



BY-LAW NO. 2011-156

**"A BY-LAW FOR THE LICENSING, REGULATION AND CONTROL
OF DOGS WITHIN THE CITY OF OWEN SOUND"**

Originally Passed and Enacted August 29, 2011

Amended By By-law:	Passed On:
2018-094	June 25, 2018

Consolidated Version
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Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2011-156

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW FOR THE LICENSING, REGULATION AND CONTROL OF DOGS WITHIN THE CITY OF OWEN SOUND

WHEREAS it is provided by the Ontario Municipal Act, S.O. 2001 Part II General Municipal Powers, Section 11 Broad authority, lower-tier and upper-tier municipalities, and the Animals For Research Act, R.S.O. 1990, Chapter A.22, Section 20 provide that Councils of municipalities may pass by-laws to prohibit, regulate, licence and control animals within the municipality, and

AND WHEREAS Section 103 of the Municipal Act 2001, c. 25 empowers municipalities to regulate and prohibit dogs at large; and

AND WHEREAS the City wishes to regulate dangerous dogs, potentially dangerous dogs and prohibited dogs and establish basic care requirements for dogs;

AND WHEREAS the Council of the Corporation of the City of Owen Sound deems it desirable to pass such a By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law may be cited as the City of Owen Sound Dog By-law.

2. DEFINITIONS

2.1 **Animal Control Officer** means a By-law Enforcement Officer specially appointed by City Council as pound keeper and designated as a Provincial Offences Officer and includes the person or persons who have entered into a contract with the City to control dogs and maintain the Owen Sound Animal Shelter.

2.2 **At large** means a dog found in any place other than the premises of the owner of the dog and not on a leash held by a person or otherwise physically restrained.

2.3 **Attack** means aggressive physical contact initiated by the dog.

2.4 **City** means the Corporation of the City of Owen Sound.

2.5 **Committee of Adjustment** means the definition in the Planning Act.

2.6 **Dangerous Dog** means a dog that without justification has attacked or bitten a person or significantly injured or killed another domestic animal, caused significant public property damage or damage to property owned by others, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals and where the conditions described in Section 7.5 do not exist.

2.7 **Dog** means a male, female, neutered male, spayed female canine over the age of three (3) months.

2.8 **Enforcing Officer** means an Animal Control Officer or a By-law Enforcement Officer appointed by the City to enforce the provisions of by-laws, or a Police Officer as appointed under the Police Services Act.

2.9 **Harbour** means to provide food or shelter to a dog.

2.10 **License** means the license issued under the authority of the Director of Financial Services of the City or their designate.

- 2.11 **License fee** means the annual fee established by the City in the City of Owen Sound Fees and Charges By-law, as amended from time to time.
- 2.12 **Owner** means the person who possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor.
- 2.13 **Prohibited Dog** means any dangerous or potentially dangerous dog as defined herein found in contravention of any part of this by-law.
- 2.14 **Potentially Dangerous Dog** means a dog that off the property of its owner has shown an attitude of attack towards a person or another domestic animal including but not limited to snarling or growling where the conditions described in section 7.5 do not exist and the dog is not under the care and control of the owner or custodian.
- 2.15 **Serious injury** means any physical injury consisting of broken bones, internal injuries or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
- 2.16 **Veterinarian** means a person registered as a veterinarian under the Veterinarians Act, R.S.O. 1990, Chapter V.3 as amended or successor legislation.

