

THE CORPORATION OF THE MUNICIPALITY OF FRENCH RIVER

BY-LAW 2014-17

**BEING A BY-LAW TO REGULATE, LICENSE AND CONTROL ALL DOGS
INCLUDING VICIOUS DOGS IN THE MUNICIPALITY OF FRENCH RIVER**

WHEREAS section 11 (1) of the Municipal Act, 2001, S.O., 2001, c. 25, as amended, authorizes a municipal council to pass a By-Law for prohibiting, licensing, regulating and control dogs within the municipality.

AND WHEREAS the Council of the Municipality of French River deems it necessary and expedient to pass a By-Law for prohibiting, licensing, regulating and controlling of all dogs including vicious dogs within the Municipality of French River.

NOW THEREFORE the Council of the Municipality of French River enacts as follows:

PART I - SHORT TITLE:

1. This By-Law may be cited as the “Animal Control By-Law”.

PART II - DEFINITIONS AND INTERPRETATION

2. In this By-Law,

“**At large**” means any dog found in any place other than the premises of the owner of the dog and not under the immediate physical control of any competent or reasonable person by means of a leash;

“**The Corporation**” means the Corporation of The Municipality of French River;

“**Council**” means the elected council for the Municipality;

“**Disabled Person**” means a person with a disability;

“**Disability**” means,

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

- b. a condition of mental impairment or a developmental disability,
- c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or
- e. an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

“Dog” means a male or female dog;

“Dog Catcher” means anyone appointed by the Corporation of The Municipality of French River for animal control;

“Dog licence” means a license issued pursuant to the provisions of this By-Law to the owner of a dog;

“Dwelling unit” means one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook, and eat and including its own sanitary facilities;

“Fenced Yard” means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule “C” of this By-Law provided that the walls or the continuously occupied building are considered a portion of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when a vicious dog or dog included in Schedule “B” to this By-Law is inside the fenced yard;

“Kennel” means a commercial business of breeding, buying, selling or boarding dogs;

“Muzzled” means to have securely affixed around the snout or the 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;

“Officer” means anyone appointed by the Corporation of The Municipality of French River to enforce the provisions of this By-Law;

“Owner” means when used in relation to a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;

“Police work dog” means a dog trained to aid Law Enforcement Officers and used by such Officers in the execution of their duties;

“Pound” means such place or places established by the Council for the impoundment of dog(s) seized pursuant to the provisions of this By-Law;

“Premises” means the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated;

“Public property” includes all lands owned by the Municipality;

“Residential Zone” means those areas designated as residential in the Zoning By-Laws of the Corporation of The Municipality of French River;

“Senior Citizen” means a person who has attained the age of 65 years;

“Vicious dog” means any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or persons; or any dog which has bitten another domestic animal or person without provocation.

PART III – LICENSES

- 3.1 Every owner of a dog shall annually cause the dog to be registered, described and licensed pursuant to Schedule “A”, for each dog which has attained the age of six (6) months.
- 3.2 Every owner making an application for a dog license shall provide the following information upon registration:
 - a. The name, postal address and telephone number of the owner; and,
 - b. The name, age, sex and description of each dog to be licensed.
- 3.3 Every application for a dog license shall be accompanied by a fee in accordance with Schedule “A” attached to and forming part of this By-Law.
- 3.4 Every owner, with proof of certificate, that requires the assistance of a guide, service or therapy dog, may, upon application to the Municipality, obtain a license and no fee shall be charged for such license.
- 3.5 Where an application is made for a dog license in accordance with the provisions of the By-Law and the appropriate fee is paid, the Municipality shall issue a dog license to the applicant, in the form of a numbered metal tag, and the Municipality shall record:
 - a. The name and address of the owner;
 - b. The date of issuance of the license;
 - c. The number of the dog license issued;
 - d. The invoice # for the license; and,
 - e. A brief description of the dog licensed.
- 3.6 Every dog license issued pursuant to the provisions of this By-Law shall be effective from the date of issuance until December 31st of the year purchased to, as per schedule “A” and no refund of any license fee paid or any portion thereof shall be made in the event of the death, destruction or removal from the Municipality of a dog before the expiration of the license period.

- 3.7 For a 'Lifetime' license issued as per Schedule "A", the licence shall be valid from the date of issuance, to the death of the dog and shall not be transferred to any other dog.
- 3.8 Where a dog license is lost or stolen, the Municipality, upon application by the owner and payment of a fee of \$5.00, shall issue a replacement dog license.
- 3.9 No dog license shall be transferred from one dog to another.
- 3.10 No person shall use for any dog, a licence receipt or a licence tag issued for another dog.
- 3.11 Every person who becomes the owner of a dog for which a subsisting license has been obtained by the former owner shall notify the Municipality of his or her name, postal address, telephone number and the number subsisting dog license within fifteen (15) days of becoming the owner.
- 3.12 Every owner to whom a dog license is issued shall ensure that the dog license is securely affixed, at all times, to the collar, choke or harness of the licensed dog, failing which the dog shall be deemed to be unlicensed for the purposes of this By-Law.
- 3.13 The provisions of the dog licenses section of this By-Law shall not apply to owners temporarily in the Municipality for a period not exceeding fourteen (14) days.

