

## THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

### BY-LAW 2025-34

#### **BEING A BY-LAW TO REGULATE THE CARE, CONTROL, AND LICENSING OF ANIMALS WITHIN THE MUNICIPALITY OF SOUTH DUNDAS.**

**WHEREAS**, Section 3 of the *Municipal Act, 2001*, S.O. 2001 C.25 (hereinafter referred to as the "*Municipal Act*") provides that the powers of Municipal corporation are to be exercised by its *Council* by by-law; and

**AND WHEREAS** Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

**AND WHEREAS** sections 8, 11(2) and 11(3) of the *Municipal Act*, confer the powers for a municipality to pass By-laws to regulate, prohibit and require persons to do things respecting *Animals* and in relation to the health, safety and well-being of persons, the social well-being of the municipality and the protection of persons;

**AND WHEREAS** section 103 of the *Municipal Act*, confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of *Animals* being *At large* or trespassing and the sale of impounded *Animals* under certain conditions;

**AND WHEREAS** section 105(1) of the *Municipal Act*, requires *Council* or an *Animal Control Officer*, or designate of the municipality to hold a hearing on whether to exempt an *owner* in whole or in part from muzzling requirements of a dog, when so requested by the dog *owner*;

**AND WHEREAS** Sections 150 through 153 of the *Municipal Act*, authorizes *Council* to license, regulate and govern businesses and events and that this authority includes but is not limited to: the power to issue licenses, to issue licenses on condition, to revoke licenses, to suspend licenses, to regulate or govern the place used in the carrying on of such businesses, and to prevent the carrying on of such businesses without a license;

**AND WHEREAS** section 391 of the *Municipal Act*, enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** pursuant to Section 425 of the *Municipal Act*, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

**AND WHEREAS** pursuant to Section 426 of the *Municipal Act*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

**AND WHEREAS** pursuant to Section 446(1) of the *Municipal Act*, a municipality may direct or require a person to do a matter or thing and that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**AND WHEREAS** Council of the Corporation of the *Municipality of South Dundas* is desirous to ensure that *Animals* are kept and treated in a humane manner and that, the owners of *Animals* provide good quality care to them.

**NOW THEREFORE** the Council of the corporation of the Municipality of South Dundas enacts the following as a by-law:

## SHORT TITLE

This by-law may be referred to as the “*Animal Control By-Law*”.

## PART 1 – DEFINITIONS

### 1.1 In this by-law;

- a) “*Animal*”: means any member of the *Animal* kingdom, other than a human.
- b) “*Dog Pound*”: means a facility operated by the *Township* or contracted by the *Township* for the care, keeping and impounding of *Animals* and may include any Town Staff thereof where the context permits.
- c) “*At large*”: means where an *Animal* is in any place other than its owner’s lot and is not physically restrained by a capable person by means of a *Tether* or otherwise.
- d) “*Attack*”: means a Level 1 through 6 of Schedule ‘C’ with the absence of a *Mitigating factor*.
- e) “*Child*” any person under the age of 12 years old.
- f) “*Consistently and Persistently*”: means for a period of ten (10) minutes at a time, more than three (3) times a day at least twice a week.
- g) “*Council*”: means the Council of the Corporation of the Municipality of South Dundas.
- h) “*Dangerous dog*”: means any dog that, in the absence of a *Mitigating factor*, has demonstrated the propensity to act in a significantly menacing or aggressive fashion or displayed an apparent attitude of *Attack* towards any person or an owner’s *Animal* or has bitten, *Attacked* or caused injury to any person or an owner’s *Animal*.
- i) “*Doghhouse*”: means an exterior building or structure that is used, or designed to be used, to provide shelter to one or more dogs.
- j) “*Dog run*”: means a fenced area, designed for harboring or containment of dogs.
- k) “*Highway*”: means a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- l) “*Landowner*” means a person holding registered title to a lot and includes a lessee, tenant, occupant or a mortgagee in possession thereof.
- m) “*Manager*”: means the Municipality’s Chief Building Official and his or her designate or successor.
- n) “*Microchip*” means a standard identification device implanted into an *Animal*, which contains a unique code that permits or facilitates access to owner information, including the name and address of an owner of the *Animal*.
- o) “*Mitigating factor*”: means a circumstance which excuses the aggressive behavior of an *Animal* and, without limiting the generality of the foregoing, may include circumstances where such *Animal* was, at the time of the aggressive behavior, acting in defense of an *Attack* by a person or other

Animal, acting in defense of its young, reacting to a person or Animal trespassing on the lot of its owner or being teased, tormented or similarly provoked.

