

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BYLAW 2019-098

REGULATING THE KEEPING OF DOGS

WHEREAS municipalities have the authority under Section 11 of the *Municipal Act*, 2001, to pass bylaws respecting matters within various spheres of jurisdiction, including matter involving "animals";

AND WHEREAS Section 103 of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides municipalities with the authority to seize, impound and for the regulating or prohibiting with respect to the being at large or trespassing of animals;

AND WHEREAS municipalities may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the municipality, are or could become or cause public nuisances;

AND WHEREAS Section 105 (1) provides for the muzzling of dogs;

AND WHEREAS the;

AND WHEREAS the *Dog Owners' Liability Act*, R.S.O. 1990, c.D16 provides for liability of owner of a dog;

NOW THEREFORE the Council of the Corporation of the Municipality of Hastings Highlands enacts as follows:

1.0 Definitions

1.1 (a) In this Bylaw:

- (i) "Attack" means aggressive physical contact initiated by the dog;
- (ii) "Being at Large" shall mean when a dog is found in any place other than the premises of the owner of the dog and not under the control of any person, with the exception being the lawful use of dogs for hunting during legal hunting seasons;
- (iii) "Bylaw Enforcement Officer" shall mean an Animal Control Officer, Bylaw Enforcement Officer or other employee of the Municipality from time to time in charge with the duty of enforcing the provisions of the Bylaws of the Municipality or a Police Officer as appointed under the *Police Services Act*;
- (iv) "Clerk" shall mean the Clerk of the Municipality;
- (v) "Council" shall mean the Council of the Municipality;

(vi) "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 3.3 do not exist;

(vii) "Dog" shall mean any dog, male or female whether neutered or spayed;

(viii) "Guide Dog" shall mean a dog that is trained to aid the visually challenged and hearing impaired and is in active use for such purposes;

(ix) "Harbour" means to provide food or shelter to a dog;

(x) "Minor" shall mean any person who has not achieved the age of majority as defined by the applicable provincial law;

(xi) "Municipality" shall mean the Corporation of the Municipality of Hastings Highlands;

(xii) "Muzzle" means a humane fastening or covering device that does not interfere with the breathing, panting, ability to drink, or vision of the Animal when fitted and fastened over the mouth of the Animal, but that is of sufficient strength to prevent the Animal from biting;

(xiii) "Owner" 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, and "owns" and "owned" have a corresponding meaning;

(xiv) "Prohibited Dog" means any dangerous or potentially dangerous dog as defined herein found in contravention of any part of this bylaw;

(xv) "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 3.2 do not exist and the dog is not under the care and control of the owner or custodian;

(xvi) "Pound Keeper" shall mean a person appointed by the Municipal Pound Board to maintain and administer the Pound;

(xvii) "Serious Injury" means any physical injury consisting of broken bones, internal injuries or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery;

(xviii) "Veterinarian" means a person registered as a veterinarian under the *Veterinarians Act*, R.S.O. 1990, Chapter V.3 as amended or successor legislation;

(b) This Bylaw shall apply to all lands within the municipal boundaries of the Municipality.

2.0 Notify the Municipality

2.1 Any person who is required by the Municipality, or their authorized agent, shall forthwith deliver to the Municipality, or their authorized agent, a statement in writing showing the number of dogs owned by such person or habitually kept upon the premises for which such person is assessed as owner or otherwise.

3.0 Nuisance or Dangerous Dog

3.1 No person shall permit a dog within the Municipality to become a public nuisance by:

- (a) causing damage to public or private property;
- (b) interfering with, dumping or scattering garbage;
- (c) persistently barking at or chasing pedestrians or individuals using public or private lands, pathways or roadways adjacent to property where the dog is kept;
- (d) unreasonably disturbing the quiet, peace, rest, enjoyment or comfort of the neighbourhood or persons of the vicinity;

3.2 No person shall harbour, own or keep a **dangerous** dog within the Municipality of Hastings Highlands.

3.3 Notwithstanding Section 3.2, no dog shall be declared a Dangerous Dog or Potentially Dangerous Dog if:

- (a) the dog was protecting or defending a person, within the immediate vicinity of the dog, from an attack or assault;
- (b) at the time of the attack, the person was committing a crime or offence upon the property of the owner of the dog;
- (c) the person was teasing, tormenting, abusing or assaulting the dog or has done so in the past;
- (d) the dog was attacked or menaced by a domestic animal, or a domestic animal was on the property of the owner of the dog;
- (e) the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;

3.4 No person shall allow a dog to defecate on any property, including public land, other than the property of its owner or other private property by permission unless the droppings are forthwith cleaned up.