PART IV – PROVISIONS OF CARE

- 4.1. Every person who keeps a dog(s) within the Municipality shall provide the dog(s) or cause it to be provided with:
 - a. Clean, fresh drinking water which is available at all times, and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - b. Food and water receptacles kept sanitary and located so as to avoid contamination by excreta; and
 - c. Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
- 4.2. Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the dog is provided with:
 - a. A house or shelter that has sufficient space to allow the dog the ability to turn around freely and lie in a normal position, and that will provide protection from the outdoor elements as appropriate to the dog's weight and type of coat.
 - b. An exercise area (Run) with:
 - i. A minimum area of 50 sq. ft.; and
 - ii. A minimum of 5' between any 2 opposite walls of the enclosure;
 - c. If the dog is confined by means of a leash. The leash shall be long enough to allow the dog to have free movement in an area of at least 50 sq. ft. with no obstructions in that area so the dog cannot become trapped and/or restricted of movement.

- 4.3. Every person who keeps a dog which normally resides outside or which is kept outside unsupervised for extended periods of time, shall regularly, and not less than once weekly, clean and sanitize the area and remove all excreta from the pen and/or run area where the dog normally resides or is kept outside unsupervised for extended periods of time.
- 4.4. No person shall cause a dog to be hitched, tied or fastened while unattended by the owner to a fixed object where a choke collar, choke chain or pinch collar forms part of the securing apparatus, or where a rope or cord is tied directly around a dog's neck.
- 4.5. No person shall cause a dog to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- 4.6. No person shall transport a dog outside the passenger compartment of any motor vehicle or trailer unless the dog is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent the dog from falling off the vehicle or otherwise injuring itself.
- 4.7. In any prosecution or proceeding under section 4.6, the registered owner or operator, as applicable, of the motor vehicle or trailer shall be deemed to be the owner of the dog, unless he proves to the satisfaction of the Justice of the Peace at the time of the offence, the motor vehicle was not being used to transport the dog by him/her and that the motor vehicle was not being used by any other person with consent, express or implied.
- 4.8. No person shall cause a dog to be muzzled unless it is in the immediate care and control of the owner.
- 4.9. 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 endanger the health of the dog or other person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.
- 4.10. No person shall neglect, abuse or punish a dog in any manner to an extent that is cruel or unnecessary.

PART V – RUNNING AT LARGE

- 5.1. No person shall allow and/or permit a dog to run at large or trespass on public and/or private property.
- 5.2. A dog shall be deemed to be running at large for the purposes of this By-Law if it:
 - a. Is not within the dwelling unit or on the premises of its owner or on private property with consent of the owner of that property;
 - b. Is not under the effective control of a reasonable person; and
 - c. Is not on a leash of not more than two (2) meters in length which is held by that reasonable person.

- 5.3. A dog shall not be considered to be running at large if it is a police work dog, and is being used in the course of police duties or in training.
- 5.4. A dog shall not be considered to be running at large if it is a hunting dog accompanied by the owner or other reasonable adult and is actively engaged in hunting or training for hunting, on un-posted land or on posted land with permission from the owner.

PART VI – SEIZURE AND IMPOUNDMENT

- 6.1. An Officer may seize any dog found to be running at large.
- 6.2. An Officer may order the dispatch of any dog, without first seizing or impounding it, which, while at large has, is or is about to attack, kill, injure, menace, damage, or destroy, as the case may be:
 - a. Any person;
 - b. Another animal;
 - c. Personal property; or
 - d. The Officer is unable to seize after making reasonable attempts to do so.
- 6.3. An Officer who seized and impounds a dog shall make reasonable efforts to locate the owner of the dog and inform the owner of the seizure and/or impoundment.
- 6.4. Where a dog for which a subsisting dog license has been issued is seized and/or impounded, the owner may reclaim the dog within four (4) working days after the date of seizure upon payment to the Municipality in accordance with Sections 10.2 and 11.3 of this By-Law.
- 6.5. Where a dog for which a subsisting dog license has not been issued is seized and impounded, the owner may reclaim the dog within three (3) working days after the date of seizure upon payment to the Municipality in accordance with Sections 10.2 and 11.3 of this By-Law.
- 6.6. No person shall unlock, unlatch or otherwise open a vehicle or cage in which dogs seized by an Officer have or are being placed.
- 6.7. No person shall interfere with, obstruct or attempt to interfere with or obstruct an Officer who lawfully engages in the performance of the Officer's duties under this By-Law.
- 6.8. Notwithstanding, any other provisions of this By-Law where, in the opinion of an Officer, a dog which has been seized should be destroyed for humane reasons or reasons of public safety, the Officer may dispatch the dog as soon after the seizure as the Officer thinks fit without first permitting the owner to reclaim the dog.

