

**THE CORPORATION OF THE  
TOWNSHIP OF EAST ZORRA-TAVISTOCK  
COUNTY OF OXFORD**

**BY-LAW #2008-35**

*as amended by By-law #2011-40*

---

**BEING** a by-law to establish licensing provisions and for the regulation of dogs in the Township of East Zorra-Tavistock.

**WHEREAS** Section 11 of the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, provides that lower tier municipalities may pass by-laws respecting animals;

**AND WHEREAS** section 8 of the said Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** section 103 of the said Act provides that where a municipality passes a by-law regulating or prohibiting animals from running at large or trespassing it may provide for the seizure and impounding of animals found trespassing or being at large and provide for procedures to deal with such animals, and for requiring the muzzling of a dog after it has bitten a person or a domestic animal; *(By-law #2011-40)*

**AND WHEREAS** section 129 of the said Act provides that a local municipality may prohibit and regulate with respect to noise, vibration and odour;

**NOW THEREFORE** the Council of the Township of East Zorra-Tavistock enacts as follows:

**1. DEFINITIONS**

1.1. The following definitions shall apply in this by-law:

- 1.1.1. "Animal Control Officer" shall mean an employee of the Township or employee of an Animal Control Company or individual contracted by the Township to provide Animal Control Services.
- 1.1.2. "Dog" shall mean any domesticated canine, male or female.
- 1.1.3. "Owner of a Dog" means any person who owns, possesses, harbours, shelters or has custody of an animal and, where the Owner is a minor, the person responsible for the custody of the minor.

1.1.4. "Dangerous Dog" shall mean a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or domestic animal or has made a real and substantial threat of attack on a person or a domestic animal provided that the dog shall not be deemed to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premise occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. *(By-law #2011-40)*

1.1.5. "Muzzle" shall mean a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting; *(By-law #2011-40)*

## 2. DOG LICENSING

2.1. All owners of dogs in the Township must purchase a dog tag for each dog under their care.

2.2. All owners of dogs shall ensure the tag is appropriately affixed to the animal.

2.3. Every licence issued by the Township shall expire annually on the 31<sup>st</sup> day of December in the year in respect of which it was issued.

2.4. All Kennel Operators in the Township shall obtain a Kennel License.

2.4.1. Kennel licences shall be granted for purebred breeding operations and must meet all zoning regulations as provided under the Township of East Zorra-Tavistock Consolidated Zoning By-law.

2.5. The fee for a dog tag or Kennel Licence shall be as set out in the latest fee schedule approved by the Township of East Zorra-Tavistock.

2.6. Dog licensing requirements do not apply to the following:

2.6.1. an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;

2.6.2. a shelter or pound of the Humane Society;

## 3. DOGS RUNNING AT LARGE

3.1. No owner of a dog shall allow the dog to run at large.

3.2. No owner of a dog shall allow the dog to trespass.

- 3.3. Notwithstanding Sections 3.1 and 3.2, a dog shall not be considered to be running at large if it is a Guide Dog or a Police Work Dog or a Livestock Guardian Dog and is actively engaged in the performance of its trained duty.
- 3.4. Any person may capture any dog found running at large on their property and must immediately or as soon as practicable contract the Township or the Township's authorized animal control contract, who shall impound the said dog.
- 3.5. Any dog found running at large shall be liable to be seized and confined in a pound.
- 3.6. If a dog is seized by the Animal Control Officer and impounded, the owner shall be responsible for payment of all pound fees, dog tag licensing fees and fines in effect at the time of redemption.

#### **4. DOGS BEING A NUISANCE BY BARKING**

- 4.1. No owner shall allow a dog to howl or bark such as to disturb the peace of the surrounding residents or otherwise become a nuisance.
- 4.2. Livestock Guardian Dogs are exempt from Section 4.1 of this By-law if actively engaged in the performance of its trained duty.

#### **4.a DANGEROUS DOGS** *(By-law #2011-40)*

##### **4.a(i) Designation – notice -requirements**

The Animal Control Officer or the By-law Enforcement Officer, may at their individual discretion, deem a dog to be a dangerous dog as defined by this By-law. Where the Animal control Officer or By-law Enforcement Officer designates a dog as a dangerous dog, the Animal Control Officer or By-law Enforcement Officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements:

- (a) To keep such dog confined within the owner's dwelling; or located wholly within a fence and properly secured area, and any gate in such fenced area shall be locked at all times when the dog is in the fenced area or if the dog continues to leave the fenced area, the dog is to be restrained by a means of a chain/leash in addition to the fenced area.
- (b) To securely attach a muzzle to and leash such dog at all times when it is not confined in accordance with Section 4.a(i) and be under the care and control of a person 16 years of age or older.
- (c) Shall post a sign in a conspicuous place on his/her property stating

that there is a dangerous dog on the premises.

