

The Corporation of the Township of
Algonquin Highlands
By-Law 2024-18

**Being a By-Law to Regulate the Keeping and Control of Dogs within
the Township of Algonquin Highlands**

Whereas section 11(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a single-tier municipality may pass by-laws respecting matters within its sphere of jurisdiction;

And Whereas section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides a lower-tier municipality to pass by-laws respecting "Animals";

And Whereas section 103 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, authorizes the Council of a municipality to pass by-laws regulating or prohibiting with respect to the being at large or trespassing of and control of dogs in the Township of Algonquin Highlands;

And Whereas section 8(3) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a by-law under Section 11 respecting a matter may:
Regulate or prohibit respecting the matter.
Requires persons to do things respecting the matter.
Provide for a system of licences respecting the matter.

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 425(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

And Whereas section 426 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, 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(1) 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 passed under the Municipal Act, 2001;

And Whereas section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434.2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

And Whereas section 436 of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that 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 compliance with a by-law, or an order made under a by-law, or court order made under this Act;

Now Therefore the Council of the Corporation of the Township of Algonquin Highlands enacts as follows:

Section 1 - Short Title

1.1 The short title of this by-law is the "Dog Control By-law".

Section 2 - Definitions

- 2.1 **Act:** means the Dog Owners' Liability Act, R.S.O. 1990, c.D.16, as amended, or any Act and Regulations enacted in substitutions, therefore.
- 2.2 **Bite:** means a puncture wound to the skin because of contact with a dog's tooth or teeth and bitten has a corresponding meaning.
- 2.3 **Dangerous Dog:** means any dog that:
 (a) has killed a domestic animal, without provocation.
 (b) has bitten or attacked a person or domestic animal without provocation.
 (c) has shown the disposition or tendency to be threatening or aggressive; or,
 (d) has been declared dangerous in another Municipality
- 2.4 **Dog:** means a male or female domesticated canine, service dog, and over the age of 4 months.
- 2.5 **Domestic Animal:** An animal, as a horse or cat, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
- 2.6 **Committee:** means a committee established by Council.
- 2.7 **Council:** means the Council of The Corporation of the Township of Algonquin Highlands.
- 2.8 **Kennel:** shall mean a building or structure where more than 3 dogs are kept, bred, or boarded on a commercial basis, and the said Kennel must be lawfully operated in accordance with the Township's Zoning By-Law.
- 2.9 **Leash:** means a chain, rope, or other similar device which is designed to be held by a person and is used or designed to be used to restrain a dog.
- 2.10 **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.
- 2.11 **Muzzle Order:** means a Muzzle Order issued by the Township.
- 2.12 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, or other individual duly appointed to enforce this by-law.
- 2.13 **Owner:** means and includes any person who possesses or owns a dog within the Township. Where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner of the dog.
- 2.14 **Person:** means a person, property owner, tenant, spouse, firm, partnership, corporation, company, association, or organization of any kind.
- 2.15 **Pound:** means premises that are used for the sheltering, keeping, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a Township or the Dog Owners' Liability Act.
- 2.16 **Pound Keeper:** means the person or agency designated for the Township to oversee and operate the Pound.
- 2.17 **Possess:** shall mean owning, having care, custody or control of a dog;
- 2.18 **Redemption Period:** means minimum three (3) days, excluding the day on which the dog was impounded, or such longer period as the regulations prescribe and holidays and days Pound is closed shall not be included in calculating any redemption period. As per Section 20(1) of the Animals for Research Act, R.S.O. 1990, c. A.22.

- 2.19 **Running at Large:** means the running at large of a dog when it is found on a highway, public space, or any other property, other than the property where it is usually kept, and not under the control of any person.
- 2.20 **Service Dog:** means a dog trained to perform specific tasks for a person with disabilities.
- 2.21 **Without Provocation:** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

Section 3 - Licensing

- 3.1 Every person who resides in the Township of Algonquin Highlands and owns a dog shall obtain a licence and register the dog with the Township. This does not include Short-Term Rental guests.
- 3.2 When applying for a license (registering the dog with the Township) the Owner must submit the following information:
- a) Owner contact information – full name, address, email, and phone number.
 - b) Pet information – name, colour, breed, gender, and whether the pet has been spayed/neutered.
 - c) Address where the dog will be situated in the Township.
 - d) Microchip identification number (if applicable).
 - e) Owner shall advise whether their pet has received current rabies vaccination of the dog and shall provide the Township such information.
- 3.3 Every Owner shall notify the Township within seven (7) days of any changes to the registration of their dog.
- 3.4 The licensing fee is in accordance with the Township's Comprehensive Fees and Charges By-law and shall be for the lifetime of the dog.
- 3.5 Upon obtaining a licence bearing a serial number. This licence shall remain securely affixed to the dog collar and worn at all times.
- 3.6 In the event the dog licence is lost and/or worn and unreadable, the dog owner shall, upon satisfying the Township that the licence is lost or worn and unreadable, be entitled to receive a replacement license upon payment as indicated in Township's Comprehensive Fees and Charges By-law.
- 3.7 No Owner of a dog shall use a licence issued for any dog other than the dog for which the licence was issued.

