

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 98-211**

**LICENSING:** (R.1.2.4.) A by-law for licensing dogs, for requiring the registration of dogs and for prohibiting the running at large of dogs.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie pursuant to The Municipal Act, R.S.O. 1990, c. M.45 as amended **ENACTS** as follows:

**1. INTERPRETATION**

In this by-law:

- (1) “Kennel” means an establishment where a kennel of purebred dogs are registered with the Canadian Kennel Club and bred under the owner’s name.
- (2) “Kennel Licensee” means the person or body who has obtained a license under this by-law to operate a kennel.
- (3) “Mature Dog” means a female dog over six months old or a male dog over eight months old.
- (4) “Owner” of a dog includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- (5) “Poundkeeper” means the shelter operated by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals Human Society on behalf of and under agreement with the Corporation of the City of Sault Ste. Marie.

**2. POUNDKEEPER**

For the purpose of this by-law, the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals shall be deemed to be the Poundkeeper of the City of Sault Ste. Marie and the Animal Shelter operated by the Society shall be deemed to be the City Pound.

**3. LICENSE REQUIREMENT**

- (1) On or before the thirty-first day of March of each year an owner as defined herein, shall:
  - (a) register every dog owned with the Poundkeeper; and
  - (b) obtain a licence and tag for every dog owned from the Poundkeeper.
- (2) New dog owners shall comply with section 3, subsection (1) (a) and (b) within seven (7) days of acquiring the dog.

**4. PENALTY FOR NON-RENEWAL**

Any person who fails to renew a dog license on or before March 31 of each year shall be subject to a penalty of Ten Dollars (\$10.00) on renewal.

**5. LICENSE FEE AND REGULATION**

The Poundkeeper shall not issue a license and tag to any person for any dog unless:

- (1) A certificate signed by a Doctor of Veterinary Medicine is provided to the Poundkeeper that indicates that such dog has been inoculated against rabies within

24 months of the 1<sup>st</sup> day of January of the year in which the application is made,  
and

- (2) The following fees are paid:

for each microchipped and neutered male dog	\$ 10.00
for each microchipped and spayed female dog	10.00
for each neutered male dog	20.00
for each spayed female dog	20.00
for each male dog	50.00
for each female dog	50.00
for each licensed kennel	50.00
for a replacement license	5.00.

- (3) If an application is made for a license for a dog which, at the time of the application, is less than 8 months old, subsection (1) of section 5 shall not prevent the issue of a license for such dog if the owner undertakes to file with the Poundkeeper, in a form satisfactory to him, a certificate signed by a Doctor of Veterinary Medicine providing that the dog has been inoculated for rabies when the dog attains the age of 8 months old.
- (4) No female dog shall be licensed as a sprayed female dog and no male dog shall be licensed as a neutered male dog unless a certificate signed by a Doctor of Veterinary Medicine is provided to the Poundkeeper certifying that such female dog has been sprayed or that such dog has been neutered.
- (5) With respect to a dog that is less than 8 months old, subsection 4 is satisfactorily complied with if the owner of such dog files with the Poundkeeper a certificate signed by a Doctor of Veterinary Medicine that an appointment has been made with him to spay the said dog at some time prior to the day on which such dog will be 8 months old.
- (6) If a person becomes an owner of a dog after the first day of July in any year, the fee payable for each license applied for in that year shall be one-half of the yearly license fee required by this by-law.
- (7) A blind owner of a guide dog shall be issued a dog license free of charge upon production of a card from the Canadian National Institute for the Blind issued to such owner and provided that all other provisions of this by-law are satisfied.
- (8) A hearing impaired owner of a hearing ear dog shall be issued a dog license free of charge upon production of a card from the Hearing Ear Dogs of Canada issued to such owner and provided that all other provisions of this by-law are satisfied.

## **6. PROHIBITIONS**

- (1) Every owner shall procure a tag for each dog owned and shall keep the tag affixed on the dog for which it was procured at all times during the year and until such time as he procures a tag for each dog for the following year.
- (2) No owner shall use a tag upon a dog other than that for which the tag was issued.
- (3) Every owner shall cause each dog owned to be inoculated for rabies before each dog is 8 months old.
- (4) No person shall procure a license for a female dog as a male dog.
- (5) No person shall remove a license tag from a licensed dog.

**7. TAGS**

A tag shall bear a serial number and the year to which it applies. A license shall state the name of the owner, the amount paid, the name of the person who paid the fee, the year for which the receipt is issued and a description of the dog for which the license is issued, which particulars shall be entered by the Poundkeeper in the records kept by the Poundkeeper for such purpose.

**8. RUNNING AT LARGE**

- (1) No person shall cause or permit a dog owned by that person to run at large in the City of Sault Ste. Marie.
- (2) For the purpose of this section, a dog shall be deemed to be running at large:
  - (a) when found in any place other than the premises of the owner of the dog not on a leash six feet or less in length held by the owner;
  - (b) when found on any private property without the consent of the person apparently in possession or having ownership of the property; or
  - (c) when, although chained, tied or fastened to a particular place on private property, if the chain or other means of fastening is of sufficient length so that the dog is found on a highway, other public place, or other private property not owned by the owner of a dog.
- (3) No person shall keep a dog within the City of Sault Ste. Marie tethered on a chain, rope or similar restraining device, of less than ten feet in length.

**9. IMPOUNDING AND DESTRUCTION**

- (1) A dog which is found running at large contrary to the provisions of this by-law may be seized and impounded in the City pound.
- (2) A dog so impounded shall be held for a period of four days and if not claimed and released to the owner thereof within such period, such dog may then be euthanized or sold by the Poundkeeper as he or she may deem appropriate.
- (3) Where three charges are laid under this section against the owner of a dog and result in convictions, the Manager of the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals shall be entitled to retrieve the dog from the owner and keep the dog in the animal shelter for a period of 10 days or until the Manager is satisfied that the owner of the dog has taken proper and effective steps to restrain the dog, whichever is the lesser.
- (4) A dog so impounded shall not be released until the owner thereof has paid to the Poundkeeper the sum of ten dollars (\$10.00) for each twenty-four hours or part thereof during which the dog has been impounded plus any administrative fee approved by the Board of the Society.
- (5) Where a dog is adopted under this by-law the proceeds of the adoption shall be paid to the Poundkeeper.

**10. INJURED DOGS**

- (1) Where in the opinion of the constable, peace officer, Poundkeeper or municipal by-law enforcement officer a dog under this by-law is injured or should be euthanized without delay for humane reasons or for safety to persons, such person may euthanize the dog as soon after the seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it by public auction or otherwise for sale, and no damages or compensation shall be recovered by the owner.

- (2) Where a dog seized or impounded by the Poundkeeper under section 9 subsection (1) is injured or ill and is treated by a veterinary surgeon, the Poundkeeper shall, in addition to any amount charged under section 9 subsection (4), be entitled to charge the person claiming the dog the cost to the Poundkeeper for veterinary treatment.

**11. ATTACKING DOGS**

- (1) Where a constable or other peace officer or municipal by-law enforcement officer finds a dog running at large contrary to the provisions of this by-law and he or she believes that before the dog can be seized it may attack a human being he or she may kill the dog.
- (2) Where a person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being that person may kill the dog.
- (3) No damages or a compensation shall be recovered for the killing of a dog under this section.

**12. CONFINEMENT OF FEMALE DOGS IN HEAT**

The owner of a female dog in heat shall confine such dog in a building or enclosed pen or kennel until such heat has ended.

**13. PERSISTENT BARKING**

Where the Police Services of the Corporation of the City of Sault Ste. Marie has received and investigated three complaints about the persistent barking of a dog, which complaints have resulted in a conviction of the owner of the dog under either City By-law 4100 or 80-200, the Manager of the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals shall be entitled to retrieve the dog from the owner and keep the dog in the animal shelter of the Society for a period of 10 days or until the Manager is satisfied that the owner of the dog has taken proper and effective steps to control the barking of the dog, whichever is the lesser.

**14. KENNEL LICENSEES**

All kennel licensees shall abide by the provisions set out in this by-law, including:

- (1) providing confirmation from the Building Division in writing that the kennel complies with the City zoning by-law; and
- (2) an inspection of the premises by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals within the previous twelve months. Such inspection must approve the premises as to the conditions of operation and quality of care for the dogs; and
- (3) be a member in good standing of the Canadian Kennel Club and a local club sanctioned by the CKC.

**15. POTENTIALLY DANGEROUS & DANGEROUS DOGS**

- (1) In this section,
  - (a) “potentially dangerous dog” means:
    - (i) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling; or

- (ii) a dog that has been impounded by the Poundkeeper or for whom the owner has been convicted on a total of three occasions within a 24 month period for such dog being at large in the municipality.
- (b) “dangerous dog” means:
  - (i) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
  - (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
  - (iii) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- (c) “mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
  - (i) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
  - (ii) the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
  - (iii) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- (d) “muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting.

**(2) Potentially Dangerous Dog - Notice & Owner Requirements**

Where the Poundkeeper designates a dog as a potentially dangerous dog, the Poundkeeper shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:

- (a) to keep such dog, when it is on the lands and premises of the owner, confined
  - (i) within the owner’s dwelling; or
  - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person’s consent;
- (c) to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner’s expense, for the purpose of identifying such dog as a potentially dangerous dog.

**(3) Dangerous Dogs - Notice & Owner Requirements**

Where the Poundkeeper designates a dog as a dangerous dog, the Poundkeeper shall

serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements:

- (a) to keep such dog confined
  - (i) within the owner's dwelling; or
  - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with Section 15, subsection 3 (a).
- (c) to permit the Poundkeeper to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a dangerous dog.
- (d) to permit the Poundkeeper to deliver the dog for spay or neuter, if unaltered, at the owner's expense.

**(4) Notice Requirements**

The notice referred to in Section 15, subsection 2 and 3 shall be served by hand delivery or registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:

- (a) a statement that the Poundkeeper has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- (b) the requirements that the owner must comply with in accordance with this Section and when such requirements take effect; and
- (c) a statement that the owner may request, within three working days of receipt of the Poundkeeper's notice, and is entitled to, a hearing by a committee designated by the Council of the Corporation of the City of Sault Ste. Marie which may affirm or rescind the Poundkeeper's designation of the dog as potentially dangerous or dangerous, as the case may be, and which committee may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 15 subsection 2 (a) to (c).

**(5) Notice Received - Hearing Requested**

Where the owner of a dog receives a notice from the Poundkeeper designating such dog as a potentially dangerous dog or as a dangerous dog, he may request an appeal hearing. Such requests must be made in writing to the City Clerk of The Corporation of the City of Sault Ste. Marie within three working days of receipt of such notice. Hearing requests shall be served by hand delivery or prepaid registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. A committee of Council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within fifteen working days of the City Clerk's receipt of the request for a hearing and such committee may:

- (a) affirm or rescind the Poundkeeper's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be,
- (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be, and/or

- (c) substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 15 subsection 2 (a) to (c).

**(6) Complaint Inquiry by Poundkeeper**

The Poundkeeper may either on its own initiative or as result of a complaint received by it from the public conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.

**(7) Compliance Deadline of Owner**

The requirements of Section 15 subsections 2 (c) and 3 (c) and (d) which may be imposed on a dog owner by the Poundkeeper pursuant to such sections shall not be required until either the time for appeal under Section 15 subsection 5 has elapsed without the dog owner requesting an appeal pursuant to that Section or the Council committee has ordered such requirement, whichever occurs earlier.

**(8) Change of Ownership**

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this section shall advise the Poundkeeper immediately if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the Poundkeeper with particulars of same.

**(9) Dog Owners' Liability Act**

Where it is alleged that a dog has bitten or attacked a person or domestic animal such dog may be impounded on the order of Chief of Police and held by the Poundkeeper until the proceedings provided in the Dog Owners' Liability Act, R.S.O., 1990 c. D.16 have been followed provided that no dog shall be so impounded for a period in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

**16. PENALTY**

Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act, as amended.

**17. BY-LAWS REPEALED**

By-law 4250, as amended, of the Corporation of the City of Sault Ste. Marie is repealed.

**18. EFFECTIVE DATE**

This by-law comes into force on the date of its final passing.

PASSED in Open Council this 30 day of November, 1998.

*"John Rowswell"*

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Mayor-JOHN ROWSWELL

*"Malcolm White"*

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Deputy City Clerk- MALCOLM WHITE