

By-law Number 21-84

The Corporation of the Township of Clearview

Being a By-law to regulate, license and control canines in the Township of Clearview

(Canine Control By-law)

Whereas Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, herein referred to as "the Act", provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

And Whereas Section 8(3) of the Act provides that a by-law under sections 10 and 11 respecting a matter may,

- (a) Regulate or prohibit respecting a matter;
- (b) Require persons to do things respecting a matter;
- (c) Provide for a system of licences respecting a matter.

And Whereas under Section 11 of the Act provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, such as but not limited to:

- (a) Health, safety and well-being of persons.
- (b) Protection of persons and property, including consumer protection.
- (c) Animals (Canines).

And Whereas Section 103(1) of the Act provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of Canines, it may provide for:

- (a) The seizure and impounding of Canines being at large or trespassing contrary to the by-law; and
- (b) The sale of impounded Canines,
 - (i) If they are not claimed within a reasonable time,
 - (ii) If the expenses of the municipality respecting the impounding of the Canines are not paid, or
 - (iii) At such time and in such manner as is provided in the by-law.

And Whereas Section 391(1) of the Act provides that a municipality may pass by-laws for imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

Now Therefore Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. Definitions

1.1. For the purpose of this by-law the following definitions shall apply:

"Bite" shall mean a puncture wound to the skin.

"Canine" shall mean any member of the species *Canis Familiaris* and shall include a male or female dog, spayed or neutered, over the age of 12 weeks.

"Canine Control Officer" means a person or persons appointed or engaged by the Township for the purpose of this By-law and includes the Corporation's Municipal Law Enforcement Officer(s).

"Clerk" means the Clerk of the Township of Clearview as appointed by by-law.

"Corporation" means the Corporation of the Township of Clearview.

"Dangerous Act" means an act where a dog has bitten or attacked, or a combination of both, against a person or domestic Canine.

"Dangerous Dog" means any individual dog that;

- (a) Has killed a person or domestic Canine, regardless of circumstances;
- (b) Has bitten or injured a person or domestic Canine.
- (c) Has attacked or injured a person or domestic Canine.
- (d) Has shown the disposition or tendency to be threatening or aggressive;
- (e) Is attack-trained, other than dogs used in law enforcement;
- (f) Is kept for the purposes of security or protection, whether residential, commercial or industrial, of a person's property;
- (g) Has been declared dangerous in another municipality.

"Disability" means both visible and non-visible disabilities pursuant to the Human Rights Code of Ontario.

"Dog" shall have the same meaning as canine.

"Dog Tag" means the tag or token issued under this by-law as proof of registration of the canine in the Township.

"Harbour" means to shelter, house or possess, but does not include the provisions of shelter to a dog for a period of time less than thirty days, provided that the dog is owned by someone other than a person normally a resident in the dwelling unit in which the dog is harboured and proof of a different permanent address for the dog can be provided.

"Kennel" means an establishment where more than four (4) 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.

"Law Enforcement Dog" means a dog that is trained to aid law enforcement and is used for Law Enforcement purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.

"Leash" means a suitable restraining device physically connecting a dog to a person that is at all times no more than three (3) metres in length, and the word "leashed" has the same meaning.

"Municipal Law Enforcement Officer" means an Officer appointed by the Council of the Township of Clearview for the purposes of carrying out the enforcement of municipal by-laws.

"Muzzle" means a humane fastening or covering device of adequate strength over the mouth of a dog to prevent same from biting or causing injury by mouth.

"Owner" means a person(s) who owns, possesses or harbours a Canine and where the owner is a minor, the person responsible for the custody of the minor.

"Person" means an individual human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital, any association, firm, partnership or private club.

"Personal assistance dog or guide dogs" shall mean a dog which serves as a guide or leader for a person with a disability where such dog has been specially trained for that purpose.

"Pound" means the premises designated by the Township or Canine Control Officer for use of detention, maintenance or disposal of Canines that have been impounded pursuant to Township by-laws.

"Pound Keeper" means a person designated by the Township or Canine Control Officer to maintain a Pound and any servants or agents of such person.