- p) “*Municipal Act*”: means the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- q) “*Muzzle*”: means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting, yet still allows a dog to pant or drink.
- r) “*Officer*”: means an Officer of the Municipality responsible for enforcement of by-laws
- s) “*Order*” means a written direction to complete a specific rule, regulation, or authoritative direction.
- t) “*Owner*”: means any person who keeps, possesses, harbors or has custody, guardianship or control of an Animal and, where the owner is a minor, any person responsible for the custody of the minor shall be deemed to be the owner of the Animal.
- u) “*Private property*”: means any land within the Municipality of South Dundas including yards and vacant lots that do not belong to the owner.
- v) “*Tether*”: means a rope, chain, leash, or other similar material tied to a dog, so as to restrict its movement.

## PART 2 - DOGS

### Dog Licensing

- 2.1 Every person who owns a dog shall ensure it has valid identification, such as an identification tag or other similar means of identification affixed to it at all times which shall include the name of the dog and current contact information for the *owner* of such dog or a tag stating the dog is *Microchipped*.
- 2.2 Every person who is a temporary, short term or otherwise resident, who owns or harbors a dog, shall ensure that their dog has a valid identification tag affixed to it at all times;
  - a) Notwithstanding section 2.1 and 2.2, a dog under the age of three (3) months old does not require valid identification.
- 2.3 Every person who owns or harbors more than four (4) dogs on a property shall obtain a valid *Kennel* License from the *Municipality*.
- 2.4 No person, other than the *owner* of the dog, shall remove the identification tag from the dog.

### Dog Restraint

- 2.5 No person shall cause or permit a *tether* to be used that has a maximum length of more than three (3) meters while on public land, *Municipality* land, *Highways*, or *private property*.
- 2.6 Notwithstanding section 2.5, no person shall permit a *tether* of more than three (3) meters, to be used on *private property* without obtaining written permission from the *landowner*.
- 2.7 No person shall keep any dog with a *tether* that is not of sufficient strength and design to restrain any dog for which it is used.
- 2.8 No person shall permit any rope, chain or similar restraining device to be used to *tether* a dog unless such item is:
  - a) securely attached to a permanently affixed object to ensure that the dog is

restrained when *tethered*;

**2.9** No person shall permit a dog to be *tethered* unless it is adequately supervised so as to prevent any nuisances, including but not limited to barking, and to ensure that the dog remains free of any potential harm.

#### **Dog At Large**

**2.10** No person shall cause or permit a dog to be at large at any time.

**2.11** No person who owns, harbors, or possesses any dog shall cause or permit the dog to run at large or trespass on private property even when on a leash.

**2.12** No person shall cause or permit a dog to be at large on Municipality owned land, unless it is a designated and approved Municipality leash free dog park.

**2.13** For the purposes of section 2.12 an *Animal* shall not be considered at large in the following circumstances:

- a) where a *landowner* permits the *Animal* to be on their lot, unless such lot is commonly accessed by the general public
- b) if a dog is appropriately supervised by its *owner* and is within a leash free park; or
- c) where a service dog or police dog is actively engaged in carrying out the work for which it was trained.

**2.14** The *Manager*, animal control officer, or police may seize any dog which is suspected of being *at large*.

**2.15** Where a dog is seized by the *Manager* as a result of it being *at large*, the *Animal* shall be delivered to the *Dog Pound* to be impounded or released to its *owner* or euthanized, as the case may be.

**2.16** The *Manager* may enter on any public property or on *private property* with or without the consent of the *owner* or tenant of the property for the purposes of seizing any dog running *at large* contrary to the provisions of this by-law.

#### **Leash Free Dog Park**

**2.17** This section shall only be applicable to locations designated and approved by the *Municipality* as a "Leash Free Dog Park".

**2.18** An *owner* shall accompany their dog at all times while it is within a leash free dog park to ensure that it remains under control and such *owner* shall be capable of physically restraining the dog.

**2.19** No person shall have or attempt to have in excess of two (2) dogs under their care and control in a leash free dog park at any time.

**2.20** Every *child* within a leash free park shall be supervised and accompanied by their parent or a legal guardian at all times.

