

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 2005-206

A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATION AND REGISTRATION OF DOGS, WITHIN THE CITY OF BELLEVILLE

WHEREAS the *Municipal Act, 2001* authorizes the Councils of municipalities to pass by-laws with respect to animals;

AND WHEREAS City Council considers it advisable to pass such a by-law;

NOW THEREFORE the Council of The Corporation of the City of Belleville enacts as follows:

TITLE

This By-Law may be referred to as the "Animal Control By-Law".

SECTION 1

DEFINITIONS

For the purpose of this by-law:

“Control” means having at all times, the ability to manage, direct, restrict and restrain the movements of a dog.

“Corporation” shall mean The Corporation of the City of Belleville and City shall have a corresponding meaning.

“Dog” shall mean any member of the species *Canis Familiars*.

“Domestic Animal” shall mean and include, a dog, a cat or other animal that is normally kept as a household pet.

“Domestic Fowl” shall mean and include, chickens, geese, ducks, turkeys and other such poultry and the young thereof, and also includes game birds as defined in the Game and Fish Act.

“Dwelling Unit” shall mean a room or suite of two or more rooms designed or intended for use by an individual or family in which culinary and sanitary conveniences are provided for the exclusive use of such individual or family and with a private entrance from outside the building or from a common hallway or stairway inside, but does not include a hotel, motel, boarding, rooming and/or lodging house, recreational vehicle or mobile home.

“Guide Dog” shall mean a dog professionally trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act; and shall also include a dog professionally trained as a guide dog for other physically disabled persons.

“Injured” in respect of livestock or poultry shall mean injured by wounding, worrying or pursuing. Injured and injuring shall have a corresponding meaning.

“Kennel” shall mean premises other than a pet store, veterinary hospital or clinic, animal shelter or property that is operating a legitimate fostering program for dogs or cats under the authority of the Society, in which the predominant activity consists of the raising, boarding or training of dogs;

“Leash” shall mean a restraining device of sufficient strength and material for holding a dog.

“Leashed” shall mean a restraining device securely attached to the dog and the person or object.

“Licence” for the purpose of this By-law shall be deemed to be the receipt issued by the Treasurer of The Corporation of the City of Belleville or his authorized agent, upon payment of the appropriate tax or licence fee.

“Medical Officer” shall mean the Medical Officer of Health for the Hastings and Prince Edward Counties Health Unit.

“Municipal Law Enforcement Officer” shall mean a Police Officer, a Municipal Law Enforcement Officer for the City of Belleville or anyone acting under his authority.

“Muzzle” shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting and muzzled and muzzling have corresponding meanings.

“Owner” shall include any person who possesses or harbours dogs and owns or owned shall have a corresponding meaning and shall include the person or persons who are temporarily the keeper of dogs and, where the owner is a minor, the person responsible for the custody of the minor.

“**Person**” shall mean any individual, firm, incorporated group, business entity or club to whom the context can apply.

“**Police Work Dog**” shall mean a dog trained to aid law enforcement officers 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.

“**Pound**” shall mean such premises and facilities designated by The Corporation of the City of Belleville as a City Pound.

“**Pound Keeper**” shall mean a person, persons, association or society appointed by The Corporation of the City of Belleville to maintain and administer the pound.

“**Restrained**” shall mean being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane or leashed to prevent a dog from coming in contact with persons other than the owner of the dog.

“**Running At Large**” means, in the case of a dog, being in a place other than a property or premises owned or occupied by the owner of the dog and not under the control of its owner or another person acting on behalf of its owner and “run at large” and “at large” shall have corresponding meanings. For clarification, “property or premises owned or occupied by the owner” includes any building, house, dwelling unit, commercial or industrial unit and any exclusively associated private outdoor space or accessory building but does not include common areas such as stairways, hallways, lobbies and common outdoor spaces such as those found at apartment buildings, condominium and townhouse complexes and other similar residential, commercial or industrial developments.

“**Society**” or “**Humane Society**” shall mean “Quinte Humane Society”.

“**Under the control of its owner**” means, in the case of a dog, being kept on a leash and leashed by its owner or by another person acting on the owner’s behalf;

“**Waste**” shall mean:

- i) waste matter sent out from the body (excrement), or
- ii) a solid waste matter sent from the body (faeces).

“**Vicious Dog**” shall mean a dog that, without provocation, has bitten a person, domestic animal or domestic fowl.

“**Zoning By-Law**” means a by-law passed under Section 34 of the *Planning Act* that restricts the use of land.

SECTION 2

GENERAL INTERPRETATION

2.1 For the purpose of this by-law:

- i) words importing the singular number or the masculine gender only, includes parties or things of the same kind and females as well as males and the converse.
- ii) **THIS** or other words importing the singular number, or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and the converse.

