

THE CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

BY-LAW NO. 37-11

A By-Law to Provide for the Keeping of Animals and the Regulating of Dogs Running at Large

WHEREAS the *Municipal Act 2001* authorizes municipalities to pass by-laws respecting animals;

AND WHEREAS Section 8 of the *Municipal Act 2001* provides that Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS the *Municipal Act 2001* provides that a by-law may regulate or prohibit respecting the matter, and, as a part of that power, require persons to do things respecting the matter, provide for a system of licenses, permits, approvals or registrations respecting the matter and to impose conditions as a requirement of obtaining, continuing to hold or renewing a license, permit, approval or registration;

AND WHEREAS the *Municipal Act 2001* authorize a municipality to pass by-laws for the impounding of animals and the muzzling of dogs;

AND WHEREAS the *Municipal Act 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become the cause of public nuisances;

AND WHEREAS the Council for the Corporation of the Municipality of North Grenville deems it necessary and desirable to regulate the keeping of animals and the running at large of dogs within the Municipality and to regulate the muzzling and leashing of dogs where appropriate.

NOW THEREFORE the Council of the Corporation of the Municipality of North Grenville enacts as follows:

DEFINITIONS

In this by-law, except where a contrary intention appears,

1. (a) "Attack" means any act or action involving physical contact between a dog and a person or other animal, which results or could potentially result in physical injury from the dog;
- (b) "Control" means having the ability, at all times, to manage, direct, restrict and restrain a dog from committing an unwanted action;
- (c) "Fenced Yard" means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule 'A' to this by-law provided that walls of a continuously occupied building are considered as portions of the required fence, provided that all doors providing access to the fenced yard are locked when a vicious dog is inside the fenced yard;
- (d) "Gate" means a swinging or sliding barrier used to fill or close an access and includes a door;
- (e) "Guide Dog" means a dog trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the *Blind Persons' Rights Act*;
- (f) "His" or other words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa;

- (g) "Kennel" means a building or structure where animals are boarded, bred, trained, given medical treatment or housed for similar purposes for which compensation is paid. A kennel shall include, but is not restricted to a pound, a kennel for the keeping of hunting dogs, a Humane Society shelter or a breeding kennel registered with the Canadian Kennel Club. Notwithstanding, a kennel does not include a municipal pound which has been designated by the Municipality of North Grenville for use by an appointed Municipal Law Enforcement Officer;
- (h) "Leash" shall mean a restraining device of sufficient strength and material for leading a dog.
- (i) "Municipality" means the Corporation of the Municipality of North Grenville;
- (j) "Municipal Law Enforcement Officer" means the By-Law Enforcement Officer, Animal Control Officer or Special Enforcement Officer of the Corporation of the Municipality of North Grenville or any police officer, constable or special constable;
- (k) "Muzzled" means to have securely affixed around the snout or mouth and nose of a dog a device commonly known as a muzzle manufactured by a recognized manufacturer of muzzles for dogs such that the dog when muzzled will be prevented from biting a person or animal;
- (l) "Owner" includes any person who owns, possesses, harbours or has the care and control of a dog and where the owner is a minor, the person responsible for the custody of the minor. "Owns" and "owned" have corresponding meaning;
- (m) "Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply;
- (n) "Running at large" means that a dog shall be deemed to be running at large when found in any place other than the property or premises of the owner of the dog and not under the control of any person or not kept in accordance with the provisions of this by-law;
- (o) "Vicious dog" means;
 - i) any dog with a known propensity, tendency or disposition to attack without provocation any other domestic animals or persons; or
 - ii) any dog which has bitten another domestic animal or person without provocation, or
 - iii) any dog which has been previously determined by the Municipality, or any other jurisdiction, to be "vicious", as herein described.

RUNNING AT LARGE

- 2. No owner of a dog shall allow the dog to run at large within the limits of the Municipality of North Grenville.
- 3.
 - (a) No person shall keep a dog when off the property of the owner, other than on a leash which is securely held by that person. The leash shall not exceed two (2) metres in length.
 - (b) Notwithstanding 3.(a), a retractable leash may be utilized, providing it is limited to a maximum of two (2) metres in length when approaching or in the presence of another animal or person.
 - (c) Dogs when used for hunting, showing or training shall be considered under control when under the supervision of the keeper.