**2.21** No *owner* shall cause or permit their dog to enter or use a leash free dog park if the:

- a) dog displays, or has in the past displayed, aggressive behavior;
- b) dog is a *Dangerous dog* as per this by-law or any previous *Municipality Animal Control* by-law;
- c) *owner* has been advised by the *Manager*, animal control officer, *Officer*, Municipal Staff, police, or authorized agent on behalf thereof that the dog is prohibited from using a leash free dog park; or
- d) *owner* has been convicted of an offence related to the conduct of the dog under any Federal or Provincial legislation or a Municipal By-law.

**2.22** Every *owner* who permits their dog to enter or use a leash free dog park shall:

- a) immediately remove the dog from the leash free park if:
  - i it shows any aggressive behavior toward a person or other dog; or
  - ii a police constable, Officer, Municipal Staff or authorized agent on behalf thereof that requests the removal of the dog for any reason;
- b) ensure that such dog is under voice control and within their sight at all times; and
- c) immediately remove any excrement left by such dog and dispose of appropriately.

**2.23** Every owner shall ensure that their dog is controlled by *tether* when entering and leaving a leash free dog park.

**2.24** No person shall cause or permit any *Animal* other than a dog to enter or remain within a leash free dog park.

#### **Barking**

**2.25** No person shall allow a dog to bark *Consistently and Persistently*, causing a nuisance to the neighbors.

**2.26** No person shall encourage or bait a dog to bark *Consistently and Persistently*, causing a nuisance to the neighbors.

#### **Excrements**

**2.27** Every owner shall ensure that any dog excrement left by their dog on a *Highway*, public, or *private property*, is immediately removed and disposed of in a sanitary manner with the exception where:

- a) the owner of the *Animal* is the property owner of the lot on which the excrement was left; or
  - b) due to a physical disability, the handler of a service dog is unable to remove excrement left by such *Animal*.
- 2.28** Every owner of a dog that is the *Landowner* shall ensure that any dog excrement is removed from their property to ensure that it does not create a nuisance by reason of odor, sight or otherwise, within the specified timeframe below:
- a) Within three (3) days for any property within any property zoned as *Residential*.
  - b) Within seven (7) days for property in all other zones.

#### **Enclosures**

**2.29** Every owner shall ensure that any *Doghouse* or *dog run* provided for a dog is:

- a) located in a rear yard or side yard;
- b) set back at least two (2) meters from any lot line;
- c) maintained in good repair; and
- d) maintained in a clean and sanitary condition

### **PART 3- DANGEROUS DOGS**

**3.1** Every owner shall ensure that, in the absence of a *mitigating factor*, their dog does not:

- a) bite, *attack* or cause injury to any person or an owner's *Animal*; or
- b) behave in an aggressive or menacing manner to any person or an owner's *Animal*.

- 3.2** Section 3.1 does not apply to any dog actively engaged in law enforcement activities on behalf of a police force.
- 3.3** Where a level 1 or 2 (see Schedule 'C') *attack* has been determined to have occurred without *mitigating factor*, and it is the first *attack* on record, the *Manager* shall issue a notice of attack to the dog owner.
- 3.4** Where a level 1 or 2 (see Schedule 'C') *attack* has been determined to have occurred without *mitigating factor*, and it is the second *attack* on record, the *Manager* shall issue a Dangerous Dog Order to the owner, declaring the dog as dangerous.
- 3.5** Where a level 3 to 6 (see Schedule 'C') *attack* has been determined to have occurred without *mitigating factor*, the *Manager* shall issue a Dangerous Dog Order to the owner, declaring the dog as dangerous.
- 3.6** Where the *Manager* has declared a dog as dangerous as per sections 3.4 and 3.5, the Dangerous Dog Order may be issued to any owner of such dog and, without limiting any other section of this By-law, such order shall include the following conditions:
- a) Every owner of a *Dangerous dog* shall ensure that, when the dog is on the owner's lot, it is safely restrained and incapable of causing injury to any person or an owner's *Animal* entering on the lot, by ensuring that the dog is:
    - i secured in a dwelling on the lot; or
    - ii when outdoors:
      - 1. enclosed in a fully fenced rear yard or side yard where such fence, and any gate that is part thereof, is of sufficient height, design, and condition to prevent the dog from escaping the yard under any circumstances; or
      - 2. kept in a *dog run* in a rear yard or side yard and such *dog run* shall be of sufficient height, design, and condition to prevent the dog from escaping or causing harm to any other *Animal* therein under any circumstances.
  - b) Every owner of a *Dangerous dog* shall ensure, where a *Dangerous dog* is in any place, other than its owner's lot in accordance with section 3.6, such dog shall:
    - i be equipped with a *Muzzle* fitted over its mouth; and
    - ii restrained by a leash under the direct physical control of a capable person over 18 years of age.
  - c) Every owner of a *Dangerous dog* is prohibited from entering and using any leash free dog park with their *Dangerous dog*;
  - d) Every owner of a *Dangerous dog* shall ensure the *Dangerous dog* has valid identification, in accordance with section 3.1, and proof, in a form satisfactory to the *Manager*, shall be provided to the Municipality;
  - e) Every owner of a *Dangerous dog* shall provide the *Manager* with a photograph of the *Dangerous dog*, and any other *identifying* information deemed necessary;
  - f) Every owner of a *Dangerous dog* shall provide the *Manager* with copies of the most updated records of the *Dangerous dogs'* rabies vaccination;
  - g) The owner of a *Dangerous dog* shall upon request provide a status update to the satisfaction of the *Manager* in respect of the *Dangerous dog* and shall provide notification to the *Manager* within 48 hours of:
    - i any change to the residency or ownership of the *Dangerous dog*; or