"Private Property" shall include property owned by a person other than the municipality or other government agency.

“Property Owner” means any legal registered owner of a property, a lot, or any occupier of a property.

“Property” means a property on the last revised Assessment Roll for the Township of Clearview.

“Running at Large” shall mean the running at large of a dog when found on a highway or other public space or any other property other than the property where it is usually kept, and not under the control of any person. For the purpose of this By-law, “Run at Large” shall have a corresponding meaning to “Running at Large”.

“Settlement Area” means all properties that are within the settlement area as identified within the Township of Clearview’s Official Plan as approved by Council.

“Township” means the Corporation of the Township of Clearview.

“Under Control” shall mean that when a dog is not on the property where it is usually kept, the Canine must be leashed or chained, or must be held securely by the person accompanying the dog and that person must be physically able to control the dog.

- 1.2. In this by-law, any references to care, control, ownership, harbouring or keeping of a Canine shall include any joint or shared care, control, ownership, harbouring and keeping. Any persons that have joint or shared care, control, ownership of, or are sharing or jointly harbouring or keeping, an Canine, shall be jointly and severally responsible and liable for any such Canine and any duties, obligations, prohibitions, offences and requirements of a person caring, controlling, owning, harbouring or keeping an Canine pursuant to this by-law.

2. By-law Administration

- 2.1. In addition to the Canine Control Officer(s), the Clerk or designate is responsible for the administration of this by-law and is delegated the authority to receive applications and any fees established under this by-law. The Clerk or designate is also authorized to issue, refuse to issue or revoke any licenses permits or tags, including imposing conditions thereto, in accordance with this by-law.
- 2.2. The Canine Control Officer(s) of the Township are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections pursuant to this by-law, the Municipal Act, 2001, as amended and any other applicable by-laws or legislation.

3. Licensing and Registration Requirements

- 3.1. Every owner of a dog that is twelve (12) weeks of age or older, shall:
- a) Annually and within thirty (30) days of becoming an owner, cause the dog to be registered and licensed with the Township pursuant to this by-law;
 - b) Provide verification or declaration of current rabies vaccination, or written verification by a veterinarian of satisfactory rabies protection for each dog;
 - c) Securely affix on the collar of the dog the tag issued by the Township or its representative; and,
 - d) Pay the annual license fee set out in the Township's Fees and Charges By-law, as amended, and in the event that a dog tag is lost, obtain a replacement tag for the applicable fee set out in the Fees and Charges By-law, as amended.
- 3.2. An owner may, at the request of the Canine Control Officer, be required to provide proof of the dog having been spayed or neutered and pay the applicable fee.
- 3.3. No person shall:
- a) Own, keep, possess or harbour a dog or allow a dog to be owned, possessed or harboured on his or her premises, unless the license fee required by this by-law has been paid in accordance with the Township's Fees and Charges By-law, as amended;
 - b) Own, keep, possess or harbour a dog unless a valid dog tag issued to such person pursuant to this by-law is kept securely fastened to the dog at all times;
 - c) Affix a dog tag issued pursuant to this by-law to a dog other than the dog for which the tag has been issued; and,
 - d) Knowingly give false information when applying for a license under this by-law.
- 3.4. Every dog tag issued pursuant to this by-law shall expire 365 calendar days from the date of purchase.
- 3.5. Each day that an owner permits a dog to remain without a dog tag shall constitute a separate offence under this by-law.

- 3.6. Law Enforcement dogs are exempt from the license and tag fees under this by-law. However, written documentation of the dog's service status from a recognized institution may be required.
- 3.7. Personal assistance dogs or guide dogs utilized to assist a person with a disability are exempt from the license and tag fees of this by-law. However, written documentation of the dog's service/working status from a recognized institution may be required.

