

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

BY-LAW NUMBER 2008-0138 (REG-1)

BEING A BY-LAW TO PROVIDE FOR THE CONTROL OF
AGGRESSIVE/DANGEROUS DOGS IN THE TOWN OF GEORGINA

WHEREAS Clause 6 of Section 11(2) of the Municipal Act 2001, as amended, authorizes a lower tier municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Clause 8 of Section 11(2) of the Municipal Act 2001, as amended, authorizes a lower tier municipality to pass by-laws respecting the protection of persons and property;

AND WHEREAS Clause 9 of Section 11(3) of the Municipal Act 2001, as amended, authorizes a lower tier municipality to pass by-laws respecting animals.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWN OF GEORGINA ENACTS AS FOLLOWS:

1.0 DEFINITIONS:

In this by-law,

- 1.1 "aggressive dog" means a dog that individually or in the accompaniment of another dog(s) chases or approaches a person or domestic animal in such a manner that the person or domestic animal owner has reasonable grounds to believe that they or their domestic animal is in imminent danger, including but not limited to, hostile behaviour or incident such as growling or snarling at a person or domestic animal.
- 1.2 "Aggressive/Dangerous Dog Declaration" means a signed declaration in the form attached hereto as Schedule "A", attested to and completed in its entirety by a witness who actually saw aggressive or dangerous dog behaviour or incident.
- 1.3 "Aggressive/Dangerous Dog Order" means an order in the form attached hereto as Schedule "B", designating the dog as aggressive or dangerous and requiring the dog to be muzzled and restrained in accordance with this by-law.
- 1.4 "Animal Control Supervisor" means a person appointed as such by the Town or their designate.
- 1.5 "Appeal Committee" means a committee comprised of three (3) persons appointed by Town Council.
- 1.6 "at large" means being found, while not under control by the dog owner, any place other than the premises of the dog owner.
- 1.7 "Chief Municipal Law Enforcement Officer" means a person appointed as such by the Town or their designate.
- 1.8 "dangerous dog" means a dog that, either individually or in the accompaniment of another dog(s):
 - (a) has, in the absence of any mitigating factor, attacked, bitten, or caused injury to a person; or
 - (b) has, in the absence of any mitigating factor, injured a domestic animal; or

(c) having previously been designated as an “aggressive dog”, is kept or permitted to be kept in violation of the requirements as set in Section 3.1 of this by-law.

1.9 “dog owner” means a person who owns, possesses, harbours or has permanent or temporary possession of a dog, and where the owner is a minor, the person responsible for the custody of the minor.

1.10 “domestic animal” means a horse, dog or any other animal that is kept under human control or by habit or training lives in association with human beings and in compliance with the by-law regulating and prohibiting the keeping of animals other than dogs.

1.11 “microchip implant” means an electronic device implanted under the skin of a dog whereby the animal can be identified by local authorities.

1.12 “mitigating factor” means a circumstance that excuses dangerous behaviour of a dog and, without limiting the generality of the foregoing, may include:

- (a) aggressive behaviour while acting in defence of an attack by a person or domestic animal; or
- (b) aggressive behaviour while acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
- (c) aggressive behaviour resulting from being teased, provoked or tormented.

1.13 “muzzle” means a humane fastening or covering device of adequate strength and design, suitable to the breed of dog, that fits over the mouth of a dog, that can not be removed by the dog, so as to prevent the dog from biting or attacking a person or domestic animal.

1.14 “police work dog” means a dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer.

1.15 “property owner” means the person(s) currently listed as such on the assessment roll of the town.

1.16 “Town” means the Corporation of the Town of Georgina.

1.17 “Town Clerk” means a person appointed as such or their designate.

1.18 “trespassing” means the uninvited, unwelcome or unauthorized entering onto another person’s property without permission of the owner or without lawful authority.

2.0 GENERAL PROVISIONS:

2.1 Aggressive or Dangerous Dog Designation

- (a) Upon receipt of an Aggressive/Dangerous Dog Declaration, the Chief Municipal Law Enforcement Officer, being satisfied that grounds exist, shall designate the dog in question as an aggressive or dangerous dog.

