

THE CORPORATION OF THE TOWNSHIP OF LAIRD

By-law Number 2040-25

A By-law for the licensing and registration of dogs; for regulating the control of dogs; and for the impounding and seizure of dogs within the Township of Laird.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, Chapter C. 25, as amended, provides that Municipalities may pass By-laws for licensing, regulating, prohibiting, impounding, muzzling, or selling animals; and

WHEREAS Section 103 (1) (c) of the *Municipal Act, 2001* provides for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened; and

WHEREAS Section 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances; and

WHEREAS the Council of the Corporation of the Township of Laird deems it advisable to exercise such authority;

NOW THEREFORE the Council of the Municipality of the Township of Laird hereby enacts as follows:

1. DEFINITIONS

- a. "Bite" means piercing or puncturing of the skin as a result of contact with a dogs tooth or teeth.
- b. "By-Law Enforcement Officer/Provincial Offences Officer" means the person appointed by Council to uphold the provisions of this By-law or his/her delegate.
- c. "Clerk" means the Clerk Administrator for the Corporation of the Township of Laird.
- d. "Dangerous Dog" means a dog that has attacked, bitten or caused injury to a person or other domestic animal, or a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- e. "Disabled Person" refers to a physically, vision or hearing-impaired person who is the owner of a dog which serves as a guide or leader.
- f. "Dog" means any dog male or female over the age of six (6) months.
- g. "Kennel" means a place or confine where purebred dogs are bred and raised and registered in the Register for the Canadian Kennel Club Incorporated.

- h. "Owner" means and 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.
- i. "Pound keeper" means the shelter operated by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals Humane Society (SPCA) on behalf of and under agreement with the Corporation of the Township of Laird.
- j. "Township" means The Corporation of the Township of Laird.

2. LICENSING AND REGISTRATION

- a. Notwithstanding Section 4 of this by-law, every owner of a dog shall obtain a license annually and cause the dog to be registered, numbered, described and licensed with the Township as soon as the dog has attained the age of 6 months.
- b. No person shall:
 - i register an unspayed female dog as a spayed female;
 - ii register an unneutered male as a neutered male;
 - iii use a tag upon a dog other than the dog for which it was issued.
 - iv own, harbour or keep more than 5 dogs unless in a licensed kennel (section 4a)
- c. Upon application for a license, the dog owner will be required to produce a certificate signed by a registered veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months from the date of application for the license.
- d. Dog tags shall be worn at all times, and shall bear the serial number and the year in which it was issued and a record shall be kept by the Township of Laird showing the name and address of the owner and the number of the tag issued to such owner
- e. No license tag or registration shall be transferrable and the license tag shall expire and become void upon the sale, death, or other means of disposal of the dog.
- f. Every license issued pursuant to this By-law shall expire on the 31st day of March in the following year.

3. PENALTY FOR NON-RENEWAL

Any person who fails to renew a dog license on or before March 31 of each year shall be subject to a penalty as set out in Schedule "A" attached hereto and forming part of this By-law.

4. KENNELS

- a. If a Kennel license is issued as per By-law,868-08 by the Township of Laird for a kennel of pure-bred dogs registered in the register of The Canadian Kennel Club Incorporated the owner shall pay an annual license fee to the township in accordance with the rates established in Schedule "A: for a license fee for the kennel, no further license fee is

required to be paid in respect of such pure-bred dogs while they are a part of the kennel. The Owner is still required to obtain license tags while dogs are a part of the kennel.

(Laird Township does not allow boarding kennels as per By-law,868-08)

- b. Regardless of the number of dogs per household, all dog owners within the Township of Laird shall comply with this by-law relating to running at large, barking or howling, or causing a nuisance or disturbance.

5. DOGS RUNNING AT LARGE

- a. No dog shall be permitted to run at large within the Township of Laird.
- b. For the purposes of this by-law a dog shall be deemed to be running at large when it is found not to be under the care and control of a person and on a leash within 3 meters (10 feet) of that person, or leashed to a structure, unless the dog is on the property of its owner or a person who has consented to it being on his property while it is unleashed.
- c. The By-Law Enforcement/Provincial Offences Officer or O.P.P. Officer shall make all reasonable efforts to identify and contact the owner of every stray dog received, whether the dog is living or dead.
- d. No leash shall exceed 3 meters (10 feet) in length.
- e. Every leash used or carried for the purpose of restraining any dog shall be substantially constructed or composed of strong material such as a chain or rope and shall be capable, at all times, of securely restraining such dog.
- f. The owner of any dog found to be running at large may be issued an Offence Notice and required to pay the fee as set out in Schedule "A" attached hereto and forming part of this By-law.

6. IMPOUNDING AND DESTRUCTION

- a. A dog which is found running at large contrary to the provisions of this by-law may be seized and impounded in the Pound.
- b. A dog so impounded shall be held for a period of four days and if not claimed and released to the owner thereof within such period, such dog may then be euthanized or sold by the Pound keeper as he or she may deem appropriate.
- c. A dog so impounded shall not be released until the owner thereof has paid to the Pound keeper all fees during which the dog has been impounded plus any administrative fees approved by the Board of the Society.
- d. Where a dog is adopted under this by-law the proceeds of the adoption shall be paid to the Pound keeper.

7. INJURED DOGS

- a. Where in the opinion of the constable, peace officer, Pound keeper or By-law Enforcement Officer/Provincial Offences Officer, a dog under this by-law is injured or should be euthanized without delay for humane reasons or for safety to persons, such person may euthanize the dog as soon after the seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it by public auction or otherwise for sale, and no damages or compensation shall be recovered by the owner.
- b. Where a dog seized or impounded by the Pound keeper or By-law Enforcement Officer/Provincial Offences Officer, under Section 6 subsection (a) is injured or ill and is treated by a veterinary surgeon, the Pound keeper shall, in addition to any amount charged under Section 6 subsection (c), be entitled to charge the person claiming the dog the cost for veterinary treatment.

8. ATTACKING DOGS

- a. Where a constable or other peace officer or the By-law Enforcement Officer/Provincial Offences Officer finds a dog running at large contrary to the provisions of the by-law and he or she believes that before the dog can be seized it may attack a human being, he or she may kill the dog.
- b. Where a person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being, that person may kill the dog.
- c. No damage or compensation shall be recovered for the killing of a dog under this section.

9. CONFINEMENT OF FEMALE DOGS IN HEAT

- a. The owner of a female dog in heat shall confine such dog in a building or enclosed pen or kennel until such heat has ended.

10. POTENTIALLY DANGEROUS & DANGEROUS DOGS

- a. In this section:
 - i “potentially dangerous dog” means, a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling;
or
a dog that has been impounded or for whom the owner has been convicted on a total of three occasions within a 12 month period for such dog being at large in the municipality.
 - ii “dangerous dog” means 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;

or

a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal;

or

a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

- iii “mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
1. The dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 2. The dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
 3. The dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.
- vii “muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting.

b. Potentially Dangerous Dog-Notice and Owner Requirements

Where the Pound keeper or By-law Enforcement Officer/Provincial Offences Officer designates a dog as a potentially dangerous dog, the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice the owner shall, comply with any or all of the following requirements:

- i to keep such dog, when it is on the lands and premises of the owner, confined within the owner’s dwelling or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children.
- ii to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person’s consent;
- iii to permit the Pound keeper to insert a microchip implantation in such dog, at the owner’s expense, for the purpose of identifying such dog as a potentially dangerous dog

c. Dangerous Dogs-Notice and Owner Requirements

Where the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper designates a dog as a dangerous dog, the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper shall serve notice upon the owner of such, dog requiring the owner, upon receipt of such notice the owner shall, comply with the following requirements:

- i To keep such dog confined within the owner’s dwelling; or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from

escaping therefrom and preventing the entry therein of unsupervised children

- ii to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person's consent
- iii to permit the Pound keeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a dangerous dog.
- iv to permit the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper to deliver the dog for spaying or neutering, if unaltered, at the owner's expense.
- v to purchase and display, at the entrance to the owner's property warning signs. The signs will be posted in such a manner that it cannot be easily removed by passerby and is clearly visible to a person approaching the entrance.

d. Notice Requirements

The notice requirements referred to in Section 10, subsections (b) and (c) shall be served by hand delivery or registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:

- i a statement that the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- ii the requirements that the owner must comply with the accordance with this Section and when such requirements take effect and;
- iii a statement that the Owner may request, within three working days of receipt of the Notice, and is entitled to, a hearing by the Council of the Township of Laird which may affirm or rescind the By-law Enforcement Officer/Provincial Offences Officer or Pound keepers designation of the dog as potentially dangerous or dangerous, as the case may be, and which Council may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 10 subsections b (i-iii)

e. Notice Received-Hearing Requested

Where the owner of a dog receives a notice from the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper designating such dog as a potentially dangerous dog or as a dangerous dog, he may request an appeal hearing. Such requests must be made in writing to the Clerk Administrator of the Township of Laird within three working days of receipt of such notice. Hearing requests shall be served by hand delivery or prepaid registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. The council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within fifteen working days of the Clerk Administrator's receipt of the request for a hearing and the Council may:

- I affirm or rescind the By-law Enforcement Officer's/Provincial Offences Officer's or Pound keeper's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;

- ii substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be; and/or
- iii substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 10 subsection b (i-iii)

f. Complaint Inquiry by By-law-Enforcement Officer/Provincial Offences Officer

The By-law Enforcement Officer/Provincial Offences Officer may either on his or her own initiative or as a result of a complaint received by him or her from the public conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.

g. Compliance Deadline of Owner

The requirements of Section 10 subsection b (iii) and c subsection (iii) and (iv) which may be imposed on a dog owner by the By-law Enforcement Officer/Provincial Offences Officer or Pound keeper pursuant to such sections shall not be required until either the time for appeal under Section 10 subsection e has elapsed without the dog owner requesting an appeal pursuant to that section or the Council has ordered such requirement, whichever occurs earlier.

h. Change of Ownership

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this Section shall advise the By-law Enforcement Officer/Provincial Offences Officer immediately if he or she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the By-law Enforcement Officer/Provincial Offences Officer with particulars of same.

i Dog Owner's Liability Act

Where it is alleged that a dog has bitten or attacked a person or domestic animal, such dog may be impounded on the order of the Staff Sergeant of the Ontario Provincial Police and held by the Pound keeper until the proceedings provided in the Dog Owner's Liability Act, R.S.O. 1990 c. D. 16. have been followed provided that no dog shall be so impounded for a period in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

11. PROVISION OF NEEDS

- a. Every person who keeps a dog within the municipality shall provide the dog, or cause it to be provided with:
 - i clean, fresh drinking water and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - ii food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - iii the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
 - iv necessary veterinary care when the dog exhibits signs of pain, illness or suffering;

- v a house or shelter providing protection from heat, cold, direct sunlight and wet that is appropriate to the dog's weight and type of coat, and providing sufficient space to allow the dog to turn around freely and lie in a normal position.
- b. No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
- c. No person may cause an animal to be confined in an enclosed space for an extended period of time, including a car, without adequate ventilation.

12. DOG CONTROL FINES AND FEES

- a. Any dog found running at large contrary to the provisions of this by-law may be captured and impounded by the By-law Enforcement Officer/Provincial Offences Officer or O.P.P. Officer and thereafter shall be impounded for a period of five (5) days. If not claimed by the owner the dog within the said detention period, the dog may thereafter be destroyed or otherwise disposed of by or under the direction of the pound keeper.
- b. Unless otherwise stated in this by-law, the owner of each dog shall acquire a Laird Township dog license as set out in Schedule "A" attached hereto and forming part of this by-law.
- c. If the By-law Enforcement Officer is unable to seize any dog found to be running at large, contrary to the provisions of this by-law and the owner of such dog is known, a ticket may be issued ordering a fee to be paid by the owner, known as a Running at Large fee, as set out in Schedule "A" attached hereto and forming part of this by-law.
- d. In all cases if the owner of the dog is known, the dog owner shall be responsible for all costs, charges and fines associated with the seizure, impound or care of the dog which has contravened this By-law in any way.

13. GENERAL PROVISIONS

- a. Every person who fails to comply with the provisions of this By-law shall be guilty of an offence and, upon conviction is subject to a penalty pursuant to the Provincial Offences Act.
- b. Each day that a breach of this by-law continues shall constitute a separate offence.
- c. Fines pursuant to subsections a. and b. above are recoverable under the Provincial Offences Act, as amended.
- d. Should any Section or part of a Section of this By-law be declared by a court of competent jurisdiction to be invalid, same shall not affect the provisions of the By-law as a whole or any part thereof, other than the part so declared to be invalid.

- e. Any person who is visually, audibly or physically disabled and owns a registered service dog to assist with their daily living shall be exempt from the licensing provisions of this by-law.

14. PENALTY

Any person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed in accordance with the Provincial Offences Act, R.W.O., 1990, C.P. 33 as amended.

15. SHORT FORM NAME

That the short form title of this By-law shall be the "Control of Dogs" by-law.

16. BY-LAWS REPEALED

That By-law 924-12 is hereby repealed.

17. EFFECTIVE DATE

This By-law shall come into force and effect on the day it is finally passed

READ and passed in Open Council this 16th day of January 2025.

Mayor _____

Shawn Evoy

Seal

Clerk _____

Jennifer Errington

**TOWNSHIP OF Laird
CONTROL OF DOGS
SCHEDULE "A" TO BY-LAW #2040-25**

	<u>Cost</u>
1. <u>Annual Fees</u>	
Each neutered male or spayed female before March 31	No Fee
Each neutered male or spayed female after March 31	No Fee
Each male or female dog before March 31	No Fee
Each male or female dog after March 31	No Fee
Registered Kennel Fee	\$100.00
Tag for Individual Dog in Kennel	No Fee
Replacement of lost tag	\$5.00
2. <u>Pound Fees</u>	
Municipal Pound intake Fee (or as invoiced by SPCA)	\$100.00
Impound fee	\$20.00 per day
After hours intake	\$65.00
Sault Ste. Marie Pound fees	As invoiced
Veterinarian Fees/euthanasia	As invoiced
3. <u>Fines</u>	
Failure to obtain a Laird Township dog license/tag	\$75.00
Registering an unspayed female dog as a spayed female	\$75.00
Registering an unneutered male as a neutered male	\$75.00
Use of a tag upon a dog other than the dog for which it was issued	\$75.00
Own, harbour or keep more than 5 dogs	\$250.00
Failure of owner to obtain kennel license	\$100.00
Owner permitting dog to run at large	\$100.00
Failure of owner to confine a female dog while in heat	\$150.00
Failure of owner to confine a dangerous dog	\$500.00
Failure of owner to muzzle a dangerous dog	\$500.00
Failure of owner to microchip to be inserted on dangerous dog	\$500.00
Failure of owner to permit spay or neuter of dangerous dog at owners expense	\$500.00
Failure of owner to confine a potentially dangerous dog	\$500.00
Failure of owner to muzzle a potentially dangerous dog	\$500.00
Failure of owner to microchip to be inserted on potentially dangerous dog	\$500.00