3. REGISTRATION AND LICENSING OF DOGS

- 3.1 Every owner within the City shall, within one week after the dog comes into their possession, licence the dog at Service Owen Sound counter at Owen Sound City Hall at 808 2nd Avenue East, Owen Sound or at the Owen Sound Animal Shelter at 2125 18th Avenue East, Owen Sound for the balance of the calendar year, by paying the fee prescribed in the City of Owen Sound Fees and Charges By-law.
- 3.2 Every owner shall, following the initial licensing of the dog, re-licence each dog in their possession for the current year.
- 3.3 Notwithstanding Section 3.1 and Section 3.2 hereof, the licence fees to register and licence a dog that is required as a service animal to assist a person with disabilities shall be waived upon providing sufficient documentation to the City from a Medical Doctor or other qualified person.
- 3.4 Where a certificate of a Veterinarian is produced showing that a male dog has been neutered or that a female dog has been spayed, said dog shall be licensed at the lower rate specified in the City of Owen Sound Fees and Charges By-law.
- 3.5 On payment of the license fee, the owner shall be provided with a tag bearing a serial number and the year for which the tag is issued, for each dog licensed.
- 3.6 Every owner shall cause their dog to wear a durable collar or harness around its neck with the City provided tag securely attached to the collar or harness.
- 3.7 No person shall remove from a licensed dog the collar or harness to which the tag is attached.
- 3.8 Every owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
- 3.9 Notwithstanding Section 3.6, the owner may remove a collar or harness while their dog is being lawfully used for hunting in the bush during a hunting season as prescribed by law.
- 3.10 No person shall affix or use a tag on a dog other than the dog for which the tag was issued.
- 3.11 The City shall keep a record showing the description of the dog for which the tag was issued, the name and address of the owner and the serial number of the tag.

- 3.12 Any person who has paid their license fee and loses their dog tag shall be entitled to a replacement tag on application and upon payment of the replacement tag fee specified in the City of Owen Sound Fees and Charges By-law.
- 3.13 If there is a change of ownership of a dog during the license year, the new owner shall have the current licence transferred to their name upon payment of a transfer fee specified in the City of Owen Sound Fees and Charges By-law.
- 3.14 No person shall keep a Dangerous Dog or Potentially Dangerous Dog without paying the annual license fee as outlined in the City of Owen Sound Fees and Charges By-law. The annual license fee shall apply immediately following said designation.
- 3.15 Every owner of a Dangerous Dog or Potentially Dangerous Dog shall notify the City and the Animal Control Officer within two (2) days of any change of address or sale of the said dog.

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- 3.16 *No person shall keep or permit the keeping of more than three (3) dogs in any lands, premises, or dwelling unit at any time, unless a kennel licence has first been obtained from the City.*
- 3.17 Every owner of a prohibited dog shall provide proof of residential insurance in the amount of \$2,000,000 recognizing the said dog as a Dangerous Dog and naming the City as an additional insured while the dog is residing within City limits and such proof of insurance shall be presented to the City at the time of licensing said dog each year.

4. GENERAL PROVISIONS

- 4.1 Every owner of a dog shall immediately remove excrement left by the dog anywhere in the municipality.
- 4.2 The provisions of Section 4.1 do not apply to the owner of a guide dog while in control of a blind person.
- 4.3 No person shall make a false statement on any registration or application required under this By-law.
- 4.4 No person shall obstruct or interfere with an Enforcing Officer in the lawful execution of their duties enforcing the provisions of this By-law.
- 4.5 No person shall keep any dog without providing safe and humane living conditions on the property or residence of the owner or custodian including, but not limited to the following minimums:
 - 4.5.1 For a dog kept outside reasonable shelter with a roof, walls and bedding sufficient to provide protection, suitable for the breed of dog, from extreme weather such as heat, wind, cold, rain or other such condition that may impact on the health of the dog;
 - 4.5.2 Sufficient food, water, grooming and care to ensure the dog is healthy and of proper temperament;
 - 4.5.3 Regular opportunity for exercise and free movement while on a leash or within the yard or property of the owner; and
 - 4.5.4 Sufficient veterinarian and human care or attention to ensure the dog does not become a nuisance in terms of behaviour.
- 4.6 Every owner of a dog may release ownership to the Animal Control Officer by signing an authorization form and the Animal Control Officer shall dispose of the dog, subject to the provisions of the Animals for Research Act. The charges to the owner for releasing ownership of the dog are set out in the City of Owen Sound Fees and Charges By-law.

- 4.7 Every owner wishing to have a dog destroyed shall pay the Animal Control Officer the fee set out in the City of Owen Sound Fees and Charges By-law.
- 4.8 Every owner shall pay veterinarian costs in relation to care of a dog while in the possession of the Animal Control Officer.
- 4.9 Any fees due the City as a consequence of this by-law and not paid within 30 days shall be deemed to be like taxes and such fees added to the municipal tax roll.