- ii the death of the dog.

**3.7** A *Dangerous Dog Order* shall expire upon the death of such dog.

**3.8** A *Dangerous Dog Order* shall be deemed served;

- a) On the day of delivery if served by hand; or
- b) On the fifth (5<sup>th</sup>) day following the date of mailing if served by registered mail.

**3.9** Where any dog was declared a *Dangerous dog* in accordance with a previous *Municipality Animal Control By-law*, even where repealed, such dog shall be deemed to be a *Dangerous dog* pursuant to this By-law and shall continue to be subject to the terms of any applicable order in effect at the time of the enactment of this By-law.

#### **Appeal of Dangerous Dog Order**

**3.10** An owner of a *Dangerous dog* may appeal the order declaring a dog to be dangerous after the following criteria has been met:

- a) Within seven (7) days from service of the *Dangerous Dog Order*; or
- b) After a minimum of two (2) years since the last reported *attack*, and the owner submits;

- i sufficient proof of successful completion of obedience, behavioral, or any similar training by a qualified person; and
- ii a letter from a qualified dog trainer stating the dog is not likely to *attack* again.

**3.11** Every owner who makes a request to appeal a *Dangerous Dog Order* shall be made to the *Manager* may:

- a) Confirm the order; or
  - b) Exempt the owner in whole or in part from compliance with the order.
- 3.12** Any request to appeal an order declaring a dog as a *Dangerous dog* shall not act as a stay of the order *including* any condition or requirement imposed therein.

#### **PART 4- RABIES**

**4.1** Every owner of a dog which has bitten a person, shall place the dog in quarantine for a period of ten (10) days.

**4.2** At the discretion of the *Manager* a dog may be held in quarantine on the premises of the owner, or in a veterinary hospital, or a licensed *kenneled* of the owner's choice and at the owners expense.

**4.3** A dog held in quarantine under section 4.1 and 4.2, shall not be released from such quarantine without permission from the *Manager* or the expiration of ten (10) days symptom free.

**4.4** For the purposes of section 4.3, symptoms in a dog shall include any one of the following, depending on the type of rabies:

- a) **Dumb Rabies:** the dog becomes depressed and tries to hide in isolated places or paralysis (areas most affected are the face or neck- which causes abnormal facial expressions or drooling- or the hind legs).
  - b) **Furious Rabies:** the dog becomes very excited and aggressive, periods of excitement usually alternate with periods of depression, may attack objects or other animals. The dog may even bite or chew their own limbs.
- 4.5** If a dog develops any of the symptoms described in section 4.4, the owner shall contact the Public Health Unit and the *Municipality* as soon as possible.

