

**THE CORPORATION OF THE MUNICIPALITY OF MCDUGALL  
BY-LAW NO. 2013-33**

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Being a by-law to license, regulate and govern dogs within the Municipality for the purposes of easy identification of dogs and to repeal by-laws 1999-30, 1998-20 and by-law 1996-22 as amended.

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**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 10 (2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass by-law respecting matters including animals;

**AND WHEREAS** Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** the Council of The Corporation of the Municipality of McDougall deems it expedient to enact a by-law to license, regulate and govern dogs within the Municipality for the purpose of easy identification of dogs and to repeal By-law 1999-030, By-law 1998-020 and By-law 1996-022 as amended;

**NOW THEREFORE**, the Council of The Corporation of the Municipality of McDougall enacts as follows:

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**1.0 DEFINITIONS**

For the purpose of this by-law:

**1.1 AGGRESSIVE DOG** - means a dog which, in the opinion of the Chief Municipal Law Enforcement Officer or Municipal Clerk or their designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition.

**1.2 ANIMAL** - means any member of the species *Canis Familiaris* (dog)

**1.3 COMPETENT PERSON** - means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal.

**1.4 DOG** - means any member of the species *Canis Familiaris*.

**1.5 DOG OFF LEASH RECREATION AREA** – 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.

**1.6 FARM HERDING DOG** – means a dog used for herding of farm fowl or animals and is actively participating in herding.

**1.7 IMPOUND** - means to confiscate, confine, hold or take possession.

**1.8 KENNEL** - means a place or confine where purebred dogs are bred and/or raised and registered in the Register for the Canadian Kennel Club; American Kennel Club; United Kennel Club.

**1.9 LAW ENFORCEMENT WORK DOG** - means a dog trained to aid law enforcement officers and is actually being used for law enforcement work purposes.

**1.10 LICENCE** - means a dog ID tag issued pursuant to the requirements of this by-law.

**1.11 MUNICIPALITY** - means The Corporation of the Municipality of McDougall.

**1.12 MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing bylaws.

**1.13 NEUTERED MALE** - means a dog which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered.

**1.14 NEW LICENCE FEE** - means a fee charged by the Municipality for a dog tag where such dog has not previously been licensed and registered by the current owner in the Municipality.

**1.15 OWNER** - means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal.

**1.16 PHYSICALLY DISABLED PERSON** - means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device including but not limited to crutches or braces.

**1.17 POUND** - means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law.

**1.18 POUNDKEEPER** - means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound.

**1.19 PROOF** – means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the Municipality at such time.

**1.20 PUREBRED DOG** - means a dog bred from stock having no admixture as certified by the Canadian Kennel Club; American Kennel Club; United Kennel Club or other competent authority.

**1.21 RENEWAL LICENCE FEE** - means a fee charged by the Municipality for a dog tag where such dog has been licensed and registered by the current owner within the Municipality during the previous license period.

**1.22 RESIDENTIAL DWELLING UNIT** - means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**1.23 RUNNING AT LARGE** - means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash, and not under the control of a competent person.

**1.24 SENIOR CITIZEN** – means a person that has reached an age of sixty-five (65) years or older at the time of application.

**1.25 SERVICE DOG** – means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person by means of, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment.

**1.26 SOCIETY** - means the Ontario Society for the Prevention of Cruelty to Animals.

**1.27 SPAYED FEMALE** - means any female dog which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed.

**1.28 SPORTING DOG** – means a dog used for hunting of fowl or furred animals and is actively participating in the hunt.

**1.29 UNINTERRUPTED** – means that the animal has not been sold, has not expired, has not been given away, has not been away from the applicant owner within the limits of the Municipality or has not resided together with the applicant owner or otherwise outside the limits of the Municipality for a period of time exceeding 60 days.

**1.30 VISUALLY IMPAIRED** - means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his better eye after the best possible correction or has a field vision of acuity of less than 20 degrees.

## **2.0 DOG LICENSING AND REGISTRATION**

**2.1** Every owner of a dog over the age of six (6) months may make application to license and register the dog with the Municipality, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog.

