

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2006-32

OFFICE CONSOLIDATION (By-law 2014-16)

Being a By-law to control dogs and Govern the Care of Animals within the Town of The Blue Mountains (By-law 2014-16)

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 regulating animals;

AND WHEREAS Section 103 of the *Municipal Act*, 2001, S.O. 2001, c. 25 authorizes a municipality to seize and impound an animal at large or trespassing, the sale of an impounded animal, and the establishment of a 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 105 of the *Municipal Act*, 2001, S.O. 2001, c. 25 requires that Council afford dog owners hearings with respect to muzzle orders and also permits Council to delegates its' powers related to holding such a hearing;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a by-law to regulate dogs; to seize, impound and dispense dogs; to establish the payment of voluntary payments for dogs being at large; and to delegate Council's powers related to a muzzling order to the animal control officer;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this By-law,

- 1.1 **"Act"** means the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended from time to time;
- 1.2 **"Animal"** means any member of the animal kingdom, other than a human. **(By-law 2014-16)**
- 1.3 **"Animal Control Officer"** means a Municipal Law Enforcement Officer appointed by by-law by the Town of The Blue Mountains;
- 1.4 **"Cat"** means a domestic cat (*Felis silvestris catus*). **(By-law 2014-16)**
- 1.5 **"Clerk"** means the Clerk appointed by the Town of The Blue Mountains pursuant to the Act;
- 1.6 **"Confined Space"** means a fully or partially enclosed space. **(By-law 2014-16)**
- 1.7 **"Control"** includes care and custody. **(By-law 2014-16)**
- 1.8 **"Council"** means the Council of the Town of The Blue Mountains.
- 1.9 **"Distress"** means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect. **(By-law 2014-16)**

- 1.10 **“Dog”** means a male or female dog over the age of 12 weeks.
- 1.11 **“Dog Tag”** means a metal licence bearing a serial number and the current year in which it was issued by the Animal Control Officer or his/her designate.
- 1.12 **“Dwelling Unit”** means a room or suite or two or more rooms, designed or intended for use by any person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment.
- 1.13 **“Harbour”** does not include the provision of shelter to a dog for a period of time of less than seven days, provided that the dog is owned by someone other than the household group normally a resident in the dwelling unit in which the dog is harboured and can provide proof of a permanent address.
- 1.14 **“Household Group”** means two or more persons who live in the same dwelling unit whether or not they are related to one another.
- 1.15 **“Hunting Dog”** shall mean a dog that is trained, kept and utilized for hunting purposes.
- 1.16 **“Kennel”** shall mean an establishment where more than three (3) dogs are kept for the purpose of show, training, keeping, breeding and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment or, to the keeping of hunting or working dogs.
- 1.17 **“Municipal Law Enforcement Officer”** shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Town of the Blue Mountains.
- 1.18 **“OSPCA”** means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, Chapter O/36, as amended. **(By-law 2014-16)**
- 1.19 **“Owner of a dog”** shall include any person who possesses or harbours a dog and “owned” or “owns” have corresponding meanings.
- 1.20 **“Peace Officer”** means a Provincial Offences Officer within the meaning of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 or the *Dog Owners Liability Act*, R.S.O. 1990, Chapter D.16.
- 1.21 **“Rural”** means any land located within any area designated General Rural (A1) Zone, Limited Rural (A2) Zone or Hazard (H) Zone by a Zoning By-law of the Town or any land located within the Niagara Escarpment Commission Development Permit area.
- 1.22 **“Town”** means the Town of The Blue Mountains.
- 1.23 **“Working Dog”** shall mean a dog trained, kept and utilized for work purposes including, but not limited to, livestock handling and/or guarding, pest and predator control, recreational dog sled use and police or rescue dogs.

2.0 LIMIT OF THREE DOGS

- 2.1 No person shall keep or harbour more than three dogs at any one time in a dwelling unit or on any individual conveyable land entity located within the boundaries of the Town.
- 2.2 Section 2.2 shall not apply to prevent the keeping of hunting and/or working dogs in addition to the maximum set-out provided the dwelling unit and/or individual conveyable land is located in a rural area.