- (b) If feasible, within 5 days of receipt of the aforementioned declaration, the Chief Municipal Law Enforcement Officer shall cause personal service and/or the registered mailing of the Aggressive/Dangerous Dog Order to the dog owner. A copy of the Order shall also be forwarded to the property owner, if applicable.
- (c) Where a dog has been designated as aggressive or dangerous the dog owner may request a hearing before the Appeal Committee as required by Section 105 of the Municipal Act 2001, as amended. The hearing request must be in writing and received by the Chief Municipal Law Enforcement Officer within 30 days of issuance of the Aggressive/Dangerous Dog Order.
- (d) Upon receipt of the appeal request and payment of the required appeal hearing fee, the Chief Municipal Law Enforcement Officer shall convene a meeting of the Appeal Committee and shall give the dog owner, the property owner, if applicable, and witness(s) to the aggressive or dangerous dog incident 7 days written notice by personal service and/or registered mail of the date, time and location of the appeal.
- (e) Notwithstanding that a dog owner has requested an appeal before the Appeal Committee, Sections 3.1 (a), (b), (c), and (d)(i) of the Aggressive/Dangerous Dog By-law remain in effect until the Appeal Committee has rendered its decision or the expiration of 30 days from the issuance date of the Order.
- (f) The Appeal Committee shall be governed by the Statutory Powers Procedure Act as amended.
- (g) The applicant and any other interested person may appear at the appeal hearing to present evidence relating to the dog in question.
- (h) If the dog owner fails to attend at the proper time and place, the Appeal Committee may proceed with the appeal hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceeding.
- (i) The Appeal Committee shall deliberate the merits of the evidence presented and shall render a decision at the appeal hearing or shall reserve the decision to be presented later, not more than 10 days from the date of the appeal hearing.
- (j) The Appeal Committee may confirm the Aggressive/Dangerous Dog Order or exempt the dog owner from any or all restrictions of the Order.
- (k) The decision of the Appeal Committee is final and binding.

- (l) A written decision of the Appeal Committee shall be prepared as soon as practical following the conclusion of the appeal hearing and a copy shall be sent by regular mail to the dog owner, the property owner, if applicable, and to the Aggressive/Dangerous Dog Declaration witness(s) at their last known address, and also to York Regional Police, York Region Health Services, the Animal Control Supervisor, the Chief Municipal Law Enforcement Officer, Town Council members, Appeal Committee members and the Town Clerk.

3.0 GENERAL PROHIBITIONS

3.1 Designated Aggressive Dog Restrictions

Every owner of an aggressive dog shall:

- (a) License the dog annually with the Town in accordance with the by-law providing for the licensing of dogs.
- (b) Not allow the dog to be at large.
- (c) Restrain the dog when off the property as follows:
 - (i) fitted with a muzzle as defined; and
 - (ii) fitted with a leash, not more than 1.83 metres (6') in length, properly secured to a collar or harness, all of which are strong enough to prevent the dog from breaking away, and
 - (iii) controlled by a person not less than 16 years of age.
- (d) Restrain the dog when on the property as follows:
 - (i) inside the dog owner's dwelling; or
 - (ii) within a yard that is entirely enclosed by a fence not less than 1.83 metres (6') high equipped with a lockable self closing, self latching gate that can not be opened from the outside by a child less than 10 years of age and constructed so as to prevent the dog from escaping.
- (e) Infix the dog with a microchip implant.
- (f) Sterilize the dog before the age of 6 months or within 30 days of the dog being designated as aggressive. The dog owner shall provide proof of sterilization immediately upon request of the Chief Municipal Law Enforcement Officer.
- (g) Display "Beware of Dog(s)" warning signs, in a conspicuous place, at all entrances to the property indicating the presence of an aggressive dog.
- (h) Comply with the terms of the Aggressive/Dangerous Dog Order as amended.

3.2 Designated Dangerous Dog Restrictions

Every owner of a dangerous dog shall:

- (a) Comply with all restrictions as noted in Section 3.1 of this by-law.

- (b) In addition to the yard fencing requirements noted in Section 3.1(d)(ii), keep the Dangerous Dog fitted with a muzzle, as defined, at all times when not secured within the dog owner's dwelling.
- (c) Produce proof of liability insurance coverage in the amount of not less than \$25,000, to the Chief Municipal Law Enforcement Officer, for any injuries to a person or domestic animal caused by the Dangerous Dog.
- (d) Surrender the Dangerous Dog to the Town animal shelter for humane euthanasia when the dog owner is unable or unwilling to meet the requirements of this by-law.

4.0 EXEMPTIONS:

4.1 This by-law shall not apply to a police work dog.

5.0 ENFORCEMENT:

5.1 The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer.

5.2 In accordance with Section 436 of the Municipal Act 2001, as amended, a Municipal Law Enforcement Officer may enter property to determine if the terms of this by-law are being met.

6.0 PENALTIES:

6.1 Every person who contravenes any of the provisions of this by-law, upon conviction, is guilty of an offence and is liable to a fine pursuant to the Provincial Offences Act, as amended.