4.0 Dog at Large

4.1 Dogs “Being at Large” are prohibited. The owner of any dog which is found being at large is guilty of an offence under this Bylaw and liable upon conviction to the penalty provided in this Bylaw, with the exception that nothing in this Bylaw shall prevent the lawful use of dogs, for hunting during legal hunting seasons.

4.2 Any dogs caught “Being at Large” in the Municipality may be seized, and impounded by any such officer or person as may be designated by the Municipality;

4.3 The Bylaw Enforcement Officer may capture and impound every dog being at large contrary to the provisions of this Bylaw;

4.4 The voluntary release of any dog to the Dog Pound may require a payment to the Pound;

5.0 Muzzling and Leashing of Dogs

5.1 Where a dog has bitten a person or domestic animal or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the Bylaw Enforcement Officer or designate, at their discretion, may Order the dog to be muzzled or leashed or both, for a period of time to be determined by the officer. Further, the owner of said dog shall comply with the Order;

5.2 Should the owner of the dog disagree with the Order to muzzle and/or leash, he or she may appeal the order within seven (7) days from the date the order is served to the Municipality of Hastings Highlands Council;

5.3 Upon receipt of notification of an appeal, the Municipality of Hastings Highlands Council shall, as soon as practicable, conduct a hearing pursuant to the *Statutory Powers Procedure Act* and shall hear evidence presented by both the issuing officer and the owner of the dog. Further, it is understood in the interim between the date of the Order to muzzle and/or leash and the date of the hearing of the appeal, the owner shall comply with the Order.

5.4 At such time as the Municipality of Hastings Highlands Council makes its decision to confirm, modify or quash the Order, the decision shall be considered to be final and binding and the owner of the dog shall comply therewith.

6.0 Offences and Penalties

6.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, for each offence committed.

6.2. Administrative Monetary Penalty System Bylaw 2019-056 applies to each administrative penalty issued pursuant to this Bylaw.

6.3. Each person who contravenes any provision of this Bylaw shall, upon issuance of a penalty notice in accordance with Administrative Monetary Penalty System Bylaw 2019-056, be liable to pay to the Municipality an administrative penalty.

6.4 If any term or provision of this Bylaw or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this Bylaw or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this Bylaw shall be separately valid and enforceable to the fullest extent permitted by law.

7.0 Gender

7.1 In this Agreement, words importing the masculine gender shall include the feminine gender and neuter gender and vice versa and words importing the singular shall include the plural where the context requires.

8.0 Headings

8.1 The headings used in this Bylaw are included solely for the convenience of reference and are not to be considered part of this Bylaw and are not intended to be full or accurate descriptions of the contents of any section, clause or provision of this Bylaw.

9.0 Effect of Pre-Existing Bylaws

9.1 Any Bylaw which was in effect in the Municipality on the date of passage of this Bylaw which covers the same subject matter as this Bylaw shall remain in effect only for the purposes of the completion of any procedure that was commenced under that.

10.0 Rescindment of Bylaws

10.1 Except for the purposes identified in Section 9.0 of this Bylaw, Bylaw 25-2009 is hereby rescinded.

11.0 Interpretation

11.1 The provisions in Part VI of the *Legislation Act, 2006*, S.O. 2006, c.21, Sched. F, shall apply to this Bylaw.

12.0 Short Title

12.1 This Bylaw may be referred to as the Regulating the Keeping of Dogs.

13.0 Effective Date

13.1 **THAT** this Bylaw shall come into effect on the day it was passed.

ENACTED AND PASSED IN COUNCIL this 20th day of November, 2019.



Vic A. Bodnar, Mayor



Suzanne Huschilt, Municipal Clerk

Schedule "A" to Bylaw 2019-098 REGULATING THE KEEPING OF DOGS

PART I Provincial Offences Act Set Fines

ITEM	COLUMN 1 - PROVISION CREATING OR DEFINING OFFENCE	COLUMN 2 - SHORT FORM WORDING	COLUMN 3 - SET FINE
1	Bylaw 2019-098 Section 3.1 & Section 3.4	Fail to keep dog(s) from being a public nuisance	\$125.00
2	Bylaw 2019-098 Section 3.2	Harbour, own or keep a dangerous dog(s)	\$300.00
3	Bylaw 2019-098 Section 4.0	Dog Being At Large	\$125.00
4	Bylaw 2019-098 Section 5.0	Fail to Comply with Muzzle/Leash Order	\$150.00