#### **PART 5- KENNELS**

- 5.1** For the purposes of Part 5 of this by-law;
- a)** “owner”: means the owner or operator of a *Kennel*.
- 5.2** No person shall keep, board, house or breed more than four (4) dogs at a time on any premises within the *Municipality* unless the premises is:
- a)** licensed by the *Municipality* as a breeding or a boarding *kennel*; or
- b)** an accredited veterinary facility under the supervision of a veterinarian licensed under the *Veterinarians Act, R.S.O. 1990, Chapter V.3*, as amended.
- 5.3** Every person who proposes to operate a *kennel* where more than 15 dogs would be kept at a time, shall, before applying for a license under this by law, apply to the *Council* for approval to apply for the license.
- 5.4** After receiving an application made under section 5.3, the *Council* shall:
- a)** pass resolution granting the application and specifying the maximum number of dogs that the applicant may keep at one time in the *kennel*; or
- b)** pass a resolution refusing the application.
- 5.5** An application for a license under this section shall include:
- a)** the application license fee, as set out in Schedule ‘B’;
- b)** proof that the proposed or existing *kennel* complies to the satisfaction of the *Manager*, with the requirements of this by law and any other of the *Municipality’s* by-laws;
- c)** any site plan and site plan approval required by a by-law or by a provincial or federal statute or regulation; and
- d)** upon receiving a properly completed application, along with the applicable fee in Schedule ‘B’, the *Municipality* shall grant the requested license.
- 5.6** Every owner of a breeding or a boarding *kennel* shall maintain all parts of the *kennel* in a clean and sanitary condition, free of accumulated excrement.
- 5.7** Every owner of a breeding or a boarding *kennel* shall remove excrement and other waste resulting from the operation of the *kennel* daily. If
- 5.8** Upon the death of a dog being kept in a breeding or a boarding *kennel*, every *owner* of a *kennel* shall, in addition to the other requirements of this By-Law, immediately remove the dead body from its cage or pen to an area that is not being used to house other *Animals*.
- 5.9** An *owner* of a boarding *kennel* is exempt from the requirements of Section 2.1 in respect of a dog that is temporarily in his or her care provided that:
- a)** If the dog is currently registered with another municipality, a uniquely numbered registration tag from the other municipality shall be securely affixed on the collar or harness of the dog at all times.
- 5.10** Every *owner* shall meet the requirements of the applicable zoning regulations of the *Municipality*.
- Renewal**
- 5.11** Every *owner* of a breeding or boarding *kennel* shall renew their *Kennel* license prior to March 1<sup>st</sup> every year.
- 5.12** Every *owner* of a breeding or boarding *kennel* shall pay the *Kennel* License Fee, as per Schedule ‘B’.
- Revocation**
- 5.13** A *Kennel* license is considered automatically revoked if a complete license renewal

application is not submitted to the *Municipality* prior to March 1<sup>st</sup> of that calendar year.

**5.14** The *Municipality's Manager* may, at any point, revoke a person's *kennel* license where:

- a) a contravention of any section of this By-Law occurs;
- b) the license was issued in error; or
- c) continuation of the operation poses an immediate danger to the health or safety of any person, *animal*; or property.

**5.15** Where the *Manager* believes on reasonable grounds, that a licensed *kennel* may not be in compliance with the requirements of this by-law, the *Manager* may require that the *owner* of the *kennel* allow the *Manager* to enter the premises to inspect the *kennel*.

**5.16** Every *owner* of a *kennel* shall, upon receipt of an inspection request under section 5.20 grant the *Manager* or an animal control *Officer* access to the *kennel* premises.

**5.17** Where in the opinion of the *Manager* a *kennel* is in a state of non-compliance with this by-law or is creating or is likely to create a public health risk, the *Manager* may order the *owner* of the *kennel* in writing, to rectify the non-compliance within a specific time period that is reasonable in the circumstances.

**5.18** Every *kennel/owner* shall comply with an order made under section 5.17 within the time specified in the order.

**5.19** In evaluating compliance with the requirements of this by-law the *Manager* may require an applicant for, or a holder of, a *kennel*;

- a) to provide the *Manager* with information that he or she deems necessary for this purpose; and
- b) to allow the *Manager* to inspect the kennel or proposed *kennel* premises.

**5.20** In executing his or her duties with respect to any *kennel* or proposed *kennel*, the *Manager* may retain the services of a qualified veterinarian who is familiar with generally accepted kennel practices to write a report evaluating the practices of the licensed or proposed *kennel*. The *Manager* shall provide copies of any report generated by the veterinarian to the *owner* of the *kennel* or proposed *kennel*.

**5.21** The *Municipality* shall invoice the *owner* of the *kennel* for the cost of the veterinary services obtained under section 5.20. The *owner* of the *kennel* shall pay the invoice within thirty (30) days, after which time any outstanding amount, plus interest calculated from the date of the invoice, shall be added to the tax demand for the land occupied by the *kennel*.

## **PART 6- DOG POUND**

### **Impounded Dogs**

**6.1** At the discretion of the *Dog Pound*, any dog that is delivered as a result of it being *at large* may be impounded.