3.0 LICENCING OF DOGS

- 3.1 Every dog owner shall, on or before the 15th day of March in each and every year, or upon becoming the owner of a dog, register such dog or dogs with the Animal Control Officer or his/her designate, pay the fee as prescribed by Section 5 of this By-law and procure a metal dog tag bearing a serial number and the year in which it was issued, for each dog owned, up to the allowable maximum of three dogs.
- 3.2 Upon application for a licence, the owner shall produce a certificate signed by a practising veterinarian that the dog has been inoculated with an Anti-Rabies Vaccine within a period of twelve (12) months prior to the date of application for a license.
- 3.2.1. Upon application for the initial license for any dog, the owner shall produce proof that the dog has been neutered or spayed. If such proof is not available or the owner will not provide same, the fees charged will be those for an animal that is not neutered or spayed. Renewal of any licence, for the same dog, will not require proof of neutering or spaying.
- 3.3 A record of dog tags issued shall be kept by the Animal Control Officer or his/her designate, showing the name and address of the owner and the serial number of the dog tag.

4.0 EXPIRATION OF LICENCES

- 4.1 A licence issued pursuant to Section 3.1 of this By-law shall expire on the 31st day of March in the year after it was issued.

5.0 FEES FOR DOG LICENSES

- 5.1 Annual fees payable for dog licenses:

First Dog:	\$25.00
Second Dog:	\$30.00
First Neutered/Spayed Dog:	\$20.00
Second Neutered/Spayed Dog:	\$25.00
Micro-chipped/Tattooed Dog	\$15.00 (By-law 2014-16)
Replacement Tag	\$10.00 (By-law 2014-16)

6.0 KENNEL LICENSING

- 6.1 No person shall operate a kennel except in accordance with the applicable Zoning By-law enacted by Council pursuant to Section 34 of the *Planning Act*.
- 6.2 No person shall operate a kennel without first obtaining a kennel licence.
- 6.3 Every person who holds a kennel license or applies for a kennel license shall comply with the following requirements:
- 6.3.1 The kennel shall be registered in the register of the Canadian Kennel Club ([Canadian Kennel Club Website](#)).
- 6.3.2 The kennel building shall be in a separate building and not be attached to or form part of any building used for human habitation.
- 6.3.3 The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code.
- 6.3.4 The kennel building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture and such floor shall be thoroughly cleaned daily, or more often if necessary.

- 6.3.5 The kennel building shall have electric lighting, windows that may be opened for proper ventilation, a heating system sufficient to adequately heat the building, hot and cold running water and a food preparation area.
- 6.3.6 Where dogs are permitted to use an outside area, there shall be constructed around such area, a fence having a height of at least four feet (4'); the wall of an adjacent building may be included as part of such fenced in area.
- 6.3.7 Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- 6.3.8 While the license is in force, it shall be continuously exposed in a conspicuous place in the interior of the premises for which the license is obtained.
- 6.3.9 At all times, the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odours.
- 6.3.10 The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthful temperature at all times.
- 6.3.11 The operator shall feed and give water to the dogs periodically each day and keep same in a clean, health condition, free from the vermin and disease.
- 6.3.12 The Municipal Law Enforcement Officer and any other person authorized by the Town of The Blue Mountains may inspect any place where dogs are kept, pursuant to this by-law.
- 6.3.13 If the kennel is found not to conform under the requirements set out herein, the Municipal Law Enforcement Officer may direct that the dogs be seized and impounded by the Animal Control Officer appointed by the Town of The Blue Mountains and may revoke the license issued to the kennel.
- 6.3.14. Pay an annual licencing fee of \$150.00.

6.4 Kennel licences shall expire on the 31st day of December of each and every year.

6.5 A kennel operator with a kennel license is not required to apply for a license pursuant to Section 3 in respect of dogs harboured in the kennel.

7.0 HARBOURING DOG WITHOUT A LICENCE OR TAG

7.1 Except as provided herein, no person shall harbour a dog or dogs within the boundaries of the Town, unless such dog has affixed to it a current dog tag issued under this By-law.

8.0 MUZZLING OR LEASHING DOGS THAT BITE

8.1 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:

8.1.1 The dog is destroyed; or

8.1.2 The person appointed for the purpose, exempts the owner from the muzzling or leashing requirements, or both.

8.2 Where the Animal Control Officer for the Town, or his/her designate, acquired information or belief that a dog has bitten a person or domestic animal in violation of this By-law, he/she 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.

8.2.1 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/she does so within seven days of being informed of the Order.

