

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2006 - 18

A By-law for the licensing and registration of dogs; for regulating the control of dogs; and for the impounding and seizure of dogs within the Township of Essa; and to repeal By-laws 2002-83, 99-70 and 96-24.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, Chapter C.25, as amended, provides that Municipalities may pass By-laws for licensing, regulating, prohibiting, impounding, muzzling, or selling animals; and

WHEREAS Section 103(1) (c) of the *Municipal Act, 2001* provides for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened; and

WHEREAS Section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances; and

WHEREAS the Council of The Corporation of The Township of Essa deems it advisable to exercise such authority;

NOW THEREFORE the Council of the Corporation of the Township of Essa hereby enacts as follows:

1. DEFINITIONS

- a. "Bite" means piercing or puncturing of the skin as a result of contact with a dogs tooth or teeth.
- b. "Canine Control Officer" means the Municipal Law Enforcement Officer employed and appointed by The Township of Essa, and also any person, firm, corporation or association, or employees or agents of such person or agency who has entered into a contract with The Township of Essa to control dogs and to carry out, enforce and implement the provisions of this by-law.
- c. "Clerk" means the Clerk of the Corporation of The Township of Essa.
- d. "Dangerous Dog" means a dog that has attacked, bitten or caused injury to a person or other domestic animal, or a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- e. "Disabled Person" refers to a physically, vision or hearing impaired person who is the owner of a dog which serves as a guide or leader.
- f. "Dog" means a male dog or female dog or spayed bitch or neutered dog over the age of twelve weeks;
- g. "Kennel" means an enclosed building made of four walls and a roof used for the keeping, breeding or boarding of dogs or any other function normally associated or related to dogs which is located on the property of an individual or agency who owns or harbours three (3) or more dogs.

- h. "Leash" means a chain, rope, or other similar device of not more than 3 metres (10 feet) in length which is designed to be held by a person and is used or designed to be used to restrain a dog.
- i. "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- j. "Neutered Male" means a male dog for which the owner produces satisfactory evidence of its being neutered.
- k. "OPP Officer" refers to a member of the Nottawasaga OPP, under contract with the Township of Essa.
- l. "Owner" of a dog includes any person who possesses or harbours a dog and the expression "Own", "Owns" or "Owned" have a corresponding meaning herein, and where the owner is a minor, the person responsible for the minor.
- m. "Pit Bull" means a Pit Bull Terrier, a Staffordshire Bull Terrier, an American Staffordshire Terrier, and American Pit Bull Terrier or a member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in this definition.
- n. "Pound Keeper" shall mean a person, firm, corporation or association who has entered into a contract with the Corporation of the Township of Essa to maintain a dog pound and any servants or agents of such person;
- o. "Running at Large" means a dog that is found at a place other than the premises or property of the owner of the dog and which is not leashed or under the physical control of any person.
- p. "Schedule of Fees" shall mean the most current Fee Schedule for all Township fees as passed by by-law from time to time.
- q. "Spayed Bitch" means a female dog for which the owner produces satisfactory evidence of its being spayed.
- r. "Township" means The Corporation of The Township of Essa.
- s. "Trespassing" means a dog being on property or running at large on property owned by a person who is not the owner of the dog or property owned or maintained by the Township, including highways.

2. LICENSING AND REGISTRATION

- a. Notwithstanding Section 3 of this by-law, every owner of a dog shall obtain a license annually and cause the dog to be registered, numbered, described and licensed with the Township as soon as the dog has attained the age of twelve (12) weeks.
- b. No person shall:
 - i. register an unsprayed female dog as a spayed female;
 - ii register an unneutered male as a neutered male;
 - iii use a tag upon a dog other than the dog for which it was issued.

- c. Upon application for a license, the dog owner will be required to produce a certificate signed by a registered veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months from the date of application for the license in accordance with the *Health Protection and Promotion Act, R.R.O. 1990, Reg. 567*.

Repealed by
By-Law No.
2017-18

- ~~d. A two year license may be obtained provided that the owner presents proof that the rabies vaccination has recently been administered.~~

- e. Dog tags shall be worn at all times, and shall bear the serial number and the year in which it was issued and a record shall be kept by the Township of Essa showing the name and address of the owner and the serial number of the tag issued to such owner.

- f. No 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. No refund of the licensing fee shall be provided to the dog owner in the event of the dog's demise.

- g. The fee charged for the replacement of lost dog tags shall be as set out in the most current Township of Essa Fees and Charges By-law, as amended.