**6.2** Every dog that is impounded shall be held by the *Dog Pound* for a minimum redemption period of three (3) days exclusive of the day on which the dog was impounded, statutory holidays, and any day which the *Dog Pound* is closed.

**6.3** The *Dog Pound* shall keep a record of each dog that is impounded including but not limited to the date of impoundment, a description of the dog, any identification or contact information found on the dog and the date and manner of disposition.

**6.4** Where a dog is not redeemed by its previous *owner* within the established timeframe pursuant to section 6.2, such dog shall become the sole property of the *Dog Pound* and may be made available for adoption, sold, transferred to a new *owner*, humanely

euthanized or otherwise.

### **Redemption**

**6.5** During the period established pursuant to section 6.2, a dog may be redeemed by its previous owner and released from the *Dog Pound* if such person provides satisfactory identification of the dog and upon:

- a) payment of all applicable fees as set out by the *Dog Pound*;
- b) reimbursement to the *Municipality* for any costs incurred as a result of veterinary or other care deemed necessary for the wellbeing of the *Animal* while it was impounded; and
- c) affixing valid dog identification on the dog as per section 2.1.

## **PART 7 - ADMINISTRATION AND ENFORCEMENT**

**7.1** This by-law shall be enforced on the basis of written complaints, unless the *Manager* is aware of an obvious unsafe condition warranting correction.

**7.2** Notwithstanding 7.2, the *Manager* may inspect other areas or items believed to be unsafe.

**7.3** The *Manager* is authorized to administer and enforce this By-law including but not limited to:

- a) arranging for:
  - i the assistance or work of *Municipality* staff, or *Municipal* agents;
  - ii the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
  - iii the obtaining of court orders or warrants as may be required;
  - iv the commencement of such actions on behalf of the *Municipality* to recover costs or restrain contravention of this By-law as deemed necessary; and
- b) prescribing the format and content of any forms or other documents required under this By-law.

**7.4** The *Manager* may assign *Officers* to enforce this By-law and *Officers* so assigned or appointed by *Council* to enforce this By-law shall have the authority to:

- a) carry out inspections;
- b) make Orders or other requirements as authorized under this By-law; and
- c) give immediate effect to any orders or other requirements made under this By-law.

**7.5** The *Manager* may assign duties or delegate tasks under this By-law to be carried out in the *Manager's* absence or otherwise.

### **Entry and Inspections**

**7.6** An *Officer* may enter land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act*, 2001 for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) this By-law;
- b) a direction or order made under this By-law;

- c) an Order made under s. 431 of the *Municipal Act*, 2001.

**7.7** An *Officer* may, for the purposes of the inspection under Section 7 and in accordance with the conditions set out in section 436 of the *Municipal Act*, 2001:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information in writing or otherwise as required by the *Officer* from any person concerning a matter related to the inspection; or
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

**7.8** An *Officer* may undertake an inspection pursuant to an Order issued by a provincial judge or justice of the peace under Section 438 of the *Municipal Act*, 2001, in accordance with the conditions set out in that section, where he or she has been prevented or is likely to be prevented from carrying out an inspection under Sections 7.7 and 7.8.

**7.9** No Person shall interfere with or obstruct an *Officer* while performing their duties under this by-law.

#### **Orders including Delivery**

**7.10** If an *Officer* is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

**7.11** An Order under Section 7.11 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
- b) the work to be completed;
- c) the date or dates by which the work must be completed; and
- d) notice that if the order is not complied with, then the work may be done at the expense of the owner;
- e) notice that if the cost of work plus administration fees are not paid in time, they may be recovered by adding the amount to the tax roll for the Property.

**7.12** Delivery of an order to discontinue a contravening activity made under Section 7.11 or an order to do work made under Section 7.12 may be given personally or by registered mail to the last known address of:

- a) the owner; and
- b) such other persons affected by the order as an *Officer* determines.

**7.13** Delivery by registered mail shall be deemed to have taken place on the fifth (5<sup>th</sup>) day after the date of mailing.

**7.14** In addition to delivery in accordance with Section 7.13, an Order to discontinue contravening activity made under Section 7.11 or an order to do work made under Section 7.9 may be delivered by an *Officer* placing a placard containing the Order in a conspicuous place on the property where the contravention occurred.

**7.15** Where a time frame is set out in an Order for carrying out any action, an *Officer* may

extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the *Officer*.