**2.2** Every owner of a dog shall affix an identity tag or plate or a Municipal issued dog ID tag/license to each dog in their ownership, to ensure easy identification of the dog. The Municipality may charge a license fee in accordance with the "TARRIFF OF FEES SCHEDULE" and "SCHEDULE B" as attached to this by-law.

**2.2.1** An owner may make application to the Municipality not attempt to register:  
**a)** an unspayed female dog as a spayed female dog; or,  
**b)** an unneutered male as a neutered male dog;

**2.2.2** and may upon application for a dog ID tag/license, or as otherwise required by the Municipality, produce satisfactory evidence of the dog being spayed or neutered.

**2.2.3** the Municipality shall issue for each registered dog, a serially numbered license tag and shall cause such information, as provided, to be recorded.

**2.2.4** Every owner shall affix to his dog a current license tag issued by the Municipality in accordance with this by-law or a personal ID tag stating the owners name, phone number and civic address; and shall keep such tag affixed on the dog at all times when the dog is not on the owner's property.

**2.2.5** No Municipal license tag or registration shall be transferable and the license tag shall expire and become void upon the sale, death or other means of disposal of the dog so registered and licensed.



**2.2.6** Every license tag issued by the Municipality is valid for the lifetime of the dog but shall expire automatically if the owner gives up ownership of the dog or upon the death of the dog.

**2.2.7** No person other than the owner or his agent shall remove a license tag from a dog.

### **3.0 REPLACEMENT DOG LICENSE TAG**

**3.1** Every owner of a dog, having lost the Municipal dog tag/license tag, shall immediately make application to the Municipality for the replacement of such tag, and shall, upon request provide any information as may be required by the Municipality. The replacement fee for a replacement license tag shall be in accordance with the fees established and set out by the Municipality.

### **4.0 DUTY OF OWNER**

**4.1** No person shall have more than three (3) dogs in any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the Municipality.

**4.2.1** Section 4.1 does not apply to:

- a)** the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals;
- b)** an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
- c)** a pet store licensed in accordance with the provisions of municipal by-laws;
- d)** a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals; or
- e)** dogs under the age of six (6) months.

**4.2** No person shall operate a kennel as defined in the By-Law within the Corporate boundaries of the Municipality of McDougall, unless properly zoned as per the Municipal Zoning By-Law.

**4.3** No person shall use for any dog, a licence receipt or a licence tag issued for another dog.

**4.4** No owner of a dog shall permit such dog to run at large at any time, in any public park, square, drive, street, lane, road or any other public place in the Municipality of McDougall, or upon any property not owned or leased by the dog owner.

**4.4.1** Notwithstanding Section 4.4 of this By-law, a dog that is being utilized for law enforcement purposes, sporting purposes, farming and herding purposes shall be allowed to be at large but must be under control of human partner provided that they are actively engaged in their dutiful activity.

**4.4.2** Notwithstanding Section 4.4, no owner of any dog shall allow his dog to run at large in a Dog Off Leash Recreational Area as defined in this by-law, unless:

- a)** a Municipal dog license tag is affixed to the dog, and,
- b)** a current rabies vaccination tag is affixed to the dog.

**4.4.3** Any person must immediately pickup and dispose in a sanitary manner any excrement deposited by any dog in their care and custody, anytime the dog is off of the person's property.

**4.5** Any person having the care and custody of a dog shall maintain effective control of the animal by means of a leash, while not on the property of the owner. In this context, effective control means a physical attachment between the person and the dog.

**4.6** No owner, or person having the care and custody of the dog, shall permit said dog to attack any person, domestic animal, or domestic bird, or to fight with another dog.

**4.7** No owner, or person having the care and custody of any dog or dogs, shall permit said dog to become a nuisance by excessive or unnecessary barking, or making undue noise at any time.

**4.8** Any dog found running at large pursuant to the provisions of this by-law may be impounded by any Municipal Law Enforcement Officer or other duly appointed officer and delivered to the Pound.

**4.9** Any person may capture any dog running at large on his property and deliver the same to a Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said dog.

**4.10** A Municipal Law Enforcement Officer or other duly appointed 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 and detaining any dog found running at large pursuant to the provisions of this by-law.

