

The Corporation of the City of Owen Sound

By-law No. 2024-XXX

A By-law to licence, regulate and control dogs within the City of Owen Sound

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Municipal Act”) authorizes the council of a lower-tier municipality to pass by-laws regulating animals; and

WHEREAS section 103 of the Municipal Act authorizes a municipality to seize and impound an animal at large or trespassing and to sell impounded animals; and

WHEREAS section 105 of the Municipal Act requires that the council of a municipality that requires the muzzling of dogs in any circumstance to afford dog owners hearings with respect to muzzle orders; and

WHEREAS section 23.1 of the Municipal Act authorizes a municipality to delegate its powers and duties subject to certain restrictions; and

WHEREAS section 23.2 of the Municipal Act allows a delegation of authority for quasi-judicial powers under the Municipal Act to a body having at least two members of whom at least 50 per cent (50%) are individuals appointed by its council;

WHEREAS the Municipal Act further authorizes a municipality amongst other things, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work; and

WHEREAS on XXX, the Council of The Corporation of Owen Sound passed Resolution No. XXX directing staff to bring forward the subject by-law for approval and to repeal By-law No. 2011-156, in consideration of staff report XXX;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

1. This by-law may be referred to as the “Dog By-law” and when so referenced includes all future amendments, unless otherwise specified.

Purpose

2. This by-law has been enacted to:
 - a. provide for the control of and care of dogs; and
 - b. protect the health and well-being of the public.

Scope

3. This by-law applies to all residents and visitors to the City.

Part II. Interpretation

Headings

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and do not affect the interpretation of the by-law.

Gender and Number

5. In this by-law, unless the contrary intention is indicated, words used in the singular include the plural and words imparting a gender include all genders, where applicable.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended, extended or re-enacted from time to time.

Severability

7. In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions will remain in full force and effect.

Definitions

8. For the purposes of this by-law:

“adopt” means, in relation to a dog, to legally take ownership of a dog for a fee;

“animal” means any mammal, bird or reptile, other than a dog or cat;

“animal shelter” means a premises and facilities that are operated by or under the direction of the City and used for the confinement, maintenance or disposal of domestic animals, including dogs, that have been impounded pursuant to this By-law;

“at large” means a dog that is:

- a. not within the dwelling unit of or on the premises of its owner or within the dwelling unit or on premises of another person with the consent of that person; and
- b. not on a leash and under the effect control of a person who has the strength and capacity to securely control the dog so as to not permit or allow unwanted contact with another person or a domestic animal;

“attack” means aggressive behaviour initiated by the dog resulting in unwanted physical contact that causes injury to a person or domestic animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries, or damage to clothing;

“bite” means the breaking, puncturing of the skin of a person or domestic animal caused by the tooth or teeth of a dog and “biting” has a similar meaning;

“business day” means Monday to Friday, except for a statutory or civic holiday;

“cat” means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat;

“City” means The Corporation of the City of Owen Sound or the geographical location as the context requires;

“dangerous dog” means a dog that, without justification, has attacked or bitten a person or significantly injured or killed another domestic animal, caused significant public property damage or damage to property owned by third parties, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to

one or more persons or domestic animals and where the conditions in this by-law excusing a dangerous dog do not exist;

"dispose" means, in relation to a dog, to transfer a dog to the control of another, with or without a fee;

"dog" means a male or female canine of any breed of domesticated canine or crossbreed of a domesticated canine;

"domestic animal" means a dog, cat, or similar animal kept as a pet which is generally understood to be domesticated and is typically kept indoors at a dwelling unit;

"dwelling unit" means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants;

"euthanasia" means to humanely hasten the end of life;

"guide dog" means a guide dog as defined in section 1 of the *Blind Persons' Rights Act*;

"harbour" means to provide food or shelter to a dog;

"hearing committee" means the quasi-judicial City committee whose members are appointed by by-law and are delegated the authority for hearings related to dangerous dog orders, among other things;

"impound" means to seize and assume the care and control of a dog pursuant to this by-law;

"keep" means, in relation to a dog, to provide care to the dog or to own, harbour, possess or have control over, whether temporary or permanent and "keeping" or "kept" have similar meanings;