4. Regulations

- 4.1. The maximum number of dogs shall be two (2) per property in a settlement area within the Township.
- 4.2. A maximum number of four (4) dogs per property are permitted outside of the settlement area boundaries, unless the landowner possesses a valid Kennel License. Kennel Licences are regulated under the Township's current Zoning By-law, as amended.
- 4.3. No person shall allow or permit a dog to run at large within the limits of the Township.
- 4.4. No person shall have a dog on public property unless the dog is leashed and under control.
- 4.5. Every person who owns, controls or harbours a dog shall immediately remove any excrement left by such dog on public or private lands within the Township, and shall dispose of such excrement in a sanitary manner.
- 4.6. No person shall keep a dog's habitat in an unsanitary condition within the Township. Conditions shall be considered unsanitary where the keeping of the dog results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which may endanger the health of the dog or any person, or which disturb or is likely to disturb the enjoyment, comfort or convenience of any person.

5. Kennels

- 5.1. 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.
- 5.2. No person shall operate a kennel without first obtaining a kennel license.
- 5.3. Every person who holds a kennel license or applies for a kennel license shall comply with the following requirements:

- a) The kennel shall be registered in the register of the Canadian Kennel Club (Canadian Kennel Club Website).
- b) The kennel building shall be in a separate building and not be attached to or form part of any building used for human habitation, unless permitted by Clearview's zoning by-law.
- c) The kennel building and its location must conform to the applicable Zoning By-law and the Ontario Building Code.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) At all times, the kennel operator shall maintain the premises in a sanitary, well ventilated, clean condition, and free from offensive odours.
- i) The operator shall keep the dogs in sanitary, well bedded, well ventilated, naturally lighted, clean quarters at a healthful temperature at all times.
- j) 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.
- k) The Municipal Law Enforcement Officer and any other person authorized by the Township of Clearview may inspect any place where dogs are kept, pursuant to this by-law.
- l) 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 Canine Control Officer appointed by the Township of Clearview and may revoke the license issued to the kennel.
- m) Pay an annual licencing fee outline in Clearview's Fees and Charges By-law.

5.4. Kennel licenses shall expire on the 31st day of December of each year.

6. Enclosures, Pens or Runs

- 6.1. Every person who keeps a canine which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall, if the Canine Control Officer orders, ensure the dog is provided with and kept in an enclosure which meets the following:
- a) A total area that is at least twice the length of the dog in all directions, or based on the needs of the breed;
 - b) Contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the dog's weight and type of breed. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and laydown in a normal position;
 - c) In an area that provides sufficient shade to protect the dog from the direct rays of the sun at all times;
 - d) Pens and runs must be regularly cleaned and sanitized and excrement removed and properly disposed of daily; and,
 - e) Pens and runs must meet the required setbacks for accessory structure in the appropriate zone in accordance with the Township's Zoning By-law, as amended.

7. Seizure and Impoundment

- 7.1. Subject to 4.3 of this by-law, a Canine Control Officer may seize and impound any dog found running at large.
- 7.2. Subject to 4.3 of this by-law, a Canine Control Officer may restore possession of the dog to the owner therefore, where:
- a) The owner claims possession of the dog within seven (7) days (exclusive of statutory holidays and weekends) after the date of seizure; and,
 - b) The owner pays to the Pound Keeper a pound fee for the dog seized and impounded, plus the cost of any damages, expenses and veterinary care, which may be payable to the Township and/or the Pound Keeper.
- 7.3. The Canine Control Officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or dead.
- 7.4. Where at the end of the seven (7) days possession of the dog has not been restored to the owner under this section of the by-law, the Pound Keeper may sell the dog.

- 7.5. Where the owner of the dog has not claimed the dog within seven (7) days and the dog has not been sold, the Pound Keeper may destroy the dog in a humane manner or otherwise dispose of the dog as they see fit. No damages or compensation shall be recovered on account of its destruction or other disposition.
- 7.6. Where a dog seized under 4.3 of this by-law is injured or should be destroyed without delay:
- a) For humane reasons, the Canine Control Officer or Pound Keeper may authorize the destruction of the dog in a humane manner as soon after seizure as a veterinarian gives approval, where possible, without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered on account of destruction.
 - b) For safety reasons to persons or Canines, the Canine Control Officer may authorize the destruction of the dog in a humane manner as soon after seizure as they see fit without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be received on account of destruction.
- 7.7. Where a dog is seized or impounded under section 4.3, a Canine Control Officer may issue a Certificate of Offence ordering a fine or applicable fees and charges to be paid by the owner.

