

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

**BY-LAW NO. 2001-147**

**Being a by-law for the licensing and registration of dogs, and for the control of dogs within the Township of Springwater, and to repeal By-law No. 96-032, as amended by By-law No. 98-015**

**(Dog Control By-law)**

**WHEREAS** Section 210, Paragraph 11 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of local municipalities for the licensing and regulating and requiring the registration of dogs and for imposing of license fees on the owners of them;

**AND WHEREAS** Section 210, Paragraph 13 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating the running at large of dogs in the municipality, for seizing and impounding dogs running at large, and for killing and for selling dogs so impounded;

**AND WHEREAS** Section 210, Paragraph 7 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of local municipalities for determining the compensation to be allowed for services rendered with respect to animals impounded;

**AND WHEREAS** Section 210, Paragraph 8 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of local municipalities for requiring an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than the owner;

**AND WHEREAS** Section 210 Paragraph 10 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of local municipalities for requiring the muzzling or leashing of a dog after it had bitten a person or domestic animal;

**AND WHEREAS** Section 220.1 of the Municipal Act, as introduced by Bill 26, provides that a municipality may pass by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** the Council of The Corporation of the Township of Springwater passed By-law No. 96-032 to provide for the licensing and registration, and for the control of dogs within the municipality, which was amended by By-law No. 98-015 in respect of Dog Tag Fees;

**AND WHEREAS** the Council of The Corporation of the Township of Springwater deems it necessary and expedient to repeal and replace By-law No. 96-032;

**NOW THEREFORE** the Council of The Corporation of the Township of Springwater enacts as follows:

**1. DEFINITIONS**

For the purpose of this By-law, the following definitions shall apply:

- 1.1 **ANIMAL CONTROL OFFICER:** means a person or persons appointed or engaged by the Township for the purpose of this By-law and includes the Corporation's Municipal Law Enforcement Officer(s).

- 1.2 **BLIND PERSON:** means a person to whom an identification card has been issued by the Attorney-General or an officer of his Ministry, pursuant to the provisions of Section 4, Subsection 1 of the Blind Persons Rights Act, R.S.O. 1990, Chapter B.7.
- 1.3 **CORPORATION:** means The Corporation of the Township of Springwater.
- 1.4 **DOG:** means any member of the species *Canis familiaris* and shall include a male or female, spayed or neutered dog over the age of 16 weeks, but does not include a guide dog or police work dog.
- 1.5 **DOG TAG:** means the tag or token issued under this By-law evidencing registration of the dog in the Township.
- 1.6 **GUIDE DOG:** means a dog which serves as a guide or leader for a blind or deaf person, or person diagnosed with epilepsy, where such dog has been especially trained for that purpose.
- 1.7 **MULTI-RESIDENTIAL PROPERTY:** means a property which has been zoned for and contains three or more residential units;
- 1.8 **MUNICIPAL LAW ENFORCEMENT OFFICER:** means an Officer appointed by the Council of the Township of Springwater for the purposes of carrying out the enforcement of municipal by-laws.
- 1.9 **MUZZLE:** means the humane fastening or covering device of adequate strength over the mouth of a dog to prevent same from biting or causing injury by mouth.
- 1.10 **OWNER:** means a person who owns, possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor.
- 1.11 **PERSON:** means an individual human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital, any association, firm, partnership or private club.
- 1.12 **POLICE WORK DOG:** means a dog that is trained to aid law enforcement officers and is actually being used for Police work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
- 1.13 **POUND:** means the premises designated by the Corporation or Canine Control Officer for use for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a municipality.
- 1.14 **POUND KEEPER:** means a person designated by the Corporation or Canine Control Officer to maintain a Pound and any servants or agents of such person.
- 1.15 **PROPERTY:** means a property on the last revised Assessment Roll for the Township of Springwater;
- 1.16 **RUNNING AT LARGE:** a dog shall be deemed to be running at large when found on a highway or other public space or any other property other than the property where it is usually kept, and not under the control of any person; and "UNDER CONTROL" shall mean that when a dog is not on the property where it is usually kept, the dog must be leashed or chained, and must be held securely by the person accompanying the dog

and that person must be physically able to control the dog. For the purpose of this By-law, "Run at Large" shall have a corresponding meaning to "Running at Large"

- 1.17 TOWNSHIP: means The Corporation of the Township of Springwater.
- 1.18 VICIOUS DOG: means a dog which has bitten a person or domestic animal.