"kennel" means an establishment where more than three dogs may be bred, raised, trained, or boarded;

"leash" means a restraining device not exceeding 1 metre in length in the case of a dog found to be a dangerous dog under this By-law and, otherwise, not exceeding 1.8 metres in length which is attached to the collar or harness worn by a dog and of sufficient strength to restrain the dog;

"licence" means a license issued under this By-law and includes a renewal license and "licensed" in reference to a dog means there is a current, unrevoked license issued for that dog;

"licence issuer" means the City Clerk and includes their authorized designate or designates with respect to any authority delegated by the licence issuer to such designate;

"muzzle" means a humane fastening or covering device that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink and "muzzling" means to cause the dog to wear a muzzle and "muzzled" means the dog is wearing a muzzle;

"owner" means, in relation to a dog, one of more persons who possess, harbour or have custody of a dog and where the person is a minor under the age of eighteen (18) year, the person responsible for the custody of the minor;

“officer” means a By-law Enforcement Officer appointed by the City to enforce the provisions of by-laws, a City police officer appointed under the *Community Safety and Policing Act* or its predecessor legislation and a person who has entered into a contract with the City to control dogs;

“police work dog” means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;

“premises” means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

“premises owner” means the person or persons who are shown as the registered owner or owners of the premises, in the City’s assessment roll books, and includes family members of the premises owner who may be residing at such premises and any tenant of the premises owner or other person occupying all or part of the premises;

“Provincial Offences Act” means the *Provincial Offences Act*, RSO 1990, c. P.33;

“reclamation period” means that period of time within which the owner of a dog that has been impounded in the animal shelter has the right to redeem it;

“serious injury” means any physical injury resulting in broken bones, internal injuries or a permanently disfiguring laceration that requires stitches or cosmetic surgery;

“tether” means a rope, chain, cord or similar restraining device used in tethering a dog;

“tethered” means a tether has been fastened to the collar or halter on a dog to a fixed object, so that the dog can only range in an area limited to the length of such tether and “tethering” means the action of affixing a tether; and

“veterinarian” means a person registered as a veterinarian under the Veterinarians Act, R.S.O. 1990, c. V.3 or successor legislation.

Part III. Administration and Delegation

Administration

9. The administration of this By-law is assigned to the licence issuer who is delegated the authority to:
 - a. make all decisions required of the license issuer under this By-law;
 - b. perform all administrative functions referred to herein and those incidental to and necessary for the due administration and implementation this By-law;
 - c. establish and amend from time to time, such forms, documents, and such standards, protocols and procedures as the license issuer may determine are required to implement and administer this By-law;
 - d. develop, implement and promote programs and guidelines to encourage responsible ownership and the control and care of dogs in the City, provided same are consistent with the spirit of this By-law and within Council established budgets.

Delegation

10. The licence issuer may delegate the performance of any one or more of their functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The licence issuer may continue to exercise any function delegated during the delegation.
11. Unless specifically provided to the contrary in this By-law, the decisions of the license issuer are final and not subject to appeal.
12. Without limiting the generality of section 10, the license issuer may, from time to time enter into agreements, in a form established by the license issuer to authorize persons who are not City employees to issue licenses on behalf of the license issuer, pursuant to this by-law and subject to the terms and conditions of the agreement. The license issuer may authorize payment of such persons of the applicable commission for such service, established by the license issuer from time to time. the license issuer may terminate any such agreement in writing, in accordance with the provisions of the agreement.

Part IV. Licensing**Licence required**

13. Every owner of a dog must secure a licence for the dog from the licence issuer within the later of:
 - a. the dog reaching the age of twelve (12) weeks; and
 - b. seven (7) days of becoming the owner of the dog.
14. The onus of proof of the age of the dog and of the date of ownership rests with the owner of the dog.
15. Every owner of a dog must maintain a current licence for the dog, which licence will be renewed annually.
16. No person under the age of eighteen (18) is entitled to a licence.

