

**THE CORPORATION OF THE  
TOWN OF BRADFORD WEST GWILLIMBURY**

**BY-LAW 2006-027**

**DOG CONTROL BY-LAW**

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**Being a By-Law of the Corporation of the Town of Bradford West Gwillimbury to provide for the licensing, restraining and regulating the control of dogs, and for the impounding and disposing of same.**

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**WHEREAS** Council deems it necessary in the public interest to license, restrain, regulate the control of dogs and for the impounding and disposing of dogs;

**AND WHEREAS** Councils deem it expedient and advisable to enact this By-Law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRADFORD WEST GWILLIMBURY HEREBY ENACTS AS FOLLOWS:**

**1     AUTHORITIES**

- 1.1     *Municipal Act, 2001*, Statutes of Ontario 2001, Chapter 25;
- 1.2     *Pounds Act*, Revised Statutes of Ontario 1990, Chapter P.17;
- 1.3     *Dog Owner's Liability Act*, Revised Statutes of Ontario 1990, Chapter D.16;
- 1.4     *Animals for Research Act*, Revised Statutes of Ontario 1990, Chapter A. 22.

**2     DEFINITIONS:**

For the purposes of this By-Law, the following definitions shall apply:

- 2.1     **"ANIMAL CONTROL OFFICER"** includes the Town 's Municipal Law Enforcement Officer(s), Peace Officer(s), Pound Keeper(s) or any person, company or association who has entered into a contract with the Town to control animals and/or to maintain a pound and the employees and agents of all such persons, companies and associations;
- 2.2     **"APPEAL COMMITTEE"** shall be comprised of one member of Council, Director of Administration/Clerk or designate, and Pound keeper;
- 2.3     **"BITE"** shall mean a puncture wound to the skin;
- 2.4     **"CONSENT ORDER"** shall mean an undertaking signed by the owner of a dog to adhere to certain restrictions with respect to the methods to be used in restraining their dog when it comes into contact with other persons or domestic animals";
- 2.5     **"DANGEROUS DOG"** shall mean any individual dog that:
  - 2.5.1    Has killed a person or domestic animal, regardless of circumstances;

- 2.5.2** Has bitten or injured a person or domestic animal. Exceptions may be made if the dog was teased, abused, assaulted or if the dog was reacting to a person trespassing on the property owned by the dog's owner;
- 2.5.3** Has shown the disposition or tendency to be threatening or aggressive;
- 2.5.4** Is attack-trained, other than dogs used in law enforcement;
- 2.5.5** Is kept for the purposes of security or protection, whether residential, commercial or industrial, of a person's property;
- 2.5.6** Has been declared dangerous in another municipality;
- 2.6** **"DOG"** shall mean any member of the species *Canis familiaris* and shall include a male or female dog, spayed or neutered dog over the age of 12 weeks;
- 2.7** **"DOG TAG"** shall mean a metal tag or token issued for the keeping of a dog, with the serial number and the year issued under this By-Law, from the Town of Bradford West Gwillimbury evidencing licensing of the dog;
- 2.8** **"DOMESTIC ANIMAL"** shall mean any animal kept by a person as a pet;
- 2.9** **"DWELLING UNIT"** shall mean one or more habitable rooms designed or intended for use by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- 2.10** **"EXCESSIVE"** where modifying the terms 'barking' or 'howling' shall mean the continuous barking or howling of a dog, but does not mean the barking or howling of a dog when a stranger provokes the animal or enters onto the property;
- 2.11** **"KENNEL"** shall mean any building or structure or parts thereof used for the keeping of three or more purebred dogs for breeding purposes and/or any number of dogs for boarding or any other function normally associated or related thereto;
- 2.12** **"LEASH"** shall mean a device of a length specially referred to in Subsection 4.6 and Subsection 6.5.2.1. within the body of this By-Law, substantially constructed or composed of strong material that shall be capable, at all times, of securely controlling a dog;
- 2.13** **"LOT"** shall mean a parcel or tract of land which is legally in distinct and separate ownership or which is shown on a registered plan of subdivision. A registered plan of subdivision, for the purpose of this paragraph, does not include a plan which is deemed not to be a registered plan of subdivision by a By-Law passed under the Planning Act;
- 2.14** **"MICROCHIP IMPLANT"** shall mean an electronic device implanted under the skin of a dog so that the animal can be identified at all times by local authorities;
- 2.15** **"MUNICIPAL LAW ENFORCEMENT OFFICER"** shall mean an Officer appointed by the Council of the Town of Bradford West Gwillimbury for the purposes of carrying out the enforcement of municipal By-Laws;
- 2.16** **"MUZZLE"** shall mean the 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 such dog from biting or attacking a person or domestic animal;