## **2. LICENSING AND REGISTRATION**

- 2.1 Every owner of a dog within the Township shall, in each and every year on or before the 30th day of June, register each such dog with the Township, obtain a license and dog tag and pay the applicable license fees as set out in Schedule "A" attached hereto and forming part of this By-law.
- 2.2 Such registration and license may be obtained at the Administration Centre of the Township of Springwater or other such locations as may be established by Council from time to time.
- 2.3 Notwithstanding Section 2.1, if an owner acquires a dog on or after July 1st in any year, the owner shall register each such dog with the Township, obtain a license and dog tag and, upon producing proof of purchase, pay 50% of the appropriate license fee as set out in Schedule "A" of this By-law.
- 2.4 An owner who becomes a new resident of the Township after April 30th in any year shall register each dog and obtain a license and dog tag within ten (10) days of taking up residency in the Township, and provided that the owner has a license and current dog tag from another municipality and shows proof of same, shall pay a license fee as set out in Schedule "A" for the balance of the year.
- 2.5 A replacement dog tag will be issued upon receipt of proof of purchase of the lost dog tag purchased for the current year and upon payment of the replacement fee as set out in Schedule "A" of this By-law.
- 2.6 Every dog tag shall bear the serial number and year in which it was issued and a record shall be kept by the Township showing the name and address of the owner and the serial number of the dog tag.
- 2.7 The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced, however the dog tag may be removed while the dog is being lawfully used for hunting within the Township.
- 2.8 Guide Dogs and Police Work Dogs are exempt from the license and dog tag requirements of this By-law. The owner of a guide dog may be required to provide proof to the satisfaction of the Township to qualify for this exemption. Upon voluntary registration, the Township will issue a dog tag at no charge for ease of identification.
- 2.9 Proof of rabies vaccination within the last twelve months shall be supplied upon registration, or renewal of registration, of any dog.
- 2.10 Notwithstanding Section 2.1, a maximum of three licenses and dog tags may be issued for any one property.

- 2.11 Notwithstanding Section 2.1 and Section 2.10, a maximum a one license and dog tag may be issued for any assessed unit in a Multi-Residential property. unit.
- 2.12 An owner may, at the request of the Animal Control Officer, be required to provide proof of the dog having been spayed or neutered, and pay the applicable fee under Section "A" of this By-law;
- 2.13 No license tag or registration shall be transferable and the license tag shall expire and become void upon the sale, death or other means of disposal of the dog so registered and licensed.
- 2.14 Each day that an owner permits a dog to remain without a tag shall constitute a separate offence under this By-law.

### **3. Dog Control**

- 3.1 Where a dog is known to have bitten any person or other animal in the Township, the Animal Control Officer may have the dog impounded and the provisions of the Dog Owner's Liability Act, R.S.O. 1990 and/or the Livestock, Honey Bee or Livestock Protection Act , R.S.O. 1990 may be enforced.
- 3.2 Where a dog is known to have bitten any person or other animal, and where any person on reasonable grounds suspects that a dog may have rabies, an Animal Control Officer shall have the dog impounded and the appropriate health officer for The Corporation of the County of Simcoe shall be notified.
- 3.3 All reasonable and necessary costs incurred and related to the testing and otherwise dealing with a dog under Sections 3.1 and 3.2 shall be invoiced to the owner as a User Fee and shall be paid upon demand to the Township. If an owner fails to pay the user fee to the Township within a period of 90 days from the date of such notice or invoice, such fee or outstanding portion thereof, may be added to the tax roll for the subject property and be collected in like manner as municipal taxes; or where the owner is a tenant on the subject property, such fee may be recoverable in a court of law pursuant to the Provincial Offences Act.
- 3.4 The Township, or its authorized agents and employees, shall be at liberty to seize and impound any dog running at large.
- 3.5 All costs related to the seizing and impounding of a dog, including any necessary veterinarian costs, shall be invoiced to the owner as a User Fee and shall be paid upon demand to the Township. If an owner fails to pay the user fee to the Township within a period of 90 days from the date of such notice or invoice, such fee or outstanding portion thereof, may be added to the tax roll for the subject property and be collected in like manner as municipal taxes; or where the owner is a tenant on the subject property, such fee may be recoverable in a court of law pursuant to the Provincial Offences Act.
- 3.6 An Animal Control Officer may:
  - 3.6.1 Seize and impound any dog found running at large within the limits of the Township;
  - 3.6.2 Take all reasonable measures to identify the owner of the dog for the purpose of returning it to the owners;