Tag required

17. Except as provided to the contrary in section 18 below, every owner of a dog for which a licence has been issued must ensure that the tag corresponding to that licence is securely attached and remains securely attached to the dog for which it was provided.
18. Despite section 17 above, an owner need not attach a tag or have the tag attached to a dog that:
 - a. is within the dwelling unit or on the premises of its owner;
 - b. requires the tag be removed, as determined by a veterinarian, for medical treatment and evidence of such requirement is produced upon request of an officer; or
 - c. is a police work dog while it is work.
19. No person may remove a tag from a dog without the consent of the dog's owner.
20. No person may attach a tag to a dog other than the dog which it was provided.

21. No owner of a dog may allow or permit their dog to have attached to it, a tag other than the tag provided for that dog.
22. No person may attach a tag to a dog once the license for which the tag was issued has been revoked.
23. No owner may permit a tag to continue to be attached to a dog once the license for which the tag was issued has been revoked.
24. Every tag issued by the license issuer remains the property of the City and must be surrendered upon request to the license issuer of an officer after:
 - a. the death of the dog;
 - b. a change in ownership of the dog; or
 - c. the revocation of the license for which the tag was issued.

Licence application and renewal

25. Every applicant for a license or renewal of a license under this By-law must file with or provide to the license issuer:
 - a. an application in the form established by the license issuer from time to time;
 - b. where applicable, evidence satisfactory to the license issuer that the dog has been spayed or neutered;
 - c. where applicable, evidence satisfactory to the license issuer that the dog for which the license is applied is a guide dog or a police work dog;
 - d. where a dog has been found to be a dangerous dog, evidence of insurance compliant with section 59 and evidence the dog has been vaccinated against rabies within the past year; and
 - e. except as provided to the contrary in section 27, payment of the applicable fee for applying for a license, as determined by the City's Fees and Charges By-law.

Fee reductions and exceptions

26. Where a dog licence application includes satisfactory evidence that the dog has been spayed or neutered, a reduced fee, as determined by the City's Fees and Charges By-law, will be charged.
27. Despite subsection 25.e. above, an application fee is not required on an application for a licence or renewal where the application is submitted for a guide dog or police work dog.
28. No application fee will be refundable for any reason.

Refusal to issue licence

29. The license issuer will refuse to issue or renew a license for a dog where the license issuer is not satisfied that:
 - a. the applicant is eighteen (18) years of age or older;
 - b. the application is complete and applicable fees have been paid; or
 - c. in the case of a dog found to be a dangerous dog, the required insurance in accordance with section 59 is not in effect, or the rabies vaccination information for the dog is not current.

Issue of licence and provision of tag

30. Except as provided in section 29, the license issuer may issue to the applicant, a licence for the dog described in the application, and provide a tag to be attached to or worn by the dog in accordance with this By-law.
31. Each tag provided by the licence issuer pursuant to section 30 will bear a unique serial number and such other information as may be determined by the license issuer and otherwise be in the form established by the license issuer from time to time.

Expiry of licence

32. A licence for a dog expires upon the earliest of the:
 - a. transfer of ownership of the dog;
 - b. death of the dog for which it was issued; and
 - c. the date set out in the licence as the expiry date.

Revocation

33. The license issuer will have the right to revoke the license for a dog in the event that:
 - a. the licence was issued in error or as a result of false information being provided;
 - b. the application fee is not paid in full, through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused or for any other reason; or
 - c. in the case of a dog found to be a dangerous dog, the insurance required pursuant to section 59 expires or is cancelled or terminated for any reason, without being replaced.

Replace lost tag

34. Every owner of a licensed dog must ensure that a lost tag is replaced within two (2) business days of the loss. Evidence that a replacement tag has been ordered will satisfy this requirement for the first fourteen (14) days after the tag is lost.
35. The license issuer will provide a replacement tag to the owner of a licensed dog upon:
 - a. application in writing by the owner in the form established by the license issuer; and
 - b. payment of the applicable fee.

Change in information

36. Except as provided to the contrary in section 61, every owner of a licensed dog must advise the license issuer in writing within seven (7) days thereafter, of:
 - a. a change in any information provided in the most recent application for a licence or renewal of a licence;
 - b. the death of the dog; and
 - c. the sale or other transfer of ownership of the dog.

Number of dogs

37. Except as provided in section 38 below, no person may keep or permit to be kept in or about any dwelling unit or premises more than three (3) dogs.
38. Section 37 does not apply to dogs under the age of twelve weeks or to kennels, which require a kennel licence.