4. Any Municipal Law Enforcement Officer having jurisdiction in this Municipality may seize any dog running at large; and
 - (a) cause the dog to be taken to an impound facility; or
 - (b) if the dog can be identified, restore possession of the dog to the owner thereof, should the Municipal Law Enforcement Officer deem it reasonable to do so.
5. Where the owner of a dog has knowledge that the dog has killed or injured livestock or poultry, at the direction of the Municipal Law Enforcement Officer, he shall destroy the dog or cause the dog to be destroyed within forty-eight hours after acquiring such notification, in writing.
6. Where the owner of a dog refuses or neglects to destroy it when required to do so under Section 5, he may be summoned before a Provincial judge who may order the dog to be destroyed, and for the purpose of carrying out the order, a Municipal Law Enforcement Officer may enter upon the premises of the owner and destroy the dog, and the provincial judge may, in addition to any other penalty provided by this Act, direct the owner of the dog to pay the cost of the proceedings and of the destruction of the dog.
7. A Municipal Law Enforcement Officer, or any person acting under such Officer's direction, notwithstanding anything anywhere else in this by-law, may kill any dog on sight, by shooting it or by any other humane means where;
 - (a) the Municipal Law Enforcement Officer reasonably believes the dog is likely to cause imminent harm to any person or animal; or
 - (b) the dog is deemed to be a vicious dog or where the dog is deemed to present a hazard to public health or safety, and is found to be running at large in any area of the Municipality; or
 - (c) the dog is injured or ill and should be destroyed without delay for public safety or humane reasons.
8. Nothing in this by-law shall be construed to restrict the operation of the provisions of the *Livestock, Poultry and Honey Bee Protection Act* R.S.O. 1990, Ch. L.24, s. 2.
9. No owner of a dog shall permit or allow it to trespass on any private property.
10. Any dog seized pursuant to Section 4, may be taken to a designated pound to be held in accordance with the rules and regulations of the designated pound, which may be in effect from time to time.
11. Possession of a dog impounded pursuant to Section 4 may be restored to the owner if the owner claims possession of the dog prior to it being either sold or disposed of in accordance with the rules and regulations of the designated pound, upon payment of the maintenance fees imposed by that pound.
12. If the dog does not have a valid licence, the owner shall be required to pay, in addition to the release fee, the licence fee set out in the Municipality's Dog Licensing By-Law.
13. If the owner fails to claim the dog within the time limit set by the rules and regulations governing the designated pound, the dog may be sold or disposed of by the pound in accordance with its rules and regulations.

VICIOUS DOGS

14. The owner of a vicious dog shall at all times, when the dog is not confined in the owner's dwelling or other building, but otherwise within the boundaries of the owner's lands, secure the dog in one of the following manners so as to prevent the dog from escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands:

- (a) the dog shall be located wholly within a fenced yard constructed in accordance with Schedule "A" and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
 - (b) the dog shall be located within an enclosed run designed in such a fashion and with such material which will prevent the dog from digging its way out or otherwise escaping from the enclosed run and not to restrict the generality of the foregoing having sides and top constructed of chain link fencing as set out in Schedule "A" to this by-law and a solid base securely attached to the sides; or
 - (c) the dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 2 meters in length.
15. The owner of a vicious dog may request from the Municipal Law Enforcement Officer that the owner be exempt from complying with some or all of the provisions of Section 14.
16. The owner of a vicious dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog.
17. No person may keep a vicious dog in a kennel, except in accordance with the provisions of this by-law.
18. No owner shall fail to take all reasonable steps to prevent his dog from attacking any person, domestic animal or domestic bird or to fight with another dog.
19. No owner of a dog which has been declared to be vicious by the Municipality or by any other jurisdiction, shall fail to inform the licensing officer that the dog has been declared to be vicious, at the time of obtaining a licence for the dog,
20. Immediately upon the transfer of a vicious dog from one owner to another, the owners shall notify the Municipal Law Enforcement Officer of the Municipality.
21. No owner of a vicious dog shall fail to post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.
22. Where a dog has bitten a person, or a domestic animal, the owner shall cause the dog to remain muzzled or leashed until such time as the incident has been reviewed by the Municipal Law Enforcement Officer, who may exempt the owner from the muzzling or leashing requirement.

