

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER
BY-LAW 32-2021 Being a By-law to regulate dogs in the Village
(Dog By-law)

WHEREAS it is the intention of the Council to protect the health, safety, and the quality of life for the people and dogs in the Village

AND WHEREAS the Protection of Livestock and Poultry from Dogs Act, R. S. O. 1990, c. L. 24, the Animals for Research Act, R. S. O. 1990, c. A. 22, the Pounds Act, R. S. O. c. P.17, the Dog Owners' Liability Act, R. S. O. 1990, c. D. 16, and the Health Protection and Promotion Act, R.S. O. 1990, c. H. 7, all contain provisions enabling municipalities to pass By-laws;

AND WHEREAS Section 10 (2) a single-tier municipality may pass by-laws respecting the following matters:
(9). Animals.

AND WHEREAS Section 103 of the Municipal Act, 2001, S.O. 2001, C.25, as amended, states that if a municipality passes a By-law regulating or prohibiting animals being at large that it may provide for the seizure, impounding or sale of such animals in such By-law;

AND WHEREAS Section 105 of the Municipal Act, 2001, S.O. 2001, C.25, as amended, provides that where a municipality requires a dog to be muzzled the owner may request a hearing and that such requirement to muzzle remains in effect until such time as the hearing is conducted;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, C.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisance;

AND WHEREAS Section 425 of the Municipal Act, 2001, S.O. 2001, C.25, as amended, states that a municipality may pass By-laws providing that a person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the of the Municipal Act, 2001, S.O. 2001, C.25, as amended, states no person shall hinder or obstruct, or attempt to hinder or obstruct any person who is exercising a power or performing a duty under a by-law passed under this Act;

AND WHEREAS Section 429 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act. 2006, c. 32, Sched. A, s. 184;

AND WHEREAS pursuant to Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether a by-law of the municipality passed under the Act is being complied with.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF SOUTH RIVER ENACTS AS FOLLOWS:

1.0 Definitions

In this by-law,

- 1.1 **“Animal Control Officer”** shall mean a Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.2 **“At Large”** shall mean a dog found in any place or on any property other than the premises of the owner and not restrained by any person;
- 1.3 **“Beach”** shall mean an expanse of sand or pebbles along the shore of a body of water;
- 1.4 **“Bite”** shall mean a puncture of the skin with teeth;
- 1.5 **“Council”** means the Council of The Corporation of the Village of South River ;
- 1.6 **“Dog”** shall mean any member of the species canis familiaris be it a male or female over the age of 12 (twelve) weeks;
- 1.7 **“Dog Tag”** shall mean a disk or other shape of metal or plastic supplied by the Village as a means to identify the owner of the dog and is securely affixed to a Dogs collar or other restraining device, which must be worn by the dog whenever the Dog is off the owner’s property;
- 1.8 **“Harbour”** shall mean to shelter, house, possess, owning, having care, custody or control of a dog;
- 1.9 **“Municipal By-Law Enforcement Officer”** means a person who is appointed by Council to enforce bylaws enacted and passed by Council;
- 1.10 **“Muzzle”** shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal;
- 1.11 **“Persistent Barking”** means continuous barking, whining, howling for 20 minutes or more at a time.
- 1.12 **“Owner”** shall mean a person who possess or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 1.13 **“Park”** means an area of land, set apart for the enjoyment of the public, having facilities for rest and recreation, owned and managed by the municipality;
- 1.14 **“Person”** includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;
- 1.15 **“Pound”** as defined in the Animals for Research Act, R.S.O. 1990, c. A.22 that have been impounded pursuant to a by-law of a municipality or the Dog Owners' Liability Act, R.S.O. 1990, c. D.16;
- 1.16 **“Restrained”** shall mean the use of a leash made of metal, rope, nylon or other similar strong material no more than (2) two meters in length and of sufficient strength and design to restrain the size and strength of the dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the dog with the other end held by a person capable of controlling the dog at all times;
- 1.17 **“Service Animal”** shall mean an animal which is trained to assist in the movements of a person with a physical, visual, or neurological

impairment or that is used per the Ontario Regulation 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended, and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a peace officer;

1.18 **“Trail”** a path or track made across a region, through an expanse of land intended for the passage of people.