**7.16** No person shall fail to comply with an Order issued pursuant to this By- Law.

### ***Municipality Carrying Out Work***

**7.17** Where a person does not comply with a direction or a requirement within an order, under this By-law to do a matter or thing, the *Manager*, in addition to all other remedies, may cause the Property to be brought into compliance with this by-law. For this purpose, the *Manager* with such assistance by others as may be required, may enter onto the Property at any reasonable time without further notice to the Owner in order to do such work necessary to achieve compliance with this by-law at the person's expense.

**7.18** The *Municipality* may recover the costs of doing a matter or thing by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an administration fee of 30 per cent (30%). The amount of the *Municipality's* costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

### **Penalties**

**7.19** Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to:

- a) a set fine as set out in Schedule 'A'; or
- b) a fine as provided for in section 61 of the Provincial Offences Act, R.S.O 1990, c. P.33.

**7.20** Where a person is convicted of an offence under this by-law, the Ontario court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **Validity and Severability**

**7.21** 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.

**7.22** Where a provision of this by-law conflicts with the provision of another by-law in force within the *Municipality*, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

### **Repeal**

**7.23** On the date this by-law comes into effect, By-Law 2002-15 as amended shall be hereby repealed.

**7.24** This By-law shall come into force upon the date of passing by *Council*.

**READ A FIRST AND SECOND TIME IN OPEN COUNCIL THE 9<sup>th</sup> DAY OF APRIL 2025.**

**READ A THIRD AND FINAL TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS DAY 23RD DAY OF APRIL 2025**

  
\_\_\_\_\_

MAYOR

  
\_\_\_\_\_

CLERK

**SCHEDULE 'A'**  
**CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS**  
**Set Fine Schedule**  
**Part 1 Provincial Offences Act By-Law No. 2025-34:**

**Animal Control Offences**

| Item | Short Form Wording                                                                             | Provision Creating or Defining of Offence | Set Fine |
|------|------------------------------------------------------------------------------------------------|-------------------------------------------|----------|
| 1    | Fail to provide dog with valid identification                                                  | 2.1                                       | \$350.00 |
| 2    | Fail to obtain a Kennel License                                                                | 2.3                                       | \$350.00 |
| 3    | Removed identification tag from the dog                                                        | 2.4                                       | \$350.00 |
| 4    | Fail to use tether of 3m or less                                                               | 2.5                                       | \$350.00 |
| 5    | Fail to use tether of appropriate strength for dog                                             | 2.7                                       | \$350.00 |
| 6    | Fail to appropriately tether dog                                                               | 2.8                                       | \$350.00 |
| 7    | Permit dog to run at large                                                                     | 2.10                                      | \$350.00 |
| 8    | Permit dog to trespass on Private Property                                                     | 2.11                                      | \$350.00 |
| 9    | Fail to accompany dog within leash free dog park                                               | 2.18                                      | \$350.00 |
| 10   | Fail to keep less than 2 dogs in your care at a leash free dog park                            | 2.19                                      | \$350.00 |
| 11   | Fail to accompany child within leash free dog park                                             | 2.20                                      | \$350.00 |
| 12   | Permit dog who poses danger to persons and dogs to enter leash free dog park                   | 2.21 a                                    | \$350.00 |
| 13   | Permit dog who displays aggressive behavior in leash free dog park                             | 2.21 b                                    | \$350.00 |
| 14   | Permit dangerous dog in leash free dog park                                                    | 2.21 c                                    | \$350.00 |
| 15   | Permit dog who has been convicted of an offence related to dog conduct, in leash free dog park | 2.21d                                     | \$350.00 |
| 16   | Fail to immediately remove aggressive dog from leash free dog park                             | 2.22 a) i                                 | \$350.00 |
| 17   | Fail to remove dog from leash free dog park following request from officer or town designate   | 2.22 a) ii                                | \$350.00 |
| 18   | Fail to immediately remove excrement                                                           | 2.22 c)                                   | \$350.00 |
| 19   | Fail to keep dog tethered while entering leash free dog park                                   | 2.23                                      | \$350.00 |
| 20   | Permit any animal other than a dog within a leash free dog                                     | 2.24                                      | \$350.00 |
| 21   | Permit dog to bark consistently and persistently                                               | 2.25                                      | \$350.00 |
| 22   | Encourage dog to bark consistently and persistently                                            | 2.26                                      | \$350.00 |
| 23   | Fail to immediately remove excrement from public property                                      | 2.27                                      | \$350.00 |
| 24   | Fail to remove excrement within 3 or 7 days                                                    | 2.28 a & b                                | \$350.00 |
| 25   | Fail to ensure doghouse is located in rear or side yard                                        | 2.29 a)                                   | \$350.00 |
| 26   | Fail to ensure doghouse is at least 2m                                                         | 2.29 b                                    | \$350.00 |