**4.11** Notwithstanding Section 4.12, proof that the owner is either a visually impaired person or a physically disabled person shall constitute a defense to the prosecution of such an offence.

## **5.0 CONTROL OF AGGRESSIVE DOGS**

**5.1** Where a dog has been declared an aggressive dog by the Chief of Municipal Law Enforcement or Clerk of the Corporation or a Court of a competent jurisdiction the owner of the dog shall restrain the dog at all times.

**5.2** Where an aggressive dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a)** the dog is secured so as to meet its environmental needs and in such a manner as to prevent the dog from leaving the owners property; and,
- b)** such restraint prevents the dog from having contact with any person who has not consented to being in contact with the dog.

**5.3** Where an aggressive dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:

- a)** the dog is leashed in accordance with the provisions of this By-law; and,
- b)** the dog is under the control of the owner at all times so as to prevent the dog from having any contact with any person who has not consented to being in contact with the dog.

## **6.0 DOG BITES OR ATTACKS**

**6.1** Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.

**6.2** Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Municipality against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the *Dog Owners' Liability Act, R.S.O. 1990, c. D.16* and any amendments thereto.

## **7.0 SEIZING AND IMPOUNDING**

**7.1** A Pound shall be established which complies with the *Animals for Research Act, R.S.O. 1990, c. A.22*, the *Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36, 59/09, 60/09* as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large contrary to this by-law which have not been returned to their owner and brought to him and to dispose of the same in accordance with the *Animals for Research Act*. The poundkeeper shall also keep a record and make return as required to the Municipal Clerk of all dogs impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.

**7.2** It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise detain and detain all dogs running at large pursuant to this by-law and,

- a)** return the dog to the owner, if known; or,
- b)** impound the dog, subject to the right of the owner to redeem the dog.
- c)** allow the dog to be adopted after the owner has not come forward or the owner has not been found.

**7.3** The owner may:

- a)** redeem the dog upon payment of any license fee or other applicable fees, or;
- b)** redeem the dog from the pound, within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay any applicable license fees, impound fees, animal control service fees and maintenance fees as established and set out in the Municipality By-law and any other fees associated with the impounding of the dog, prior to the release of such dog by the pound to the owner.

**7.4** If the dog is not redeemed from the pound within the time set out in Section 8.3, the dog shall become the property of the Poundkeeper who may sell the dog or dispose of it as the pound deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.

**7.5** It shall be the duty of the Poundkeeper to care for all animals after they have been impounded pursuant to the *Animals for Research Act, R.S.O 1990, c. A.22* or any other applicable Act, as may be amended.

**7.6** All impound fees and maintenance fees shall be retained by the Poundkeeper or as prescribed under contract.

**7.7** All license fees and animal control service fees collected on behalf of the Municipality by an authorized agent shall be remitted to the Municipality monthly, along with a monthly report.

## **8.0 DOGS RUNNING AT LARGE – INJURED**

**8.1** Where an injured dog is impounded or otherwise detained and detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal Law Enforcement Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise detaining and detaining the dog as he thinks fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.



## **9.0 ANIMAL CONTROL SERVICE FEES**

**9.1** Where a Municipal Law Enforcement Officer or other duly appointed officer impounds or otherwise detains and detains a dog found running at large, contrary to the provisions of this by-law, and the owner of such dog is known, the Municipal Law Enforcement Officer or other duly appointed officer may return the dog to the owner.

**9.2** Where the dog is returned to the owner, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Animal Control Service Fee to the owner of the dog and the owner of the dog shall pay an Animal Control Service Fee as established from time to time by the Municipality. The Animal Control Service Fee shall be paid to the Municipality within seven (7) days of the return of the dog to the owner.

## **10.0 RABIES**

**10.1** Where any animal is suspected of rabies, the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* and any amendments shall apply.

**10.2** Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.

**10.3** Where an animal other than a dog, is, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

## **11.0 EXEMPTIONS**

**11.1** The Clerk of The Corporation of the Municipality of McDougall may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

## **12.0 ENFORCEMENT**

**12.1** A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

**12.2** No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **13.0 SEVERABILITY**

**13.1** Should any section of this by-law be declared by a Court of competent jurisdiction to be 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.

