

The Corporation of the Township of Burpee and Mills
INDEX TO ANIMAL CONTROL BY-LAW 2013-05

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THE CORPORATION OF THE TOWNSHIP OF BURPEE & MILLS

BY-LAW NO. 2013-05

A BY-LAW TO REGULATE LICENSING AND IDENTIFICATION OF DOMESTIC ANIMALS, AND TO PROHIBIT THE TRESPASSING OF DOMESTIC ANIMALS

WHEREAS paragraph 9 of subsection 11(1) and sections 103-105 of the Municipal Act, 2001, S.O. 2001, c.25, as amended provides that by-laws may be passed by local municipalities regulating or prohibiting with respect to the being at large or trespassing of animals and generally respecting animals;

AND WHEREAS the Council of the Townships deems it expedient and necessary to regulate, license and control the keeping of dogs and other animals within the Municipality of Burpee & Mills;

AND WHEREAS the Council of the Townships deems it expedient and necessary to require the Owners of dogs to identify these animals by means of tagging;

AND WHEREAS the Council of the Townships deems it expedient and necessary to prohibit the being at large or trespassing of dogs and domestic animals;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BURPEE & MILLS ENACTS AS FOLLOWS:

SHORT TITLE

This By-Law may be cited as the "The Township of Burpee & Mills Animal Control By-law"

Part 1 – DEFINITIONS

1. In this By-law:

- a) "animal" shall mean any member of the animal kingdom, other than a human;
- b) "Appeal Committee" or "Committee" shall mean Two Municipal Councillors designated by the Reeve, and determined free of Conflict of Interest in the appeal being heard.
- c) "Animal Control Officer" shall mean a person employed by the Municipality for the control and regulation of animals within the Townships of Burpee and Mills.
- d) "being at large" shall mean being found in any place other than the premises of the Owner of the animal and not under the control of a person with sufficient strength and ability to control the animal, except where the Owner of the property permits the animal to be on his or her property.
- e) "cat" shall mean a male or female feline over the age of six weeks of any breed of domesticated cat or crossbreed domesticated cat;
- f) "Council" shall mean the Council of The Corporation of the Township of Burpee & Mills;
- g) "dog" shall mean a domesticated male or female dog of any canine species over the age of twelve (12) weeks;

- h) “dog tag” or “tag” shall mean a disc or other shape of metal or plastic furnished by the Township in connection with the licensing and registering of a dog, which tag shall demonstrate that the dog has been licensed and registered with the Township.
- i) “domestic” in relation to an animal shall mean an animal kept by a person for pleasure or companionship, for animal husbandry, or for its pelt, wool or fur or for food purposes;
- j) “domestic farm animal” shall mean an animal kept by a person for animal husbandry, or for its pelt, wool or fur or for food purposes;
- k) “keep” shall mean to have temporary or permanent control or possession of an animal, and the words “harbour”, “kept”, or “keeping” have a similar meaning;
- l) “leash” shall mean a rope, chain, line or similar device for leading or restraining an animal and shall be of sufficient strength and design to restrain the animal and to allow a person to restrain and control the animal;
- m) “Licensing Officer” shall mean the person or persons appointed as such by Council;
- n) “muzzle” shall mean the use of a humane fastening or covering device of adequate strength which covers the mouth to prevent a dog from biting and the word “muzzled” has a similar meaning;
- o) “Owner” shall mean an owner of land or premises where an animal is kept and shall include a tenant or occupant of such land or premises, or a person who owns, keeps, possesses or harbours an animal, and where the owner is a minor, also includes the person responsible for the custody of the minor and
“owns” and “owned” have corresponding meanings;
- p) “Poundkeeper” shall mean all employees, or agents appointed by the Council as a Poundkeeper;
- q) “public place” shall mean a place to which the public have access as of right or by invitation, express or implied, and includes, but is not limited to, a highway, public park and other municipal, federal or provincial property;
- r) “tether” shall mean a rope, chain or similar device, attached to a fixed point, used for restraining an animal.
- s) “Township” shall mean The Corporation of the Township of Burpee & Mills

PART 2 – LICENSING

DOGS

2. Every Owner of a dog in the Township shall, within seven (7) days following the date a dog comes into his or her possession, make application and thereby cause such dog to be licensed and registered at the Burpee Municipal Office, 8 Bailey Line Rd., Evansville, ON., P0P 1E0.