- 2.17** “**OWNER**” shall mean and include any person, organization or corporation who owns, possesses, or harbours a dog regardless of whether such dog is owned by some other person, organization or corporation. Where the owner is a minor, it shall mean the person responsible for the custody of the minor;
- 2.18** “**PEN**” shall mean an enclosed area that restricts the access of dogs to the remainder of the lot. A fence that encompasses the boundary line of a lot does not constitute a dog run or pen;
- 2.19** “**PERSON**” shall mean an individual human being, their personal representative, their heirs, executors and assigns and shall also include a corporation with or without share capital, any association, firm partnership or private club;
- 2.20** “**PITBULL**” and “**RESTRICTED PITBULL**” shall have the meanings applied to those terms as they are defined and regulated under the Dog Owner’s Liability Act, as amended from time to time;
- 2.21** “**POLICE WORK DOG**” shall mean a dog that is trained to aid in law enforcement 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;
- 2.22** “**POUND**” shall mean the premises designated by the Town to be used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a By-Law of the Town or the Dog Owner’s Liability Act;
- 2.23** “**POUND KEEPER**” shall mean a person designated by the Town to maintain a Pound and any servants or agents of such person;
- 2.24** “**RUNNING AT LARGE**” shall mean the running at large of a dog when it is 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. For the purpose of this By-law, ‘Run at Large’ shall have a corresponding meaning to ‘Running at Large’;
- 2.25** “**RESTRAINED**” as it pertains to Section 6 relating to Dangerous Dogs shall mean being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres (6 feet). The enclosed pen or the fenced yard shall be equipped with a locking device and self latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a child ten (10) years old or younger. The dog shall only be transported from one location to another by means of a collar type leash and a muzzle as described in Subsection 2.17;
- 2.26** “**TOWN**” shall mean the Corporation of the Town of Bradford West Gwillimbury; and
- 2.27** “**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.

### **3 LICENCING AND REGISTRATION REQUIREMENTS**

- 3.1** Every owner of a dog shall, on or before the 31st day of January in each and every year, or upon becoming the owner of a dog, register each such dog with the Town of Bradford West Gwillimbury and procure a licence and dog tag for each dog owned. Such registration includes obtaining a licence and dog tag and paying the applicable licence fees as set out in Schedule "A" attached hereto and by this reference forming part of this By-Law.
- 3.2** Every dog shall be inoculated with an anti-rabies vaccine.
- 3.3** Upon licensing or renewal of licence of any dog, the owner shall be required to produce proof that the dog has been inoculated with an anti rabies vaccine within a period of twelve (12) months of the date of application for the licence.
- 3.4** Every dog tag shall bear the serial number and the year in which it was issued and a record shall be kept by the Town of Bradford West Gwillimbury showing the name, address and telephone number of the owner, the name, breed, colour and age of the dog, rabies inoculation information, and whether the dog has been sterilized. The record may also include the name and telephone number of the veterinarian, whether the dog is micro-chipped, attack trained or whether it has bitten or injured a person or domestic animal in the past.
- 3.5** Such registration and licence may be obtained at the Town of Bradford West Gwillimbury By-Law Enforcement Office and Finance Department, or other such locations as may be established by Council from time to time.
- 3.6** The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced, and shall not use a dog tag upon a dog other than that for which it was issued. Notwithstanding the foregoing, the dog tag may be removed while the dog is being lawfully used for hunting within the Town.
- 3.7** The owner of a dog shall notify the Town of Bradford West Gwillimbury By-Law Enforcement Office within ten (10) days, of any change of residence of a licenced dog;

### **4 REGULATIONS**

- 4.1** A maximum of three (3) licences and dog tags may be issued for any legal dwelling unit. No owner or resident shall keep or harbour more than three (3) dogs except where they are kept in a kennel as regulated with Section 9 of this By-law.
- 4.2** Notwithstanding Section 4.1, the granting of a license for more than three (3) dogs shall not be refused where the specific dogs being licensed have been licensed and tagged with the Town of Bradford West Gwillimbury prior to the passing of this by-law.
- 4.3** All new residents of the Town of Bradford West Gwillimbury shall register each dog and obtain a licence within 15 days of taking up residency within the Town.
- 4.4** No licence shall be required for any dog before it is 12 weeks old. However, when any dog becomes 12 weeks old, the owner shall be subject to the provisions of Section 4.1.
- 4.5** No owner of a dog shall allow a dog to run at large within the limits of the Town of Bradford West Gwillimbury. For purposes of this section, a dog not on a leash is deemed to be at large when found elsewhere than on the property of the owner or

the property of a person who has consented to it being on his/her lands while it is unleashed.

- 4.6 No leash used to restrain a dog shall exceed 1.83 metres (6 feet) in length and it shall be constructed or composed of strong material and shall be capable, at all times, of securely restraining such dog. Section 6.5.2 shall apply with respect to leash, muzzle and control requirements for dogs that have been declared dangerous.
- 4.7 No owner of a dog shall allow the dog to howl or bark excessively or otherwise become a nuisance.
- 4.8 Every person owning or harbouring or appearing to own or harbour a dog shall not allow it to trespass on private property, even on a leash, and any person who owns, harbours or possesses any dog shall take such steps as may be required to prevent the dog from fouling any property whether public or private in the Town of Bradford West Gwillimbury.
- 4.9 Every person who owns, harbours or possesses any dog shall forthwith clean up and dispose of any excrement left by the said animal on any property whether public or private in the Town of Bradford West Gwillimbury.

## **5 FEES**

- 5.1 For licence fees for dogs, refer to Schedule "A" attached hereto.

## **6 DANGEROUS DOGS**

- 6.1 The Municipal Law Enforcement Officer shall be empowered to declare that a dog is dangerous:
  - 6.1.1 Upon receipt of a signed Declaration in the form attached hereto as Schedule B, attested to by a witness who actually saw the alleged dangerous dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and dog owner's address.
  - 6.1.2 Upon receipt of a signed Declaration attested to by the Director or Administrator/Clerk of a municipality where the dog has been declared dangerous.
- 6.2 The Municipal Law Enforcement Officer shall, within two days of receipt of a duly executed Declaration, deliver or send by registered mail a Notice to Muzzle, in the form attached hereto as Schedule C, to the owner of the dangerous dog, requiring that the dog be muzzled and restrained pursuant to the provisions of this By-Law.
- 6.3 Where a dog has been declared dangerous by the Municipal Law Enforcement Officer, pursuant to the provision of this By-Law, the owner of the dog may apply for a Hearing in respect of such Notice to Muzzle.
  - 6.3.1 An Application for Hearing under Subsection 6.3 with respect to the Notice to Muzzle shall be in the form attached hereto as Schedule D, stating the reason(s) for the Appeal. This Appeal form shall be delivered to the Director of Administration/Clerk by Registered mail within thirty (30) days after the Notice to Muzzle has been served.
  - 6.3.2 Upon receipt of the Appeal and Request for Hearing from an owner of the alleged dangerous dog within the time limit set out in Subsection 6.3.1, the Director of Administration/Clerk shall convene a meeting of the Appeal

Committee and shall give the owner of the dog and, where applicable, the person who saw the alleged dangerous dog bite a person or a domestic animal, (7) days written notice by personal service or registered mail of the date, time and location of the Hearing.

- 6.3.3** The Applicant and any other interested person(s) may appear at the Hearing and present oral or written evidence relating to the dog.
- 6.3.4** When the owner of the dog does not attend at the proper time and place, the Appeal Committee may proceed with the Hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.
- 6.4** The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the Hearing.
  - 6.4.1** The decision of the Appeal Committee is final and binding;
  - 6.4.2** The Appeal Committee may confirm the Notice to Muzzle or exempt the owner of the dog from any of the muzzling, restraining or leashing requirements, or may dispose of an Appeal by Consent Order;
  - 6.4.3** The Notice of Hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this By-Law shall be governed by the Statutory Powers Procedure Act;
  - 6.4.4** Notwithstanding that an Applicant has applied for a Hearing to Appeal the Notice to Muzzle, the Notice to Muzzle takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the Appeal;
  - 6.4.5** A written copy of the Decision of the Appeal Committee, pursuant to Subsection 6.4 or the Consent Order, pursuant to Subsection 6.4.2. shall be prepared, as soon as is practicable after the conclusion of the Hearing, and shall be delivered or mailed by Registered Mail to the Applicant at the address shown on his or her Application, the Defendant, Police, Health Unit, Animal Control Officer, Municipal Law Enforcement Officer, Members of Council, Appeal Committee Members and the Director of Administration/Clerk.
- 6.5** The owner of a dog, upon being served with a Notice to Muzzle, or where on an Appeal, the Appeal Committee has confirmed a dog to be dangerous, shall ensure that:
  - 6.5.1** When the dog is on the property of the owner, the owner shall be responsible for restraining the dog by keeping it inside a building or a house or in an enclosed pen of sufficient dimension and strength to be humane and prevent a dog from coming into contact with persons other than the owner of the dog or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres (6 feet). The enclosed pen or fenced yard shall be equipped with a locking device and self latching device. Such self latching device is to be designed in a manner that the pen or gate cannot be opened from the outside by a child ten years old or younger. The owner is responsible for ensuring that the dog is prevented from escaping and running at large;
  - 6.5.2** When the dog is off the property of the owner:
    - 6.5.2.1** It is securely on a collar type leash with a maximum length of 1 metre (3.28 feet) and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;

**6.5.2.2** It is muzzled; and

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

**6.5.3** Within thirty (30) days after the date of the issuance of the Notice to Muzzle, or where an Appeal has been taken for a Notice to Muzzle within thirty (30) days of the Committee's Decision, the dog is identified with a microchip implantation, at the owner's expense, and the said microchip number is registered with the Animal Control Officer;

**6.5.4** The Town of Bradford West Gwillimbury By-Law Enforcement Office is notified in writing within forty-eight (48) hours of any changes to the residence of the dangerous dog;

**6.5.5** The Town of Bradford West Gwillimbury By-Law Enforcement Office is notified in writing within forty-eight (48) hours after the ownership of the dangerous dog is transferred to another person;

**6.5.6** The Town of Bradford West Gwillimbury By-Law Enforcement Office is notified in writing should the dangerous dog have died or been destroyed.

## **7 BANNED / RESTRICTED PITBULLS**

**7.1** A Restricted Pit Bull shall be deemed in all cases to be a dangerous dog to which the provisions of Section 6.5 apply with necessary modifications. If any provision of the Dog Owner's Liability Act or the Regulations passed pursuant thereto impose a different standard or restriction, from those imposed by this By-law, the more restrictive provisions shall apply.

## **8 UNSANITARY CONDITIONS PROHIBITED**

**8.1** No person shall keep a dog in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of the dog results in an accumulation of faecal mater, an odour, insect infestation or rodent attractants which 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 in or about any dwelling, office, hospital or commercial establishment.

## **9 KENNELS**

**9.1** This By-Law applies to all persons and to the licensing of dog kennels referred to in this By-Law within the Town of Bradford West Gwillimbury.

**9.2** No person shall keep or harbour more than three (3) dogs except where they are kept in a kennel located in accordance with the provisions of this by-law, regulations within the applicable zoning by-law and all applicable law.

**9.3** No person shall keep a kennel for the breeding or boarding of dogs without first having received a kennel license therefore from the Town of Bradford West Gwillimbury.

**9.4** Every kennel license shall expire on the 31<sup>st</sup> day of January next following the date it is issued unless it is renewed for one or more further one year terms. No such license may be renewed except in accordance with the provisions of this an all relevant by-laws and Regulations.

- 9.5** In the event of the death of the person to whom a kennel license has been granted under this By-Law, that license shall be deemed to have been granted to his personal representative and shall be subject to the provisions of this schedule with respect to revocation thereof or otherwise.
- 9.6** Where an owner or operator of a kennel fails to comply with a By-Law of the Town, or any other applicable Statute or Regulation, the license may be suspended or revoked.
- 9.7** No Kennel shall be erected or maintained subsequent to the passing of this By-Law, unless approval has been obtained from both the Simcoe Muskoka District Health Unit and the Animal Control Officer.
- 9.8** Every person who owns or operates a kennel shall comply with the requirements set out in the “Code of Practice for Canadian Kennel Operations”, as amended from time to time.
- 9.9** Every person who owns or operates a kennel shall comply with all By-Laws of the Town.
- 9.10** No kennel structure, or part thereof, shall be used for human habitation.
- 9.11** Every person who owns or operates a kennel shall permit a Municipal Law Enforcement Officer, the Ontario Society for the Prevention of Cruelty to Animals, the Chief Building Official, or his/her designate under the Building Code Act, or such other persons as may be appointed by Council and/or Police Officer to enter and inspect the kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this By-Law.
- 9.12** Notwithstanding the foregoing, the granting of a kennel license shall not be refused under this By-Law by reasons only of the location of such building where such building was being used as a kennel for the breeding or boarding of dogs at the time of the coming into force of this By-law.

## **10 ENFORCEMENT**

- 10.1** This By-Law shall be enforced by an Animal Control Officer; Municipal Law Enforcement Officer for the Town of Bradford West Gwillimbury or the South Simcoe Police Services.

