

THE CORPORATION OF THE TOWNSHIP of BILLINGS

BY-LAW 2020-24

Being a by-law to provide for the control of dogs

WHEREAS Section 103 of the *Municipal Act S.O.2001* as amended provides that by-laws may be passed by the Councils of local municipalities for licensing, keeping and prohibiting or regulating the running at large of dogs within the Municipality; and,

WHEREAS section 429 (1) of the *Municipal Act* states a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act; and,

WHEREAS The Township of Billings recognizes the rights of property owners to enjoy the possession of dogs; and,

WHEREAS The Township of Billings protects its residents and their properties from nuisance and vicious dogs; and,

WHEREAS The Township of Billings deems it desirable to control dogs within the boundaries of the Township;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BILLINGS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

In this by-law the following definitions shall apply:

- 1.1 "Animal Control Officer" means the person appointed by the Council for the purpose of this by-law;
- 1.2 "Dog" means a domestic canine animal, male or female, which is four months of age or older but does not include a guide dog within the meaning of the Blind Persons Act, as amended, or a Police Work Dog.
- 1.3 "Dog Fostering" means keeping a dog in a residence for up to 90 days or a length of time agreed upon with the By-Law Enforcement Officer. until the dog is taken to an animal shelter or adopted into a new home;
- 1.4 "Emotional Support Animal" means an animal that provides comfort or security, but does not have any specific task training;
- 1.5 "Harbour" means having care, custody or control of a dog;
- 1.6 "Leash" means a chain, rope, line, cord or other device not exceeding 2 metres (6 feet 6 inches) in length which is used to secure or restrain a dog;
- 1.7 "Township" means the Corporation of the Township of Billings.
- 1.8 "Municipal By-Law Enforcement Officer" means a person who is appointed by the Council of the Township of Billings for the purpose of enforcing the municipality's by-laws.
- 1.9 "Nuisance Dog" means a dog that causes a disturbance with persistent barking, calling or any other sound.
- 1.10 "Owner" means any person who owns, possesses, keeps or harbours a dog for any period of time, and where the owner of the dog is a minor, the person responsible for custody of the minor;
- 1.11 "Pit Bull" means as defined in the Dog Owners Liability Act R.S.O. Chapter D.16 section 1.1;
- 1.12 "Pound" means the premises or facility that is used for the detention, maintenance or disposal of dogs that have been impounded in accordance m
- 1.13 "Pound Keeper" means a person or organization responsible for maintaining the pound on behalf of the Township for the purpose of enforcing or carrying out the provisions of this by-law.
- 1.14 "Rescue Dog" means a dog that is waiting to be placed into a new home after being abused, neglected or abandoned by the previous owner;
- 1.15 "Running At Large" means that a dog be deemed at large if found on premises other than that of the owner of the dog or not under the care and control of a person who is physically capable of restraining the dog.
- 1.16 "Service Dog" means any dog trained by a recognized school or organization to perform tasks for the benefit of an individual;

- 1.17 "Single Dwelling Unit" means a building structure that is maintained and used as a single dwelling;
- 1.18 "Sporting Dog" means one of several breeds of dogs especially suited by size and training for hunting, pointing or retrieving game. Typical sporting dog breeds are pointers, setters, retrievers or spaniels.
- 1.19 "Vicious Dog" means a dog that is known to have made an unprovoked attack or bite which caused physical injury to a person or another domestic animal.
- 1.20 "Working Dog" means one of several breeds of large and powerful dogs originally developed to assist people as draft animals, guard dogs that would include Boxers, Mastiffs, Doberman Pinscher, Great Dane, St. Bernard and Siberian Husky.

2.0 KEEPING OF DOGS

- 2.1 Every person who owns a Dog in the Township shall provide such Dog or cause it to be provided with such food, potable water, exercise and attention as may be required to keep it in good health.
- 2.2 If a Dog is customarily kept outdoors, the person who owns such a Dog shall at all times provide for its use; a structurally sound, weather proof enclosure with off ground flooring.
- 2.3 No person in the Township shall keep a Dog tethered on a chain, rope or similar restraining device of less than 2.4 metres in length.
- 2.4 Every Owner of a Dog shall forthwith remove any excrement left by a dog on any land in the Township.
- 2.5 Every Owner of a Dog must remove excrement from their property in a timely manner so as not to disturb the enjoyment, comfort or convenience of persons or property owners in the vicinity of their premises or property.
- 2.6 The Owner of a Dog shall be deemed responsible for damages to public or private property known to be caused by their Dog and pay compensation for such damages.
- 2.7 Dog Owners shall only have 3 Dogs per single dwelling unit.
- 2.8 Dog Owners who possess more than 3 Dogs prior to the passing of this Bylaw will be permitted to keep the Dogs that they currently have, with the understanding that any Dog, over the limit of 3 Dogs, shall not be replaced upon the death or sale of the Dog.
- 2.9 Any Dog Owner who possesses more than three Dogs for the purpose work or sport shall notify the Township of the number of Dogs that they are keeping as well the breeds of the Dogs that they are keeping.