Section 4 – Responsibilities of Dog Owner

- 4.1 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 Township.
- 4.2 Every Owner shall exercise reasonable precautions to prevent their dog from biting or attacking a person or domestic animal.
- 4.3 Every Owner shall, upon leaving their property, ensure the dog is properly leashed and if stipulated, muzzled.
- 4.4 No person who owns or keeps a dog, or dogs, shall knowingly or unknowingly permit such dog, or dogs to run at large, on private or municipal property other

than the premises of the owner. Except that nothing in this by-law shall prevent the lawful use of a dog or dogs for hunting during legal hunting season.

- 4.5 No Owner shall allow a dog to trespass on private property, even when on leash.
- 4.6 No Owner shall have a dog on public property unless the dog is leashed and under control.
- 4.7 No Owner shall permit a dog to be within a Township owned or operated facility or building used by the public at any time with exception of a Service Dog, unless during an event where dogs have been approved or where Council has deemed permitted.
- 4.8 Every person being the Owner of a Kennel within the Township of Algonquin Highlands shall pay an annual Kennel fee on or before the 1st day of January each year, or within 30 days of establishing such Kennel, in accordance with Township's Comprehensive Fees and Charges By-law.

Section 5 – Seize and Impound

- 5.1 Any Officer may seize and impound any dog that is found running at large and deliver to the Pound and notify the Pound Keeper.
- 5.2 Any Officer shall, within 24 hours from the seizure of any dog bearing a Township license notify the Owner that the dog has been impounded and conditions whereby the dog can be reclaimed.
- 5.3 The Pound Keeper shall keep any impounded dog for a redemption period of (3) three days, excluding the day on which the dog is impounded, statutory holidays, and days on which the pound is closed as per Section 20(1) of the Animals for Research Act, R.S.O. 1990, c. A.22.
- 5.4 During the redemption period, the Owner of an impounded dog may redeem it if the Owner:
 - a) Pays all fines and licencing fees to the Township.
 - b) Pays the Pound Keeper for boarding fee(s) per day for each day the dog has been in the pound, commencing the day the dog is seized and including the day the dog is removed from the pound.
 - c) Provides evidence satisfactory to the Pound Keeper that they own the dog.
 - d) Provides evidence satisfactory to the Pound Keeper that the dog is licensed under this by-law and if not, licenses the dog in accordance with this by-law.
- 5.5 After the expiration of the redemption period, the Pound Keeper may rehome and/or have the dog put up for adoption, and the Pound Keepers shall collect and retain an adoption fee for said service.

Section 6 - Dangerous Dog / Muzzle Order

- 6.1 An Officer may declare a dog a Dangerous Dog:
 - a) Upon receipt of a signed Statement of a Witness – Dog Incident form, attested to by a witness who saw the dog commit an action consistent with that of a Dangerous Dog. The Statement must identify the dog, the Owner and Owner's address; or
 - b) Upon receipt by the Township of a signed Statement attested to by the Director or Administrator/Clerk of another municipality where the dog has been declared dangerous.
 - c) After an Officer has conducted a full investigation into the manner in which the dog incident happened.

- 6.2 Where a dog is declared a Dangerous Dog, a Muzzle Order shall be served on the Owner of the dog by an Officer, and shall include the following requirements on the Owner:
- a) When the dog is on the property of the Owner, the dog shall be inside a building or house, or restrained to the side or rear yard with a securely placed leash or a fully enclosed pen of sufficient design and strength to contain the dog.
 - b) When the dog is off the property of the Owner, the dog shall be restrained by means of a securely attached muzzle, a leash with a maximum length of one (1) meter of sufficient strength and under the effective control of a person sixteen (16) years of age or older.
 - c) The Owner of the dog shall display a warning sign at the main entrance of the property that is clearly visible, warning of a Dangerous Dog.
 - d) Provide the Township with a copy of current rabies vaccination records, and,
 - e) Notify the By-law Department as to any changes of residency of the Dangerous Dog, transfer of ownership to another person or if the Dangerous Dog has been destroyed.
- 6.3 A Muzzle Order shall be served personally or by registered mail to the last known address of the Owner. Such an Order that has been served by registered mail shall be deemed to have been received by the person to whom it was served to on the fifth (5th) day after it is mailed.
- 6.4 Upon request, the Owner of the dog is entitled to a hearing by Council, or by a Committee or by a designated official from the Township, which may amend, confirm, or rescind the Order upon examining all the facts. The dog may be exempted from muzzling, or the conditions of muzzling will continue to apply.
- 6.5 The Owner of the Dangerous Dog shall comply with all terms and requirements made in the Muzzle Order.
- 6.6 The provisions of this section do not prevent, supersede, or quell proceedings pursuant to the Dog Owners' Liability Act by any other party and does not prevent the Officer from proceeding under the Dog Owners' Liability Act in place of this section, where warranted.