SECTION 3

LICENSING

3.1 It shall constitute an offence for an owner of a dog to fail to cause the dog to be registered, numbered, described and licensed at City Hall of The Corporation, or such other place as may be designated by resolution of Council of The Corporation, annually on or before the 1st day of January in each year.

- 3.2
- i) The fee payable for each licence shall be in accordance with Schedule "A" of this by-law, as amended from time to time.
 - ii) Fees shall increase as per Schedule "A" for a licence that is applied for after the last day of March each year. This shall not be deemed to apply to dogs that fall under the provisions of Subsection 3.3. iii) of this Section.

- 3.3
- i) It shall constitute an offence for an owner of a dog born in the City to fail to licence and register the dog within three (3) months after its date of birth.
 - ii) It shall constitute an offence for an owner of a dog to fail to licence and register the dog within two (2) weeks of being brought into the City.
 - iii) Where the owner of a dog to which this Section applies is not required to register and licence that dog until after the 30th day of September in any year, the fee payable shall be in accordance with Schedule "A" of this By-Law.

- 3.4 i) a) On payment of the licence fee for a dog, the owner shall be furnished with a dog tag bearing a serial number and the year in which it was issued.
- b) Unless a dog is being lawfully used for hunting in the bush, it shall constitute an offence for any owner to fail to keep a dog tag securely fixed on the dog at all times until the tag is renewed or replaced.
- ii) It shall constitute an offence for any person to use a tag upon a dog other than the dog for which it was issued.
- 3.5 The licence fee set out in Schedule "A" of this By-Law shall not apply to a dog professionally trained to aid or assist a disabled person, or a dog professionally trained to assist a law enforcement agency, including dogs that are in the process of being professionally trained.
- 3.6 Any person who is so required by The Corporation, or its authorized agent, shall forthwith deliver to The Corporation, or its authorized agent, a statement in writing showing the number of male dogs, neutered male dogs, female dogs, and spayed female dogs owned by such person or which are habitually kept upon the premises for which such person is assessed as owner or otherwise.

SECTION 4

RESTRICTIONS

- 4.1 i) Subject to Subsections ii and iii, it shall constitute an offence for any person (or persons) to harbour more than a total of three (3) dogs in or about any single dwelling unit.
- ii) This Section does not apply to:
- a) the operation of a kennel for the purposes of breeding or boarding animals;
- b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association;
- c) a pet store;

- d) an Ontario Humane Society shelter, or the Pound, which complies with the Zoning By-Laws of The Corporation of the City of Belleville, Zoning By-Laws of the Township of Thurlow (as it was prior to amalgamation on January 1, 1998) if applicable and Zoning By-Laws of the Township of Sidney (as it was prior to amalgamation on January 1, 2000) if applicable.
- iii) This section does not apply to dogs under the age of three (3) months.

SECTION 5

KENNELS

- 5.1 No person shall operate a kennel anywhere within the City unless he or she has first obtained a kennel license in accordance with this by-law.
- 5.2 Every application for a kennel license or for the renewal of such a license shall be submitted to the City Clerk's Department in the form provided by the City, together with the annual license fee, as set out in Schedule "A".
- 5.3 Every application for a kennel license will be reviewed by the City to determine whether it meets the requirements of this by-law and, as part of this review, may be circulated to the Planning Department, Belleville Fire Department, Hastings & Prince Edward County Health Unit, Belleville Police, Quinte Humane Society, and a Municipal Law Enforcement Officer for comments.
- 5.4 These agencies and individuals, as part of their review, may require an inspection of the property, other than a room or place used as a dwelling.
- 5.5 If it is determined that an application meets the requirements of this by-law, the City will issue the license if the license fee has been paid.
- 5.6 If it is determined that an application does not meet the requirements of this by-law, the City will refuse to issue the license and will refund the license fee.
- 5.7 If, at any time, the City determines, as a result of evidence that is provided, that the operation of a kennel does not conform to the requirements of this by-law, it may suspend or revoke the license.

- 5.8 A person is not eligible for a kennel license or the renewal of a kennel license unless:
- i) the use or proposed use conforms with the zoning by-law that applies to the property;
 - ii) the property complies with the property standards by-law and any other applicable by-laws
 - iii) the property conforms with all applicable law, including the *Health Protection and Promotion Act*, the *Ontario Society for the Prevention of Cruelty to Animals Act*, and the *Fire Protection and Prevention Act*;
 - iv) the property is kept in a clean and sanitary condition at all times; and
 - v) every dog that has reached the age of six months and that resides on the property permanently has been licensed pursuant to the requirements of this by-law.

SECTION 6

PUBLIC NUISANCE

- 6.1 No owner shall cause or permit his or her dog to become a public nuisance by:
- i) persistently barking or howling;
 - ii) damaging public or private property;
 - iii) scattering garbage or interfering with waste management activities;
 - iv) persistently barking at or chasing persons, vehicles, domestic animals, domestic fowl, livestock, poultry, or other animals;
 - v) swimming at a public beach, swimming or wading pool; or
 - vi) being in a public park or recreational area and not under the control of its owner.

SECTION 7

WASTE

- 7.1 Subject to Subsection 7.2, it shall constitute an offence for any person to allow a dog to deposit waste (excrement/faeces) on private property or property of The Corporation unless such person immediately and entirely, without leaving the scene, causes such waste to be picked up and disposed of in an environmentally approved manner.
- 7.2 Subsection 7.1 shall not apply to a guide dog while on a leash and actually in use providing assistance to a disabled person.

SECTION 8

RUNNING AT LARGE

- 8.1 No owner shall cause or permit his or her dog to run at large, except within the confines of the City operated Dog Park at Zwick's Park.
- 8.2 Every dog shall be under the control of its owner or another person acting on behalf of the owner, at all times when on any property that is not owned or occupied by its owner.
- 8.3 (deleted by By-law 2013-45)
- 8.4 When directed by the Municipal Law Enforcement Officer, or anyone acting under his authority to leash a dog, it shall constitute an offence for every person or owner of a dog who fails to maintain sufficient control of the dog, while off the property of the owner, to leash the dog so that it is securely attached to the person in control of the dog.
- 8.5 A Municipal Law Enforcement Officer may seize any dog running at large in the City and cause such dog to be returned to the owner or impounded.
- 8.6 Any owner who fails to claim a dog within the time period as set out by the regulations of the Humane Society shall forfeit all rights to ownership of that dog.
- 8.7 Any owner of a dog that has been seized or impounded shall pay an amount in accordance with Schedule "A" prior to the release of the dog.

- 8.8 i) Any owner of a dog that has been seized or impounded that has not obtained a dog licence for the current year shall purchase a licence before the dog is released.
- ii) Any dog impounded shall be taken to the pound facility of the Humane Society.
- 8.9 The Municipal Law Enforcement Officer or anyone acting under his authority may kill any dog that he finds running at large if:
- i) he reasonably believes the dog is likely to cause imminent harm to any person, dog, domestic animal, or domestic fowl; or
- ii) the dog is injured or ill and he reasonably believes should be destroyed without delay for public safety and humane reasons.
- 8.10 A dog shall not be considered to be running at large if it is a guide dog or a police work dog.
- 8.11 When a dog is known to have bitten a person the Medical Officer of Health may order the Municipal Law Enforcement Officer for the City to confine the dog under supervised quarantine for a period not to exceed fourteen (14) days in accordance with Health Protection and Promotion Act Regulations.
- 8.12 Any dog known to be rabid or suspected of being rabid shall be placed in quarantine, or with the permission of the Medical Officer of Health, it shall be killed in such a manner that the brain is not damaged and the head shall be submitted to a laboratory for diagnosis.
- 8.13 The Municipal Law Enforcement Officer or anyone acting under his authority shall notify the Belleville Police Service prior to discharging a firearm. Should it not be practical to contact the police first, they shall be contacted as soon as possible.

SECTION 9

DOG BITES

- 9.1 Unless it is a police work dog, it shall constitute an offence for any person or owner of a dog fail to take all precautions necessary to prevent the dog from biting or attacking any person or fighting, attacking, or biting any dog, domestic animal or domestic fowl, whether on private or public property.

- 9.2 i) When a dog has bitten or attacked a person, or fought with, bitten or attacked a dog, domestic animal or domestic fowl, the owner shall cause the dog to remain muzzled or leashed until such time as the incident has been reviewed by the Municipal Law Enforcement Officer. The Municipal Law Enforcement Officer, as a result of his review may:
- a) exempt the owner from the muzzling or leashing requirement;
 - b) rule that the dog is a vicious dog, whereby the owner must comply with Section 10 of this by-law if in the opinion of the Officer, the dog has fought, bitten or attacked without provocation; or
 - c) commence proceedings under the Dog Owner's Liability Act, whereby at the discretion of a Judge, penalties ranging from a fine to an order to destroy the dog, may be imposed.
- ii) If the Municipal Law Enforcement Officer requires that a dog be leashed and/or muzzled after biting a person, dog, domestic animal, or domestic fowl, the owner of the dog may request and is entitled to a hearing by the council or a committee thereof or the animal control official of the municipality if so delegated by council, which or who may exempt the owner from the muzzling or leashing requirement, or both.

SECTION 10

VICIOUS DOGS

- 10.1 Subject to Subsection 10.10, when not in the owner's dwelling unit but otherwise within the boundaries of the owner's lands, it shall constitute an offence for the owner of a vicious dog to fail to ensure the dog is secured in accordance with Subsections 10.1 i) and 10.2 ii) so as to prevent the dog from causing injury to any person, dog, domestic animal or domestic fowl.
- i) The vicious dog shall be located wholly within a fenced area and any gate in such fenced area shall be locked at all times when the vicious dog is in the fenced area.
 - ii) When the vicious dog is kept in an enclosed run or pen, such run or pen shall be enclosed on all four (4) sides and its top shall be of material of the same or greater strength than that of the sides.
- 10.2 Subject to Subsection 10.10, it shall constitute an offence for an owner to fail to ensure that any person who is left with the charge of a vicious dog is fully capable of controlling the dog.

- 10.3 Subject to Subsection 10.10, when the dog is outside the boundaries of its owner's land, it shall constitute an offence for an owner of a vicious dog to fail to ensure that at all times the dog is leashed and muzzled so as to prevent it from biting.
- 10.4 Subject to Subsection 10.10, it shall constitute an offence for a person to operate a kennel containing a vicious dog except as permitted in Subsection 10.5.
- 10.5 A vicious dog may be temporarily kept in a kennel that has been licensed under this by-law while the kennel is providing any of the services listed herein:
- i) boarding
 - ii) grooming
 - iii) training
 - iv) medical attention
- 10.6 Subject to Subsection 10.10, it shall constitute an offence for any person to permit a vicious dog to attack or bite any person, or to attack, bite or fight with any dog, domestic animal or domestic fowl.
- 10.7 Subject to Subsection 10.10, it shall constitute an offence for every owner of a vicious dog to fail to inform the Municipal Law Enforcement Officer that the dog is vicious when a licence is being applied for.
- 10.8 Subject to Subsection 10.10, it shall constitute an offence for an owner or immediately previous owner of a vicious dog to fail to inform the Municipal Law Enforcement Officer of the change of ownership within fourteen (14) days of the transfer of the vicious dog from one owner to another.
- 10.9 Subject to Subsection 10.10, it shall constitute an offence for the owner of a vicious dog to fail to post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.
- 10.10 This section shall not apply to police work dogs.

SECTION 11

ADMINISTRATION

- 11.1 This by-law shall be administered by The Corporation of the City of Belleville.

SECTION 12

VIOLATIONS AND PENALTIES

- 12.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine, as provided for in the Provincial Offences Act, RSO 1990, Chapter P.33, as amended.
- 12.2. Upon registering a conviction for a contravention of any provision of this by-law, the Ontario Court of Justice may, in addition to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

SECTION 13

VALIDITY

- 13.1 THAT By-Law Numbers 99-82, 99-147 and 2001-63 and all amendments thereto are hereby rescinded and all by-laws or parts of by-laws inconsistent with the provisions of this By-Law are hereby rescinded.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this 12th day of **December 2005**.

Read a second time this 12th day of **December 2005**.

Read a third time and finally passed this 12th day of **December 2005**.

Mary-Anne Sills
MARY-ANNE SILLS MAYOR

Wayne B Tod
WAYNE B. TOD CITY CLERK

SCHEDULE A TO BY-LAW 2005-206 AS AMENDED

City of Belleville Dog Licence and Impound Fees

Type of Dog Licence	Fee
Kennel Owner of a kennel for purebred dogs duly registered in the registry of the Canadian Kennel Club and holding a current kennel licence	\$60.00
Male or Female Dog - Licence purchased <u>before</u> March 31 st - Licence purchased <u>after</u> March 31 st	\$25.00 \$32.50
Spayed or Neutered Dog (See Special Provision 1) - Licence purchased <u>before</u> March 31 st - Licence purchased <u>after</u> March 31 st	\$20.00 \$27.50
Senior Citizen Rates - Owner over age sixty-five First Male or Female Dog - Licence purchased <u>before</u> March 31 st - Licence purchased <u>after</u> March 31 st	\$15.00 \$22.50
Each Spayed or Neutered Dog (See Special Provision 1) - Licence purchased <u>before</u> March 31 st - Licence purchased <u>after</u> March 31 st	\$10.00 \$15.00
Replacement Fee for Lost Tag	\$5.00
Replacement fee for licensing new dog to replace deceased dog	\$5.00
Impound Fee Impound fee is to be increased by \$25.00 for each repeat offence to a maximum of \$100.00	\$50.00
Special Provisions 1. <u>Veterinarian's Certificate</u> is necessary to certify that dogs have been spayed or neutered <u>and</u> immunized. 2. The owner of a <u>properly certified guide dog</u> shall not be required to obtain a licence for such dog. 3. The licence fee for <u>dogs registered</u> in accordance with the terms of the By-law after September 30 th shall be 50% of the fees specified above.	