- 3.6.3 Have the dog delivered to an approved pound for care;
- 3.6.4 Restore possession of an impounded dog to the owner where the owner claims possession of the dog within three (3) days, excluding statutory holidays and Sundays, after the date of seizure between the hours of 8:30 a.m. to 4:30 p.m., or at such time as arranged with the Animal Control Officer or the Pound keeper. Prior to the issuance of a Release Form for presentation to the Pound keeper, the owner:
  - 3.6.4.1 shall pay to the Township, the Animal Control Officer, or the Pound keeper on behalf of the Township, all pound fees and/or veterinarian costs incurred as set out on Schedule "A" of this By-law;
  - 3.6.4.2 shall, when the dog has not been registered, register and obtain a dog tag for same, including payment of the necessary license fee under the provisions of this By-law, and
  - 3.6.4.3 shall pay all of the costs incurred by the Township under its Animal Control Contract for the seizure and impounding of such dog as set out on Schedule "A" of this By-law;
- 3.6.5 where a dog is seized or impounded under Section 3.6.1, issue Certificate of Offence ordering a fine to be paid by the owner.
- 3.7 Where a dog seized under Section 3.6.1:
  - 3.7.1 is critically injured, or
  - 3.7.2 should be destroyed without delay for humane reasons after being examined by a veterinarian, or
  - 3.7.3 should be destroyed for reasons of safety to persons or animals,the Animal Control Officer or Pound keeper may authorize the dog's humane destruction by a person properly trained in the humane euthanasia procedure without permitting any person to claim possession of the dog.
- 3.8 Where the owner of a dog that has been seized under Section 3.6.1 has not claimed the dog after three (3) days, excluding statutory holidays and Sundays, the Pound keeper may sell the dog, or have the dog put down in the manner described in Section 3.7 above.
- 3.9 If the Animal Control Officer is unable to seize any dog found to be running at large and the owner of such dog is known to the Animal Control Officer, the Animal Control Officer shall issue a Certificate of Offence to the Owner.
- 3.10 **Vicious Dogs**
  - 3.10.1 Every owner of a vicious dog shall ensure that:
    - 3.10.1.1 such dog shall be muzzled at all times, except when it is on the property of the owner. Where the owner of

a vicious dog is a tenant of a property, the exception shall apply only to that portion of the property rented or leased by such owner.

- 3.10.1.2 such dog is licensed with the municipality as a vicious dog in accordance with the fees outlined in Appendix A;
- 3.10.1.3 at all times when off the owner's property, the dog shall be on a leash not longer than two metres and under the control of a responsible person over the age of eighteen who can control the dog;
- 3.10.1.4 when such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent escape of the vicious dog and prevents the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two metres by four metres and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground to a depth of no less than forty-five centimetres (eighteen inches). The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit. Such dog shall not be chained outside as a means of confinement;
- 3.10.1.5 a sign is displayed at the entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a vicious dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare;

3.10.2 Each day that an owner fails to meet the requirements of Sub-Section 3.10.1 dog shall constitute a separate offence under this By-law.

### 3.11 **Unsanitary Conditions Prohibited**

- 3.11.1 No person shall keep a dog in an unsanitary condition within the Township. Conditions shall be considered unsanitary where the keeping of the dog results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which may endanger the health of the dog or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person.
- 3.11.2 Every owner of a dog shall immediately remove any excrement left by such dog on public lands within the Township and shall dispose of such excrement in a sanitary manner.
- 3.11.3 Notwithstanding s. 3.11.2, proof that the owner is either a blind person or a physically disabled person shall constitute a defence to the prosecution of such an offence.
- 3.11.4 Each day that an owner permits an unsanitary condition to continue shall constitute a separate offence under this by-law.

3.12 Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall, if the Animal Control Officer so orders, ensure the dog is provided with and kept in an enclosure which meets the following criteria:

3.12.1 a total area that is at least twice the length of the dog in all directions;

3.12.2 contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and lie in a normal position;

3.12.3 in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times; and

3.12.4 pens and runs must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

3.13 **Three-Dog Limit**

3.13.1 The maximum number of dogs shall be three per property in the Township, unless the land owner possesses a valid Kennel License.

3.13.2 Notwithstanding Sub-section 3.13.1, the maximum number of dogs on a Multi-Residential Property shall be one dog per unit.

**4. OFFENSES AND PENALTIES**

4.1 Every person who:

4.1.1 owns, possesses or harbours a dog without a license issued under the provisions of this By-law, or

4.1.2 owns, possesses or harbours more than three (3) dogs on a property, or

4.1.3 owns, possesses or harbours or permits the ownership, possession or harbouring of more than one (1) dog per unit in a multi-residential property, or

4.1.4 permits a dog to run at large within the limits of the Township, or

4.1.5 fails to muzzle a vicious dog when it is off the property of the owner, or

4.1.6 fails to leash a vicious dog on a leash that is not longer than two metres when the dog is off the property of the owner, or

- 4.1.7 fails to securely confine a vicious dog, as described in s.3.10 of this by-law, or
- 4.1.8 fails to display appropriate signage at entrance to property and building in which a vicious dog is kept, or
- 4.1.9 permits unsanitary condition, or
- 4.1.10 fails to immediately dispose of excrement in a sanitary manner, or
- 4.1.11 fails to provide adequate enclosure, or
- 4.1.12 registers an unspayed female dog as a spayed female, or
- 4.1.13 registers an unneutered male as a neutered male, or
- 4.1.14 uses a tag upon a dog other than that dog for which it was issued, or
- 4.1.15 hinders, disturbs, or obstructs an Animal Control Officer in the carrying out of his or her duties under this by-law;
- 4.1.16 fails to pay costs invoiced by the Township.

is guilty of an offence and upon conviction is liable to a fine under the Provincial Offences Act, R.S.O. 1990, as amended.

- 4.2 It shall not be an offense under Section 4.1.1 or Section 4.1.2, where a person holds a valid kennel license issued under the Township of Springwater Kennel Licensing By-law, or any subsequent by-law which may be passed from time to time with respect to the licensing and regulation of kennels.
- 4.3 Every person who is found guilty of an offense under any provision of this By-law is liable to a fine pursuant to the Provincial Offences Act, R.S.O. 1990 as amended.
- 4.4 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge may convict any offender repeatedly for continued or subsequent breaches of the By-law, and the provisions of the Municipal Act, R.S.O. 1990, c.M45, S.327, as amended from time to time, shall further apply to any continued or repeated breach of this By-law.

## 5. GENERAL

- 5.1 If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of the Council or are invalid for any reason such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

## 6. REPEAL

- 6.1 THAT By-laws No. 96-032 and 98-015 be and are hereby repealed.

## 7. ENACTMENT

THAT this By-law shall take force and effect upon final passage hereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
3RD DAY OF DECEMBER, 2001**

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

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**Mayor Helen E. Coutts**

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**Clerk Eleanor J. Rath**

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**  
**SCHEDULE "A" TO BY-LAW NO. 2001-147**

**DOG LICENSING FEES:**

For the purposes of this By-law, the following Dog Licensing Fees shall apply:

**1. LICENSE FEES ON OR BEFORE APRIL 30TH**

**First Dog:**

Neutered Male or Spayed Female	\$16.00
Male or Female, not neutered or spayed	\$21.00

**Second or Third Dog:**

Neutered Male or Spayed Female	\$17.00
Male or Female, not neutered or spayed	\$23.00

**2. LICENSE FEES AFTER APRIL 30TH**

**First Dog:**

Neutered Male or Spayed Female	\$30.00
Male or Female, not neutered or spayed	\$30.00

**Second or Third Dog:**

Neutered Male or Spayed Female	\$30.00
Male or Female, not neutered or spayed	\$30.00

**3. NEW DOGS**

Residents who acquire a dog on or after July 1st in any given year shall only be required to pay 50% of the appropriate fee set out above. Proof of purchase required.

**4. NEW RESIDENTS**

New residents shall register their dog(s) within 10 days of taking up residency in the Township. An owner who becomes a new resident after April 30th shall, upon providing a valid dog license for the current year from another municipality, be required to pay a fee of \$5.00 for the balance of the year.

**5. REPLACEMENT DOG TAG**

Replacement dog tags can be obtained at a cost of \$5.00 per tag.

**6. PROOF OF RABIES VACCINATION**

Proof of rabies vaccination within the last 12 months shall be produced before a dog tag can be issued.

**7. EXEMPTIONS**

A dog tag is not required for a Guide Dog or a Police Work Dog. A dog tag is not required for any dog in a licensed kennel. However, voluntary registration and a FREE tag for ease of identification purposes is available upon request.

**USER FEES:**

- Veterinarian Fees** as per invoice
- Pound Fees** as per Animal Control Contract
- Animal Control Officer Fee** as per Animal Control Contract based on the following formula:  
50% of the Animal Control Officer Fee for the first occurrence per dog

75% of the Animal Control Officer Fee for the second occurrence per dog

100% of the Animal Control Officer Fee for the third and subsequent occurrence per dog