5. DOGS AT LARGE

- 5.1 No person shall allow a dog to be at large within the City limits.
- 5.2 A dog shall not be considered to be at large if it is a guide dog while assisting a person with a disability, a police work dog, or a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting, on private property, with the permission of the land owner.
- 5.3 A dog which is found at large contrary to this By-law may be seized and impounded by any Enforcing Officer. An impounded dog shall be held for a redemption period of not less than three (3) days exclusive of the day on which it was impounded and Saturdays, Sundays or Public Holidays and if not claimed may then be sold, destroyed or otherwise disposed of at the discretion of the Animal Control Officer in accordance with the Animals for Research Act, except that where a dog is found at large and is ill or injured and a veterinarian is of the opinion that the dog should be destroyed immediately, any Enforcing Officer may direct the veterinarian to destroy the dog immediately. Where a dog is seized or impounded it will not be released until all seizure, pound and maintenance charges have been paid.
- 5.4 The Animal Control Officer shall take all reasonable steps to find the owner and shall immediately notify the owner, if found, that the dog has been impounded.
- 5.5 Where a dog is severely injured before or after being taken into custody or in the opinion of a veterinarian should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or the veterinarian shall destroy the dog in a humane manner without permitting any person to reclaim the dog or without offering it for sale.
- 5.6 The Animal Control Officer shall restore possession of an impounded dog to the owner thereof where the owner claims possession within the redemption period and the owner shall pay the Animal Control Officer all reclamation, maintenance, shelter, license fees and all expenses incurred in capturing and transporting the dog, as set out in the City of Owen Sound Fees and Charges By-law.
- 5.7 If at the end of the redemption period, the owner has not reclaimed an impounded dog, the Animal Control Officer may sell said dog, subject to the provisions of the Animals for Research Act and all monies belong to the Animal Control Officer.
- 5.8 If at the end of the redemption period, the owner has not reclaimed an impounded dog and the dog has not been sold the Animal Control Officer may destroy the dog or dispose of it as they see fit, subject to the provisions of the Animals for Research Act; no damage or compensation shall be recovered against the Animal Control Officer or the City and the Animal Control Officer shall charge the owner all fees as provided in the City of Owen Sound Fees and Charges By-law.
- 5.9 Every owner shall, where a Prohibited, Dangerous or Potentially Dangerous Dog is found to be at large, immediately and without delay notify the Animal Control Officer of the last known date, time and location that the said dog became at large.

- 5.10 Notwithstanding the requirements of this section for a redemption period of three (3) days, the Animal Control Officer shall immediately impound any Prohibited Dog and may, upon determining the Prohibited Dog is a threat to public safety and upon providing three (3) business days notice to the owner, destroy in a humane way any Prohibited Dog found at large contrary to this By-law.
- 5.11 Where the Animal Control Officer determines, at their sole discretion, that a Prohibited Dog shall not be destroyed, the Animal Control Officer shall prohibit any person from reclaiming the dog and shall not offer for sale for any reason a Prohibited Dog where the safety to persons and other animals may be at risk.
- 5.12 Every owner of an impounded Prohibited Dog shall be immediately responsible for all costs relating to the care and keeping of said dog until the Animal Control Officer is satisfied that:
- 5.12.1 The owner will maintain compliance with all requirements of this By-law;
- 5.12.2 The owner provides a certificate of residential insurance protection, providing for at least \$2,000,000 liability insurance to the satisfaction of the City as proof that the dog is recognized as a Dangerous Dog and naming the City as additional insured, or
- 5.12.3 The dog is a threat to public safety and is destroyed.
- 5.13 No person shall abandon any dog in any area within the City limits.
- 5.14 The Animal Control Officer shall provide live traps for the use of the general public for the rental fee set out in the City of Owen Sound's Fees and Charges By-law.