3. Notwithstanding the requirements of section 2 of this By-law, any dog used in a law enforcement role is not required to be licensed, and therefore does not require a dog tag, and is not bound by the terms of this By-law.

4. Every application for a dog tag shall be accompanied by the following:

- a) name, address and telephone number of the Owner of the dog;**
- b) description of the dog including name, age, gender, colour, breed and whether the dog is spayed or neutered;**
- c) the certificate of immunization against rabies, signed by the veterinarian who performed the immunization, as well as the rabies identification tag issued by the veterinarian who performed the immunization, as required by the Health Protection & Promotion Act, R.S.O. 1990, c. H.7 as amended;**
- d) payment of the applicable fee prescribed in the Township's User Fee By-law, as amended from time to time.**

5. Upon payment of the licence fee for a dog as set out in the Township's User Fee By-Law as amended from time to time, and satisfaction of any other requirements under this By-law, a dog tag shall be furnished, which is valid for the calendar year in which the tag was issued.

6. Every Owner of every dog shall renew his or her dog tag once every calendar year at the Municipal Office of Burpee & Mills.

7. Every Owner of a dog shall keep the tag securely fixed on the dog for which it was issued at all time until the tag is renewed or replaced.

8. The tag may be removed while the dog is being lawfully used for hunting in the bush. Where a dog is being lawfully used for hunting in the bush and its tag has been removed, the individual in control of the dog must have the tag on his or her person at all times.

9. Upon providing the Licensing Officer with satisfactory evidence that a person is blind, hearing impaired or physically impaired, and is the Owner of the dog used to assist that the person in overcoming the impairment, a dog tag may be issued at no charge.

10. Where a dog tag has been lost, an application shall be made to the Licensing Officer for a replacement tag, whereupon the replacement tag shall be issued upon payment of the applicable fee as set out in the Townships' User Fee By-law, as amended from time to time.

11. Owners of cats are not required to tag their felines for identification purposes.

PART 3 – PROHIBITIONS & REGULATIONS

Animals Normally Found in a Wild and Natural State

12. No person shall keep or be in possession of any animal or bird the keeping of which is prohibited under any provincial or federal statute, unless the person possesses all necessary licenses, permits and authorizations required by law.

Pit Bulls

13. It is illegal to possess a pit bull in the Province of Ontario, unless the animal is grandfathered under The Dog Owners' Liability Act and Public Safety Related to the Dogs Statute Law Amendment Act, 2005, whereby the Owner of the pit bull shall ensure that the dog is muzzled and leashed, except when the pit bull is inside the premises of the Owner, and/or restrained behind a fence on the Owner's property that is sufficient to ensure that the pit bull cannot escape from the fenced area. (Provincial requirements for possession of a grandfathered pit bull)

PART 4 – BEING AT LARGE

14. No Owner shall permit his or her animal to trespass or to be at large in any public place or on private property without the consent of the property owner.

15. When not on the Owner's property, or when in a public place or on private property without the consent of the property owner, a dog shall be on a leash and under the control of a person who has sufficient strength and ability to maintain control of the dog at all times.

16. No leash referred to in Part 4 of this By-law shall exceed 2.1 metres (7') in length.

17. The being at large of any dog or other animal is prohibited and an Animal Control Officer may seize and impound any dog or other animal found to "BE AT LARGE" and an Animal Control Officer may enter upon private property to apprehend a dog or other animal deemed to "BE AT LARGE".

18. It is the Owner's responsibility to prevent his/her livestock from destroying municipal infrastructure such as drainage systems, by erecting suitable fencing to contain the animals on the Owner's property. In the case where a drainage system requires cleaning as a result of livestock trampling soil into the ditch area, the Owner shall be responsible for reimbursing the municipality for the full cost of cleaning that portion of the drainage system damaged by his/her animals. (Ontario Drainage Act)

19. Where an animal is seized under this section and is injured and it should be humanely destroyed without delay for humane reasons or for reasons of safety of persons or animals, an Animal Control Officer or Poundkeeper may destroy the animal, or have it destroyed in a humane manner as soon after seizure as he or she thinks fit without the need to permit any person to reclaim the animal.