1.19 **“Village”** means the Corporation of the Village of South River;

2.0 **General Prohibitions**

2.1 Every person who owns or harbors a dog shall, in a sanitary manner, remove forthwith and dispose of any excrement left by such a dog anywhere within the Municipality.

2.2 Every person who owns or harbors a dog upon leaving their property shall ensure the dog is properly restrained and if stipulated, muzzled.

2.3 No person shall allow a dog to run at large or otherwise create a nuisance within the Municipality. Any dog found running at large may be seized and impounded by the Animal Control Officer or their designate. An Animal Control Officer or their designate may enter on any public or private property for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this By-Law.

2.4 If the Animal Control Officer or their designate is unable to seize any dog found to be running at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this by-law.

2.5 Where a dog is impounded, the owner, shall be liable for designated impound fees and/or veterinary fees as prescribed. All fees shall be paid prior to the release of the dog to the owner.

2.6 Time limitations on an impounded dog shall be three (3) full business days in which the owner can have the dog returned to them after any pound, licensing, veterinary and maintenance fees prescribed are paid. If the dog is not claimed after three (3) business days the pound may sell or adopt out the dog for payment of pound fees or the dog may be destroyed in a humane manner after five (5) business days if the owner is unknown or the dog is injured or suffering. If the owner is known, twenty-four (24) hour written notice shall be given to the owner before the dog is destroyed.

2.7 No person shall permit a dog to be on a Beach within the Village

2.8 No person shall permit a dog to be within a Park or on a Trail within the Village unless the dog is restrained.

2.9 No person shall permit a dog to be within a Village owned or operated facility or building used by the public at any time unless during an event where dogs have been approved.

2.10 No person shall allow persistent barking, howling or other noise making by their dog that disturbs residents of South River

2.11 A Service Animal shall not be restricted by the provisions in sections 2.1, 2.7, and 2.9.

2.12 No person living in a single unit dwelling within the Village of South River shall own or keep more than two (2) dogs. And no person living in a multi-unit dwelling within the Village of South River shall own or keep more than one (1) dog.

3.0 Muzzling

3.1 Where it has been proven that, any dog has bitten a person or a domestic animal, the Animal Control Officer or their designate may issue an Order to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such an order shall set out the conditions of muzzling and the owner shall comply with all such conditions.

3.2 The order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Issuer that the dog in question does not present a risk to public safety or an exemption is granted. The North Bay Parry Sound Health Unit shall be notified by the Animal Control Officer or the victim, when a dog has bitten or is alleged to have bitten.

3.3 An Order to Muzzle will be completed by the Animal Control Officer on the prescribed forms and contain sufficient information to identify the dog and the circumstances of the incident. In determining the conditions of muzzling a dog, the Animal Control Officer may refer to any of the provisions for the Conditions of Muzzling a Dog as follows:

While the dog is on the property of the owner, the owner shall be responsible for restraining the dog by keeping it inside a building, house, enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.83 meters to prevent the dog from coming into contact with persons other than the owner or any other domestic animal. The enclosed pen or the fenced yard shall be equipped with a self-latching or locking device. Such device shall be designed in such a manner that it cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.

3.4 While the dog is off the property of the owner, as described above, the owner shall ensure that:

- a) it is secured by means of a collar and leash with the leash being a maximum length of two (2) meters and of sufficient strength to restrain the dog and keep it from chasing/biting a person or domestic animal;
- b) a muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, in order to prevent the dog from biting or attacking a person or domestic animal;
- c) it is under the control of a person eighteen (18) years of age or older; The Animal Control Officer may also impose other conditions suitable to the circumstances for the protection of persons and domestic animals.

3.5 For the purpose of assembling evidence of a contravention of Section 3.1 of this By-law, the Animal Control Officer may obtain a written statement or rely on such other evidence as that officer considers sufficient to form the basis for an Order.

3.6 Upon request, the owner of the dog is entitled to a hearing by Council

and the Animal Control Official of the municipality and upon examining all the facts the dog may be exempted from muzzling or the conditions of muzzling will continue to apply.

