

Being A By-law Respecting Animals

WHEREAS the Municipal Act, R.S.O., 1990 c. M.45 authorizes municipalities to pass by-laws respecting Animals;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Orangeville as follows:

1 Definitions

In this by-law

- 1.1 "Animal" means any member of the Animal kingdom of living beings including and without restricting the generality of the foregoing, mammals, birds, fish and reptiles;
- 1.2 "Animal Control Officer" means,
 - (a) person or class of person designated as such by a bylaw of the Town;
 - (b) any person, company, Corporation or association providing a Dog control service by contract to the Town; and
 - (c) any employee, agent, servant and representative of such person, company, Corporation or association;
- 1.3 "Appeal Committee" means the members of the Property Standards Committee as constituted from time to time;
- 1.4 "At Large" means being found on any other property than that of the Owner of the Animal and not restrained by a Lead or a Tether;
- 1.5 "Bite" means piercing or puncturing clothing or skin with teeth;
- 1.6 "Blind Person" means a person to whom an identification card has been issued by the Attorney-General or an Officer of his ministry;
- 1.7 "Council" means the Council of the Corporation of the Town of Orangeville;
- 1.8 "Corporation" means the Corporation of the Town of Orangeville;
- 1.9 "Dog" means any member of the species Canis Familiaris, whether male or female over the age of (12) weeks, but does not include a Guide Dog;
- 1.10 "Guide Dog" means a Dog which serves as a guide or leader for a Blind Person and has been especially trained for that purpose and actively in use for such purposes;
- 1.11 "Domestic Animal" means a cat or a Dog.
- 1.12 "Dwelling Unit" means a room or suite of two or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons and having a private entrance from the outside or from a common hallway or stairway inside and which is located in a residentially zoned part of Town;

- 1.13 “Exotic Animal” means an Animal not indigenous to Canada set out in Schedule “A” which are Prohibited under this bylaw;
- 1.14 “Lead” means a chain, rope or other device of not more than 1.83 meters in length which is, can be, or is designed to be held by the Owner and is used or designed to be used to restrain a Dog.
- 1.15 “Licence” means a Licence issued pursuant to this by-law;
- 1.16 “Microchip” means a transponder implanted by a veterinarian or Animal Control Officer and registered with a Microchip pet identification entity;
- 1.17 “Muzzle” means a humane fastening or covering device of adequate strength over the mouth to prevent a Dog from biting;
- 1.18 “Officer” means a municipal bylaw enforcement Officer, provincial offences Officer, police Officer, licensing Officer or a public health inspector.
- 1.19 “Owner” means any person who owns, possesses, harbors, or has custody of an Animal and, where the Owner is a minor, the person responsible for the custody of the minor. “Owner” shall also include a person who is temporarily the keeper of the Animal;
- 1.20 “Police Working Dog” means a Dog trained and actually engaged in law enforcement by any government agency.
- 1.21 “Restrained” means being kept inside a building or house or in a humane enclosure pen of sufficient dimension and strength and to prevent a Dog from coming into contact with persons other than the Owner of the Dog or any other Domestic Animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen of the fenced yard shall be equipped with a locking device and self-latching device that is at least 1.5 metres above the ground.
- 1.22 “Tag” means a disc or other shape of metal or plastic furnished by the Town as hereinafter provided and suitable to be securely fixed on the Dog;
- 1.23 “Tether” means a chain, rope or other device that is attached to an Animal and which is used to restrict the movement of an Animal.
- 1.24 “Town” means the Corporation of the Town of Orangeville;
- 1.25 “Unsanitary Condition” means a condition where the keeping of the Animal results in an accumulation of feces or excrement matter, an odour, insect infestation or rodent attractants which endanger the health of any person or Animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 1.26 “Vicious Dog” means a Dog which has bitten a person or Domestic Animal or which has been declared by the Bylaw Officer or Animal Control Officer to be a Vicious Dog or which has been found by a court to be a vicious or dangerous Dog.

2. CARE OF ANIMALS

- 2.1 Every person who keeps an Animal within the Town’s boundaries shall provide or care to be provided, the Animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.

- 2.2 If the Animal is customarily kept out of doors, the Owner of the Animal shall provide the Animal with a weatherproofed and insulated enclosure of appropriate size and dimension for that Animal. The insulated enclosure shall be maintained structurally sound.
- 2.3 (a) No person shall keep any Animal in the Town on a Tether of less than (3) metres in length.
- (b) Every person who has Tethered an Animal shall ensure, that at all times the Animal has unrestricted movement within the range of the Tether, and that the Animal shall not suffer injury as a result of the Tethering.
- 2.4 No person shall keep an Animal within the Town in an Unsanitary Condition

3 PROHIBITED AND EXOTIC ANIMALS

- 3.1 No person shall keep within the Town of Orangeville, either on a temporary or permanent basis, any prohibited or Exotic Animal as set in Schedule A, which Schedule forms part of this bylaw.

4 DOGS

4.1 LICENSING AND REGISTRATION

- 4.1.1 Every Owner of a Dog, before the 1st day of April in each year, or within six (6) days, excluding Saturdays, Sundays and statutory holidays, of becoming an Owner of a Dog, whichever occurs first, shall Licence and register such Dog with the Town;
- 4.1.2 Before licensing any Dog the Town shall require the Owner of the Dog to produce evidence satisfactory to the Town that the Dog has been inoculated with a rabies vaccine within twelve (12) months immediately proceeding the date of application for the Licence.
- 4.1.3 Every Licence issued pursuant to this section shall expire on the 31st day of December in the year which it was issued.
- 4.1.4 (a) Every person applying for a Licence as required by this bylaw shall file a complete application form and shall pay the required fee as set from time to time by the Clerk of the Town.
- (b) Where an Owner does not comply with the provisions of Section 4.1.1, then in addition to the Licence fee established under Subsection 4.1.4(a), the Owner shall be required to pay a processing fee as set from time to time by the Clerk of the Town.
- 4.1.5 Upon payment of the Licence fee for a Dog, the Owner shall be furnished with a Tag and shall keep the Tag securely fixed on the Dog at all times until the Tag is renewed or replaced.
- 4.1.6 The Tag issued pursuant to Section 4.1.5. shall bear a serial number and the year of issue and a record shall be kept by the Animal Control Officer or his designate, showing the name, address and telephone number of the Owner, the serial number of the Tag, and any other relevant information, as required by the Office of the Animal Control.

4.1.7 If the Tag is lost or misplaced for any reason, the Owner shall make application for a replacement Tag and pay the required fee as set from time to time by the Clerk of the Town.

5 CONTROL OF DOGS

5.1 No Owner of a Dog shall allow his Dog to be At Large;

5.2 Any Animal Control Officer or Officer may seize and impound any Dog that is At Large;

5.3 No Owner of a Dog shall allow his Dog to howl or bark excessively;

5.4 Owner, tenant or occupant of a Dwelling Unit, shall not own or harbor more than three (3) Dogs in any Dwelling Unit.

5.5 Every person, except a Blind Person, who owns, controls or harbors a Dog, shall forthwith remove any excrement left by the Dog on any property.

5.6 A Dog shall not be considered to be At Large if it is a Guide Dog or a Police Working Dog.

5.7 A Bylaw Enforcement Officer, Police Constable or Animal Control Officer may enter on any public property or on any private property with the consent of the Owner or the tenant of the property, for the purpose of catching, confining and transporting any Dog At Large to a safe location as determined by the By-Law Enforcement Officer, Police Officer, Constable or Animal Control Officer;

5.8 Any person may capture any Dog running At Large and trespassing on his property and deliver the Dog to an Animal control Officer, who shall impound the Dog or return it to its Owner.

5.9 Nothing in this section confers on any person a right to enter any Dwelling Unit unless the prior consent of the Owner or tenant of the Dwelling Unit is first obtained by the person who desires to enter the Dwelling Unit.

5.10 An Animal Control Officer shall return a Dog to the Owner only where:

a) The Owner claims possession of the Dog within three (3) days, exclusive of Sundays and statutory holidays, after the date of seizure.

b) The Owner pays to the Animal Control Officer or other duly authorized person;

(i) a pound fee as set out by the Clerk of the Town from time to time, and

(ii) a maintenance fee as set out by the Clerk of the Town from time to time, and

c) The Dog is Licensed in accordance with the requirements of this by-law

5.11 Where on the fourth day, exclusive of Sunday and statutory holidays, after the date of seizure, a seized Dog has not been returned to the Owner under Section 5.10, and Animal Control Officer, may in his discretion,

a) Sell the Dog, or

b) Destroy the Dog in a humane manner.

5.12 No damages or compensation shall be paid to the Owner of the Dog or any other person as a result of the sale or destruction of the Dog, pursuant to Section 5.11.

- 5.13 Where a seized Dog is sick, diseased or injured and should be destroyed without delay for humane reasons or for reasons of safety to persons or Animals, as determined by an Animal Control Officer, an Animal Control Officer may destroy the Dog in a humane manner as soon as he sees fit without permitting any person to claim possession of the Dog and without offering it for sale.
- 5.14 Where an Animal Control Officer deems it necessary to destroy a Dog pursuant to the provisions of Section 5.13, the Officer shall first attempt to contact the Owner by telephoning the Owner at the telephone number provided by the Owner at the time of licensing the Dog to permit the Owner to transfer the Dog, at the Owner's expense and under the supervision of the Animal Control Officer, to the offices of a veterinarian.

6 VICIOUS DOGS

- 6.1 (a) The Animal Control Officer or Officer shall be empowered to declare that a Dog is vicious upon;
- (i) receipt of a signed declaration in the form attached hereto as Schedule "B", by a person who saw the Dog Bite a person or a Domestic Animal or by a person who was bitten by the Dog; or
 - (ii) upon receipt of a signed declaration attested to by the Director of Building and By-Law or his designate of a municipality where the Dog has been declared vicious.
- (c) The Bylaw Enforcement Officer, Police Officer or Animal Control Officer may within two days of receipt of a declaration, excluding Saturdays, Sundays and statutory holidays, deliver or send by registered mail a Notice to Muzzle, in the form attached hereto as Schedule "C" to the Owner of the Vicious Dog requiring that the Dog be muzzled and Restrained pursuant to the provisions of this bylaw.
- 6.2 (a) Where the Dog has been declared vicious by the Bylaw Enforcement Officer, Police Officer or Animal Control Officer, pursuant to the provisions of this bylaw, the Owner of the Dog may apply for a hearing in respect of such Notice to Muzzle.
- (b) An Application stating the reason or reasons for appealing the Notice to Muzzle and requesting a hearing under Subsection 6.2 (a) shall be made in writing and delivered by personal service or registered mail to the Town Clerk of the Town within fifteen (15) days after the Notice to Muzzle has been mailed to the Owner.
- (d) Upon receipt of the Application for a hearing from an Owner served with a Notice to Muzzle, the Director of Building and Bylaw shall convene a meeting of the Appeal Committee and shall give the Owner of the Dog and the person who signed the Declaration pursuant to Section 6.1 seven (7) days written notice by personal service or registered mail of the time, date and location of the hearing.
- (d) The Town, the Owner of the Dog and the person that signed the Declaration pursuant to Section 6.1 shall, if they so desire, be parties to the hearing. The Appeal Committee may permit, in its sole discretion, any other person to be a party to the hearing.
- (e) Any party and any other interested person may appear at the hearing and present oral or written evidence relating to the alleged Dog Bite.
- (f) When any party, including the Owner of the Dog, does not attend at the proper

time and place, the Appeal Committee may proceed with the hearing in the absence of any party and the party that did not attend shall not be entitled to any further notice of the proceedings.

- 6.3
- (a) The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision orally at the meeting or shall reserve its decision to be issued later in writing, which shall not be later than five (5) days following the date of the hearing.
 - (b) The decision of the Appeal Committee is final and binding.
 - (c) The Appeal Committee may confirm the Notice to Muzzle, exempt the Dog from any requirement to be muzzled, require restraining or leashing requirements that are more or less stringent than those set out in this By-Law, or make any other order that the Appeal Committee deems just, or may dispose of the appeal on Consent of all parties.
 - (d) Notwithstanding Section 6.3(c) the Appeal Committee may not order that the Dog be destroyed and it may not order that the Owner sell or otherwise dispose of the Dog.
 - (e) The Notice of the hearing or any matter which arises relating to the proceedings of the Appeal Committee and not set out in the provisions of this bylaw shall be governed by the Statutory Powers and Procedures Act.
 - (f) Notwithstanding that an Owner has applied for a hearing to appeal the Notice to Muzzle, the Notice to Muzzle takes effect when it is served upon the Owner and remains in effect until the Appeal Committee renders or issues its decision, whichever occurs first.
 - (g) If the Appeal Committee renders an oral decision, a written copy of the decision of the Appeal Committee shall be prepared, as soon as is practicable after the conclusion of the hearing, and shall be delivered or mailed by ordinary mail to the last known address of the Owner, the Police, the Public Health Department, the Animal Shelter, Bylaw Enforcement, Council, and the Director of Building and Bylaw or his Designate.

6.4 The Owner of a Dog, upon being served with a Notice to Muzzle, shall ensure that:

- (a) while the Dog is on the property of the Owner, the Owner shall keep the Dog restrained at all times.
- (b) when the Dog is not on the property of the Owner, the Owner shall ensure that:
 - (i) the Dog is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the Dog and keep it from chasing a person or Domestic Animal;
 - (ii) the Owner has fastened a Muzzle humanely over the mouth of the Dog of adequate strength and design and suitability to the breed of the Dog that

fits over the mouth of the Dog and cannot be removed by the Dog, to prevent the Dog from biting or attacking a person or Domestic Animal;

- (iii) the Dog is under the control of a person sixteen (16) years of age or older.
 - (c) within thirty (30) days after the date of the issuance of the Notice to Muzzle, or the date of the release of the written decision of the Appeal Committee's decision, if any, whichever date is later, the Dog is identified with a Microchip implantation, at the Owner's expense, and the said Microchip number is registered with the Town;
 - (d) the Bylaw Enforcement Officer, Police and Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the Dog;
 - (e) the Bylaw Enforcement Officer, Police and Animal Control Officer is notified within forty-eight (48) hours after the Ownership of the Dog is transferred;
 - (f) the Bylaw Enforcement Officer, Police and Animal Control Officer is notified within ten (10) days after the Dog has died.
- 6.5 This bylaw shall not apply to a Police Working Dog.

7 OFFENCE AND PENALTY

- 7.1 Any person who contravenes any of the provisions of this bylaw is guilty of an offence, and upon conviction, is liable to a fine for each offence as provided for in the Provincial Offences Act.

8 WORD USAGE

- 8.1 As used in this bylaw, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.
- 8.2 The headings and subheadings used in this bylaw shall not form part of the bylaw, but shall be deemed to be inserted for the convenience of reference only.

9 SCHEDULES

- 9.1 The schedules referred to in this bylaw shall form part of this bylaw. Each entry in a column if any of a schedule shall be read in conjunction with the entries across from the entry and not otherwise.

10 SEVERABILITY

- 10.1 If any section of this Bylaw is for any reason held to be invalid, the remaining sections shall remain in effect until repealed.

11 CONFLICT WITH ANY OTHER BYLAW

- 11.1 Where a provision of this Bylaw conflicts with the provision of another Bylaw in force within the Town of Orangeville, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

12 REPEALING SECTION

12.1 Bylaw 118-87 of the Town of Orangeville is hereby repealed.

13 SHORT TITLE

13.1 This bylaw shall be known as the Animal Control Bylaw.

14 EFFECTIVE DATE

14.1 This bylaw shall come into force and take effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS
10TH DAY OF JULY, 2000.

Signed by S. White
Stephen F. White, Deputy Mayor

Signed by L. Dean
Linda J. Dean, Clerk

SCHEDULE "A"

Prohibited Animals

IN THE CLASS MAMMALIA

1. Artiodactyla (such as cattle, goats, sheep, pigs)
2. Non-Human Primates (such as Gorillas and Chimpanzee)
3. Marsupials (such as Kangaroos, Opossums, Koalas, Wallabies)
4. Proboscidea (Elephants)
5. Perissodactyla (example horses, ass)
6. Pinnipedia (example seals and walruses)
7. Dermoptera (example flying lemurs)
8. Edentata (such as Anteaters, Sloths, and Armadillos)
9. Monotremata (example platypus)
10. Pholidota (example pangolins, scaly antealiers)
11. Cetacea (example whales)
12. Tubulidentata (example aardvark)
13. Hyracoidea (example hyrax)
14. Sirenia (example manatee)
15. Camelidae (example camel)
16. Carnivora (foxes, bears, mongooses, hyenas, seals, walruses) except the following species:
 - a) Felis catus (domestic cat);
 - b) Canis familiaris (domestic dog); and
 - c) Putorius furo (domestic ferret).

IN THE CLASS OF REPTILIA

1. Rhynochcephalia (tuatara)
2. Crocodilia (alligator, crocodiles, gharials)
3. Helodermatidae
4. The following families in the Order Ophidia (snakes)
 - a) Elapidae (example cobra, mamba, krait);
 - b) Hydrophidae (sea snakes);
 - c) Viperidae (old world vipers);
 - d) Crotalidae (pit vipers); and
 - e) Boidae (boas, pythons).

IN THE CLASS ARACHNIDA

1. Scorpiones (scorpions)
2. Pseudoscorpiones
3. Solifugae
4. Non-indigenous Araneae (spiders)

IN THE CLASS AVES

1. Anseriformes (such as ducks, geese, swans, screamers)
2. Galliformes (such as pheasants, grouse, guineafowls, turkeys)
3. Struthioniformes (such as ostriches, rheas, cassowaries, emus, kiwis)
4. Strigiformes (owls)
5. Falconiformes (example osprey, vulture, falcons, hawks, eagles)

Examples of Animals of a particular prohibited group are given in parentheses. They are only examples and shall not be construed as limited the generality of the group.

Schedule "B"

DECLARATION REGARDING A VICIOUS DOG

Owner of Dog:

Name: _____

Address: _____

Name of Dog: _____ Dog Tag Number: _____

Description of Dog: _____

Breed: _____

Gender: _____

Colour: _____

Other : _____

Rabies Tag Number: _____ Other Identification: _____

Location of Incident:

Address: _____

Location on

Property: _____

Location on

Street: _____

Description of

Incident: _____

Date of Incident: _____ Time of Incident: _____

Signature of Witness who actually saw the alleged
Vicious Dog bit a person or Domestic Animal

Date

Signature of Bylaw Enforcement
Officer, Police Officer or Animal
Control Officer

Name of witness: _____ Please Print

Address of witness: _____

Telephone number of witness: _____

Personal information contained in this form is collected under the authority of the Municipal Act, R.S.O., 1990, c.M.45 as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk for the Town of Orangeville, 187 Broadway, Orangeville, Ontario L9W 1K1, (519) 941-0439 or Fax (519) 941-9033.

Schedule "C"

NOTICE TO MUZZLE

To: _____ Date: _____
Owner of Dog

Address: _____

Description of Dog:

Name: _____

Breed: _____

Gender: _____

Colour: _____

Dog Tag: _____

Year of Dog Tag: _____

Rabies Tag No. Including the year and Veterinary's Office: _____

Tattoo No: _____

Microchip No: _____

The Corporation of the Town of Orangeville is in receipt of a Declaration duly executed by a Bylaw Enforcement Officer, Police Officer or Animal Control Officer pursuant to Section 7.1(a)(i) of Bylaw # _____, that the Dog described above did on the _____ day of _____ Bite a person or a Domestic Animal. In accordance with 6.4 of bylaw # _____, you are hereby ordered to restrain your Dog as follows:

METHOD OF RESTRAINING DOG

While the Dog is on the property of the Owner, the Owner shall restrain the Dog by keeping it inside a building or house or in an enclosed pen of sufficient dimension and strength to prevent the Dog from coming into contact with persons other than the Owner of the Dog or any other Domestic Animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fence yard shall be equipped with a locking device and self-latching device that is at least 1.5 metres above the ground.

While the Dog is not on the property of the Owner, the Owner shall ensure that:

- 1) it is securely on a collar-type leash with a maximum length of 1 metre and of sufficient strength to restrain the Dog and keep from chasing a person or Domestic Animal;
- 2) by fastening a Muzzle humanely over the mouth of a Dog of adequate strength and design and suitable to the breed of the Dog that fits over the mouth of a Dog and cannot be removed by the Dog, to prevent a Dog from biting or attacking a person or Domestic Animal;
- 3) it is under the control of a person sixteen (16) years of age or older.
- 4) Within thirty (30) days after the date of the issuance of the Notice of Muzzle, or the date of the release of the written decision of the Appeal Committee's decision, if any, whichever date is later, the Dog is identified with a Microchip implantation, at the Owner's expense, and the said Microchip number is registered with the Animal Control Officer.

- 5) the Bylaw Enforcement Officer, Police and Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the Dog;
- 6) the Bylaw Enforcement Officer, Police and Animal Control Officer is notified within forty-eight (48) hours after the ownership of the Dog is transferred;

Right of Appeal

In accordance with Subsection 6.2(b), you may appeal this Notice to Muzzle to the Appeal Committee of the Council of the Town of Orangeville. This notice was mailed to you on _____, 2000. Subsection 6.2 (b) of Bylaw _____ states as follows:

An Application stating the reason or reasons for appealing the Notice to Muzzle and requesting a hearing under Subsection 6.2 (a) shall be made in writing and delivered by personal service or registered mail to the Town Clerk of the Town within fifteen (15) days after the Notice to Muzzle has been mailed to the Owner

Your Application must be addressed to the Town Clerk of the Town of Orangeville, 87 Broadway, Orangeville, Ontario L9W 1K1.

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This Notice is served upon the Owner in accordance with Subsection 6.1 (b) of Bylaw _____ on this _____ day of _____, _____.

Bylaw Enforcement Officer, Police Officer or Animal Control Officer

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