AT THE OWNERS
EXPENSE

20. Where the Owner of an animal impounded is known to the Township, the Licensing Officer, and an Animal Control Officer, or Poundkeeper shall provide notice to the Owner of the impounding of the animal and the Township's authority to dispose of the animal in accordance with section 22.

21. Where an animal is seized and impounded, it shall be returned to the Owner upon payment of a redemption fee equivalent to the cost of apprehension and impoundment of the animal.

22. If an impounded animal is not claimed by its Owner within five (5) days of receiving notice of impounding in accordance with this By-law, which five day period shall include the day the animal was impounded and shall not include Sunday or Statutory holidays, or days during which the Municipal Office is regularly closed, the Townships may sell or give away the impounded animal, or any Animal Control Officer or Poundkeeper may destroy the animal or have it destroyed in a humane manner.

PART 5 – HUMANE CARE

23. Every person who keeps an animal in the Townships shall provide the animal or cause it to be provided with such food, water, exercise, and veterinary care as may be required from time to time to keep the animal in good health.

24. Every person who keeps an animal in the Townships shall ensure that said animal is provided with a clean and sanitary environment.

25. Every person who keeps an animal shall ensure that waste material and excrement are removed forthwith and that such waste material and excrement is handled and disposed of in a sanitary manner. Owners of domestic farm animals shall remove and dispose of excrement in accordance with all applicable laws.

26. No person shall keep a dog tethered on a chain, rope or similar device of less than 3 metres (10') in length.

27. Every 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.

PART 6 – BITING DOG

28. No person shall permit or allow his or her dog to bite or attack a person or domestic animal.

29. Where the Licensing Officer or an Animal Control Officer has reason to believe that a dog has bitten or attacked a person or domestic animal, the Health Unit shall be notified.

on the Owner's property which is sufficient to ensure the dog cannot escape from the fenced area.

30. Upon service of the Interim Muzzle Order referred to in section 29 to this By-law, the Owner shall immediately muzzle the dog in accordance with the Interim Muzzle Order.

31. The Interim Muzzle Order referred to in section 29 shall include:

- a) a statement that the Licensing Officer or an Animal Control Officer has reason to believe that the Owner's dog has bitten or attacked a person or domestic animal.
- b) a requirement that the dog Owner muzzle the dog as permitted under

section 29 of this By-law.

- c) a statement that the Owner may request and is entitled to appeal the order of the Licensing Officer or an Animal Control Officer to muzzle the dog to the Appeal Committee.
- d) the deadline for filing any such appeal; and
- e) the fee required to be paid to appeal the order in accordance with the Townships' User Fee By-law, as amended from time to time.

32. An Owner may appeal the Interim Muzzle Order of the Licensing Officer or an Animal Control Officer to the Appeal Committee. A request by the Owner for an appeal hearing shall be made in writing and delivered to the Municipal Clerk within fifteen (15) days of service of the Interim Muzzle Order referred to in section 29 of this By-law. An Interim Muzzle Order that is not appealed within fifteen (15) days shall be deemed to be confirmed.

33. The Appeal Committee shall, if requested by the Owner in accordance with section 32 of this By-law, hold an appeal hearing to determine whether the dog has bitten or attacked a person or domestic animal and whether or not such dog shall be exempted from the Interim Muzzle Order, the Interim Muzzle Order shall be modified in some manner and/or conditions be imposed in addition the Interim Muzzle Order.

34. At least seven (7) days prior to holding the hearing referred to in section 33 of this By-law, the Appeal Committee shall cause a notice of hearing to be served on the Owner who has requested the hearing.

