

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 50-2014

Being a By-law For The Licensing And Registration of Dogs And For The Regulation Of Dogs And Prohibiting The Running At Large of Animals Within the Township of Alnwick/Haldimand

WHEREAS pursuant Section 11, *Municipal Act 2001*, S.O. c.25, as amended, municipalities have the authority to pass by-laws with respect to animals;

AND WHEREAS the Council of the Corporation of the Township of Alnwick/Haldimand deems it expedient to pass such a by-law for the licensing and registration of dogs and for the regulation of dogs within the Township of Alnwick/Haldimand.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Alnwick/Haldimand enacts as follows:

1. DEFINITIONS:

- 1.1 That for the purposes of this bylaw the following definitions shall apply:
- a) "Animal" or "Domestic Animal" shall mean any dog, cat or puppy
 - b) "Animal Control Officer" shall mean any person employed by the Joint Animal Control Municipal Services Board whose duties include the enforcement of this by-law.
 - c) "Animal Shelter" shall mean the Shelter of Hope with which the municipality has an agreement for the housing of dogs picked up by the Animal Control Officer.
 - d) "By-Law Enforcement Officer" shall mean any person appointed by the municipality to enforce by-laws, or any delegate or agent thereof.
 - e) "Cat" shall mean a male or female cat.
 - f) "Dog" shall mean a male or female dog that is twelve (12) weeks or older.
 - g) "Dog tag" shall mean a numbered tag issued by the Municipality when the owner of a dog licenses such dog with the Municipality; or Animal Control Officer or Shelter of Hope.
 - h) "Host Municipality" shall mean the municipality in which a dog's owner resides.
 - i) "Mitigating Factor" shall mean any circumstance which reasonably excuses aggressive behavior of a dog and may include, but is not limited to:
 - i) the dog was, at the time of the aggressive behavior, acting in defense of an attack by a person or domestic animal, or
 - ii) the dog was, at the time of the aggressive behavior, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its owner, or
 - iii) the dog was, at the time of the aggressive behavior, being teased, provoked or tormented.
 - j) "Municipality" shall mean the Township of Alnwick/Haldimand.
 - k) "Owner" shall mean and include any person who possess or harbours an animal as defined herein and, where the owner is a minor, the person responsible for the custody of the minor shall be deemed to be the owner.
 - l) "Order to Restrain" shall mean the order issued to the owner of a dog by the Animal Control Officer or Peace Officer, where the Officer is satisfied on the balance of probabilities and in the absence of any mitigating factor, that the dog has bitten a person and/or domestic animal, placed a person or domestic animal at risk of physical harm, or behaved in a manner that poses a menace to the safety of persons or domestic animals.
 - m) "Peace Officer" shall include a Police Officer for the municipality or anyone working under his or her direct authority.

- n) "Premises" shall mean lands as specified in the Transfer/Deed of Land of the Owner or in leased lands.
- o) "Puppy" shall mean any dog that is less than 12 weeks of age. The onus of proving that the dog is less than 12 weeks of age shall be on the owner.
- p) "Running at large" shall mean any animal as defined herein that is found any place other than the premises of the owner and is not under control of any person.
- q) "Special Service Dog" shall mean any dogs that are individually trained to do work or perform tasks for persons with disabilities and that are registered with an accredited "Service Animal" organization.
- r) "Under Control of a Capable Person" shall mean a dog that is at all times, while the dog is off its owner's property, on a leash and under care and control and capable of being physically restrained in such a manner as to prevent the dog from biting or attacking a person or other animal and to prevent contact with people and other animals when the dog is off the premise of the owner.
- s) "Working Dog" shall mean any of various breeds of dogs developed or trained to do useful work, such as herding animals, pulling wagons or sleds, or guarding property.