8.2.2 Where it appears there are grounds to believe that the behaviour 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 ground for the belief that the dog's behaviour has improved, to Town Council or a committee thereof for an Order revising, modifying, or rescinding the Order to muzzle, leash, or both.

9.0 COUNCIL DELEGATION RELATED TO THE HOLDING OF A HEARING TO EXEMPT AN OWNER FROM A MUZZLING ORDER

9.1 Council hereby delegates to the Director, Building & By-law, who is an Animal Control Officer, or such person responsible for the Town's Animal Control Program from time to time and is an Animal Control Officer, its responsibilities and powers pursuant to Section 105 of the Act.

10.0 IMPROPER USE OF A DOG TAG

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

11.0 DOGS RUNNING AT LARGE

11.1 No person shall permit a dog to run at large within the boundaries of the Town.

11.2 For purposes of this section, a dog shall be deemed to be running at large, if found at any place within the boundaries of the Town other than the premises of the owner of the dog and, when so found, it is not under the control of a competent and responsible person.

11.3 A dog shall not be deemed to be running at large, if, while off the premises of its owner, the dog is under the control of its owner and on privately-owned land with the consent of the owner of such privately-owned land.

11.4 A dog shall be deemed to be under the control of a competent and responsible person if it is on a leash and which leash is in the hands of an individual who appears to be able to restrain the dog and/or maintain control over the dog, or, if the individual exercising control over the leashed dog is able to exercise such control by way of voice commands to which the dog readily responds.

11.5 An Animal Control Officer or Peace Officer shall seize any dog found running at large and the owner of such dog is liable to pay the Town a seizure fee of \$25.00 if such dog is currently licenced by the Town, and \$50.00 if it is not, to cover the costs associated with such seizure. Failing such payment, the owner shall have committed an offence under this By-law.

12.0 CAUSING DISTURBANCE

12.1 No person, being the owner of a dog or the operator of a kennel, shall permit a dog or dogs to howl or bark so as to cause noise, which disturbs, or is likely to disturb the inhabitants of the Town.

- 12.2** If, upon being warned of a complaint by the Animal Control Officer or Peace Officer, the owner of the dog or kennel which is the subject of complaint, fails to restrain the dog or dogs from causing noise, the owner of the dog or the operator of the kennel shall be deemed to have committed an offence under this By-law.

13.0 REMOVAL OF DOG EXCREMENT

- 13.1** Every person who owns, controls or harbours a dog shall remove forthwith any excrement left by such dog on public lands or on privately-owned land, other than lands owned by the owner of the dog.
- 13.2** In any prosecution pursuant to a violation of Section 13.1 of this By-law, proof that the defendant is either blind or handicapped shall constitute a defence to such prosecution.

14.0 SEIZURE AND IMPOUNDING

- 14.1** A Peace Officer or/and Animal Control Officer appointed by the Town may seize and impound any dog found running at large.
- 14.2** If a dog found running at large is injured and should, at the discretion of the Peace Officer or the Animal Control Officer, be destroyed without delay for humanitarian reasons, the Peace Officer or Animal Control Officer may destroy or cause the destruction of the dog in a humane manner after the seizure as he/she thinks fit and no damages or compensation shall be recoverable by the owner of the dog on account of such destruction.
- 14.3** A Peace Officer or Animal Control Officer may destroy any animal found at large which animal cannot be seized with a reasonable time and which animal threatens the safety of the Peace Officer or Animal Control Officer or other persons, and no damages or compensation shall be recoverable by the owner of the dog on account of such destruction.
- 14.4** Where a dog has been impounded and has not been destroyed, the Animal Control Officer, or his/her designate, shall release possession of the dog to its owner where:
- 14.4.1 The owner attends at the pound and claims possession of the dog within seven days, excluding the day in which the dog was impounded and statutory holidays and Sundays; and
- 14.4.2 The owner provides proof that the animal is licensed prior to release; and,
- 14.4.3 The owner pays to the Town, or its designate and/or agent, a seizure fee of \$50.00 and the applicable Pound Administration Fee, Daily Impound Fee and other fees or fees for service deemed required to be rendered by the Town, or its designate and/or agent.