35. The notice of hearing shall include:

- a) a statement of the facts which lead the Licensing Officer or an Animal Control Officer to believe that the Owner's dog has bitten or attacked a person or domestic animal, along with a copy of any evidence.
- b) a statement setting out the time and place at which the Appeal Committee will hold the appeal hearing; and
- c) a statement that if the Owner does not attend the hearing, the Appeal Committee will proceed with the hearing in the absence of the Owner and the Owner will not be entitled to any further notice of the proceedings.

36. Notwithstanding that an Owner has appealed the Interim Muzzle Order, this does not stay the order requiring the muzzling of the dog.

37. At the time and place set forth in the notice referred to in section 35 of this By-law, the Owner and any other interested party, including the Licensing officer or an Animal Control Officer, shall present any relevant evidence and the Appeal Committee shall consider all the evidence and shall make a decision and order that the dog of the Owner:

- a) has bitten or attacked a person or domestic animal or has not bitten or attacked a person or domestic animal; and
- b) shall be muzzled in accordance with section 29 of this By-law, shall be exempt from the Interim Muzzle order, the Interim Muzzle Order shall be modified in some manner, and/or conditions be imposed in addition to the Interim Muzzle Order.

38. Notice of the Appeal Committee's decision shall be served on the Owner, and the decision shall be final and binding on the Owner and shall supersede that of the Licensing Officer or an Animal Control Officer.

39. The Owner shall comply with the decision of the Appeal Committee.

40. Where a dog has been ordered to be muzzled under Part 6 of this By-law, a record of the dog's identification, including the name of the Owner, will be recorded in a register maintained by the Licensing Officer.

41. Every person who keeps a dog that requires muzzling pursuant to this By-law shall immediately notify the Licensing Officer or an Animal Control Officer after he or she has transferred ownership of the dog to any other person or jurisdiction, or has begun to keep the dog at a new location.

42. This By-law shall come into force on passing thereof, and may be cited as Burpee and Mills Animal Control By-law 2013-05.

43. Burpee and Mills Animal Control By-law 2013-05 supersedes all previous Burpee Township's and Mills Township's Animal Control By-laws.

BURPEE AND MILLS BY-LAW 2013-05

READ a first and second time and conditionally passed this 3 day of July, 2013.

Reeve – Ken Noland

Bonnie Bailey
Clerk – Bonnie Bailey

READ a third time and finally passed this 3 day of July, 2013.

Ken Noland
Reeve – Ken Noland

Bonnie Bailey
Clerk – Bonnie Bailey

I, Bonnie Bailey, Clerk of The Corporation of Burpee and Mills do hereby certify that this is a true copy of By-law 2013-05 as passed in open Council on the 3 day of July, 2013.

SCHEDULE "A" TO BY-LAW NO. 2013-05
Townships of Burpee & Mills
INTERIM MUZZLE ORDER

OWNER: _____
(Name)

(Address)

(Phone Number)

BREED OF DOG: _____ NAME OF DOG: _____

I _____, Animal Control Officer for the Township of Burpee and Mills have reason to believe that on or about the _____ day of _____, 20____, a _____ dog, belonging to _____ did bite
(breed of dog) (Owner's name)
Or attack a person or a domestic animal in contravention of section 28 of By-Law No. 2013-05.

As such, as the Owner, you are hereby ordered to muzzle the above-noted dog, except when the dog is inside the premises of the Owner, securely tethered on the Owner's property so that the dog is unable to leave the property, or restrained behind a fence on the Owner's property which is sufficient to ensure the dog cannot escape from the fenced area.

The owner may appeal this Muzzle Order by making an appeal, in writing, to the Municipal Clerk within fifteen (15) days of the owner receiving this notice. A notice that is not appealed within fifteen (15) days is deemed to be confirmed. The fee to appeal this Muzzle Order is set out in the Municipal User Fee By-Law, as amended from time to time.

Pursuant to the Dog Owner's Liability Act, R.S.O. 1990, c. D.16, as amended, the owner of a dog is liable for damages resulting from a bite or attack by a dog on a person or domestic animal.

Note: Failure to comply with the requirements of By-Law No. 2013-05 and this Interim Muzzle Order may result in the owner of the dog being subject to a fine not exceeding \$5000.00.

DATED THIS _____ day of _____, 20_____.

(Animal Control Officer)