PART VII – DOG WASTE

- 7.1. Any person having control of a dog shall remove forthwith any faeces left by the animal in the Municipality of French River:
 - a. on a highway;
 - b. in a public park;
 - c. on any public property;
 - d. on any private property other than the dog owners property; or
 - e. on municipal streets and roads.
- 7.2. Any person having control of a dog shall have in his/her possession the necessary equipment to proceed immediately with the removal of any faeces.
- 7.3. Provision of this By-Law shall not apply to a blind person accompanied by a dog serving as a guide or leader.

PART VIII – PUBLIC NUISANCE

- 8.1. No owner shall permit a dog to cause a nuisance by persistently barking and/or howling in such a manner as to disturb the peace and quiet of the inhabitants of the Municipality.
- 8.2. No owner shall permit his/her dog to (or attempt to) attack, injure, menace, as the cause may be any person.
- 8.3. No owner shall permit his/her dog to (or attempt to) attack, kill, injure, menace, as the cause may be another animal.
- 8.4. No owner shall permit his/her dog to (or attempt to) damage and/or destroy public or personal property.
- 8.5. No owner shall permit his/her dog to chase or harass pedestrians, bicyclists or vehicles.

PART IX – VICIOUS DOGS

- 9.1. The owner of a vicious dog or of a dog specified in the Schedule “B” to this By-Law shall at all times, when it is not in the owners dwelling but otherwise within the boundaries to the owner’s lands, secure the dog in one of the following manners so as to prevent that 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 and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard;
 - 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 of 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 “C” to this By-Law and a solid base securely attached to the side, 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 1.2 meters (4 feet) in length.
- 9.2. The owner of a vicious dog or a dog included in Schedule “B” shall at all times when the dog is outside the boundaries of the owner’s land keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog unless the dog is on the land of a person who has consented to it being on his/her lands.
- 9.3. No person shall operate a kennel containing a vicious dog or a dog included in Schedule “B” to this By-Law.
- 9.4. The provisions of Section 9.3 of this By-Law do not apply to a person operating a kennel who has in the kennel a vicious dog or a dog specified in Schedule “B” to this By-Law for the purpose of providing any of the following services:
- a. the temporary boarding of such dog,
 - b. the grooming of such dog,
 - c. the training of such dog, or
 - d. medical attention for such dog
- provided he/she complies with the provisions of Section 9.1.

PART X – POUNDS

- 10.1. For the purpose of this By-Law, Council may establish a pound(s) for the impoundment of dog(s) seized by an Officer pursuant to the provisions of this By-Law and may establish, from time to time, such rules and regulations of such pound(s).
- 10.2. If a dog(s) is seized and/or impounded, an administration fee of \$25.00 per dog, will be imposed on the owner of the dog(s), plus any fees incurred from the pound(s) itself.

PART XI – ENFORCEMENT

- 11.1. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33
- 11.2. Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 11.3. The penalty provided for violation of any of the provisions of this By-Law shall be separate from and in addition to the requirements for payment of expenses of confining the dog imposed by the By-Law Enforcement Officer.

PART XII – SEVERABILITY

- 12.1. Should a court of competent jurisdiction declare a part or whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

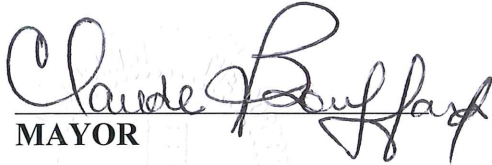
PART XIII - SCHEDULES

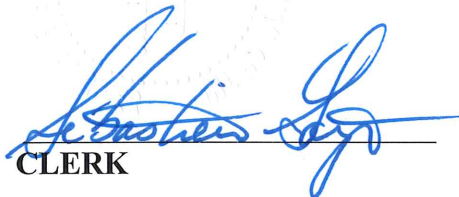
- 13.1 Schedules “A”, “B”, “C” & “D” shall be deemed to form part of this by-law:

PART XIV – AUTHORITY

- 14.1. By-Law 2005-38 is hereby repealed.
- 14.2. This By-Law shall come into force and take effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
THIS 16th DAY OF APRIL, 2014.**


MAYOR


CLERK

SCHEDULE “A”