**14.0 PENALTIES**

**14.1** Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of *the Provincial Offences Act, R.S.O 1990, c P.33*, as amended; or may be convicted to a penalty as prescribed in SCHEDULE A to this By-Law.

**14.2** Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c.25*.

**14.3** Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act 2001, 2001, S.O. 2001, c. 25* as amended;

**14.4** For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

**14.5** Notwithstanding Section 14.4. and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended the total of all daily fines for the offence is not limited to \$100,000.

**14.6** For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001 S.O. 2001, c. 25* as amended.

14.4 Notwithstanding Section 14.5 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended the total of all daily fines for the offence is not limited to \$100,000.


**15.0 REPEAL**

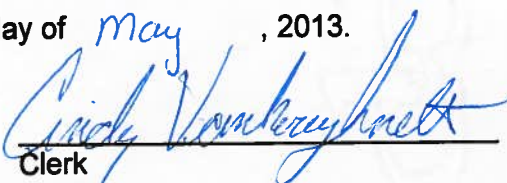
**15.1** That By-law 1999-030, By-law 1998-020 and By-law 1996-022 as amended, be repealed, and where any by-law or resolution passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

**16.0 FORCE AND EFFECT**


**16.1** THAT this By-law shall come into force and take effect immediately upon passing.


READ a FIRST and SECOND time, this 15<sup>th</sup> day of May, 2013.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

READ a THIRD time, PASSED, SIGNED and SEALED this 15<sup>th</sup> day of May 2013.

  
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Mayor

  
\_\_\_\_\_  
Clerk





**SCHEDULE "A" to BY-LAW NO. 2013-33**

**OFFENCES UNDER DOG CONTROL BY-LAW**

	<b>SHORT FORM WORDING</b>	<b>OFFENCE CREATING PROVISION</b>	<b>SET FINE</b>	
1	Dog - Not Under Control	4.5	\$75	
2	Fail to Pick Up Excrement	4.4.2	\$75	
3	Permit Nuisance Dog	4.7	\$75	
4	Own, Keep or Harbour Unlicensed Dog	3.1	\$125	
5	Fail to affix licence/ID tag to dog	2.2	\$125	
6	Misuse of Dog Licence	4.3	\$125	
7	Owner - Permit Dog to Run at Large	4.4	\$125	
8	Operate Illegal Kennel	4.2	\$200	
9	Fail to Secure, Muzzle or Leash Dangerous or Potentially Dangerous Dog	5.1	\$200	

**NOTE - The Penalty provision for the offences indicated above is Sections 2,3,4,5, By-law 2013-13,**

**SCHEDULE "B" TO BY-LAW NO. 2013-33**

	<b>SERVICE</b>	<b>SERVICE FEE</b>
<b>1</b>	license a dog	no charge
<b>2</b>	Dog License ID Tag	no charge
<b>3</b>	Dog License ID Tag Replacement	no charge
<b>4</b>	Kennel License	\$100

**SCHEDULE "C" TO BY-LAW NO. 2013-33**

**Set Fines for Use under Part 1 of Provincial Offences Act**

	<b>SHORT FORM WORDING</b>	<b>OFFENCE CREATING PROVISION</b>	<b>SET FINE</b>	<b>COURT COSTS VICTIMIN SURCHARGE</b>
1	Dog - Not Under Control	4.5	\$75	\$15
2	Fail to Pick Up Excrement	4.4.2	\$75	\$15
3	Permit Nuisance Dog	4.7	\$75	\$15
4	Own, Keep or Harbour Unlicensed Dog	3.1	\$125	\$25
5	Fail to affix licence/ID tag to dog	2.2	\$125	\$25
6	Misuse of Dog Licence	4.3	\$125	\$25
7	Owner - Permit Dog to Run at Large	4.4	\$125	\$25
8	Operate Illegal Kennel	4.2	\$200	\$35
9	Fail to Secure, Muzzle or Leash Dangerous or Potentially Dangerous Dog	5.1	\$200	\$35

**NOTE - The Penalty provision for the offences indicated above is Sections 4,5, 14 of By-Law 2013-13,**