2. LICENSING PROVISIONS:

- 2.1 No person shall own, possess, harbour or keep any dog within the Municipality unless a tag has been issued for the dog by the Municipality in accordance with the provisions of this By-law.
- 2.2 Dog tags may be obtained from the municipality, the Animal Control Officer or the Shelter of Hope as outlined in the Schedule of Fees established by the Joint Animal Control Municipal Services Board. All information collected for the purpose of animal control licensing and enforcement shall not be re-purposed without consent.
- 2.3 Every dog/cat owner shall ensure that the dog or cat has a current anti-rabies vaccine.
- 2.4 Every owner of an animal shall produce a Certificate of Proof issued by a qualified veterinarian attesting to an up-to-date anti-rabies vaccine if requested to do so by the Animal Control Officer or Peace Officer.
- 2.5 Every dog tag shall bear the serial number and year in which it was issued and a record shall be kept by the Municipality showing the name and address of the owner and the serial number of the tag.
- 2.6 Every dog owner shall keep the tag issued for a dog securely affixed on the dog.
- 2.7 Should a dog tag become lost, the owner shall upon payment of a Replacement Fee as outlined in the Schedule of Fees established by the Joint Animal Control Municipal Services Board be entitled to the issuance of a replacement tag and license.
- 2.8 No person shall keep or permit to be kept:
 - 2.8.1 more than three (3) dogs within or about any single detached dwelling; or;
 - 2.8.2 more than two (2) dogs within or about any dwelling unit for properties with (2) or more dwelling units regardless of whether that person is the owner of the dogs, save and accept properties containing kennel licenses, approved business and veterinary offices.
- 2.9 The Municipality hereby designates the Animal Shelter, the Municipal Clerk, or their authorized designate or agent for the purpose of licensing animals within the Municipality and all fees shall be remitted to the Municipality.
- 2.10 That a Police Services Dog, while engaged in Police duties shall be exempt from provisions of this section of the by-law.

- 2.11 Each dog residing in a dwelling unit requires a dog tag and the following information is required in order to obtain a dog tag:
- 2.11.1 the name, address and telephone number of the owner;
 - 2.11.2 the name, approximate age of dog;
 - 2.11.3 if the dog is spayed or neutered;
 - 2.11.4 a general description of the dog including its colour, distinguishing marks/physical characteristics and the breed;
 - 2.11.5 payment of the established tag fee as approved by Council and set out in the Schedule of Fees established by the Joint Animal Control Board with the exception of Registered Service Dogs;
 - 2.11.6 whether a Order to Restrain has ever been issued in any Member Municipality.

3. DOG OWNERS OBLIGATIONS:

- 3.1 Every person or dog owner shall take all precautions necessary to prevent the dog from biting or attacking any person or fighting, attacking or biting any dog, domestic animal or domestic fowl, whether on private or public property.
- 3.2 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, any person may appear before a Justice of the Peace to commence proceedings under the provisions of the *Dog Owners Liability Act* R.S.O. 1990, c.D.16, as amended, by way of an application under Part IX of the *Provincial Offences Act*.
- 3.3 Every person who owns or harbours a dog shall forthwith remove any excrement left by the dog anywhere within the municipality and shall dispose of same forthwith in a sanitary manner.

4. DOG OWNER LIABILITY ACT:

- 4.1 It is the declared intention of Council that the Dog Owners' Liability Act shall be enforced under the Provincial jurisdiction, and further that the Animal Control Officers are recognized as Peace Officers under the authority of the *Dog Owners' Liability Act* to ensure the expedient and efficient application of this Act.

5. ORDER TO RESTRAIN:

- 5.1 Where the Animal Control Officer or Peace Officer is satisfied on the balance of probabilities and in the absence of any mitigating factor, that a dog has placed a person or domestic animal at risk of physical harm or behaved in a manner that poses a menace to the safety of persons or domestic animals the Animal Control Officer or Peace Officer may issue an Order to Restrain (Schedule "A") to the owner of said dog as set out in, attached to and forming part of this By-Law.
- 5.2 Notwithstanding other sections of the By-law, when an Order to Restrain has been served on the owner of a dog, and at the discretion of the Animal Control Officer the owner shall:
- (a) keep the dog, when on the owner's premises, confined within the dwelling and under the effective control of an adult, or enclosed in a pen constructed with a secure top, sides and bottom, so as to prevent escape of the dog and prevent entry there in of unsupervised persons;
 - (b) when not confined in accordance with paragraph (a), to keep the dog under the effective control of an adult person and on a leash of not more than 1.8 metres (6 feet) in length;
 - (c) ensure that the dog is muzzled at all times that it is not confined in accordance with paragraph (a);

- (d) notify the Animal Control Officer, or Peace Officer with a new address and telephone number within two working days of moving the dog, selling the dog, giving the dog away, or death of the dog;
 - (e) forthwith advise the Animal Control Officer, or the Peace Officer if the dog is at large, or has bitten or attacked any person or domestic animal;
 - (f) display signs warning of the presence of a dog, such signs shall be clearly visible to anyone entering the property and shall meet the approval of the Animal Control Officer or Peace Officer;
 - (g) license and register the dog with the Shelter of Hope Animal Services within seven (7) days of receipt of this Order;
 - (h) not contravene any other conditions imposed in the Order to Restrain.
- 5.3 Any person, other than the Animal Control Officer or Peace Officer, who believes a dog owner should be issued an Order to Restrain in accordance with the criteria defined in this By-Law or in accordance with the *Dog Owners' Liability Act* or it's regulations, may submit in writing the reasons why they believe an Order to Restrain should be issued which shall include any and all incidents that have occurred involving the dog. The request shall be forwarded to the Animal Control Officer or the Peace Officer who shall investigate the request and shall uphold or deny the request to issue an Order to Restrain based on that investigation. The Animal Control Officer or Peace Officer shall notify owner of the dog of the decision.
- 5.4 The Animal Control Officer responsible for administering the Animal Shelter shall maintain a record of all Orders to Restrain and shall notify the Host Municipality and local police authority of the issuance of the Order to Restrain and shall supply a copy of such Order to the Host Municipality and local police authority when and if they are involved.
- 5.5 Any owner of a dog to whom an Order to Restrain has been issued and fails to comply with the requirements of the Order to Restrain shall at the discretion of the Animal Control Officer or Peace Officer pay the set fine or surrender the dog to the Animal Control Officer or Peace Officer.

6. ORDER TO RESTRAIN – APPEAL:

- 6.1 (a) The owner of any dog to whom an Order to Restrain has been issued may inform the Animal Control Officer or the Peace Officer in writing that they intend to appeal the Order within seven (7) days of being served notice.
- (b) The owner of a dog to which an Order to restrain has been issued, upon payment of a Hearing Fee as set out in the applicable Member Municipality's Fees and Charges By-law, may request and is entitled to a hearing by a committee of the Municipal Council where the event occurred, which may exempt the owner from the muzzling or leashing requirement or other requirements stated within the Order.
- (c) A request by the owner for a hearing under this Section shall be made in writing and delivered to the Clerk within fifteen (15) days of the owner receiving the Order to Restrain.
- (d) Upon determination of the hearing date the committee shall give notice in writing to the owner that:
- (i) includes a statement of the time, date, place and purpose of the hearing, and;
 - (ii) includes a statement that if the owner of the dog does not attend the hearing, the committee may proceed in the absence of the owner and the owner will not be entitled to any further notice.

- (e) The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the owner at the owner's last known address on file with the Municipality. When service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the day of mailing, unless the person on whom service is being made established that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control receive the written notice until a later date.
- (f) The committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the committee may:
 - (i) exempt the owner from muzzling and/or leashing requirements,
 - (ii) confirm muzzling and/or leashing requirements,
 - (iii) vary muzzling and/or leashing requirements and other requirements of the Order, or
 - (iv) combine any exemption confirmation or variance as it sees fit.
- (g) The decision of the committee shall be final and binding.
- (h) An application made by the owner for a hearing under this section does not act as a stay of the Order to Restrain which shall take effect on the day it is served or deemed served, and shall continue to be effective until Council renders a decision indicating otherwise.

