

The Municipality of Gordon/Barrie Island

BY-LAW 2020-05

BEING A BY-LAW FOR THE REGISTRATION OF DOGS, THE COLLECTION OF LICENCE FEES FROM THE OWNERS AND THE CONTROL AND KEEPING OF DOGS, CATS AND OTHER DOMESTIC ANIMALS WITHIN THE MUNICIPALITY OF GORDON/BARRIE ISLAND

WHEREAS THE MUNICIPAL ACT s.o. 2001 ,103-105 authorizes Municipalities to enact by-laws for the control of dogs within its boundaries,

AND WHEREAS Section 11 (1) of the MUNICIPAL ACT S.O. 2001, c.25, as amended permits municipalities to licence and regulate animals within the municipality;

AND WHEREAS the Council of the Municipality of Gordon/Barrie Island recognizes the right of residents and property owners to enjoy the possession of dogs, cats and other domestic animals;

AND WHEREAS The Council of the Municipality of Gordon/Barrie Island desires to protect its residents and their properties from nuisance and dangerous dogs;

AND WHEREAS The Council of the Municipality of Gordon/Barrie Island deems it desirable to licence and regulate dogs with the municipality;

NOW THEREFORE the following shall supersede and update any previous licensing and domestic animal by-laws. Nothing in this By-law shall contradict the Livestock Protection Act.

NOW THEREFORE the Fee Schedule attached hereto and marked as Schedule “A” is hereby adopted;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF GORDON/BARRIE ISLAND HEREBY ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1.1 Short Title: The Short Title of this By-Law is “Animal Control By-Law”.

1.2 “CAT” means a male or female feline of any breed of domesticated or crossbreed domestic cat.

1.3 “CONTROL” means that a dog is on a lead not exceeding 2.4 meters (8 ft) in length, under the control of a responsible person or is otherwise physically restrained. Sound or voice command is not deemed control under this by-law; Control also includes care and custody.

1.4 “DANGEROUS DOG” means

- i. A dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- ii. A dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
- iii. A dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its guardian in violation of the requirements for such dog;

1.5 “DOG” means a domesticated canine animal, male or female, spayed or neutered which is four months of age or older but does not include a guide dog within the meaning of the Blind Persons Act, as amended, or a Police Work Dog;

- 1.6 “DOMESTIC ANIMAL” Any animal that is customarily kept in one's home or in quarters near the home, in small numbers. Animals include but are not limited to dogs, cats, birds of any species, and horses.
- 1.7 “DWELLING” means one room or a group of rooms in a building used or designated or intended to be used by a person or persons as a single, independent and separate housekeeping establishment, and includes the lot used in conjunction with it.
- 1.8 “HARBOUR” means having care, custody or control of a domestic animal;
- 1.9 “ISSUER” means the Municipality of Gordon/Barrie Island
- 1.10 “KENNEL” shall mean more than 2 (two) dogs who are securely fenced at all times.
- 1.11 “LEASH” means a chain, rope or other device used to restrain a dog, affixed to a collar and of not more than 2.4 metres (8 ft).
- 1.12 “LICENCE” means a license issued by an Issuer;
- 1.13 “LICENCE FEE” shall mean the fee imposed upon the owner of a dog.
- 1.14 “MITIGATING FACTOR” means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:
- i. The dog was, at the time of the aggressive behaviour, acting in defense to an attack from a person or domestic animal;
 - ii. The dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its guardian; or
 - iii. The dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;
- 1.15 “Municipal By-Law Enforcement Officer” means a person appointed by the council of the Municipality of Gordon/Barrie Island for the purpose of enforcing the municipalities by-laws;
- 1.16 “MUZZLE” means a humane fastening or covering device placed over a dog’s mouth and of sufficient strength to prevent the dog from biting;
- 1.17 “OWNER” includes a person who is registered as the owner, has legal title to, possesses, harbours or someone who regularly feeds a domestic animal and who is eighteen years of age or over and ‘owns’ has a corresponding meaning;
- 1.18 “POTENTIALLY DANGEROUS DOG” means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its guardian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling;
- 1.19 “PREMISES” means lands, buildings or any structures;
- 1.20 “PERSISTENT” defined as continuing or occurring continuously for a period of more than thirty minutes or occurring at least 5 times over a three-hour period. The owner of the animal creating the sound shall be deemed to be the person responsible for creating the sound.
- 1.21 “SERVICE DOG” means any dog trained by a recognized school or organization to work or perform tasks for the benefit of an individual.

PART 2 - KEEPING OF DOGS, CATS AND OTHER DOMESTIC ANIMALS

2.1 Every person who owns a dog, cat or domestic animal in the Municipality of Gordon/Barrie Island shall provide such animal or cause it to be provided with such veterinary care, food, potable water, exercise, and attention as may be required from time to time to keep it in good health.

2.2 If a dog, cat or domestic animal is customarily kept out of doors, the person who owns such animal shall, at all times, provide for its use, a structurally sound, weather-proof enclosure with off the ground flooring.

2.3 No person shall in the Municipality keep a dog, cat or domestic animal tethered on a chain, rope or similar stationary restraining device of less than 2.4 meters (8 ft) in length.

2.4 No person who owns, harbours or possesses any dog shall allow such dog to be on a public road or in a public place at any time unless the dog is on a leash and under the control of a competent person.

2.5 Every person who is the owner of a dog, cat or domestic animal at a time when the dog, cat or domestic animal fouls property (other than the owners property) anywhere within the Municipality, shall forthwith remove, or cause the removal of the excrement from such property and sanitarily dispose of the excrement. Failure to do so constitutes a breach of this by-law.

2.6 Every owner of an unaltered female dog, cat or domestic animal in the Municipality shall, during each period that the unaltered dog, cat or domestic animal is in heat, keep it confined so that it will not attract other dogs or cats or animals.