	1 Dog	2 Dogs (Per Dog) (5% Savings)	3+ Dogs (Per Dog) (10% Savings)
Regular			
Dog Licence - 1 Year (Purchase on/before March 31)	\$15.00	\$14.25	\$13.50
Dog Licence - 1 Year (Purchase after March 31)	\$30.00	\$28.50	\$27.00
Dog Licence - 3 Year (10% savings)	\$40.50	\$38.48	\$36.45
Dog Licence - 5 Year (20% savings)	\$60.00	\$57.00	\$54.00
Dog Licence - Lifetime (30% savings)	\$105.00	\$99.75	\$94.50
Senior Citizen (65+ Years)/Disabled Person			
Dog Licence - 1 Year (Purchase on/before March 31)	\$10.00	\$9.50	\$9.00
Dog Licence - 1 Year (Purchase after March 31)	\$20.00	\$19.00	\$18.00
Dog Licence - 3 Year (10% savings)	\$27.00	\$25.65	\$24.30
Dog Licence - 5 Year (20% savings)	\$42.50	\$40.38	\$38.25
Dog Licence - Lifetime (30% savings)	\$80.00	\$76.00	\$72.00
Other Fees			
Guide/Service Dogs	No Fee	No Fee	No Fee
Replacement Tag	\$5.00	\$5.00	\$5.00
Administration Fee - For the seizure/impounding of dog(s)	\$25.00		

SCHEDULE “B”

List of dogs banned in the province of Ontario under the *Dog Owners Liability Act*.

- Pit bull terrier
- Staffordshire bull terrier
- American Staffordshire terrier
- American pit bull terrier
- A dog that has an appearance and physical characteristics that is substantially similar to the dogs above.

SCHEDULE "C"

Fences:

Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150 mm (4 inches) exists between the underside of the fence and that 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 or a dog included in Schedule "B" to this By-Law 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-latching devices and locks located at the top of and inside the gates.

A fence shall:

1. If of chain-link construction:
 - a. Be of not greater than 50 mm (2 inch) diamond mesh;
 - b. Be constructed of galvanized steel wire not less than 3.6 mm diameter (no. 11 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 diameter (no. 9 gauge); and
 - c. Be supported by at least 38 mm (1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 m (10 feet) apart. Top horizontal rails shall be a 12 mm (.5 inch) diameter galvanized tension rail or a 32 mm (1.25 inches) diameter galvanized rail.
2. If wood construction:
 - a. 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 maximum of 100 mm (4 inches);
 - b. 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 m (4 feet 6 inches) apart; and
 - c. Horizontal members shall be supported by posts spaced not more that 2.4 mm (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 m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
3. If the fence design is other than specified than wood construction or chain-link construction, such fence shall require approval by the By-Law Enforcement Officer.

SCHEDULE “D”

Set fines for the use under Part 1 of the Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Owner - Fail to register dog	Section 3.1	\$75.00
2.	Misuse of dog license or receipt	Section 3.10	\$150.00
3.	Fail to keep dog license fixed on dog	Section 3.12	\$75.00
4.	Fail to provide dog with basic necessities	Section 4.1	\$125.00
5.	Fail to provide dog with proper house or shelter	Section 4.2 (a)	\$125.00
6.	Fail to provide dog with adequate exercise area	Section 4.2 (b)	\$125.00
7.	Fail to provide dog with adequate exercise area while attached to leash	Section 4.2 (c)	\$125.00
8.	Fail to sanitize exercise area and/or pen	Section 4.3	\$125.00
9.	Improperly hitch, tie or fasten dog	Section 4.4	\$125.00
10.	Fail to provide dog with proper ventilation	Section 4.5	\$300.00
11.	Improper transportation of dog - fail to secure dog	Section 4.6	\$150.00
12.	Improper muzzling of dog - Not in immediate care or control	Section 4.8	\$150.00
13.	Neglect, abuse or punish dog	Section 4.10	\$300.00
14.	Permit dog to run at large	Section 5.1	\$75.00
15.	Unlawfully unlock, unlatch or open vehicle or cage	Section 6.6	\$150.00
16.	Obstruct officer	Section 6.7	\$150.00
17.	Fail to pick up excrement	Section 7.1	\$55.00
18.	Permit dog to become a public nuisance by barking and/or howling	Section 8.1	\$75.00
19.	Permit dog to attack, injure, menace person	Section 8.2	\$300.00
20.	Permit dog to attack, kill, injure, menace animal	Section 8.3	\$200.00
21.	Permit dog to damage and/or destroy public or personal property	Section 8.4	\$105.00
22.	Permit dog to chase or harass pedestrians, bicyclists or vehicles	Section 8.5	\$125.00
23.	Permit vicious dog to run at large	Section 9.1	\$150.00
24.	Fail to muzzle vicious dog	Section 9.2	\$300.00
25.	Operate kennel containing a vicious dog	Section 9.3	\$300.00

“NOTE: the general penalty provision for the offences listed is Section 11.1 of by-law 2014-17, a certified copy of which has been filed.”