7. ANIMALS AT LARGE:

- 7.1 No owner of any animal shall cause or permit an animal to run at large within the limits of the Municipality unless it can be proven that the animal is a 'Working Dog'.
- 7.2 Every person shall keep control of a dog by:
 - 7.2.1 keeping a dog on a leash of a maximum length of 1.8 metres (6 feet); and
 - 7.2.2 ensuring the dog is under the control of a capable person at all times.
- 7.3 A Peace Officer or an Animal Control Officer may seize and impound any animal found running at large and deliver same to the Animal Shelter facility used by the Municipality.
- 7.4 Where an animal seized under this By-law is injured, or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer may euthanize the animal in a humane manner at the Officer's discretion and no damages or compensation shall be recovered by the owner of the animal for such action.
- 7.5 An animal owner who has been notified in writing that the owner's animal has been impounded by the Animal Control Officer or Peace Officer shall attend or contact the Animal Shelter within four (4) days to procure the animal and pay or make arrangements to pay the prescribed fees and penalties as set by the Board and amended from time to time.
- 7.6 Where an animal's owner has been notified in writing of the impoundment and fails to contact or attend the Shelter within four (4) days, the owner of said animal shall be assessed and invoiced a four (4) day impoundment fee, veterinarian or medical fees, a surrender fee or any other relevant fees or charges which shall be collected in accordance with the Municipality's Collection Policies.
- 7.7 Where an animal is captured or taken into the custody of the Animal Shelter, including by order of a court, the owner shall pay to the Animal Control Officer all applicable fees and charges payable under the Member Municipality's Fees and Charges by-law or any other applicable by-law, including the cost of the services of a veterinarian, whether the animal is alive, dies or is euthanized.

7.8 Where an injured animal is impounded or otherwise detained and requires the immediate attention of a Veterinarian, the Animal Control Officer or Peace Officer may deliver the injured animal to a Veterinarian for treatment or euthanization and the owner, if known, shall be responsible for all costs incurred. No damages or compensation shall be recoverable by the owner or any other person.

8. REDEMPTION OF AN ANIMAL:

- 8.1 (a) The owner of an animal impounded for running at large shall be entitled to redeem the animal within four (4) days from the time of impoundment, exclusive of the day of impoundment, statutory holidays and days during which the Animal Shelter is otherwise closed upon paying the Shelter of Hope the applicable maintenance charges prescribed and any other expenses including medical costs.
- (b) In addition to subsection (a) above, the owner of a dog seized and impounded shall produce a valid licence for the dog before the owner may redeem it.
- (c) If no valid licence can be produced under subsection (b) above, the owner of the dog shall purchase a licence for the dog before possession is returned to the owner and the Animal Control Officer shall submit records of the registration and fees to the Municipality.
- (d) Where an animal that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the animal shall become the property of the Animal Shelter and the Animal Control Officer may retain the animal for such further time as the officer may consider proper and during that time the officer may:
- (i) sell the animal for such price as he may consider proper;
 - (ii) euthanize the animal;
 - (iii) dispose of the animal as the officer sees fit.
- 8.2 No person shall forcibly retrieve an animal from the Animal Shelter or Animal Control Officer.
- 8.3 No person shall retrieve an animal from the Animal Shelter or an Animal Control Officer without payment in full of all applicable fees and charges required to be paid under this by-law or the Joint Animal Control Municipal Service Board Fees and Charges.
- 8.4 Where an animal owner has retrieved an animal but has failed to pay any outstanding fees or charges assessed by the Shelter, the Municipality shall collect any outstanding fees or charges in accordance with its Collection Policy.
- 8.5 No person who owns, harbours or keeps a dog will cause, allow or permit the dog to:
- 8.5.1 bite or attack a person or other domestic animal or
 - 8.5.2 behave in a manner that poses a menace to the safety of persons.

9. SURRENDERING OF ANIMALS:

- 9.1 An owner of an animal may give up ownership of the animal by surrendering the animal at the Animal Shelter.
- 9.2 Where an owner has surrendered an animal to the animal Shelter, the owner is deemed to have relinquished all rights of ownership and possession of the animal. To surrender an animal to the Animal Shelter, the owner shall pay the appropriate fees as prescribed by the Municipal Service Board Fees and Charges bylaw. An animal that has been surrendered to the Animal Shelter shall become the property of the Animal Shelter and may be kept or disposed of as the Animal Control Officer deems appropriate and shall not be redeemed.

10. PENALTIES:

- 10.1 Every person who contravenes any provisions of any section of this by-law is guilty of an offence and upon conviction is liable to a fine and such penalties as provided in the *Provincial Offences Act* or the *Dog Owners Liabilities Act*.
- 10.2 Notwithstanding the provisions of this section an Animal Control Officer may, in lieu of laying an information in respect of a dog being at large or trespassing, issue a violation notice to the accused specifying that a person may make a voluntary payment of a reduced penalty out of Court within seven (7) days of the date that the violation notice was issued. Once a person has paid the reduced penalty no further proceeding shall be taken against that person in respect of the offence alleged in the violation notice.