15.0 CARE OF ANIMALS (By-law 2014-16)

- 15.1** Any person who keeps an animal within the Town shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.
- 15.2** Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.
- 15.3** No person shall have more than six (6) cats in any residential dwelling unit within the Town.
- 15.4** Notwithstanding section 15.3 above; in the instance of an abandoned litter, the restricted number of cats shall not apply provided that the age of the cats

in the litter do not exceed 5 months at which time they shall be spayed or neutered.

- 15.5** Any person keeping an animal within the Town shall do so under sanitary conditions.
- 15.6** For the purposes of Section 15.5 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 15.7** No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or other confined space if the weather conditions are not suitable for containment of an animal.
- 15.8** No person shall:
- a) tease, torment, annoy, or abuse any animal; or,
 - b) untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- 15.9** In addition to any other remedy, an officer may give to an animal's owner an Order where the officer has reason to believe that the owner has failed to comply with any part of this section.
- 15.10** Where an officer has reasonable and probable grounds to believe that an animal is in distress or is likely to be in distress, an officer may require the owner to cause the animal to be examined and treated by a Veterinarian at the owner's expense.
- 15.11** An Order shall include the following information:
- a) particulars of the reasons for which the Order was given; and,
 - b) particulars of the things the owner is required to do to remedy the issue.
- 15.12** An owner to whom or to which an Order is given shall forthwith comply with the Order.
- 16.0 PROHIBITED ANIMALS (By-law 2014-16)**
- 16.1** No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.
- a) all non-human primates (such as gorillas and monkeys);
 - b) all felids, except the domestic cat;
 - c) all canids, except the domestic dog;
 - d) all mustelids (including but not limited to skunks, weasels, otters badgers, etc.) except the domestic ferret;
 - e) all marsupials (including but not limited to kangaroos, sugar gliders and opossums);
 - f) all bats, raccoons, squirrels;
 - g) all ursids (bear);

- h) all hyaenas;
- i) all snapping turtles;
- j) all elephants;
- k) all snakes of the families pythonidae and boidae;
- l) all poisonous or venomous snakes;
- m) all poisonous or venomous arachnids (including but not limited to spiders);
- n) all poisonous or venomous lizards;
- o) all crocodilians (including but not limited to alligators and crocodiles);
- p) any endangered species as defined by the Canadian Wildlife Service;
or
- q) any other animal that Council deems to be necessary.

16.2 Notwithstanding Section 16.1, the prohibition shall not apply to:

- a) circuses;
- b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals, Georgian Triangle Humane Society or a Town owned or operated pound;
- c) a veterinary hospital or premises under the control of a licenced veterinarian;
- d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions;
- e) any animal being displayed or exhibited for a set period of time in a Town sanctioned event which is operated in accordance with all by-laws of the Town; or,
- f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.

17.0 LIABILITY FOR FEES

17.1 Where a dog is impounded, the owner of the dog shall be liable for the pound and maintenance fees prescribed herein, including the fees for destruction of the dog where the dog has been destroyed, whether or not the dog is claimed by the owner. All such fees shall be payable on written demand to the owner from the Town.

17.2 If the owner has not paid the fees demanded in writing within 30 days of the demand for payment, such fees may be collected by Action.

18.0 DISPOSAL OF DOGS

18.1 Where a dog has been seized while found running at large and impounded and the owner has not claimed the dog within seven days, excluding the day on which the dog was seized, statutory holidays and Sundays, or having attended at the pound to claim the dog but not paid the prescribed seizure, pound and maintenance fees, the dog may be sold for such price as may be

determined, destroyed in a humane manner, or, otherwise disposed of and no damages or compensation shall be recoverable by the owner as a result of any such action.

- 18.2** Any fees recovered by way of the sale of the dog shall be first applied to outstanding pound and veterinarian fees with such remaining fees, if applicable, returned to the Town.

19.0 ENFORCEMENT

- 19.1** This By-law shall be enforced by a Police Officer, Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purposes of enforcing the Municipal By-laws.

20.0 PENALTIES FOR OFFENCES

- 20.1** Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

21.0 GENERAL

- 21.1** By-law Nos. 96-1 and 97-43 of the former Township of Collingwood and By-law No. 43-1978, as amended by By-law No. 20/95 of the former Town of Thornbury are hereby repealed.

READ AND FIRST AND SECOND TIME this 27th day of March, 2006.

READ AND THIRD TIME AND PASSED, this 24th day of April, 2006.

Original Signed

E. Anderson, Mayor

Original Signed

S. Keast, Town Clerk