6. MUZZLING OR LEASHING OF DOGS THAT BITE

- 6.1 When a dog has bitten a person or a domestic animal, the owner of the dog shall immediately muzzle and leash the dog, and shall keep the dog muzzled and leashed at all times when outside the dwelling unit of the owner, until:
- 6.1.1 The dog is destroyed; or
- 6.1.2 The Committee of Adjustment exempts the owner from the muzzling or leashing requirement, or both.
- 6.2 Where the Animal Control Officer acquires information or believes that a dog has bitten a person or domestic animal in violation of this By-law, the Animal Control Officer may issue an Order to the owner of the dog, requiring that person to muzzle or leash the dog, or both.
- 6.3 The Order issued by the Animal Control Officer shall state that the owner may appeal the Order to the Committee of Adjustment, by submitting a request in writing to the Clerk of the City within seven (7) days of the Order being sent by Registered Mail to the owner.
- 6.4 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 of the dog may apply in writing, setting out the grounds for the belief that the dog's behaviour has improved to the Committee of Adjustment for an Order modifying or rescinding the Order to muzzle, leash, or both.

7. DANGEROUS DOG OR POTENTIALLY DANGEROUS DOG

- 7.1 The Animal Control Officer shall, within three (3) days of designating any dog as a Dangerous Dog or Potentially Dangerous Dog, issue an Order by Registered Mail to the owner including the reasons for the designation, the effective date of the designation and the requirements due to this designation.

- 7.2 Where a dog has been designated as a Dangerous Dog or a Potentially Dangerous Dog as defined by the By-law, the following requirements shall apply:
- 7.2.1 every owner shall cause the dog to be kept within a locked pen, kennel or fully enclosed area with a fence a minimum 1.5 metres in height designed to prevent the escape of the dog when the dog is residing on a property or at the residence of its owner and outside the owner's dwelling;
 - 7.2.2 every owner shall cause the enclosed area, as defined in Section 7.2.1, to be prominently signed with the words 'Beware of Dog';
 - 7.2.3 every owner shall cause the dog to wear a collar on a leash of no more than 1.8 metres in length and held in the hand or otherwise personally held in a secure manner by a responsible adult 18 years of age or older when the dog is outside the owner's dwelling and off the property of its owner;
 - 7.2.4 every owner shall cause the dog to wear a muzzle when the dog is outside the owner's dwelling and not in the enclosed area, as defined in Section 7.2.1;
 - 7.2.5 every owner shall cause the dog to be enrolled in a temperament training program acceptable to the Animal Control Officer;
 - 7.2.6 every owner of a designated Dangerous Dog or Potentially Dangerous Dog shall immediately comply with the requirements of this By-law for said dog.
- 7.3 Every owner of a designated Dangerous Dog or Potentially Dangerous Dog may within seven (7) days of the date of the Order, appeal to the Committee of Adjustment to reconsider the designation of the Animal Control Officer by submitting a request in writing to the Clerk of the City.
- 7.4 The Committee of Adjustment may remove the designation of the Animal Control Officer or retain the designation after providing the applicant with an opportunity for a hearing pursuant to the provisions of the Statutory Powers Procedure Act, as amended, or successor legislation.
- 7.5 Notwithstanding Section 7.1 no dog shall be declared a Dangerous Dog or Potentially Dangerous Dog if:
- 7.5.1 the dog was protecting or defending a person, within the immediate vicinity of the dog, from an attack or assault;
 - 7.5.2 at the time of the attack, the person was committing a crime or offence upon the property of the owner of the dog;
 - 7.5.3 the person was teasing, tormenting, abusing or assaulting the dog or has done so in the past;
 - 7.5.4 the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner of the dog;
 - 7.5.5 the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
 - 7.5.6 the person or domestic animal attacked was disturbing the dog's natural functions such as eating or sleeping.

8. ENFORCEMENT AND PENALTY

- 8.1 This by-law shall be enforced by the Enforcing Officers as defined herein.
- 8.2 Any person that contravenes any provision of this By-law is guilty of an offence and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.

9.0 SEVERABILITY

- 9.1 The terms and provisions of this By-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the By-law shall continue to be in full force and effect.

10. BY-LAWS REPEALED

- 10.1 By-law numbers 1993-132, 1997-100 and 2005-133 are hereby repealed

FINALLY PASSED AND ENACTED this 29th day of August, 2011.

Signature on file
Mayor

Signature on file
Deputy Clerk