

Rationale for Changes in the Proposed 2024 Draft Dog & Cat By-law

1. Edit Section 2.1 – Definition of “Excessively”

Current:

"excessively" means, with respect to barking, any barking or howling exceeding a cumulative twenty (20) minute period within any one (1) hour timeframe;

Proposed:

"excessively" means, with respect to barking, any barking or howling exceeding a cumulative fifteen (15) minute period within any one (1) hour timeframe.

Rationale

The Town of Ajax is continuously growing. Population growth and increased community density has resulted in concerns being raised from the public that the Town's current restrictions on excessive barking do not meet the needs of our residents. Their position is that 20 minutes of barking every hour is too lenient. This proposed change is a more restrictive requirement for dog owners to ensure that dogs do not bark excessively for a shorter period of time.

2. Add to Section 2.1 - Definition – “multi-use pathway” & “off-road trails”

Current:

N/A

Proposed:

“multi-use pathway” means a path located on the boulevard that is physically separated from motor vehicle traffic, designated for use by cyclists, pedestrians and people using other vehicles driven by muscular power.

“off-road trails” means a minimum 2 metre paved off-road trail on Town property.

Rationale:

See changes for Section 4.7

3. Add Section 2.1 – Definition – “protective care”

Current:

N/A

Proposed:

“protective care” means the temporary, time-limited keeping of an animal by the Town as a result of an eviction, incarceration, fire or medical emergency, or any other similar incident deemed necessary by the Town

Rationale:

See Item 8. below.

4. Edit Section 2.1(bb) – Definition – “shelter”

Current:

"shelter" means the Whitby Animal Shelter and shall include any yard or enclosed property maintained by The Corporation of the Town of Whitby for the safe-keeping of impounded dogs or cats;

Proposed:

"shelter" means the Durham Region Humane Society Shelter located in the Town of Whitby for the safe-keeping of impounded dogs or cats

Rationale:

The Town of Ajax is now under contract with the Humane Society of Durham Region as our Pound Keeper and no longer with the Town of Whitby.

5. Edit Section 4.7 – Adding “multi-use pathway” and “off-road trail” to Waterfront Trail restriction on maximum leash length

Current:

Every owner while on or within 3 meters of the Waterfront Trail shall keep a dog leashed on a leash of no longer than 1.8 meters in length. Owners using an adjustable length leash shall have the leash securely fixed at a length of no longer than 1.8 meters.

Proposed:

Every owner while on or within 3 meters of the waterfront trail, any multi-use pathway, or any off-road trail shall keep a dog leashed on a leash of no longer than 1.8 meters in length. Owners using an adjustable length leash shall have the leash securely fixed at a length of no longer than 1.8 meters.

Rationale:

As the Town has now approved the use of e-bikes and e-scooters throughout the Town on multi-use pathways and off-road trails it is extremely important for the safety of dogs, that while being walked on the waterfront trail, multi-use pathways, or any off-road trails that the dogs are controlled leash no longer than 1.8 metres. A shorter leash requirement is proposed to ensure that the dog is close to the individual and can't bolt in the way of other users of the property.

6. Add New 4.9 – Prohibited Signage

Current:

N/A

Proposed:

No owner shall take a dog onto Town parkland, or any part thereof that is designated by

signage as an area where dogs are prohibited either at any time, or during specific designated times, or in specific designated park areas

Rationale:

The Town of Ajax has received an increasing number of complaints regarding off leash dogs entering enclosed structures, playgrounds and sports fields. This new provision will allow the Town, by signage, to protect Town assets by restricting dogs from entering these areas. This proposed provision would also allow the Town to develop short form wording to create offences that could be levied on individuals that choose not to comply.

7. Edit New Section 4.10 -

Current:

No owner shall permit their dog to enter water designated for public water activities, including but not limited to a splash pad, water designated for wading, bathing, or swimming or be on a beach adjacent to that water.

Proposed:

No owner shall take a dog on Town parkland, or any part thereof, within two meters of:

- a) a playground or play structure;
- b) a wading pool;
- c) a spray pad; or
- d) a splash pad.

Rationale:

Although not a new provision, the Town is now including a two metre buffer restricting dogs from the above assets. Several issues have been raised about what is “entering” when questions with the existing wording. With the 2m buffer the issue of when “entering” is occurring will no longer be an issue.

8. Add Section 5. Protective Custody

Current:

N/A

Proposed

5. PROTECTIVE CUSTODY

- 5.1 The Town is authorized to receive animals into protective care that the Town deems appropriate.
- 5.2 Animals which are received or taken into protective care by the Town shall only be kept on a temporary basis for up to a maximum of five days.
- 5.3 When the Town receives an animal into protective care, the owner of the animal shall pay to the Town the sheltering fees as outlined in the Town’s Fees and Charges By-law and any and all costs incurred on behalf of such animal being in protective care by the Town including but limited to all required veterinary medical care prior to redeeming of the animal.
- 5.4 If an animal is in protective care at the end of the five-day period and the animal has not been redeemed by the owner, then the Town shall treat such animal as a day-one impounded animal pursuant to section 4 of this by-law.

Rationale:

Over the last few years the Town of Ajax has experienced several instances where the Town has had to take custody over individuals' pets for a multitude of reasons. This custody is not within the mandate of keeping stray animals. These situations could include unsheltered individuals who require medical treatment, individuals passing away with dogs or cats, or individuals who have been taken into custody by local Police and are now incarcerated.

While it is always the Town's desire to have friends and family members house these animals, it can be very difficult to find someone to commit to this, especially in a time sensitive situation. These instances are occurring more frequently over the last few years. The Town needs to have provisions in our By-law to address situations where should an owner not come back to retrieve their pet or have a family member or friend provide temporary shelter of the animal, that the animal will move from protective custody to the impounded process to ensure that the animal is placed in the best environment for its well-being.

9. Edit Section 12.1 – Repeal

Current:

This By-law shall come into force and By-laws 127-2009, 145-2010, 28-2015 and 05-2016 shall be repealed on the date that the set fines are approved pursuant to the Provincial Offences Act.

Proposed:

This By-law shall come into force and By-laws 48-2017 shall be repealed on TBD

Rationale:

Repeals and come into force dates will comply with the recommendations of the Attorney General's Office.