Section 7 - Exemptions

- 7.1 Police Working Dogs shall be considered exempt from the Dangerous Dog provisions of this by-law.
- 7.2 Any owner whose primary residence is outside the Township and has registered their dog with their respective municipality shall be exempt from section 3.1, provided that upon request by an Officer, shall provide supporting documentation.

Section 8 - Powers of Entry

- 8.1 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law.
- 8.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this by-law.

Section 9 - Administration and Enforcement Provisions

- 9.1 This By-law shall be administered by the Chief Building Official or designate.

9.2 This By-law shall be enforced by an Officer.

Section 10 - Administrative Penalties

- 10.1 An Officer who finds that a person has contravened any provision of this by-law may issue a penalty notice addressed to that person.
- 10.2 Any person who contravenes any provision of this by-law shall, upon issuance of a penalty notice pursuant to Section 10.1, is liable to pay to the Township an administrative penalty in the amount of \$100.00 dollars.
- 10.3 The penalty notice shall be given to the person to whom or to which it is addressed as soon as is reasonably practicable and shall include the following information:
- a) particulars of the contravention, including to which property it applies;
 - b) the amount of the administrative penalty; and
 - c) a statement advising that an administrative penalty will constitute a debt to the Township.
- 10.4 A person who has been issued a penalty notice shall pay the administrative penalty within fifteen (15) days from the date the notice was issued.
- 10.5 An administrative penalty that is deemed to be confirmed constitutes a debt to the Township and may be added to the tax roll of the Owners' property.

Section 11 - Service of Documents

- 11.1 The Township may serve any document under this by-law, including but not limited to a penalty notice, personally to the person named on the notice, by registered or regular mail addressed to the person to whom the document is to be given at the person's last known address.
- 11.2 Service by registered or regular mail under subsection 11.1 shall be deemed to have been made on the fifth (5th) day after the day of mailing.
- 11.3 A person's last known address includes the address provided by the person to the Township as identified in the property tax file.

Section 12 - Offence and Penalty Provisions

- 12.1 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, as amended.
- 12.2 Every person who contravenes a by-law enacted by the Township of Algonquin Highlands may be subject to Administrative Penalty, as permitted under Section 434.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 12.3 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 13 - Severability

- 13.1 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.

Section 14 - Implementation


14.1 This by-law shall come into full force and effect September 19, 2024.

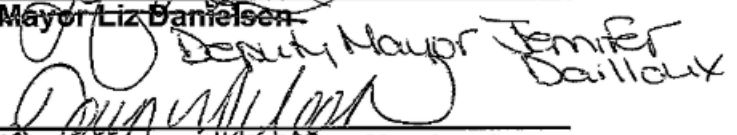
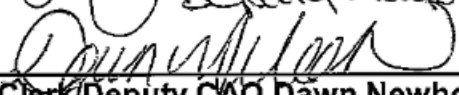
Section 15 - Repeal

15.1 On the date this By-law comes into force and effect, By-law 2013-21 is hereby repealed.

15.2 Any notice or order issued, proceeding being conducted, or other action being carried out under By-Law 2013-21 is deemed to continue under this By-Law.

READ a First, Second and Third time and passed this 5th day of September 2024.



Mayor Liz Danielsen

Deputy Mayor Jennifer Dailloux


Clerk/Deputy CAO Dawn Newhook

The Corporation of the Township of Algonquin Highlands

Part 1 Provincial Offences Act

Schedule "A" By-law 2024-18: Dog Control By-law

<u>Item</u>	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Provision Creating or Defining Offence	<u>Column 3</u> Set Fine
1.	Fail to obtain Licence	Section 3.1	\$150.00
2.	Fail to remove excrement	Section 4.1	\$150.00
3.	Fail to exercise reasonable precaution to prevent bite/attack	Section 4.2	\$300.00
4.	Allow dog to run at large	Section 4.4	\$150.00
5.	Allow dog to trespass on private property	Section 4.5	\$150.00
6.	Allow dog on public property - not leashed	Section 4.6	\$150.00
7.	Allow dog into a Township facility or building without approval	Section 4.7	\$150.00
8.	Kennel owner - fail to pay annual fee	Section 4.8	\$200.00
9.	Fail to comply with Muzzle Order	Section 6.2	\$150.00
10.	Hinder or obstruct an officer performing a duty under this by-law	Section 8.2	\$300.00

"Note: The penalty provision for the offences indicated above is Section 12.1 of the By-Law No. 2024-18, a certified copy of which has been filed".