2.7 It is prohibited for any owner to harbour, possess or keep any class of dog within the Municipality of Gordon/Barrie Island that has been bred for fighting purposes such as the pit bull terrier.

2.8 The number of pets shall be limited by species: Only three dogs are allowed in any dwelling (if more than 3 dogs a kennel license must be obtained), only two horses are allowed except in areas zoned Rural or Agricultural, only six cats are allowed (farm use may have an exception to the 6 cats); it is expected that control is kept with safety and cleanliness. Puppies, kittens and foals under six months of age shall not be counted as part of this total.

2.9 Farm Animals shall not be allowed in a Shoreline Residential Zoning as per Restricted Zoning By-laws No. 492(Gordon) and No. 343(Barrie Island). Farm Animals include but are not limited too: Cattle, Sheep, Pigs, Horses, Poultry and Ducks.

PART 3 – LICENSING

3.1 No person shall own, harbour or possess a dog within the Municipality of Gordon/Barrie Island unless that person has procured a licence to do so on or before the first day of April or the first business day following in each year.

3.2 Every person who becomes the owner of a dog on or after the first day of April shall pay annually to the Municipality of Gordon/Barrie Island the applicable licence fee as set out in Schedule 'A' forming part of this By-Law within fifteen days after acquiring or otherwise becoming the owner.

3.3 Service dogs are exempt from the licensing fee provisions of this By-Law but all service dogs must be registered with the Municipality.

3.4 Upon payment of the applicable licence fee, the owner shall be furnished with a dog tag.

3.5 The said dog tag shall bear a serial number for which it is issued, and a record shall be kept by the Municipality for the purpose of showing the name and address of the owner and the serial number of the tag.

3.6 A dog tag shall be securely affixed upon the dog at all times.

3.7 Every dog tag issued is personal to the dog owner thereof and no licence is transferable.

PARTS 4 – DOMESTIC ANIMALS AT LARGE

4.1 No person shall, within the Municipality, fail to prohibit any dog, cat or domestic animal for which they are the owner from being at large or permit an animal to be at large.

4.2 For the purpose of this by-law, a dog or cat or domestic animal shall be deemed to be at large when found in any other place than the premises of the owner of the dog, cat or domestic animal and not under the control of any person in such a manner as to prevent escape.

4.3 No person shall within the Municipality fail to prohibit any animal of which they are the owner of to cause damage or create a nuisance while at large within the limits of the Municipality.

4.4 For the purpose of this by-law, a dog, cat or domestic animal shall be deemed not to be under the control of any person when the dog, cat or domestic animal is not on a leash of a maximum length of 2.4 meters (8 ft), held by a person of age and stature capable of restraining the animal, or not on a leash which is securely affixed to some permanent structure from which the dog, cat or domestic animal cannot escape.

4.5 No person shall allow or permit a dog, cat or domestic animal under his control or of which he/she is the owner to trespass on private property whether on a leash or not, unless permission for said trespass is first obtained from the property owner or property tenant.

4.6 No person shall allow or permit a dog, cat or domestic animal under his control or of which he/she is the owner to be at a public park; namely: Municipal Parks where beaches have children swimming such as Tobacco Lake Park, and Julia Bay Park whether on a leash or not.

PART 5 – NOISE

5.1 No person shall in the Municipality cause or permit the persistent barking, calling or whining or other persistent noise making by any domestic pet, or any other animal kept or used for any purpose other than agriculture that may have the effect of disturbing the peace, quiet comfort or repose of any individual in the neighbourhood at any time of the day or night.

PART 6 - DANGEROUS DOGS

6.1 No person shall in the Municipality cause or permit a dog, without provocation, to bite or attack a person or a domesticated animal. If a dog has without provocation, bitten or attacked a person or a domesticated animal, he or she may declare the dog to be a dangerous dog.

6.2 No person shall, within the municipality, fail to restrain a dangerous or potentially dangerous dog for which he is the owner.

6.3 The owner of a dangerous dog shall, at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, be secured in one of the following manners so as to prevent the 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:

- i. 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, or;
- ii. the dog shall be located within the enclosed run designed in such fashion and made of such material which will prevent the dog from digging its way out of or otherwise escaping from the enclosed run;
- iii. 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 or designate who is of age and stature to restrain the dog by means of a leash or chain not exceeding 2.4 meters (8 ft) in length.

6.4 The owner of a dangerous dog shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog or designate who is of age and stature to restrain the dog, unless it is on the lands of a person who has consented to it being on his lands, in which case the provision of 6.3 of this section apply.

CONCLUSION

If any part, section, subsection, clause, or paragraph of this by-law, is for any reason held invalid, such portion shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provision so declared to be invalid.

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine. Violation of this By-law, the fine for first offence shall be \$50.00. The fine for second and subsequent offences shall be \$200.00 per occurrence. Fines shall be recoverable under the Provincial Offences Act, R.S.O. 1990 c. 35 amended or any successor thereof.

By-law 2010-032 and 2013-06 is hereby repealed.

Read a first time in Open Council this 11th day of February 2020

Lee Hayden, Reeve

Carrie Lewis, CAO-Clerk-Treasurer

Read a second and third time and finally passed this 7th day of April 2020

Lee Hayden, Reeve

Carrie Lewis, CAO-Clerk Treasurer

The Municipality of Gordon/Barrie Island

BY-LAW 2020-05

Schedule 'A'

Dog Licence Fees

The fee payable as provided in Part 3 of this by-law shall be as follows:

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| 1.1 For a dog | \$15.00 |
| 1.2 For each dog kept in addition to 1.1 | \$20.00 |
| 1.3 For a kennel (more than 2 dogs) | \$55.00 |