DELETED
BY 2017-18

ADDED
BY-LAW
2017-18

- ~~h. Every license issued pursuant to this By-law shall expire on the 31st day of December in the year of its issue, unless it is a two year license in which case it will expire on the 31st day of December in the year following its issue.~~

Every license issued pursuant to this By-law shall expire on the 31st day of December in the year of its issue.

- i. Dog license fees are non-refundable except where overpayment is the result of an administrative error.

- j. This by-law refers only to the licensing, registration and regulation of dogs; other domestic animals are not included within the provisions of this by-law. Any incident respecting a non-domestic animal shall be guided by the Pounds Act, R.S.O. 1990, Ch. P.17.

3. KENNELS

- a. No one person shall, nor shall any one household own, possess, harbour, board, or license more than three dogs unless the person or household holds a valid kennel license pursuant to the Township's most current Business Licensing By-law.

- b. Notwithstanding the provisions of Section 2 above, the fees and regulations related to kennels are separately listed in the Business Licensing By-law and the Fees and Charges By-law, as may be amended from time to time.

- c. Regardless of the number of dogs per household, all dog owners within the Township of Essa shall comply with this by-law relating to running at large, barking or howling, or causing a nuisance or disturbance.

4. DOGS RUNNING AT LARGE

- a. No dog shall be permitted to run at large within the Township of Essa.
- b. For the purposes of this by-law, a dog shall be deemed to be running at large when it is found not to be under the care and control of a person and on a leash within 3 metres (10 feet) of that person, or leashed to a structure, unless the dog is on the property of its owner or a person who has consented to it being on his property while it is unleashed.
- c. The Canine Control Officer, pound keeper or OPP Officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or dead.
- d. No leash shall exceed 3 metres (10 feet) in length.
- e. Every leash used or carried for the purpose of restraining any dog shall be substantially constructed or composed of strong material such as a chain or rope and shall be capable, at all times, of securely restraining such dog.
- f. The owner of any dog found to be running at large may be issued an Offence Notice and required to pay the fee set out therein, as provided in Schedule "C" attached.

5. SEIZURE AND IMPOUND

Subject to subsection (e) of this Section, a Canine Control Officer or an OPP Constable may:

- a. seize and impound any dog found running at large; and,
- b. return possession of the dog to the owner thereof where:
 - i) the owner claims possession of the dog within five (5) days (exclusive of statutory holidays and Sundays) after the date of seizure, and
 - ii) the owner pays to the Pound Keeper or the Clerk of the Township a fee or fees as set out in the Township's Schedule of Fees; or
 - iii) where a dog is impounded, and whether or not the dog is claimed from the pound, the owner, if known, shall be liable for the pound and maintenance fees prescribed, and shall pay all fees on demand to the Pound Keeper, or the Clerk of the Township of Essa.
- c. Any dog found to be in the possession of a person other than the owner, without the owner's permission, shall be seized and impounded by the Canine Control Officer to enable the dog owner to be located. The cost of seizure and impound shall be paid by the dog owner upon return, or by any person wishing to adopt the dog from impound if the owner has not claimed it within five (5) days.
- d. No dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this By-law and any owner of a dog without a license or a dog tag and any purchaser of a dog without a license or a dog tag shall obtain a license and a dog tag for the current year before *possession is taken*.
- e. At the end of the said five (5) days, if possession of the dog has not been returned to the owner under subsection 5 b), the Canine Control Officer or Pound Keeper may sell or arrange to sell the dog for such price as he deems reasonable, and remit the amount so received to the Treasurer of the Township of Essa.

- f. Where the owner of a dog has not claimed the dog within five (5) days after it was found to be running at large, and the dog has not been sold, the Canine Control Officer, or Pound Keeper may kill the dog in a humane manner or otherwise dispose of the dog as he sees fit, and no damages or compensations shall be recovered on account of his actions in accordance with this Section.
- g. Where, in the opinion of the pound keeper and in consultation with a veterinarian, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely if reasonable efforts to locate the owner of the dog have failed.
- h. Where a dog that is seized for running at large is injured or should be destroyed without delay for humane reasons or for the safety of persons or animals, the Pound Keeper, OPP Constable or Canine Control Officer may kill, or cause the dog to be killed in a humane manner as soon after seizure as is deemed suitable without permitting any person to reclaim the dog or without offering it for sale, and no damages or compensations shall be recovered on account of these actions in accordance with this Section.
- i. During the impoundment period, an owner may claim the dog upon proof of ownership, and upon payment to the municipality of the appropriate fee as set out in Schedule "C" attached; the appropriate license fee if the dog is not licensed; and any veterinary or maintenance fees that have accumulated.