3.7 No person shall disobey an order to muzzle issued under Section 3.1 of this by-law.

3.8 For the purpose of assembling evidence of a contravention of Section 3.1 of this by-law, the Animal Control Officer may obtain a written statement or may rely on such other evidence as that officer considers sufficient to form the basis for an Order.

4.0 **Licensing**

4.1 Every person who owns a dog shall register their dog with the Village, and provide particulars pertaining to the dog and every person who registers the dog and shall pay a licence fee:

a) once for a lifetime licence for the life of the dog.

4.2 Cost of the dog licensing fees shall be set out in the Village's Fees and Charges By-law.

4.3 Upon payment of the license fee, the owner shall be furnished with a dog tag bearing a serial number and the owner shall securely affix the tag on the dog at all times until renewed or replaced.

4.4 A new resident of the Corporation of the Village of South River is required to obtain a Dog Tag license for their dog within thirty (30) days of becoming a new resident.

4.5 A replacement Dog Tag for one that has been lost will be issued upon confirmation of payment of an original Dog Tag and payment of the replacement fee as set out in the Village's Fees and Charges by-law.

4.6 Any licence purchased under section 4.2 is not transferable from one dog to another.

4.8 Service Animals shall be exempt from sections 4.1 and 4.2.

5.0 **Obstruction**

5.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any By-law Enforcement Officer exercising a power or performing a duty under this By-law.

5.2 Every Person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to a By-law Enforcement Officer upon request, failure to do so shall be deemed to have hindered or obstructed a By-law Enforcement Officer under section 5.1 of this by-law.

6.0 **Penalties**

6.1 Every Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act
R.S.O. 1990, c. P.33.

6.2 Every person who contravenes any provision of this By-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act

R.S.O. 1990, c. P.33, as amended, and upon conviction, a person is liable to a fine of not more than \$5,000, exclusive of costs.

- 6.3 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act R.S.O. 1990, c. P.33, pay a set fine and the Chief Judge

of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "A" attached to this by-law.

7.0 **Severability**

- 7.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

8.0 **Enforcement**

- 8.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

9.0 **Schedules**

- 9.1 Schedules A and B as attached and form part of this by-law.

10.0 **Repeal of By-laws**

- 10.1 That By-law 30-2015 and any amendments thereto are hereby repealed upon receiving approval from the Ministry of the Attorney General for the set fines as identified in Schedule "A" of this by-law.

READ a first, second and third time and finally passed this 26th day of July, 2021.

Mayor (Jim Coleman)

Clerk (Don McArthur)



**The Corporation of the Village of South
River Part I Provincial Offences Act
By-Law #32-2021: Control and Licensing of Dogs**

Schedule “A”

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to remove excrement	2.1	\$105.00
2	Fail to restrain a dog in public	2.2	\$105.00
3	Allowing dog to run at large	2.3	\$105.00
4	Allowing a dog on a beach	2.7	\$105.00
5	Fail to restrain a dog in a park	2.8	\$105.00
6	Fail to restrain a dog on a trail	2.8	\$105.00
7	Allowing dog into a facility or building	2.9	\$105.00
8	Allowing persistent barking, howling or other noise making	2.10	\$105.00
9	Allow more than permitted number of dogs	2.12	\$105.00
9	Fail to obey muzzle order	3.7	\$105.00
10	Fail to register a dog	4.1	\$105.00
11	Fail to pay license fee	4.1(a)	\$105.00
12	Fail to affix dog tag	4.3	\$105.00

NOTE: The penalty provisions for the offences listed above are Section 6 of the By-Law No. 32-2021, a certified copy of which has been filed.



Schedule "B" to by-law no. 32-2021
Order to Muzzle

To: _____
(Owner of Dog)

Date: _____

Address: _____

Description of Dog: _____

Name of Dog: _____

Breed: _____

Colour: _____

Dog Tag No: _____

Rabies Tag No: _____

Veterinary's Office: _____

The Corporation of the Village of South River is in receipt of a Declaration duly executed by the Chief By-law Enforcement Officer pursuant to Section 3 of Bylaw 32-2021, and that the dog described above did on the _____ day of __, 20__ bite and puncture the skin of a person or a domestic animal. In accordance with Subsection 3.3 and 3.4 of By-law 32-2021, you are hereby ordered to restrain your dog as follows:
