

Animals

Chapter 202 Animal Control - Potentially Dangerous Dogs

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Article 1 - Short Title

202.1.1 Citation

This Chapter may be cited as the Potentially Dangerous Dogs By-law.

Article 2 - Interpretation

202.2.1 Dwelling unit - defined

"dwelling unit" shall mean a single room or a series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

202.2.2 Muzzled - defined

"muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.

202.2.3 Owner - defined

"owner" shall mean a person who keeps, possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor.

202.2.4 Police work dog - defined

"police work dog" means a dog trained for and actually engaged in law enforcement.

202.2.5 Potentially dangerous dog - defined

"potentially dangerous dog" means a dog that, in the absence of any mitigating factors, has attacked, bitten or caused injury to a person or domestic animal or has made a real and substantial threat of attack on a person or a domestic animal provided that the dog shall not be deemed to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or has in the past been observed or reported to have teased, tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

202.2.6 Premises - defined

"premises" includes the entire lot on which a building is situated.

202.2.7 Restrained - defined

"restrained" means being kept inside the owner's dwelling unit, or in a yard area enclosed by a fence with a locked gate of sufficient dimensions, strength and design to prevent the dog from coming into contact with persons other than the owner of the dog or if the dog continues to leave the fenced area the dog is to be restrained by means of a chain/leash of sufficient strength to secure the dog in addition to the fenced area.

202.2.8 Run at large - defined

"run at large" means to be found in any place other than the premises of the owner of the dog and not under the control of any person.

Article 3 - General Provisions

202.3.1 Muzzle order - request to issue

A request to issue a muzzle order must be submitted in written format with supporting information detailing the reason or reasons for requesting the muzzle order to the Clerk or designate. The Clerk will evaluate the information and advise the requestor of the decision.

202.3.2 Exemption - police work dog

This Chapter shall not apply to a police work dog.

202.3.3 Muzzle - required - when not on the owner's property

Every person who keeps a potentially dangerous dog shall keep the dog muzzled except when the dog is on the premises of the owner of the dog.

202.3.4 Muzzle - required - exception requested - hearing

The owner of a potentially dangerous dog or a dog alleged to be a potentially dangerous dog may request and, is entitled to, a hearing by the Property Standards Committee, which or who may exempt the owner from the muzzling or leashing requirement, or both.

Article 4 - Appeals - Property Standards Committee

202.4.1 Composition - vacancies - quorum

The Property Standards Committee shall be the same for the purposes of composition, vacancies and quorum as established in Article 8 of Chapter 745 – Maintenance - Occupancy Standards.

202.4.2 Order served - right to appeal - deadline

When an owner or occupant upon whom a muzzle order has been served, he/she may appeal to the Property Standards Committee by sending a notice of appeal to the Clerk within 10 days after service of the order and, in the event that no appeal is taken, the order shall be deemed to have been confirmed at the end of such period of appeal.

202.4.3 Fee - set out

The fee to appeal an order to muzzle a dog to the Property Standards Committee shall be \$110.

202.4.4 Dog restrained - when on premises

Every person who keeps a potentially dangerous dog shall;

- a) keep the dog restrained when on the premises of the owner of the dog;
- b) post a sign in a conspicuous place on his/her property stating that there is a dangerous dog on the premises.

202.4.5 Running at large - not muzzled - prohibited

No person shall permit a potentially dangerous dog to:

- a) run at large in the City of Woodstock; or
- b) be unrestrained and unmuzzled when not on the property of the owner; or
- c) allow a person under the age of 16 years to have care and control of the dog when it is unrestrained.

202.4.6 Transfer ownership - notice to animal control

Every person who keeps a potentially dangerous dog shall immediately notify the Animal Control Officer of the City of Woodstock after the ownership of the dog has been transferred to any other person.

202.4.7 Euthanasia - dangerous dog - running at large

Where a dog is captured or taken into custody, and where the Animal Control Officer and a representative from the Woodstock Police Services deems said dog to be a potentially dangerous, the Animal Control Officer may euthanize the dog without permitting any person to reclaim the dog or without offering the dog for sale. No damages or compensation shall be recovered by the owner of the dog for said euthanasia.

202.4.8 Compensation - to dog owner - prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded dog in the course of the administration and enforcement of this Chapter shall be:

- a) recovered by any owner or other person; or
- b) paid by the Animal Control Officer of the City of Woodstock.

Article 5 - Enforcement

202.5.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction, is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

Article 6 - Enactment

202.6.1 Effective date

This Chapter shall become effective as of third and final reading. By-law 8678-11, May 5, 2011.