6. DANGEROUS DOGS

- a. With respect to the regulation of Pit Bulls, the Township of Essa shall recognize and act in accordance with Ontario Regulation 157/05, Pit Bull Controls under the Dog Owner's Liability Act.
- b. Every owner of a restricted pit bull, as defined in the Dog Owners Liability Act, shall ensure that the pit bull is wearing a muzzle and is secured by a leash, except when the pit bull is enclosed within the owner's property or on enclosed property occupied by another person who consents to the pit bull being off leash or unmuzzled.
- c. No pit bull or dangerous dog shall be permitted to run at large within the Township of Essa.
- d. When a pit bull or dangerous dog is on the property of the owner, it shall either be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
- e. The owner of a restricted pit bull must ensure that the restricted dog is neutered or spayed.
- f. Where a dog is known to have bitten or otherwise injured any person or killed or injured any livestock or poultry, it may, at the discretion of the Canine Control Officer, be seized and impounded until such time as the matter has been settled.
- g. Any costs of such seizure and impounding shall be the responsibility of the owner of said dog. The Municipality retains the right to charge back any expenses for seizure and impound to the owner of the dog, regardless of the outcome.

- h. Notwithstanding Section 5 of this By-law, where a Peace Officer or Canine Control Officer finds a dog running at large contrary to the provisions of this By-law and he believes that it may attack a human being before he can seize the dog, he may kill the dog.
- i. The owner of a dog that has bitten a person or domestic animal shall clearly display a sign at each entrance to the property and building in which the dog is kept warning that there is a Dangerous Dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

7. DECLARATION OF A DANGEROUS DOG

- a. The Canine Control Officer shall be empowered to declare that a dog is vicious:
 - i. upon receipt of a signed Declaration in the form attached hereto as Schedule "A", attested to by a witness who actually saw the alleged vicious dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and the dog owner's address.
 - ii. upon receipt of a signed Declaration attested to by the Clerk of the municipality where the dog has been declared vicious.
- b. The Canine Control Officer shall, within ten (10) business days of receipt of a duly executed Declaration, deliver or send by registered mail a Notice to Muzzle, in the form attached hereto as Schedule "B", to the owner of the vicious dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.
- c. Where the owner of a dog receives a Notice designating such dog as Potentially Dangerous or Dangerous and provides a written request within ten (10) working days, Council shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* within 15 working days of the Clerk's receipt of the request for a hearing, and may:
 - i. Affirm or rescind the Canine Control Officer's designation of the dog as a potentially dangerous or dangerous dog;
 - ii. Substitute its own designation of the dog as potentially dangerous or dangerous dog, as the case may be; and/or
 - iii. Substitute its own requirements of the owner of said dog pursuant to this by-law.
- d. Upon being served with a Notice to Muzzle, the owner of such dog shall ensure that it is:
 - i. securely held on a collar type leash with a maximum length of one (1) metre and of sufficient strength to restrain the dog and keep it from becoming loose;
 - ii. muzzled; and
 - iii. under the control of a person sixteen (16) years of age or older.

AMENDED
BY BY-LAW
2006-64

AMENDED
BY BY-LAW
2006-64

8. DOG OWNER RESPONSIBILITIES

- a. The owner of any dog desiring to have the dog disposed of, may deliver the said dog to the Pound Keeper and the Pound Keeper shall, on the payment of the amount that may be charged from time to time, receive the dog to be disposed of or destroyed.
- b. No owner shall allow his dog to howl or bark excessively or otherwise become a nuisance in accordance with the provisions of this by-law or the Township of Essa Noise By-law.

- c. If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately and disposed of in a sanitary manner.
- d. No owner of a dog shall, without provocation, permit his or her dog to:
 - i. chase, bite or attack any person;
 - ii. chase, bite or attack any domestic animal or bird, or to fight with another dog or animal;
 - iii. damage public or private property.
- e. No owner of a dog shall permit it to trespass on any private property.

9. PROVISION OF NEEDS

- a. Every person who keeps a dog within the municipality shall provide the dog, or cause it to be provided with:
 - i. clean, fresh drinking water and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - ii. food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - iii. the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
 - iv. necessary veterinary care when the dog exhibits signs of pain, illness or suffering;
 - v. a house or shelter providing protection from heat, cold, direct sunlight and wet that is appropriate to the dog's weight and type of coat, and providing sufficient space to allow the dog to turn around freely and lie in a normal position.
- b. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
- c. No person may cause an animal to be confined in an enclosed space for an extended period of time, including a car, without adequate ventilation.

10. DOG CONTROL FINES AND FEES

- a. Any dog found running at large contrary to the provisions of this by-law may be captured and impounded by the Canine Control Officer or OPP Officer and thereafter shall be impounded for a period of five (5) days. If not claimed by the owner within the said detention period, the dog may thereafter be destroyed or otherwise disposed of by or under the direction of the pound keeper.
- b. Unless otherwise stated in this by-law, the owner of each dog shall purchase a dog license in accordance with the current fee schedule of the Township.
- c. If the Canine Control Officer is unable to seize any dog found to be running at large, contrary to the provisions of this by-law, and the owner of such dog is known, a voluntary payment ticket may be issued ordering a fee to be paid by the owner, known as an Running at Large fee, as provided on Schedule "C" attached.

- d. In all cases if the owner of the dog is known, the dog owner shall be responsible for all costs, charges and fines associated with the seizure, impound or care of the dog which has contravened this By-law in any way.

11. RECOVERY OF EXPENSES

- a. The Municipality shall have the right to recover from the owner of the dog all costs incurred in applying and enforcing this by-law, and shall include an administration fee as set out in the Township Fees and Charges By-law, as amended.
- b. In responding to a Running at Large call, the Canine Control Officer may issue an Offence Notice to the owner or person responsible for the dog as set out in Schedule "C" attached. Said fee shall be paid to the Township of Essa prior to the release of the dog, whether or not the dog is impounded. Any other costs associated with the collection and impound of the dog shall also be paid prior to release of the dog.
- c. At the discretion of the Officer, a Warning may be issued to a dog owner upon first offence.

12. GENERAL PROVISIONS

- a. Every person who fails to comply with the provisions of this By-law shall be guilty of an offence and, upon conviction is subject to a penalty pursuant to the *Provincial Offences Act*.
 - b. Each day that a breach of this by-law continues shall constitute a separate offence.
 - c. Fines pursuant to subsections a and b above are recoverable under the *Provincial Offences Act*, as amended.
 - d. Should any Section or part of a Section of this By-law be declared by a court of competent jurisdiction to be invalid, same shall not affect the provisions of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
 - e. Any person who is visually, audibly or physically disabled and owns a registered dog to assist with their daily living shall be exempt from the licensing provisions of this by-law.
13. That the short form title of this By-law shall be the "**Control of Dogs**" By-law.
 14. That By-laws 2002-83, 99-70 and 96-24 be and are hereby repealed.
 15. This By-law shall come into force and have effect on the day it is finally passed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Fifteenth Day of March 2006.

David Guergis, Mayor

Carol O. Trainor, Clerk

**SCHEDULE "A" to
By-law 2006 - 18**

DECLARATION REGARDING A VICIOUS DOG

Name of Dog Owner: _____

Address: _____

Name of Dog: _____ Dog Tag Number: _____

Breed: _____ Colour: _____ Other: _____

Rabies Tag Number: _____ Other Identification: _____

Address of Incident: _____

Location on Property: _____

Location on Street: _____

Description of Incident: _____

Date of Incident: _____ Time of Incident: _____

Signature of Witness who actually saw the
alleged bite or attack.

Signature of Canine Control Officer

Name of witness (print): _____

Address of witness: _____

Telephone number: _____

Personal information contained in this form is collected under the authority of the Municipal Act, R.S.O. 1990, c.M.45, 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, Township of Essa, 5786 County Road 21, Utopia, Ontario L0M 1T0, (705) 424-9917, ext. 116.

**SCHEDULE "B" to
By-law 2006 - 18
NOTICE TO MUZZLE**

To: _____ Date: _____
Dog Owner

Address: _____

Dog Name: _____ Breed: _____ Colour: _____

Dog Tag No. including the year of issue: _____

Rabies Tag No. including the year and Veterinarian Office: _____

Tattoo No: _____ Microchip No: _____

The Corporation of the Township of Essa is in receipt of a Declaration duly executed by the Canine Control Officer pursuant to Subsection 2(a) of *By-law 2006-18*, that the dog described above did, on the _____ day of _____ bite and puncture the skin of a person or a domestic animal. In accordance with Subsection 2(b) of *By-law 2006-18*, you are hereby ordered to restrain your dog as follows:

METHOD OF RESTRAINING DOG

- a) 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 to prevent the dog from coming into contact with persons other than the owner of the dog or any other domestic animal, or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking and self-latching device. Such self-latching device is to be designed in such a manner that the pen or gate can only be opened from the outside by an adult. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.
- b) While the dog is off the property of the owner, as described above, the owner shall ensure:
 - i that it is held securely on a collar-type leash with a maximum length of one (1) metre and of sufficient strength to restrain the dog and keep it from escaping and running at large;
 - ii that a muzzle is securely and humanely covering the mouth of a dog which is of adequate strength and design and suitable to the breed of the dog that cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal;
- c) within thirty (30) days the dog is identified with a microchip implantation, at the owners expense, and the said microchip number is registered with the Canine Control Officer;

- d) the Canine Control Officer is notified within forty-eight (48) hours of any changes to the residency of the vicious dog;
- e) the Canine Control Officer is notified within forty-eight (48) hours after the ownership of the vicious dog is transferred to another person;
- f) the Canine Control Officer is notified should the vicious dog be destroyed.

The dog owner may appeal this Notice to Muzzle to the Council of the Township of Essa within ten (10) days of the date of this Notice by submitting a written request for a hearing, setting out the reasons for the appeal. Such a request must be addressed to the Clerk, Township of Essa, 5786 County Road 21, Utopia, Ontario L0M 1T0.

This Notice is served upon the owner in accordance with Subsection 2(b) of By-law 2006-18 on this _____ day of _____.

Canine Control Officer

Clerk

AMENDED
BY BY-LAW
2006-64

**Schedule "C" of
By-law 2006 - 18**

CANINE CONTROL FEES

To establish fees for impoundment, boarding and other related charges for the owners of dogs.

1. Any dog found to be running at large contrary to the provisions of this by-law may be captured and impounded by a Canine Control Officer or Police Officer and thereafter shall be kept in a pound for a period of five (5) days, and if not claimed by the owner within the said detention period, and the proper costs and charges of the Pound Keeper paid, the dog may thereafter be destroyed or otherwise disposed of by or under the direction of the Pound Keeper.
2. Any expenses associated with the seizure and impoundment shall be the responsibility of the dog owner. Pound fees shall be determined by the Pound Keeper and are subject to change.
3. Unless otherwise stated in this by-law, the owner of each dog shall pay an annual dog license fee in accordance with the current Township of Essa Fees and Charges By-law, as may be amended from time to time.
4. The owner of any dog impounded pursuant to the provisions of this by-law shall pay all fees accumulated to the Pound Keeper for the boarding of the animal, and for any veterinary services which were required before the dog shall be released.
5. All fees imposed for running at large, seizure and return of the dog to the owner, without impound, shall be paid directly to the Township of Essa.
 - i. Running at Large, first offence: \$ 80.00 per dog
 - ii Running at Large, second or repeat offence: \$150.00 per dog
 - iii Running at Large, restricted dog or pit bull \$500.00 per dog
6. The owner of any dog who requests the assistance of a Canine Control Officer for the transportation of any dog to the Pound Keeper for disposal shall pay the applicable disposal fee in addition to the \$80.00 pick up fee to the Township.
7. If a Canine Control Officer is unable to seize any dog found to be running at large contrary to the provisions of this by-law, and the owner of such dog is known, a voluntary payment notice may be issued ordering the owner to pay a fee to the Township in the amount of \$80.00, to be known as an Running at Large Fee.

TOWNSHIP OF ESSA
By-law 2006 – 18
Control of Dogs By-law
Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Failing to procure a dog license	Sec. 2 a	\$80.00
2.	Failing to keep dog tag affixed on dog	Sec. 2 e	\$80.00
3.	Using dog tag on dog other than dog registered for tag	Sec. 2 b iii	\$80.00
4.	Keeping more than three dogs without a kennel license	Sec. 3 a	\$100.00
5.	Being an owner, permitting dog to run at large	Sec. 4 a	\$100.00
6.	Failure to muzzle or securely leash a restricted pit bull	Sec. 6 b	\$200.00
7.	Being the owner of a pit bull, permit running at large.	Sec. 6 c	\$300.00
8.	Being the owner, fail to neuter or spay a restricted pit bull.	Sec. 6 e	\$200.00
9.	Being an owner, fail to post a warning sign for a Dangerous Dog	Sec. 6 i	\$20.00
10.	Being an owner, allowing dog to bark or howl excessively	Sec. 8 b	\$100.00
11.	Failing to remove dog faeces.	Sec. 8 c	\$80.00

NOTE: The penalty provision for the offences indicated above is Section 12 of By-law 2006-18, a certified copy of which has been filed.