7.0 REPEALS:

7.1 By-law 2007-0102 (REG-1) is hereby repealed.

READ a first, second and third time and passed on this 15th day of December, 2008.


Robert Grossi, Mayor


Roland Chenier, Town Clerk

Schedule "A" to By-law 2008-0138 (REG-1)

AGGRESSIVE/DANGEROUS DOG DECLARATION

Dog Owner

Name: _____

Address: _____

Description of Dog

Name of dog: _____ Dog tag no. _____

Breed of dog: _____

Dog colour/description: _____

Rabies tag no. _____ Microchip implant no. _____

Incident Details

Address: _____

Location on property: _____

-or-

Location on street: _____

Details of incident: _____

Date of incident: _____ Time of incident: _____ am / pm

Name of witness: _____ Phone: _____

print name of actual witness to the incident

Address of witness: _____

Signature of Witness

Signature of Chief Municipal Law Enforcement Officer or Designate

AGGRESSIVE/DANGEROUS DOG ORDER

To:

Address:

Description of dog

Name:

Breed:

Colour/Description:

Dog tag no.

Rabies tag no.

Microchip implant no.

The corporation of the Town of Georgina is in receipt of a Declaration duly executed by the Chief Municipal Law Enforcement Officer pursuant to Section 2.1 (a) of By-law No. 2008-0138 (REG-1), stating that the dog described above, on the day of , 20 , did

In accordance with Section 2.1 of By-law No. 2008-0138 (REG-1) the dog described above is hereby declared as Aggressive Dangerous

As such, in accordance with Section 3.1 of By-law No. 2008-0138 (REG-1), you are hereby ordered to:

- (a) License the dog annually with the Town in accordance with the by-law providing for the licensing of dogs.
- (b) Not allow the dog to be at large.
- (c) Restrain the dog when off the property as follows:
 - (i) fitted with a muzzle as defined, and
 - (ii) fitted with a leash, not more than 1.83 metres (6') in length, properly secured to a collar or harness, all of which are strong enough to prevent the dog from breaking away, and
 - (iii) controlled by a person not less than 16 years of age.
- (d) Restrain the dog when on the property as follows:
 - (i) inside the dog owner's dwelling; or
 - (ii) within a yard that is entirely enclosed by a fence not less than 1.83 metres (6') high equipped with a lockable self closing, self latching gate that can not be opened from the outside by a child less than 10 years of age and constructed so as to prevent the dog from escaping.
- (e) Infix the dog with a microchip implant.
- (f) Sterilize the dog before the age of 6 months or within 30 days of being designated as aggressive. The dog owner shall provide proof of sterilization immediately upon request of the Chief Municipal Law Enforcement Officer.
- (g) Display "Beware of Dog" warning signs, in a conspicuous place, at all entrances to the property indicating the presence of an aggressive dog.
- (h) Comply with the terms of the Aggressive/Dangerous Dog Order as amended.

Furthermore, if your dog has been declared Dangerous, in accordance with Section 3.2 of By-law 2008-0138 (REG-1), you are also hereby ordered to:

- (a) Comply with all restrictions as noted in Section 3.1 of By-law No. 2008-0138 (REG-1).
- (b) In addition to the yard fencing requirements noted in Section 3.1(d)(ii), keep the Dangerous Dog fitted with a muzzle, as defined, when not secured within the dog owner's dwelling.
- (c) Produce proof of liability insurance in the amount of not less than \$25,000, to the Chief Municipal Law Enforcement Officer, for any injuries to a person or domestic animal caused by the Dangerous Dog.
- (d) Surrender the Dangerous Dog to the Town animal shelter for humane euthanasia when the owner is unable or unwilling to meet the requirements of this by-law.

Request for a hearing before the Appeal Committee

In accordance with Section 2.1(c) of By-law No. 2008-0138 (REG-1), you may request a hearing before the Appeal Committee by submitting a written request, but such request must be received by the Town within 30 days of the date of this order. A cheque or money order in the amount of \$100.00 made payable to the "Town of Georgina" must accompany the appeal request. The appeal request must be addressed to the Town of Georgina, attention to the Chief Municipal Law Enforcement Officer, 26557 Civic Centre Road, Keswick, ON, L4P 3G1.

Take notice that, notwithstanding that a dog owner has requested an appeal before the Appeal Committee, Sections 3.1 (a), (b), (c), and (d)(i) of the Aggressive/Dangerous Dog By-law remain in effect until the Appeal Committee has rendered its decision or the expiration of 30 days from the issuance date of this Order.

This Order is duly served in accordance with Section 2.1(b) of By-law No. 2008-0138 (REG-1) on this day of , 20 .

Chief Municipal Law Enforcement Officer or Designate