Part V. Control of Dogs**At large**

39. No owner of a dog may cause, allow or permit a dog they own to be at large within the limits of the City.
40. Despite section 40 above, a licensed dog will be deemed not to be at large if it is:
 - a. within an off-leash area as that term is used in the City's Off Leash Dog Park Areas By-law, as amended or replaced from time to time;
 - b. a guide dog;
 - c. a police work dog that is performing the duties for which it was trained.

Not at large

41. Except as provided to the contrary in sections 57 and 58, every premises owner who allows or permits a dog to be outdoors or to remain outdoors on their premises must ensure that the dog is:
 - a. contained in an enclosure or fenced area, including an area enclosed by electronic fencing known as invisible fencing;
 - b. tethered by a tether no less than 3 metres in length; or
 - c. under the control of a person so as to prevent the dog from leaving the premises.

Barking, etc.

42. The owner of a dog must not permit or allow the dog to make any persistent noise as required by the City's Noise By-law.

Part VI. Care of dogs**Tethers**

43. Every person who has tethered a dog must ensure that:
 - a. the tether is at least 3 metres in length but does not permit the dog to go beyond the property line of the premises on which the dog is tethered;
 - b. the dog has unrestricted movement within the range of the tether; and
 - c. the dog cannot suffer injury resulting from the tether.

Removal of excrement

44. Subject to section 45 below, every owner of a dog must remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the City.
45. Section 44 does not apply to a person who owns or uses a guide dog.

Dog used to attack or menace

46. No owner may use or direct a dog to attack, bite, chase, harass or threaten a person or domestic animal.
47. No owner of a dog may authorize or permit their dog to behave in a manner that poses a risk to the safety of a person or domestic animal.

Responsibilities of public

48. No person may:
 - a. tease, torment or annoy any dog; or
 - b. untie, loosen or otherwise free any dog that is not in distress unless such person has the authorization of the owner.

Part VII. Dangerous Dog**Investigations**

49. An officer may conduct an investigation to determine if a dog should be found to be a dangerous dog, where the officer receives:
 - a. a written complaint, signed by the complainant, that a dog has attacked or bitten a person or domestic animal without provocation or mitigating factors;
 - b. particulars of the name and address of the owner of the dog or adequate information to ascertain the owner of the dog which is the subject of the complaint; and
 - c. particulars of the incident or incidents giving rise to the complaint.
50. In conducting the investigation and making a determination of whether a dog should be found to be a dangerous dog, the officer will consider all the circumstances, including without limitation:
 - a. the severity of the bite or attack and any resulting injuries;
 - b. any prior record of the dog having bitten or attacked;
 - c. any mitigating factors, which may include, but are not limited to circumstances where the dog was, at the time of the bite or attack:
 - i. acting in defence to an attack by or menacing actions by a person or domestic animal, whether or not such attack was directed towards the dog in question;
 - ii. acting in defence of its young;
 - iii. reacting to a person or a domestic animal trespassing on or entering on the premises where the dog was situate; or
 - iv. being teased, provoked or tormented.
51. Where after the investigation, the officer is of the opinion that it is appropriate to do so, the officer may make a finding that the dog is a dangerous dog.
52. Where an officer makes a finding that a dog is a dangerous dog, the officer will serve notice in accordance with sections 70-72 on the owner of the dog:
 - a. advising that the dog has been found by the officer to be a dangerous dog;
 - b. advising the owner of the requirements set out in sections 54-62;

- c. advising the owner of:
 - i. the right, if exercised within fourteen (14) days of the service of the notice, to apply to the hearing committee, to seek a reversal of the finding that the dog is a dangerous dog and an exemption from any one or more of the conditions in sections 54-62;
 - ii. the process to apply to the hearing committee; and
 - iii. the applicable fee, as determined by the City's Fees and Charges By-law, for such a hearing; and
- d. advising the owner that the finding that the dog is a dangerous dog will continue in effect unless and until the hearing committee finds to the contrary.

53. The finding that a dog is a dangerous dog is effective upon service of the notice under sections 70-72 and continues in effect unless and until such finding is revoked by the hearing committee.