|    | from lot line                                     |       |          |
|----|---------------------------------------------------|-------|----------|
| 27 | Allow dog to bite, attack, or cause injury        | 3.1a) | \$350.00 |
| 28 | Allow dog to behave in an aggressive manner       | 3.1b) | \$350.00 |
| 29 | Fail to comply with a Dangerous Dog order         | 3.6   | \$350.00 |
| 30 | Fail to place dog in quarantine for ten (10) days | 4.1   | \$350.00 |
| 31 | Keep more than 4 dogs without a kennel license    | 5.2   | \$350.00 |
| 32 | Keep more than 15 dogs without Council approval   | 5.3   | \$350.00 |
| 33 | Fail to immediately remove dead dog from kennel   | 5.8   | \$350.00 |
| 34 | Obstructing an Officer                            | 7.9   | \$500.00 |
| 35 | Fail to comply with an Order                      | 7.16  | \$350.00 |

Note: The general penalty provision for the offences listed above is Schedule "A" of By-law no. 2025-35, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33

SCHEDULE 'B'  
CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS  
By-Law No. 2025-34

Animal Control Service Use and Activity Charges

| Item | Service or Activity Fee                                                                                                                                                                  | Fee                                                          |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| 1.   | <b>Kennel License</b><br>Where an application for a <i>Kennel</i> License is submitted the fee indicated must be paid in full.                                                           | <b>\$ 150.00</b>                                             |
| 2.   | <b>1st Order.</b><br>Where the informal notice has not been complied with, for the first Order issued in respect to any property.                                                        | <b>\$ 150.00</b>                                             |
| 3.   | <b>Subsequent Orders.</b><br>Where there has been a previous Order issued, each subsequent Order issued thereafter.                                                                      | <b>\$ 350.00</b>                                             |
| 4.   | <b>Municipality undertakes to complete the work.</b> Where the <i>Township</i> undertakes to complete the work required to comply with any final order.                                  | Cost of the work performed plus an administrative fee of 30% |
| 5.   | <b>Certificate of Compliance.</b><br>Where after inspecting a property, an <i>Officer</i> , may on the request of the <i>Owner</i> , issue the <i>Owner</i> a certificate of compliance. | <b>\$25.00</b>                                               |

**SCHEDULE 'C'**  
**CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS**  
**By-Law No-2025-34:**

**Animal Control Animal Attack Levels**

| Level | Descriptions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Obnoxious or aggressive behavior but no skin contact by teeth & no injury. Dog growls, snarls, lunges, but no teeth touch skin.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2     | Skin contact by teeth. Includes skin nicks, scrapes, redness/welts caused by movement of teeth; may also include movement of dog's nails/claws against the skin. Mouth/teeth touch skin and there are pressure marks or indentations that leave scratches or abrasions and there may be slight bleeding caused by forward, backward or lateral movement of teeth against skin – no distinct punctures.                                                                                                                                                                  |
| 3     | One to four punctures from a single bite with no deep punctures (less than ½ the length of the dog's canine teeth). There may be skin tearing (abrasions or shallow lacerations) in a single direction, caused by the victim pulling or owner pulling dog away, or gravity (e.g. dog jumps up).                                                                                                                                                                                                                                                                         |
| 4     | One to four punctures from a single bite with at least 1 deep puncture (deeper than ½ the length of the dog's canine tooth. May include deep bruising around the wound (dog held on for a number of seconds and bore down) or lacerations in both directions (dog held on an shook its head from side to side). With this type of bite, the dog clamps down and there is not a quick release (bite –hold). Lacerations will often occur as the individual pulls away while the dog has a hold with their teeth.                                                         |
| 5     | Multiple-bite incident with at least two level 3 bites or multiple-Attack wounds with at least one level 3 bite in each. Includes severe injuries as a result of an Attack (i.e. fracture). Dog bites multiple times in a row, connecting with the skin, causing punctures and often tears. Some bites may be bite-release and some may be bite-hold. The dog does not bite and back away but instead bites, releases and then lunges forward again immediately often directing the bite toward vulnerable areas. These are serious bites that can be life threatening. |
| 6     | victim (human or Animal) is deceased as a result of bite or Attack.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |