



The Corporation of the Municipality of South Huron

By-Law #14-2019

Being a By-Law to amend By-Law #21-2018, being a By-law to put in place regulations associated with the control, licencing and registration of animals within the Municipality of South Huron and to rescind By-law #85-2018 being a By-law to establish the Rules of Procedure and appoint the members of the Animal Control Tribunal for the Municipality of South Huron

Whereas Section 5(3) of the *Municipal Act* 2001, S.O. 2001, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas the *Municipal Act*, 2001, as amended provides under Section 9 that the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

Whereas the *Municipal Act*, S.O. 2001, C.25 Sections 11, 103, 105 and 391(1) provides that a municipality may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system and Council of the Corporation of Municipality of South Huron passed By-Law 21-2018; and

Whereas Section 1 of By-Law 21-2018 under "Definitions" contains a definition for "Animal Control Tribunal" and "Vicious dog" as follows:

"Animal Control Tribunal" shall mean the Committee of Council called the Animal Control Tribunal;

"Vicious dog" means any individual dog that:

- a) Has, in the absence of any mitigating factor, attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- b) Has significantly injured or killed a domestic or farm animal; or
- c) Having been previously designated as a potentially vicious dog is kept or permitted to be kept in violation of the requirements for such dog; and

Whereas Sections 8 and 9 of By-Law 21-2018 contain paragraphs outlining the "Designation as Potentially Vicious or Vicious Dogs" and "Restrictions Relating to Potentially Vicious and Vicious Dogs" and the sole references to the Animal Control Tribunal within By-Law 21-2018; and

Whereas Council of the Corporation of South Huron wishes to remove all reference to South Huron Animal Control Tribunal in Animal Control By-Law 21-2018, amend By-Law 21-2018 to revoke any current potentially vicious or vicious dog designations, remove Clauses 8 and 9 from By-Law 21-2018 plus applicable penalties contained in the Part I Provincial Offences Act Short Form Wording and rescind Animal Control Tribunal By-Law 85-2018;

Now therefore be it resolved that the Council of The Corporation of the Municipality of South Huron enacts as follows:

1. That By-Law #21-2018, being a By-law to put in place regulations associated with the control, licencing and registration of animals within the Municipality of South Huron be amended to delete all reference to “Animal Control Tribunal” and “Potentially Vicious and Vicious Dogs”; and
2. That Sections 8 and 9 of By-Law 21-2018 and corresponding Part I *Provincial Offences Act* offences listed as items 21, 22, 23, 24, 25, 26, 27, 28 be deleted from the By-Law; and
3. That all current potentially vicious or vicious dog designations are hereby revoked;
4. That By-Law 85-2018 “Animal Control Tribunal” is hereby repealed.
5. That this by-law shall come into force and take full effect on its date of final passing and supersede any other by-laws and/or resolutions inconsistent with the provisions set out herein.

Read a first and second time this 4th day of February, 2019.

Read a third time and passed this 4th day of February, 2019.

George Finch, Mayor

Rebekah Msuya-Collison, Clerk