Warning signs

54. Unless provided to the contrary by the hearing committee, every owner of a dog found to be a dangerous dog must at all times display a warning sign with the words "Beware of Dog":
- a. at that entrance to the dwelling unit of the owner of the dangerous dog, that a person would normally approach; and
 - b. in a location and manner such that the sign will be clearly visible to a person approaching the entrance to the dwelling unit.
55. Every owner of a dog found to be a dangerous dog must:
- a. ensure that the sign acquired in accordance with section 65 is affixed to the dwelling unit or otherwise erected or placed in a manner that cannot be easily removed by a passerby; and
 - b. replace the sign as required from time to time, in the event the sign is removed or defaced or otherwise becomes illegible.
56. No person may remove a sign erected pursuant to section 54, while the dog found to be a dangerous dog resides at that premises, except in accordance with section 55.

Control of dangerous dog

57. Unless provided to the contrary by the hearing committee, every owner of a dog which has been found to be a dangerous dog must ensure that at all times when the dog is not on premises owned or occupied by the owner of the dog, the dog is:
- a. muzzled;
 - b. securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
 - c. leashed with a leash securely attached to a collar or harness at all times in a manner such that the dog cannot detach the leash from the collar or harness; and
 - d. the leash held by a person who has the strength and capacity to securely control the dog so as to not permit or allow unwanted contact with another person or a domestic animal.

58. Unless provided to the contrary by the hearing committee, every owner of a dog which has been found to be a dangerous dog must ensure that at all times when the dog is on premises owned or occupied by the owner of the dog, the dog is:
- a. securely contained inside the dwelling unit of the owner of the dog; or
 - b. if outside the dwelling unit of the owner of the dog, the dog is:
 - i. muzzled;
 - ii. securely fitted with a collar or harness in a manner such that the dog cannot detach the collar or harness;
 - iii. restrained by a chain or other restraint sufficient to prevent the dog from leaving the premises; and
 - iv. contained within a securely enclosed area, including a fence of an appropriate height for the breed of dog, constructed so as to prevent the dog from leaving the premise and in a manner such that the vicious dog is unable to come into contact with persons or other domestic animals.

Insurance and administration requirements

59. Unless provided to the contrary by the hearing committee, every owner of a dog which has been found to be a dangerous dog must obtain and maintain in effect at all times the person owns the dog found to be a dangerous dog, a policy of liability insurance with an insurer licensed to operate in Ontario, providing for coverage in an amount not less than two million dollars per occurrence, for losses arising from injuries caused by the owner's dog and providing for the City to be notified in writing of any cancellation, termination or expiry of the insurance policy.
60. Every owner of a dog found to be a dangerous dog must provide to the license issuer, evidence that insurance compliant with section 59 is in effect:
- a. within ten (10) business days of the dog being found to be a dangerous dog;
 - b. on each application for a licence or a renewal license for the dog;
 - c. prior to the expiry date of any policy; and
 - d. upon request by the license issuer.
61. Every owner of a dog found to be a dangerous dog must provide the information required under section 36 to the license issuer in writing within two (2) business days of any change in ownership or residence of the dog and provide the license issuer with the new address and telephone number of the owner.
62. Where a form for giving such notice is established by the license issuer, the owner must use the prescribed form.

Application to hearing committee

63. An owner who has been given notice that his or her dog has been found to be a dangerous dog may apply in writing to the secretary of the hearing committee for a hearing before the hearing committee and must submit the applicable administrative fee for such applications. The application must be filed within fourteen (14) days of the date that service of the

notice under sections 70-72 is effective. If a form for requesting a hearing has been established by the license issuer, the prescribed form must be used.

64. If the secretary of the hearing committee determines that the request is out of time or that the administrative fee has not been paid, the secretary must notify the owner that no hearing will be scheduled.
65. If the request is compliant with this by-law, the secretary of the hearing committee must set a date, time and place for a hearing before the hearing committee and give notice of the date, time and place of the hearing to the applicant for the hearing, in the manner provided for in sections 70-72.