**4.a(ii) Notice - include**

The notice referred to in Section 4.a(i) shall include:

- (a) A statement that the Animal Control Officer or By-law Enforcement Officer has deemed the dog to be a dangerous dog;
- (b) The requirements that the owner must comply to in accordance with Section 4.a(i);
- (c) A statement that the owner may request, within three (3) working days of receipt of the notice required by Section 4a.1, a hearing of the Council of the Municipality which may affirm or rescind the Animal Control Officer or By-law Enforcement Officer's designation of the dog as potentially dangerous or dangerous, as the case may be and that Council may substitute its own designation or its own requirements of the owner of a dangerous dog pursuant to Sections 4.a(i) and 4.a(ii).

**4.a(iii) Notice - Hearing**

Where the owner of a dog receives a notice from the Animal Control Officer or By-law Enforcement Officer deeming such dog as a dangerous dog so requests, in writing to the Municipality, within three (3) working days of receipt of such notice a hearing of Council. Council shall hold a hearing within fifteen (15) working days of the Township Clerk's receipt of the request for a hearing.

**4.a(iv) Hearing – Council - decision**

Council may at a hearing called for the purpose indicated in Section 4.a(iii) may:

- (a) rescind the Animal Control Officer's or the By-law Enforcement Officer's deeming of the dog as a dangerous dog.
- (b) substitute its own requirements of the owner of a dangerous dog pursuant to Section 4.a(i).

**4.a(v) Requirement – imposed – prior to hearing**

The requirements of Section 4.a(i) which may be imposed on a dog owner by the Animal Control Officer or By-law Enforcement Officer shall not be required until either the time for appeal under section 4.a(iii) has elapsed without the dog owner requesting an appeal pursuant to that section or Council has ordered such requirement, whichever occurs earlier.

**4.a(vi) Notice - to licence agent - death - change of ownership**

Every holder of a licence issued pursuant to this by-law shall notify the licence

agent forthwith upon the death or change of ownership of a dog so licensed.

**4.a(vii) Ownership - transfer**

An owner of a dog which has been deemed a dangerous dog pursuant to section 4.a(i) shall advise the Municipality if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnished the Municipality with particulars of same.

**4.a(viii) Notices - delivery**

Any notices or requests for hearing required by this section shall be served by hand delivery or prepaid registered mail, shall be deemed received on the fifth (5th) working day after the date of mailing.

**5. ENFORCEMENT AND PENALTIES**

5.1 This by-law may be enforced by a Township By-law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

5.2 Each day of contravention shall be a separate offence.

5.3 Any person who contravenes any of the provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P33 and included within Schedule "A" forming part of this by-law.

**6. GENERAL PROVISIONS**

6.1 This by-law shall be called "The Canine Licensing and Control By-law".

6.2 Should any section of this By-law be declared by a Court of competent jurisdiction as 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

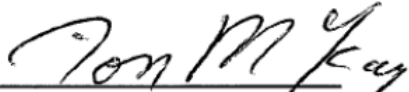
6.3 Should the provisions of this By- law be found to conflict with the provisions of any other By-law of the Township the provisions of the by-law providing for the greater degree of safety shall prevail.

6.4 This by-law shall come into force and effect on the final passing thereof.

6.5 Bylaws #21-75, #22-75 and #01-63 are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6<sup>th</sup> DAY OF AUGUST, 2008.**

seal

  
\_\_\_\_\_  
Don McKay, Mayor

  
\_\_\_\_\_  
Jeff Carswell, Clerk

**SCHEDULE "A"****Part I Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1.	Fail to purchase dog tag for current year	Section 2.1	\$30.00
2.	Fail to have current licence tag properly fixed upon dog	Section 2.2	\$30.00
3.	Being a Kennel Operator and failing to obtain a licence	Section 2.4	\$50.00
4.	Permit dog to run at large	Section 3.1	\$50.00
5.	Permit dog to trespass	Section 3.2	\$50.00
6.	Permit dog to disturb the peace	Section 4.1	\$50.00
7.	Fail to muzzle dog <i>(By-law #2011-40)</i>	Section 4.a(i)	\$200.00

Note: The general penalty provision for the offences cited above is Section 5.3 of By-law #2008-35, a certified copy of which has been filed.