NOISE

23. No person who owns, keeps or harbours a dog shall allow it to make or cause noises or sounds in such manner as to disturb the inhabitants in the area.

STOOP AND SCOOP

24. Every person who owns a dog shall forthwith clean up and dispose of any excrement left by the dog on any property, whether public or private, in the Municipality of North Grenville.
25. Section 24 does not apply to any person who is visually impaired and whose dog is a Guide Dog.

PENALTIES

- 26. Any person who contravenes any provision of this by-law shall be guilty of an offence and shall be liable, upon conviction, to such fine as is provided for in the provisions of the *Provincial Offences Act*, as amended and any other applicable law, exclusive of costs, for each offence.
- 27. Upon registering a conviction for the contravention of any provision of this by-law, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to the *Municipal Act 2001*.

SCHEDULES

- 28. The following Schedules are attached hereto and form part of this by-law:

Schedule "A" - Fence Requirements for Vicious Dogs
Schedule "B" - Set Fines

GENERAL PROVISIONS

- 29. By-Law No. 34-00, as amended, of the Township of North Grenville is hereby repealed.
- 30. This by-law shall come into force and take effect on the date of passing.
- 31. It is hereby declared that each and every of the foregoing provisions of this by-law is severable and that, if any provision of this by-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

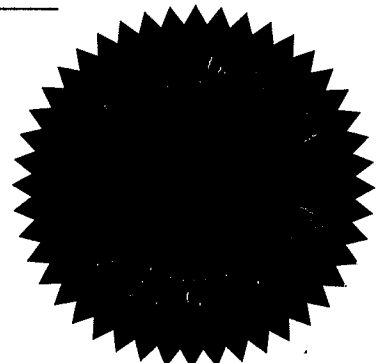
PASSED AND ENACTED
THIS 13TH DAY OF JUNE, 2011.



DAVID GORDON
Mayor



HEATHER RENDER
Deputy Clerk



CORPORATION OF THE MUNICIPALITY OF NORTH GRENVILLE

Schedule "A" to By-Law No. 37-11

FENCE REQUIREMENTS FOR VICIOUS DOG

1. Fences shall be a minimum of 1.5 meters in height and installed such that no gap greater than 150 mm. exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced in area and that will prevent a vicious dog from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and locks located at the top of and inside the gates.

2. A fence shall:
 - (a) if of chainlink construction:
 - i) be of not greater than 50 mm. (2 inch) diamond mesh;
 - ii) be constructed of galvanized steel wire no less than 3.6 mm. diameter (No. 9 gauge), or of minimum 2.9 mm. diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm. diameter (No. 9 gauge); and
 - iii) be supported by at least 38 mm. (1.5 inch) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 metres (10 feet) apart. Top horizontal rails shall be at least 32 mm. (1.25 inch) diameter galvanized steel. Bottom horizontal rails shall be a 12 mm. (.5 inch) diameter galvanized tension rail or a 32 mm. (1.25 inch) diameter galvanized rail.
 - (b) if of wood construction:
 - i) be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm. (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches).
 - ii) supporting horizontal members shall have a minimum dimension of 38 x 88 mm. (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 metres (55 inches) apart; and
 - iii) horizontal members shall be supported by posts spaced not more than 2.4 metres (8 feet) on centre. Such posts shall be 88 mm. (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 metres (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
 - (c) if the fence design is other than specified in (a) or (b) either in material or otherwise, such fence shall require approval by the Municipal Law Enforcement Officer.

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Schedule "B" to By-Law No. 37 -11

SET FINES