Hearing

66. On the date and time scheduled for the hearing, or such later date as may be set or consented to by the hearing committee, the hearing committee may hear and view any evidence provided by the officer and by the applicant for the hearing and may:
 - a. reverse or uphold the finding that the dog is a dangerous dog; and
 - b. if the finding that the dog is a dangerous dog is upheld, exempt the owner from all or some of the requirements of sections 54-62.
67. The onus is on the applicant to provide evidence satisfactory to the hearing committee that the relief being sought should be granted.
68. The hearing will be held in accordance with the procedures in effect at the time of the hearing.
69. Upon the hearing committee reaching a decision, the secretary will give notice of the decision in writing to the applicant for the hearing. The decision of the hearing committee is final.

Service of notices

70. Service of notice under sections 52, 65 or 69 may be effected on the person who shows in the City's records as the owner of the dog, or where the dog does not appear to be licensed pursuant to this by-law, on such other person who appears to be the owner of the dog.
71. Any notice issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
 - a. on the date on which a copy is delivered to the person to whom it is addressed;
 - b. on the fifth day after a copy is sent by mail to the person's last known address;
 - c. upon the sending of a copy by e-mail transmission to the person's last known email address; or
 - d. posting on the premises, on the date of posting.
72. For the purpose of section 71, a person's last known address and last known email address are deemed to include information on the last revised assessment roll and on an application submitted pursuant to this by-law.

Part VIII. Seize and impound

73. An officer may seize any dog found at large.

74. An officer may deliver a licensed dog that has been seized to its owner, without impounding the licensed dog, provided:
- a. the officer is able to contact the owner and make satisfactory arrangements for return of the licensed dog; and
 - b. the officer does not have a record of the licensed dog having been seized in the prior twelve (12) months.

Reclamation period

75. Except as provided to the contrary in section 76 below, the officer will keep any dog seized and impounded under this by-law for a reclamation period of three (3) days from the time of its impoundment, exclusive of:
- a. the day on which the dog was impounded;
 - b. statutory or civic holidays; and
 - c. days on which the impound centre is closed.

Euthanizing

76. Despite section 75 above, the officer may, at any time after a dog is impounded, cause the dog to be euthanized in a humane manner, where, in the opinion of a veterinarian this is warranted for humane reasons or for the safety of any person. In such circumstances the officer has no obligation to notify the owner in advance and no obligation to provide any person the opportunity to reclaim the dog.

Care during reclamation period

77. During the reclamation period, the officer may:
- a. cause the impounded dog to be vaccinated to provide immunization against distemper or any other contagious or infectious disease; and
 - b. provide veterinary care of an injured or ill dog as may be necessary to sustain its life, unless the pound keeper has determined it is appropriate to euthanize the dog in accordance with section 76.
78. The officer may release an impounded dog to its owner upon compliance with sections 79-80.

Redemption

79. During the reclamation period, the owner of the dog is entitled to reclaim the dog upon:
- a. payment of the applicable fees as set out in the City's Fees and Charges By-law;
 - b. payment of any costs incurred to inoculate or provide veterinary care to the dog;
 - c. providing evidence satisfactory to the officer of ownership of the dog; and
 - d. providing evidence satisfactory to the officer that the dog is licensed under this by-law, or if not, licencing the dog in accordance with this by-law.
80. The owner of a dog is liable to pay any applicable fees and any costs incurred by the City for inoculations and for veterinary care, whether or not the owner claims the dog from the pound.

Failure to reclaim

81. If the dog is not reclaimed within the reclamation period, the officer may cause the dog to be adopted for the applicable fee or may otherwise dispose of the dog as it sees fit without liability to any person for the adoption price or for the disposition of the dog or the manner thereof.

Protective care

82. An officer is authorized to:
- a. receive dogs for protective care, pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation the officer determines to be appropriate;
 - b. temporarily keep such dogs in protective care for a maximum period of five days;
 - c. charge the owner of the dog kept in protective care, the applicable fee for board, on a per diem basis and all costs for any required veterinary medical care, when the dog is redeemed; and
 - d. at the end of the five day protective care period, unless other arrangements are agreed to between the owner and the City, treat such dog as having been impounded as running at large.

Collecting impound fees, board fees, veterinary costs

83. Where a dog is seized and impounded under section 73, or accepted for protective care under section 82, the owner, if known, is liable for all applicable fees and any veterinarian costs incurred in accordance with section 77 and section 82 whether the dog is claimed from the animal shelter or not. All amounts are due on demand and if not paid are a debt to the City and collectable in accordance with sections 100-101.