8. Dangerous Dog

- 8.1. Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.
- 8.2. Without limiting anything in this by-law, an owner of a dog that engages in a dangerous act is liable to prosecution under the Dog Owners' Liability Act, R.S.O. 1990, c. D. 16, as amended.
- 8.3. Where the Canine Control Officer has reasonable grounds to believe that a dog has engaged in a dangerous act against a person or domestic Canine, the Canine Control Officer shall, with respect to such a dog:
- a) Where the dangerous act is the first on record with a Municipality, serve the owner of the subject dog with a Notice to Muzzle;
 - b) Despite subsection 8.3 a), if it is the Canine Control Officer's opinion that the dangerous act, which is the first on record with a Municipality, is severe, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under section 8.4 of this by-law;

- c) Where the dangerous act occurred while the dog was subject of a Notice to Muzzle or a court order under the *Dog Owners Liability Act*, serve the owner of the dog with a Dangerous Dog Order, requiring the subject dog to comply with the requirements for owners of a Dangerous Dog under section 8.4 of this by-law.
- 8.4. Where an owner is served with a Dangerous Dog Order, the owner shall, at the owner's expense and for the life of the subject dog, ensure that:
- a) The Dangerous Dog is muzzled at all times when off the owner's property;
 - b) A warning sign is posted on the owner's private property within fifteen (15) days of the order being served on the owner in the form and location required by the Clerk or designate;
 - c) The Dangerous Dog owner information is current, and the owner shall notify the Township in writing if the dog is transferred to another person with five (5) days of the change of ownership;
 - d) Arrangements are made with the Township to enable the Township to collect information about the subject dog within thirty (30) days of the order being served on the owner.

9. Notice to Muzzle

- 9.1. Where an owner is served with a Notice to Muzzle, the owner shall:
- a) While on the property of the owner, cause the dog subject to the Notice to Muzzle to be tethered or confined by a six (6) foot fence in a way that prevents the dog from going beyond the limits of the owner's property or being accidentally or intentionally released; and,
 - b) Whenever off the property of the owner, cause the dog subject to the Notice to Muzzle to be muzzled and leashed, and the owner shall not permit such a dog to be left in the control of a person under the age of sixteen (16).

10. Dangerous Dog Order or Notice to Muzzle

- 10.1. Where the owner of a dog is served a Notice to Muzzle or Dangerous Dog Order, the owner may request a review of the order by filing an Application for Review to the Township's Clerk within fifteen (15) calendar days after the order has been served.
- 10.2. The owner of the Dangerous Dog shall comply with all terms and requirements of the Notice to Muzzle Order or Dangerous Dog Order until the Clerk or designate has rendered a decision.

- 10.3. Prior to the Review, the owner of the dog shall pay any outstanding fines imposed for the contravention of any provisions of this by-law.
- 10.4. The decision of the Clerk or designate is final and binding.
- 10.5. A written copy of the decision of the Clerk or designate, shall be prepared, as soon as is practicable after the conclusion of the review and shall be hand delivered or sent by registered mail to the owner at the address shown on their application.
- 10.6. Subject to the provisions of this by-law, if a request for a review is not provided to the Township Clerk in accordance with the provisions of this by-law within fifteen (15) calendar days of deemed receipt of a Notice to Muzzle Order or a Dangerous Dog Order, the order is deemed to be final.

11. Powers of Entry, Inspections and Prohibitions

- 11.1. The Canine Control Officer may at any reasonable time enter upon any land for the purpose of carrying out an inspection to determine whether the following are being complied with:
 - a) This by-law;
 - b) Any direction or order under this by-law;
 - c) Any condition on a permit issued under this by-law; or
 - d) An order issued under section 431 of the Municipal Act.
- 11.2. Where an inspection is conducted pursuant to this section, the Canine Control Officer may:
 - a) Require the production for inspection of documents or things relevant to the inspection;
 - b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - c) Require information from any person concerning a matter related to the inspections; and,
 - d) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
- 11.3. No person shall hinder or obstruct or attempt to hinder or obstruct the Township, its employees, officers or agents from carrying out any powers or duties under this by-law.