## **11 OFFENCES AND PENALTIES**

- 11.1** Every person who contravenes any of the provisions of this By-Law shall be guilty of an offence and liable to a fine upon conviction to a penalty not exceeding \$5000.00 exclusive of costs. The provision of the penalty is as provided for and recoverable under the Provincial Offences Act, Revised Statutes of Ontario 1990, P.33, as amended and shall apply to the said fine.
- 11.2** The conviction of an offender upon the breach of any provisions of the 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 Court, may convict any offender repeatedly for continued or subsequent breaches of the By-Law, and the provisions of the Municipal Act, 2001, Statutes of Ontario 2001, Chapter 25, Section 442, as amended from time to time, shall further apply to prohibit any continued or repeated breach of this By-Law, Each day the owner permits a dog to remain without a tag shall constitute a separate offence under this By-Law.

## **12 SEIZING AND IMPOUNDING**

- 12.1** If the Animal Control Officer is unable to seize any dog found to be running at large contrary to this By-Law and the owner of such dog is known to the Animal Control Officer, the Animal Control Officer shall issue a violation tag alleging commission of an offence under this By-Law;
- 12.2** Where a dog is impounded, whether the dog is claimed from the pound or not, the owner shall be liable for the seizing, impounding, maintenance and veterinarian fees prescribed, which amounts shall be payable upon demand and may be recovered by action or in like manner as municipal taxes;
- 12.3** No dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this By-Law and any owner of a dog without a license or a dog tag and any purchaser of a dog without a license or a dog tag shall obtain a license and a dog tag for the current year before delivery is made;
- 12.4** Where an Owner has failed to redeem an impounded dog within a minimum of five (5) days (exclusive of Sundays and Statutory Holidays), an Animal Control Officer may sell the dog for an amount equal to the maintenance and applicable veterinarian fees. On such a sale of an impounded dog, the purchaser becomes the owner thereof and the former owner has no further rights with respect to such dog;
- 12.5** Where the owner of a dog has not claimed the dog within a minimum of five (5) days (exclusive of Sundays and Statutory Holidays) under this By-Law and the dog has not been sold, the Animal Control Officer may destroy the dog or cause the dog to be destroyed in a humane manner.
- 12.6** The provisions of the Pounds Act and the Animals for Research Act as to the impounding, sale and destruction of dogs shall continue to apply unless specifically amended herein.

## **13 INTERPRETATION**

- 13.1** Words used in the singular shall have corresponding meanings when used in the plural. "May" shall be construed as permissive. "Shall" shall be construed as imperative.

## **14 CONFLICTING LEGISLATION**

- 14.1** Where there is any conflict between the provisions of this By-Law and the provisions of the Municipal Act or any other applicable Act or Regulation, the provisions that are more restrictive shall prevail to the extent of the conflict.

## **15 VALIDITY AND SEVERABILITY**

- 15.1** It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of the By-Law or parts thereof, may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of the By-Law as a whole or part thereof and all other sections of the By-Law shall be deemed to be separate and independent therefrom and enacted as such.

**15.2** Whenever any reference is made in this By-Law to a statute of the Legislature of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute and all successor legislation to such statute.

**16**      **RESCIND, REPEAL SECTION**

**16.1** That the Town of Bradford West Gwillimbury By-Law #92-029 and #92-062, the former Township of West Gwillimbury By-Law #89-B7 and By-Law #82-B35, and former Township of Tecumseth By-Law #89-7 are hereby rescinded and repealed in their entirety.

**17**      **SCHEDULES**

**17.1** Schedule "A" Dog Licensing Fee and Fines attached hereto and by this reference shall form part of this By-Law.

**17.2** Schedule "B" Declaration Regarding A Dangerous Dog attached hereto and by this reference shall form part of this By-Law.

**17.3** Schedule "C" Notice to Muzzle attached hereto and by this reference shall form part of this By-Law.

**14.4** Schedule "D" Application for Hearing with Respect to Notice to Muzzle attached hereto and by this reference shall form part of this By-Law.

**18**      **SHORT TITLE**

**18.1** This By-Law shall be cited as the **DOG CONTROL BY-LAW**.

**19**      **FORCE AND EFFECT**

**19.1** This By-Law shall take effect and become in full force and effect upon the day of third reading and passage thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF MARCH, 2006.**

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**FRANK JONKMAN**  
**MAYOR**

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**JUANITA DEMPSTER-EVANS**  
**CLERK**