3.0 VICIOUS DOGS

- 3.1 The Township shall investigate and keep on file, records of reported citizen or police complaints of unprovoked Dog attacks.
- 3.2 The Owner of a Vicious Dog shall, at all times, when not in the Owner's dwelling but otherwise within the boundaries of the Owner's land, be secured in one of the following manners so as to prevent the Dog from escaping and to prevent the Dog from causing injury to any person or other domestic animal entering onto the Owner's lands:
- a) The Dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the Dog is in the fenced yard, or:
 - b) The Dog shall be located within an enclosed run designed in such a fashion and made of such material which will prevent the Dog from digging its way out or otherwise escaping from the enclosed run.
 - c) The Dog shall be muzzled so as to prevent it from biting a person or other domestic animal and be securely leashed on a leash or chain, by the Owner or designate who is of age and stature to restrain the Dog.
- 3.3 The Owner of a Vicious Dog shall at all times when the Dog is outside the boundaries of the Owner's land, keep the Dog muzzled so as to prevent the Dog from biting a person or other domestic animal, and be securely leashed to the Owner or a designate who is of age and stature to restrain the Dog, unless it is on the lands of a person who has consented to it being on his lands, in which case the provisions of paragraph 2 of this section apply.

4.0 NUISANCE DOGS

- 4.1 The persistent barking, calling or any sound (over 5 minutes and/or multiple times) made by a Dog which disturbs the peace, quiet, comfort or repose of an individual at any time of the day shall not be permitted. Owners of Nuisance Dogs will be deemed responsible for creating the disturbance.
- 4.2 Dog Owners are prohibited from allowing their Dogs to create a disturbance by allowing persistent barking or making of noises.

5.0 FOSTER DOGS/RESCUE DOGS

- 5.1 Foster/Rescue Dogs in the care of a person affiliated with a recognized Dog Fostering/Rescuing organization and who is registered with the Township will be permitted to exceed the limit of Dogs in a single dwelling identified in Section 2.7 for 90 days or a length of time agreed to with the Municipal By-Law Enforcement Officer, and up to a maximum of 5 Dogs totalled.
- 5.2 Persons who are affiliated with a recognized Dog Fostering/Rescuing organization shall register themselves with the Township office.

6.0 SERVICE DOGS/EMOTIONAL SUPPORT DOGS

- 6.1 The Township will recognize and support the use of Service, Police Work Dogs and Emotional Support Dogs in Township facilities.

7.0 DOGS RUNNING AT LARGE

- 7.1 No person in control of a Dog or a Dog Owner shall allow their Dog(s) to Run At Large in the Township.
- 7.2 No person in control of a Dog or a Dog Owner shall permit their dog to trespass on private property whether the on a Leash or not, unless permission for said trespass is first obtained from the property owner.
- 7.3 Every Owner shall ensure that their Dog is on a Leash when on any Township owned property or Township owned facility.

8.0 DOG IMPOUNDMENT

- 8.1 The Township shall have an agreement with an Animal Control Officer who shall provide Dog pound/pound keeper services for the Township.
- 8.2 Where a Dog is seized and impounded under authority of this By-Law, the Owner , if known, and whether the Dog is claimed from the pound or not shall be liable for the pound and maintenance fees prescribed and shall be liable to the pound keeper and the Municipal Law Enforcement Officer which fees may be recoverable under the Provincial Offences Act, R.S.O. 1990, as amended.
- 8.3 Dogs shall be accepted by the Animal Control Officer where they deem to do so as a danger to themselves, other persons, or other domestic animals in which case the Dog may be humanely destroyed without delay.

9.0 ENFORCEMENT AND PENALTIES

- 9.1 This By-Law shall be enforced by the Municipal By-Law Enforcement Officer and/or an Animal Control Officer.
- 9.2 No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this by-law.
- 9.3 Every person who contravenes a provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provide for in the Provincial Offences Act. R.S.O. 1990, c.P.33 as amended.

9.4 If any part, section subsection, clause or paragraph of this by-law, is for any reason held invalid, such portions shall be deemed separate, distinct and independent and such holding shall not affect the validity of the By-Law as a whole or any part thereof, other than the provision, so declared to be invalid.

10.0 REPEAL

10.1 This by-law repeals Township of Billings by-law 2013-27.

10.2 This by-law shall be known as the Dog Control by-law.

10.3 This by-law will come into affect upon the date the by-law is passed by Council.

Read a first time in open council this 20th day of July, 2020.

Read a second and third time in open council and enacted this 1st day of September, 2020.



Ian Anderson, Mayor



Kathy McDonald, CAO/Clerk

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BY-LAW 2020-24

Schedule 'A'

Part 1 Provincial Offences Act

BY-LAW 2020-24: Being a bylaw to provide for the control of dogs

Item	Short form wording	Provision Creating or Defining Offence	Set Fine
1	Failure to take proper care of Dog	Section 2.1	\$500.00
2	Failure to provide proper enclosure.	Section 2.2	\$100.00
3	Use inappropriate tether.	Section 2.3	\$50.00
4	Failure to remove excrement from Town property.	Section 2.4	\$100.00
5	Not removing excrement in a timely manner.	Section 2.5	\$100.00
6	Possessing more than 3 Dogs.	Section 2.7	\$200.00
7	Failure to properly fence a Vicious Dog	Section 3.2 (a) (b)	\$250.00
8	Failure to muzzle and properly secure a Vicious Dog on a leash.	Section 3.3	\$250.00
9	Nuisance Dog creating a disturbance.	Section 4.2	\$100.00
10	Allowing a Dog to Run At Large.	Section 7.1	\$100.00
11	Allowing Dog to trespass on private property.	Section 7.2	\$100.00
12	Dog not on a leash on Town property.	Section 7.3	\$100.00
14	Hinder or Obstruct	Section 9.2	\$500.00
15	Attempt to hinder or Obstruct	Section 9.2	\$500.00

Note: The penalty provision for the offences indicated above is section 9.3 of this By-law No. 2020-24 of which a certified copy has been filed.