THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

BYLAW NUMBER 2001-115

A BY-LAW TO PROVIDE FOR THE MUZZLING & LEASHING OF VIOLENT DOGS.

WHEREAS Section 210, Subsection 10, R.S.O., 1990, c. M. 45, of the Ontario Municipal Act authorizes the Council of a municipality to pass by-laws requiring the muzzling or leashing of a dog after it has bitten a person or domestic animal and for Council to delegate to a committee the authority and responsibility of dealing with appeals;

AND WHEREAS Section 210, Subsection 5, R.S.O., 1990, c. M. 45 of the Ontario Municipal Act provides for animal identification systems including tagging, tattooing or microchip implantation;

AND WHEREAS Section 210, Subsection 1, R.S.O., 1990, c. M. 45 of the Ontario Municipal Act provides for prohibiting or regulating the keeping of animals;

AND WHEREAS the Council for The Corporation of the Town of East Gwillimbury deems it advisable to enact such a by-law.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY ENACTS AS FOLLOWS:

1. For the purpose of this by-law:
   (a) “Animal Control Officer” shall mean the Animal Control Officer for the Town of East Gwillimbury;
   (b) “Appeal Committee” shall mean a Committee appointed by Council for this purpose;
   (c) “Bite” shall mean a puncture of the skin with teeth;
   (d) “By-law Enforcement Officer” shall mean a By-law Enforcement Officer of the Town of East Gwillimbury;
   (e) “Clerk” shall mean the Town Clerk for the Town of East Gwillimbury;
   (f) “Consent Order” shall mean an undertaking signed by the owner of a dog to adhere to certain restrictions with respect to methods used in restraining the dog when his or her dog comes into contact with other persons or domestic animals;
   (g) “Domestic Animal” shall mean any animal kept by a person as a pet;
   (h) “Microchip Implant” shall mean an electronic device implanted under the skin of a dog so that the animal can be identified at all times by local authorities;
(i) "Muzzled" 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;

(j) "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;

(k) "Police work dog" shall mean a dog trained for and actually engaged in law enforcement for the Police or other police authority;

(l) "Restrained" shall mean being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence meets the requirements of the Town’s fence by-law. The enclosed pen or the fenced yard shall be equipped with a locking device and self-closing and self-latching device. Such self-latching device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The dog shall only be transported from one location to another by means of a secure collar-type leash and a muzzle as described in Section 1 (i);

(m) "Vicious dog" shall mean a dog, which, without provocation, has bitten a person or a domestic animal.

DECLARATION OF VICIOUS DOG

2. (a) The Animal Control Officer shall be empowered to declare that a dog is vicious upon receipt of a signed declaration in the form attached hereto as Schedule “A”, attested to by a witness who actually saw the alleged vicious dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and the dog owner’s address.

(b) The Animal Control Officer shall, within four days of receipt of the said Declaration declaring the dog vicious, deliver or send by registered mail a Notice to Muzzle, in the form attached hereto as Schedule “B”, to the owner of the vicious dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.

3. The Animal Control Officer shall within four days of receiving notice that a dog, which has been declared vicious in another municipality, is being harboured within the Town of East Gwillimbury, issue a Notice to Muzzle as provided for in Section 2 (b) and all other provisions of this by-law shall apply with respect to the said dog.
HEARING OF APPEAL OF ORDER TO RESTRAIN

4. (a) Where a dog has been declared vicious by an Animal Control Officer, pursuant to the provisions of this by-law, the aggrieved owner of the dog may apply for a hearing in respect of such Notice to Muzzle.

(b) An Application for a hearing under Subsection 4(a) shall be made in writing and delivered to the Clerk within thirty (30) days after the Notice to Muzzle has been served.

(c) Upon receipt of the Application for a hearing from an owner of a vicious dog, the Clerk shall convene a meeting of the Appeal Committee appointed by Council and shall give the owner of the dog, the owner of the bitten dog and the person who was bitten by the dog seven (7) days written notice by personal service or registered mail of the time, date and location of the hearing.

(d) The Applicant and any other interested person may appear at the hearing and present oral or written evidence relating to the dog.

(e) When the owner of the dog does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceeding.

5. (a) The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the hearing.

(b) The decision of the Appeal Committee is final and binding.

(c) The Appeal Committee may confirm the vicious dog Notice to Muzzle or exempt the owner of the dog from any of the muzzling, restraining or leashing requirements, or both, or may dispose of an appeal by Consent Order to establish certain restrictions with respect to methods used in restraining the dog when the dog comes into contact with other persons or domestic animals.

(d) The Notice of the hearing or any matter, which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this by-law, shall be governed by the Statutory Powers and Procedures Act.

(e) Notwithstanding that an Applicant has applied for a hearing to appeal the Notice to Muzzle, the Notice to Muzzle takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal.
A written copy of the decision of the Appeal Committee, pursuant to Subsection 4(a) or the Consent Order, pursuant to Subsection 4(c), shall be prepared, as soon as is practicable after the conclusion of the hearing, and shall be delivered or mailed by ordinary mail to the Applicant at the address shown on his or her Application, the Defendant, Police, Animal Control Officer, By-law Enforcement Officer, Members of Council, Appeal Committee Members and the Clerk.

METHODS OF RESTRaining AND IDENTIFYING A VICIOUS DOG

6. The owner of a dog, where such dog has bitten a person or domestic animal and has been declared vicious under the provisions of this by-law and has been served with a Notice to Muzzle or, on an appeal, has been confirmed to be vicious by the Appeal Committee, shall ensure that:

   (a) when the dog is on the property of the owner it is restrained at all times in accordance with the requirements of Section 1(f);

   (b) when the dog is off the property of the owner:

      i) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal,

      ii) it is muzzled by fastening a muzzle 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, to prevent a dog from biting or attacking a person or domestic animal, and

      iii) it is under the control of a person sixteen (16) years of age or older.

   (c) within thirty (30) days the dog is identified with a microchip implantation, at the owner's expense, and the said microchip number is registered with the Clerk;

   (d) the Clerk is notified within forty-eight (48) hours of any changes to the residency of the vicious dog.

   (e) the Clerk is notified within forty-eight (48) hours after the ownership of the vicious dog is transferred to another person.

   (f) the Clerk is notified should the vicious dog be destroyed.

7. Any person who owns or harbours a dog, which has been declared vicious in another municipality and relocates the vicious dog into the Town of East Gwillimbury, shall within forty-eight hours (48) of the relocation notify the Clerk of the residency of the vicious dog.

8. This by-law shall not apply to a police dog while on duty.
9. Every person who contravenes any of the provisions of this by-law is guilty of an offence, and upon conviction, is liable to a fine as prescribed pursuant to the Provincial Offences Act.

ENACTED AND PASSED this 3rd day of DECEMBER, 2001.
DECLARATION REGARDING A VICIOUS DOG

Name of Person or Domestic Animal Bitten:

Address:

Telephone Number:

Owner of Dog:

Name:

Address:

Name of Dog:__________________Dog Tag Number:__________________

Description of Dog:

Breed:

Colour:

Other:

Rabies Tag Number:__________________Other Identification:

Location of Incident:

Address:

Location on Property:

Location on Street:

Description of Incident:

Date of Incident__________________Time of Incident__________________

Signature of Witness who actually saw
the alleged vicious dog bite a person or
domestic animal

Signature of Clerk

Name of witness:____________________________________________________(Please print)

Address of witness:__________________________________________________

Telephone number of witness__________________________________________

Personal information contained in this form is collected under the authority of the
Municipal Act, R.S.O., 1990, c. M.45, as amended, and will only be used for the
purposes for which it was collected. Questions about this collection of information
should be directed to the Clerk for the Town of East Gwillimbury, 19,000 Leslie Street,
Sharon, Ontario, LOG 1V0, 905-478-4282.
NOTICE TO MUZZLE

To: ___________________________ Date: ___________________________

Owner of Dog

Address: ___________________________

Description of Dog: ___________________________

Name: ___________________________

Breed: ___________________________

Colour: ___________________________

Dog Tag: ___________________________

Year of Dog Tag: ___________________________

Rabies Tag No. including the year and Veterinarian’s Office: ___________________________

Tattoo No.: ___________________________

Microchip No. ___________________________

The Corporation of the Town of East Gwillimbury is in receipt of a Declaration duly executed by the Animal Control Officer pursuant to Section 2(a) of By-law 2001- that the dog described above did on the day of _______________ bite and puncture the skin of a person or a domestic animal. In accordance with Section 2(b) of By-law 2001- , you are hereby ordered to restrain your dog as follows:

METHOD OF RESTRaining DOG

While the dog is on the property of the owner or harbourer as described above, the owner shall be responsible for restraining the dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence meets the requirements of the Town fence by-law. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. Such self-latching device to be designed in such a manner that the pen or gate 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.

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

i) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal,
ii) by fastening a muzzle humanely over the mouth of the dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of the dog and cannot be removed by the dog, to prevent the dog from biting or attacking a person or domestic animal, and

iii) it is under the control of a person sixteen (16) years of age or older.

(c) within thirty (30) days the dog is identified with a microchip implantation, at the owner's expense, and the said microchip number is registered with the Animal Control Officer;

(d) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the vicious dog.

(e) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the vicious dog is transferred to another person.

(f) the Animal Control Officer is notified should the vicious dog be destroyed.

In accordance with Section 3, you may appeal this Notice to Muzzle to the Appeal Committee of the Council of the Town of East Gwillimbury within thirty (30) days of the date of this Notice by submitting a written request for a hearing. Such a request must be addressed to the Town Clerk at the Town of East Gwillimbury, 19000 Leslie Street, Sharon, Ontario, L0G 1V0.

Personal information contained in this form is collected under the authority of the Municipal Act, R.S.O., 1990, c. M.45, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk for the Town of East Gwillimbury, 19,000 Leslie Street, Sharon, Ontario, L0G 1V0 (905-478-4282).

This Notice is served upon the owner in accordance with Section 2(b) of By-law 2001- oh this ___________ day of ______________, ______.

________________________________________
Animal Control Officer