Owner – no right to compensation

84. Neither the City nor the officer have any liability to any person for the seizure, impounding, euthanizing, sale or disposal of any dog. No compensation, damages, fees or any other amount of money on account of or by reason of the seizure, impounding, euthanizing, sale or disposal of a dog may be recovered by the owner from the officer or the City or paid by the officer or the City.

Part IX. Enforcement**Enforcement**

85. This By-law may be enforced by any officer.

No obstruction

86. No person may hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

Offence

87. Every person who contravenes any of the provisions of this by-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

88. For the purposes of section 87, each day on which a person contravenes any of the provisions of this By-law will be deemed to constitute a separate offence under this By-law.
89. The levying and payment of any fine as provided for under the Provincial Offences Act does not relieve a person from the necessity of compliance with the obligations under this By-law.
90. The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law will be deemed to be a violation of the provisions of this By-law.

Order to comply

91. Where an officer is satisfied that a contravention of this By-law has occurred, an order may be made requiring the person who contravened this By-law or who caused or permitted the contravention to correct the contravention. The order must set out:
 - a. reasonable particulars of the contravention;
 - b. particulars of the location where the contravention occurred;
 - c. any work to be done or steps to be taken to comply with this By-law;
 - d. the date by which the work must be done or steps taken; and
 - e. provide that if any work specified is not completed by the date specified to the satisfaction of the officer, that the officer may cause the work to be done at the expense of the premises owner.
92. Pursuant to subsection 445(3) of the Municipal Act, 2001, as amended, an order pursuant to section 91 may require the work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.

Service of orders

93. Any order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
 - a. on the date on which a copy is delivered to the person to whom it is addressed;
 - b. on the fifth day after a copy is sent by mail to the person's last known address;
 - c. upon the sending of a copy by e-mail transmission to the person's last known email address; or
 - d. posting on the premises, on the date of posting.
94. For the purpose of section 93, a person's last known address and last known email address are deemed to include information on the last revised assessment roll and on an application submitted pursuant to this by-law.

Comply with orders

95. Every person who is served with an order under this By-law must comply with the requirements of the order within the time period.

Remediation by City

96. Where a person fails to comply with the requirements of the order under section 91 within the time period specified in the order, an officer may

cause such work to be done or take such steps as are necessary to meet the requirements of the order or the order as amended, at the cost and expense of the premises owner, recoverable in accordance with sections 100-101.

Attendance fee

97. The applicable fee for enforcement attendance is payable on a time-spent basis at the rate determined by the City's Fees and Charges By-law:
- a. for the second and each subsequent inspection conducted by an officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
 - b. if an officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.
98. Any fee under section 97 is due on demand and, if unpaid, is a debt to the City collectable in accordance with sections 100-101.

Prohibition order

99. When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

Collection of fees and charges

100. All fees and charges payable under this By-law, including without limitation, fees and charges incurred in the impounding and boarding of seized dogs, costs incurred in remediation under section 96, attendance fees incurred under sections 97-98 are due on demand, and if unpaid, are a debt owing to the City in the nature of fees and charges and will bear interest at the rate established in the City's Fees and Charges By-law then in effect, as the rate applicable to overdue accounts, from the date of demand until payment in full. The debt may be enforced by any means open to the City, and without limiting the generality of the foregoing, the debt in the nature of fees and charges may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the City are cumulative.
101. All fees and charges incurred under this By-law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.

Part X. Confidential Information

Personal information

102. The license issuer is authorized to collect personal information for the purposes of administering this By-law.

Disclosure

103. All information submitted to and collected by the City in accordance with this By-law will, unless the City Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

Exempt information

104. In the event that any person in submitting information to the City or to the license issuer in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information must so identify that information upon its submission to the City or the license issuer and must provide sufficient details as to the reason for its purported exemption from disclosure.

Part XI. Repeal and Effective Date

Repeal

105. By-law No. 2011-156 is repealed.

Effective date

106. This by-law will come into full force and effect on the date that it is passed at which time all by-laws, policies, and resolutions that are inconsistent with the provisions of this by-law are hereby repealed, revoked or rescinded, as the case may be, insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this XX day of XX 2024.

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk