

CORPORATION OF THE TOWN OF HAWKESBURY
BY-LAW NO. 63-90

A By-law to provide for the regulation of
the keeping of vicious dogs

WHEREAS authority is granted pursuant to Section 210 of the Municipal Act, Chapter 302, R.S.O. 1980;

AND WHEREAS the Council of the Corporation of the Town of Hawkesbury deems it necessary and expedient to pass by-laws for the regulating of the keeping of vicious dogs.

NOW THEREFORE the Council of the Corporation of the Town of Hawkesbury enacts as follows;

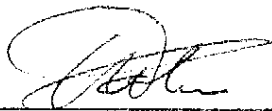
1. DEFINITIONS:

- a) Fenced Yard means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule "B" to this By-law provided that walls of a continuously occupied building are considered as portions of the required fence, provided that all doors in such walls are equipped with locks and that all doors providing access to the fenced yard are locked when a vicious dog or dog included in Schedule "B" to this By-law is inside the fenced yard;
- b) Gate means a swinging or sliding barrier used to fill or close an access and includes a door;
- c) His 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 vice versa;
- d) Institutional Zone means those arears designated as institutional in the zoning By-laws of the Corporation of the Town of Hawkesbury;
- e) Municipality means the Corporation of the Town of Hawkesbury.
- f) Municipal Law Enforcement Officer means the Municipal Law Enforcement Officer for the Corporation of the Town of Hawkesbury, or that person appointed to act in his capacity;
- g) Muzzled means to have securely affixed around the snout or the mouth and nose of a dog a device commonly known as a muzzle manufactured by a recognized manufacturer of muzzles for dogs such that the dog when muzzled will be prevented from biting a person or animal;
- h) Owner of a dog includes any person who owns, possesses, harbour or has the care and control of a dog and "owns" and "owned" have a corresponding meaning;
- i) Park Zone means those areas designated as parks in the By-law of the Corporation of the Town of Hawkesbury;
- j) Person includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply;


- k) Residential Zone means those areas designated as residential in the zoning By-laws of the Corporation of the Town of Hawkesbury;
- l) Vicious dog means:
- i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or persons; or
 - ii) any dog which has bitten another domestic animal or person without provocation.
2. The owner of a vicious dog or of a dog specified in Schedule "A" to this By-law shall at all times, when it is not in the owner's dwelling but otherwise within the boundaries of the owner's lands, secure the dog in one of the following manners so as to prevent that dog from escaping from the owner's lands and to prevent that dog from causing injury to any person or animal entering onto the owner's lands:
- a) The dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard, or
 - b) The dog shall be located within an enclosed run designed in such a fashion and with such material which will prevent the dog from digging its way out of or otherwise escaping from the enclosed run and not to restrict the generality of the foregoing having sides and top constructed or chainlink fencing as set out in Schedule "B" to this By-law and a solid base securely attached to the side, or
 - c) The dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 1.2 meters (4 feet) in length.
3. The owner of a vicious dog or a dog included in Schedule "A" to this By-law shall at all times when the dog is outside the boundaries of the owner's lands keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog unless the dog is on the lands of a person who has consented to it being on his lands in which case the provisions of Section 22 apply.
4. a) No person shall operate a kennel containing a vicious dog or a dog included in Schedule "A" to this By-law.
- b) The provisions of Section 4(a) of this By-law do not apply to a person operating a kennel who has in the kennel a vicious dog or a dog specified in Schedule "A" to this By-law for the purpose of providing any of the following services:
- i) the temporary boarding of such dog,
 - ii) the grooming of such dog,
 - iii) the training of such dog, or
 - iv) medical attention for such dog,
- provided he complies with the provisions of Section 2 of this By-law.

5. No owner shall permit his dog to attack any person, domestic animal or domestic bird or to fight with another dog.
6. Every person who contravenes Section 2, 3, 4 and 5 is guilty of an offence and is subject to the penalty imposed under the Provincial Offences Act.
7. Upon registering a conviction for a contravention of any provision of this By-law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
8. The provision of By-law No. 66-90 shall apply to this By-law.
9. This By-law shall come into force and take effect as of the day of its final passing.
10. It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provision of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.
11. By-law No. 82-89 is hereby repealed.

Read a first, second and third time and passed this 26th day of November, 1990.



Town Clerk



Mayor or Reeve

SCHEDULE "A"

Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any dog of mixed breeding which includes any of the aforementioned breeds.

SCHEDULE "B"

FENCE

- a) Fences shall be 1.8 meters (6 feet) in height and installed such that no gap greater than 150mm (4 inches) exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced in area and that will prevent a vicious dog or a dog included in Schedule "A" to this By-law from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate which shall provide protection equivalent to the fence and shall be equipped with self-latching devices, and locks located at the top of and inside the gates.
- b) A fence shall:
- i) if of chainlink construction:
 1. Be of not greater than 50mm (2 inches) diamond mesh,
 2. Be constructed of galvanized steel wire not less than 3.6mm diameter (No. 11 gauge), or of minimum 2.9mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6mm diameter (No. 9 gauge),
 3. Be supported by at least 38mm (1.5 inches) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3m (10 feet) apart. Top horizontal rails shall be at least 32mm (1.25 inches) diameter galvanized steel. Bottom horizontal rails shall be a 12mm (.5 inch) diameter galvanized tension rail or a 32mm (1.25 inches) diameter galvanized rail.
 - ii) If of wood construction:
 1. Be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88mm (1 x 4 inches nominal) and spaced at a maximum of 100 mm (4 inches),
 2. Supporting horizontal members shall have a minimum dimension of 38 x 88 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4m (4 feet 6 inches) apart,
 3. Horizontal members shall be supported by posts spaced not more than 2.4m (8 feet) on centre. Such posts shall be 88mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6m (2 feet) below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
 - iii) If the fence design is other than specified in (i) or (ii) either in material or otherwise, such fence shall require approval by the Chief Building Official.