the Corporation of the Town of South Bruce Peninsula.

1.15 **"VETERINARIAN"**
Means a person registered as a Veterinarian under the Veterinarian Act R.S.O 1990 Chapter V.3 as amended from time to time.
1.16 **"WORKING/LIVESTOCK GUARDIAN DOGS"**
Shall mean a dog that is specifically trained to work and/or live with domestic farm animal (i.e. cattle, sheep, goats etc.) without causing them harm while aggressively repelling predators and is used exclusively for that purpose.

SECTION 2 - REGISTRATION AND LICENSING OF DOGS

2.1 (a) Every owner of a dog in the Town of South Bruce Peninsula shall within one week after the dog comes into his or her possession cause the dog to be registered and licenced at the office of the Town of South Bruce Peninsula for the balance of the calendar year.

(b) Following the initial registration and licensing the dog owner shall, prior to the 1st day of April re-register and re-licence each dog in his or her possession for the current year.

2.2 Notwithstanding Section 2 hereof the fees to license and register a dog that is required to assist a disabled person shall be waived.

2.3 Registering and licensing of dogs may be performed at the Town office by paying the fee prescribed in the Town’s Fees By-Law.

2.4 On payment of the licence fee the owner shall be furnished with a metal plate or tag bearing a serial number and the year for which the tag is issued, for each dog licenced.

2.5 The owner shall keep the metal 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.

2.6 A record shall be kept by the Town or other person designated by the town showing the description of the dog for which the tag was issued including the name and address of the owner and the serial number of the tag.

2.7 No person shall use a tag on a dog other than the dog for which the tag was issued.

2.8 (a) Any person who has paid his or her licence fee and loses his or her dog tag shall be entitled to another tag on application and upon payment established in the Town’s Fees By-Law.

(b) If there is change of ownership of dog during the licence year the new owner may have the current licence transferred to his or her name upon payment of a transfer fee established in the Town’s Fees By-Law.

2.9 The provisions of this By-law with respect to licensing of dogs shall apply to all dogs 12 weeks or older.
2.10 No person shall remove a collar or harness to which a tag has been attached from a licenced dog unless the dog is engaged in a lawful hunting activity during hunting season as prescribed by law.

2.11 Where a certificate of a veterinarian is produced showing that a male dog is neutered or that a female dog is spayed such dog shall be licenced at the lower rate as specified in the Town’s Fee By-Law.

2.12 The working/livestock guardian dogs will not be exempt from the Animal Control By-Law and that a licence free will be established for working/livestock guardian dogs in the Town’s Fee By-law.

SECTION 3-LICENCING OF KENNELS

3.1 Every person who operates a kennel or boarding establishment within the boundaries of the Town of South Bruce Peninsula shall purchase a Kennel or Boarding Establishment licence on or before April 1st in each and every year.

3.2 The licensing and regulating of kennels and boarding establishment within the boundaries of The Town of South Bruce Peninsula shall be in accordance with the Town’s Fee By-Law.

SECTION 4-DOGS RUNNING AT LARGE

4.1 No person shall allow a dog to run at large in the Town of South Bruce Peninsula. A dog shall be considered to be running at large in the Town of South Bruce Peninsula except in the following areas.

   a) Within the “DOLRA”.

   b) On the premises of the owner of the dog.

4.2 No person shall allow a dog to be within the “DORLA” without adult supervision. (someone at least 18 years of age or older)

4.3 A dog shall not be considered to be running at large if it is a guide dog or a police work dog or if it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting on un-posted land or on posted land with the permission of the owner.

4.4 No person shall allow a dog to be off the owner’s property unless under control and leashed. A dog shall be deemed to be not under the control of any person when the dog is not on a leash and it is on any land in the Town of South Bruce Peninsula other than where the dog is usually kept.
4.5 A dog, which is found running at large, contrary to this By-law, may be seized and impounded by the Animal Control Officer or other person appointed to enforce the provisions of the By-Law. A dog, which is impounded, shall be held for a redemption period of not less than four (4) days, exclusive of the day on which the dog was impounded and exclusive of Saturday, Sunday and Public Holidays. If the dog is not claimed it may then be sold, destroyed or otherwise disposed of at the discretion of the Pound Keeper. 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 persons authorized to enforce this By-law may direct a Veterinarian to destroy the dog immediately. Where a dog is seized and impounded it will not be released until all seizure, pound, Veterinarian, and maintenance charges have been paid.

4.6 Where a dog is injured before or after being taken into custody or in the opinion of a Veterinarian should be destroyed without delay for humane reasons or for reasons of safety to persons or animals the Animal Control Officer and the Veterinarian Shall decide whether to destroy the dog in a humane manner as soon after capture or custody as the Animal Control Officer and the Veterinarian may determine without permitting any person to reclaim the dog or without offering it for sale.

4.7 Prior to an impounded dog which has a tag or other means of I.D. being destroyed in accordance with the provision of the By-Law, the Animal Control Officer shall take all reasonable steps to find the owner of the dog and shall forthwith notify the owner, if found, that the dog has been impounded.

4.8 The Animal Control Officer or shelter operator shall restore possession of an impounded dog to the owner thereof where the owner claims possession within the redemption period and the owner pays the Animal Control Officer or shelter operator all applicable reclamation fees.

4.9 If at the end of the redemption period possession of the dog has not been restored to its owner, the Shelter Operator may sell or adopt out said dog.

4.10 If a dog(s) which has not been reclaimed within the redemption period as set out in Section 4.5 and the dog(s) has not been sold or adopted out, the Shelter Operator may dispose of it as he or she sees fit subject to the provisions of this By-Law and no damages or compensation shall be recovered by any person against the Shelter Operator, Animal Control Officer or the Town.

4.11 Working/Livestock Guardian Dogs are not exempt from the dogs running at large regulation when actively engaged in their duties; these dogs should never leave the livestock they are protecting.
SECTION 5 — MUZZLING OR LEASHING DOGS THAT BITE
(See Schedule “B” for appropriate forms)

5.1 When a dog has bitten a person or a domestic animal, the owner or other person having the control of the dog shall forthwith muzzle and leash the dog, and shall keep the dog muzzled and leashed at all times until:

(a) the dog is destroyed: or

(b) The Town Council, or committee thereof appointed for the purpose, exempts the owner from the muzzling or leashing requirement, or both.

5.2 Where the Animal Control Officer for the Town, or his/ her designate, acquired information or believe that a dog has bitten a person or domestic animal in violation of this By-law, he may issue an order to the owner or other person having control of the dog, requiring that person to muzzle or leash the dog, or both.

5.3 The Order issued by the Animal Control Officer shall state that the owner or other person to whom the order is issued may appeal the order to the Town Council, or committee thereof, provided he or she does so within seven days of being informed of the order.

5.4 Where it appears there are grounds to believe that the behavior of the dog required to be muzzled, leashed or both, pursuant to this By-Law, has improved, the owner or person in charge of the dog may apply in writing, setting out the grounds for the belief that the dog’s behavior has improved, to Town Council or a committee thereof for an order revising, modifying, or rescinding the order to muzzle, leash or both.

5.5 Owner of dog, whose dogs are required to be muzzled, including Pit Bulls as defined in the Dog Owners’ Liability Act, may not permit the dog that is required to be muzzled to run at large in a “DOLRA”.

SECTION 6—GENERAL PROVISIONS

6.1 An owner shall pay all Veterinarian costs that are assessed against their dog(s) before they are returned to the owner.

6.2 Every owner of a dog shall remove forthwith excrement left by the dog anywhere in the Town of South Bruce Peninsula and including the “DOLRA”.

6.3 The provisions of Section 6.2 do not apply to the owner of guide dogs while in the control of a blind person.

6.4 No person shall make a false statement on any registration or application required under this By-Law.
6.5 Not withstanding Section 6.8, no person shall keep more than two (2) dogs per location anywhere in the Town of South Bruce Peninsula. A litter of pups is exempt and said litter of pups can remain with their mother until 12 weeks of age.

6.6 Boarding establishment-no breeding licences shall be required where there are more than two dogs per location. The dogs must be spayed or neutered and the Town must see proof of the spaying or neutering of the dogs.

6.7 Any person(s) owning more than 2 dogs when this by-law is passed, may keep said dogs, but must not replace them unless a valid boarding establishment-no breeding licence is obtained.

6.8 Where signs are erected stating no dogs allowed. Dogs are not allowed whether leashed or not.

6.9 Every owner of a dog shall ensure that a current licence issued by a Municipality is affixed to the collar.

6.10 Every owner of a dog shall ensure that a current rabies vaccination tag is affixed to the collar.

6.11 No person shall permit a dog to enter or exit the “DOLRA” unless leashed.

6.12 No person shall allow their dog to be in the “DOLRA” unless it is accompanied by its owner or a guardian who is at least 18 years of age and this person must have care and control of the dog at all times-both visual and verbal.

6.13 All owners of dogs must be prepared at anytime to leash and remove their dog(s) if so directed to do so by an Officer acting on behalf of the Town of South Bruce Peninsula or if an incident required the “DOLRA” to be cleared until such time as it has been deemed safe by an Officer acting on behalf of the Town.

6.14 Dog(s) must not disturb wildlife within the “DOLRA”.

6.15 Food, glass containers, breakables, spiked collars, chain link collars or materials capable of causing injury to a dog are not permitted within the “DOLRA”.

6.16 No person shall play or practice any competitive sporting activity except walking with the dogs in the “DOLRA”.

6.17 No owner may be responsible for more than 2 dogs in the “DOLRA”.

6.18 No person shall allow or permit an unaltered dog within the “DOLRA”.

6.19 Dog owners shall produce verification of a Spayed or Neutered dog before entering the “DOLRA” or when requested by an Officer of the Town.
6.20 No person shall allow a dog in “DOLRA” unsupervised.

6.21 Notwithstanding Section 6.7 no person shall keep more than two dogs per location anywhere in the Town of South Bruce Peninsula unless they have been deemed as “Working/Livestock Guardian Dog” then they will be permitted up to a maximum of five per Agricultural location established by a valid Farm Registration Number as per Canada Revenue Agency.

6.24 Working/Livestock Guardian Dogs are exempt from the Noise By-Law as long as they are actively engaged in their duties; these dogs should never make a persistent noise made to likely to disturb the inhabitants.

SECTION 7—PENALTIES

7.1 Every person(s) who violates a provision of this by-law is guilty of an offence and on conviction is liable to the penalty provided in Section 61 of the Provincial Offences Act R.S.O. 1990 Chapter P.33 as amended from time to time.

7.2 No person shall obstruct or interfere with an office in the lawful execution of their duty enforcing the provisions of this by-law.

7.3 If for any reason any section, clause or provisions of this by-law is deemed by a court of competent jurisdiction to be invalid the same shall not affect the validity of the by-law as a whole or any part thereof other than the part which was declared to be invalid.

This by-law shall supersede and rescind any by-law inconsistent with this by-law.

READ a FIRST and SECOND time this day of , 2012.

_______________________MAYOR

_______________________CLERK

READ a THIRD time and FINALLY PASSED this day of , 2012.

_______________________MAYOR

_______________________CLERK
1. No person shall operate a kennel or boarding establishment for dogs within the Town of South Bruce Peninsula without first purchasing a licence.

2. Every person making application for a licence to operate a kennel of dogs shall make application in writing and provide proof that every dog in the kennel is registered or is eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).

   Notwithstanding the foregoing the holder of a valid kennel licence on December 31st, 1998 will be issued a renewal licence at the applicable rate however no NEW licences will be issued for premises not previously licenced until all conditions of this section are met.

3. Every application for a kennel or boarding establishment shall pay the annual licence fee as set out in schedule “A” attached to and forming part of this By-law.

4. A licence shall not be issued or renewed unless the applicant complies with the requirements of other relevant By-laws of the Town of South Bruce Peninsula in force from time to time.

5. A kennel licence as required under this By-law shall not be available for any property which is located in a zone established under the Town of South Bruce Peninsula zoning By-law which does not permit as a permitted use a kennel as defined under the said zoning By-law.

6. All plans for the kennel must be submitted to the By-law Officer for inspection before a licence may be issued.

7. The Council of the Town of South Bruce Peninsula may refuse to issue or renew a licence after first providing the applicant with an opportunity for a hearing pursuant to the provisions of the Statutory Powers Procedure Act.

8. Every owner or operator of a kennel or boarding establishment shall allow access to the facility for the purpose of inspection at all reasonable hours to any person appointed by the Town of South Bruce Peninsula to enforce this By-Law.
SCHEDULE “B”
BY-LAW NUMBER -2012

PART 1

NOTICE TO MUZZLE

To: ___________________________ Date: ___________________________

(OWNER OF DOG)

Address: __________________________________________________________

Description of Dog: ________________________________________________

Name: _____________________________________________________________

Breed: _____________________________________________________________

Colour: ____________________________________________________________

Dog Tag Number: ____________________________________________________

Year of Dog Tag: ____________________________________________________

Rabies Tag Number: _________________________________________________

(Including the Year and Veterinarian’s Office)

Tattoo Number: _____________________________________________________

Microchip Number: _________________________________________________

The Corporation of the Town of South Bruce Peninsula is in receipt of a declaration duly executed by the Animal Control Officer pursuant to Section 5 of By-Law -2012 that the dog described above did on the day of __________, 20__ bite and puncture the skin of a person or domestic animal. In accordance with Section 5 of By-Law -2012 you are hereby ordered to restrain your dog as follows.
SCHEDULE “C”
BY-LAW NUMBER -2012

PART 2

METHOD OF RESTRAINING

While the dog is on the property of the owner or harbourer as described above the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within securely fenced yard. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child.

While the dog is off the property of the owner, as described above, the owner shall ensure that:

(1) It is securely on a collar-type leash with maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal.

(2) By fastening a muzzle humanely over the mouth of the dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of the dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal.

(3) It is under the control of a person sixteen years of age or older that is physically able and to control said animal.

(4) Within thirty days the dog is identified with a microchip implantation, at the owner’s expense, and the said microchip number is registered with the Animal Control Officer.

(5) The Animal Control Officer is notified within forty-eight hours of any change to the residency of the vicious dog.

(6) The Animal Control Officer is notified within forty-eight hours after the ownership of the vicious dog is transferred to another person.

(7) The Animal Control Officer is notified should the vicious dog be destroyed.

In accordance with Section 5 you may appeal this Notice to Muzzle to the Council of the Town of South Bruce Peninsula within thirty days of the date of this Notice of submitting a written request for a hearing. Such a request must be addressed to the Town Clerk at the Town of South Bruce Peninsula P.O. Box 310, Wiarton, Ontario, N0H 2T0.
Personal Information contained in this form is collected under the authority of the Municipal Act, R.S.O., 2001, c25 as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk for the Town of South Bruce Peninsula, P.O. Box 310, Wiarton, Ontario, N0H 2T0

This Notice is served upon the owner in accordance with Section 5 of By-Law -2012

on __________________ this day of __________________, 20__.

________________________________________________________

Animal Control Officer
DECLARATION REGARDING A VICIOUS DOG

Name of Person or Domestic Animal Bitten: ________________________________

Address: ______________________________________________________________________

Telephone: ______________________________________________________________________

OWNER OF DOG

Name: __________________________________________________________________________

Address: _______________________________________________________________________

Name of Dog: ___________________ Dog Tag Number: ______________________

DESCRIPTION OF DOG

Breed: _______________________________________________________________________

Colour: _______________________________________________________________________

Other: _______________________________________________________________________

Rabies Tag Number: ___________________ Other Identification: ___________________  

LOCATION OF INCIDENT

Address: ______________________________________________________________________

Location on Property: ______________________________________________________________________

Location on Street: ______________________________________________________________________

Description of Incident: ______________________________________________________________________

Date of Incident: ___________________ Time of Incident: ___________________
**Signature of Witness**
(Who actually saw the alleged vicious dog bite a person or domestic animal.)

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**Signature of Clerk**

Name of Witness:  
(please print)

Address of Witness:

Telephone Number:

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**Personal Information contained in this form is collected under the authority of the Municipal Act, 2001, c.25 as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk for the Town of South Bruce Peninsula, P.O. Box 310, Wiarton, Ontario, N0H 2T0**
Legal description: RANGE S OTP PARK PT LOT 9 RP; 3R1498 PART 1
Total Area:  5.31 ha (13.13 acres)
Area of "DOLRA" is approximately 2 acres fenced within the total area.
LEGAL DISCRIPTION: RANGE 1 PARK LOT 7 DIV N
TOTAL AREA
108 DIVISION ST
Area of "DOLRA" is approximately 1.5 acre fenced within the total area.
## PART I PROVINCIAL OFFENCES ACT
### THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA
#### BY-LAW NUMBER -2012: Dog Regulation

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<thead>
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<td>SHORT FORM WORDING</td>
<td>PROVISIONS CREATING OR DEFINING OFFENCE</td>
<td>SET FINE</td>
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<td>Failure to produce verification of an altered dog.</td>
<td>Section 6.19</td>
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NOTE THE PENALTY PROVISIONS FOR THE OFFENCES INDICATED ABOVE IS/ARE SECTION 7 OF BY-LAW NUMBER -2012, A CERTIFIED COPY OF WHICH HAS BEEN FILED.
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<td>15</td>
<td>Owner having more than two dogs in the “DOLRA”.</td>
<td>Section 6.17</td>
</tr>
<tr>
<td>16</td>
<td>Failure to produce verification of an altered dog.</td>
<td>Section 6.19</td>
</tr>
</tbody>
</table>

NOTE THE PENALTY PROVISIONS FOR THE OFFENCES INDICATED ABOVE IS/ARE SECTION 7 OF BY-LAW NUMBER -2012, A CERTIFIED COPY OF WHICH HAS BEEN FILED.