11. VALIDITY

- 11.1 If there is a conflict between a provision of the *Dog Owners' Liability Act* or a regulation under the Act, or any other Act relating to dogs including pit bulls, or another by-law relating to pit bulls, and the provision of this by-law relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bills prevails.
- 11.2 If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this by-law shall have been declared to be invalid.
12. That By-law No. 13-2011 is hereby repealed.

This **By-Law No. 50-2014** be read and deemed to be PASSED this 1st day of May, 2014.

Mayor, Dalton McDonald

Clerk, Robin van de Moosdyk

Schedule "A" to By-law No. 50-2014

ORDER TO RESTRAIN

Issued pursuant to the Member Municipality's By-law.
Name of Municipality and By-law

No. _____

To (Name of Owner):

Address: _____

Telephone : _____

I, _____, Animal Control Officer, or By-law Office for the Shelter of Hope representing the Member Municipalities, have reasonable grounds to believe that the dog residing at

_____ has bitten or attacked a person or another domestic animal; placed a person or domestic animal at risk of physical harm; or behaved in a manner that poses a menace to the safety of persons or domestic animals, as per the provisions of the Licensing and Registration of Dogs and Prohibiting the Running at Large of Animals By-law No. _____ (*Municipality By-law number*).

You are hereby ordered:

- (a) To keep the dog, when on the owners premises, confined to within the dwelling and under effective control of an adult person, or enclosed in a pen constructed with a secure top, bottom and sides. The pen shall provide humane shelter for the dog, while preventing escaping there from and preventing any entry therein of unsupervised persons.
- (b) To keep the dog under effective control of an adult person and on a leash of not more than 1.8 metres (6 feet) in length when it is not confined in accordance with paragraph (a).
- (c) To securely attach a muzzle to the dog at all times when it is not confined in accordance with paragraph (a).
- (d) To provide the Animal Control Officer, or Peace Officer with a new address and telephone number within two working days of moving, selling the dog, or giving the dog away.
- (e) To advise the Animal Control Officer, or Peace Officer within two days of the death of the dog.
- (f) To advise the Animal Control Officer, or Peace Officer forth with if the dog is running at large, or has bitten or attacked a person or a domestic animal.
- (g) To display a sign of warning of the presence of the dog at the front of the house where it cannot be easily removed, but is visible to any person who may enter onto the property. The Animal Control Officer or the Peace Officer must approve such sign.
- (h) not contravene any other conditions imposed in the Order to Restrain.

This **ORDER TO RESTRAIN** takes effect immediately.

If you wish to **APPEAL** this Order to Restrain you must apply to the Clerk of the _____ within seven (7) days from the date this Order to Restrain is received by you setting out your request for a hearing in front of the Council of the _____, which shall include the reasons for appealing this Order to Restrain, and the payment of the hearing fee in the amount of \$ _____, failing which this Order to Restrain is final and binding.

Please be advised that notwithstanding that you may apply for a hearing by Council regarding this Order to Restrain, this Order to Restrain takes effect immediately upon its receipt by you and remains in effect for so long as the dog shall live unless the Council makes a decision on an appeal to rescind this Order to Restrain, in which case this Order to Restrain remains in effect until the date a decision is issued by Council.

A full copy of By-law No. _____, being a by-law of the _____ for the licensing and registration of dogs and for the regulation of dogs within the _____, is available from the Clerk of the _____ during normal business hours.

It is RECOMMENDED that you obtain a copy of the By-law in order to be more fully aware of your rights and obligations in this matter and the basis for the issuing of this Order to Restrain.

DATED at the _____ this _____ day of _____, 20_____.

Animal Control Officer for the Municipality of _____

For purposes of By-law No. _____

(Signature) of
Issuing Animal Control Officer

(Print) Name of
Issuing Animal Control Officer

Set Fine Schedule

Item	Column 1 Short form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Dog - unlicensed	Section 2.1	\$75.00
2.	Failure to ensure current rabies vaccination	Section 2.3	\$75.00
3.	Failure to affix dog tag	Section 2.6	\$75.00
4.	Failure to comply with set number of animals	Section 2.8	\$130.00
5.	Failure to comply with Order to Restrain conditions s.5.2(h)	Section 5	\$130.00
6.	Animal at large	Section 7.1	\$75.00
7.	Excrement – Clean Up	Section 3.3	\$75.00