- 11.4. No person shall contravene any order or direction issued by the Township pursuant to this by-law or the Municipal Act, 2001.

12. Order

- 12.1. Where the Canine Control Officer is satisfied that a contravention of this by-law or a violation has occurred, such Canine Control Officer may make an order requiring that the person who caused or permitted such contravention, or the property owner of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.
- 12.2. An order pursuant to section 12.1 shall set out the following:
- a) The municipal address and/or the legal description of the land or premises on which the contravention occurred;
 - b) Reasonable particulars of the contravention;
 - c) What is required of the person subject to the order;
 - d) The date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
 - e) If any work is required to be done, a statement that if such work is not done in compliance with the order and within the specified time period, the Township will have the work done at the expense of the person directed or required to do it; and,
 - f) Information regarding the Township's contact person.

13. Remedial Action and Cost Recovery

- 13.1. Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the Canine Control Officer at that person's expense and the Township may recover the costs incurred through a legal action.
- 13.2. For the purposes of taking remedial action under section 12.1, the Township, its staff and/or its agents, Canine Control Officer, may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

14. Offences and Penalties

- 14.1. Every person who contravenes any of the provisions of this by-law shall be guilty of an offence and upon conviction is liable to a fine pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 14.2. No person shall contravene any order, permit, license or direction issued by the Township pursuant to this by-law or the Municipal Act.
- 14.3. Pursuant to section 429(2) of the Municipal Act, all contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

15. Presumption of Ownership and Residence

- 15.1. An owner shall be presumed to be in the care and custody of a dog at all times, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.
- 15.2. A person found to be within a dwelling unit shall be presumed to be residing within such a dwelling unit, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

16. Severability

- 16.1. It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the by-law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or section or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the by-law as a whole or part thereof and all other sections of the by-law shall be deemed to be separate and independent therefrom and enacted as such.
- 16.2. Whenever any reference is made in this by-law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

17. Repeal

- 17.1. That By-law 01-50 and all amending by-laws are hereby repealed.

18. Force and Effect

18.1. This By-law shall take force and effect upon final passage hereof.

By-law Number 21-84 read a first, second and third time and finally passed this 23rd day of August, 2021.

Original signed by

Doug Measures, Mayor

Original signed by

Sasha Helmkey, Clerk

By-law 21-84
The Corporation of the Township of Clearview

Schedule A

Part 1 Provincial Offences Act

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
1	Fail to license dog	s.3.3(a)	\$205.00
2	Fail to securely fasten a dog tag to a dog at all times	s.3.3(b)	\$205.00
3	Use a dog tag upon a dog that was not issued for	s.3.3(c)	\$205.00
4	Possess more than two dogs in a settlement area	s.4.1	\$205.00
5	Possess more than four dogs on a property	s.4.2	\$205.00
6	Permit or allow a dog to run at large	s.4.3	\$205.00
7	Fail to leash a dog on public property	s.4.4	\$205.00
8	Fail to immediately dispose of excrement in a sanitary manner	s.4.5	\$250.00
9	Permit unsanitary conditions	s.4.6	\$250.00
10	Fail to obtain kennel licence	s.5.2	\$250.00
11	Fail to comply with kennel requirement	s.5.3	\$250.00
12	Fail to comply with Dangerous Dog Order	s.8.4	\$305.00
13	Fail to muzzle dangerous dog when it is off the property of the owner	s.8.4(a)	\$305.00
14	Fail to display signage on private property	s.8.4(b)	\$305.00
15	Fail to comply with a Muzzle Order	s.9.1	\$305.00

Item	Short Form Wording	Provisions Creating or Defining Offence	Set Fine
16	Hinder or obstruct the Township, its employees, officers or agents	s.11.3	\$400.00

Note: The general penalty provision for the offences listed above is Section 14.1 of By-law 21-84, a certified copy of which has been filed.